

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of Council held at Council Chamber, Blackdown House, Honiton on 18 December 2019**

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

The meeting started at 6.00 pm and ended at 7.00 pm

#### **44 Public speaking**

There were no members of the public wishing to speak.

#### **45 Minutes of the previous meeting**

The Chairman moved the minutes of the last meeting of Council on 23<sup>rd</sup> October 2019 and signed them as a true record.

#### **46 Declarations of interest**

There were no declarations of interest.

#### **47 Matters of urgency - Amendment to appointments on the Scrutiny Committee and Community Grant Panel**

The Liberal Democrat Group had requested to reallocate committee seats.

The Chairman agreed to take this as an urgent item so that the group could deliver their democratic mandate by ensuring the seats are allocated to the most appropriate members.

Members confirmed that Councillor Andrew Colman would replace Councillor Fabian King on the Scrutiny Committee, and that Councillor Andrew Colman would replace Councillor Fabian King on the Community Grant Panel.

#### **48 Announcements from the Chairman and Leader**

The Leader had an announcement to make.

He stated that the contractual completion date of the Knowle had been due to take place on 18 December. The developers, Pegasus Life, now known as Life Story Group Ltd, had not completed and had asked for an extension into the new year. In order to protect the Council's interests, legal proceedings are being instituted to cover the £9m payment, damages and any additional costs incurred. He went on to say that it was a disappointing delay on the part of the developers and the Council will be issuing a press release to express its dismay to the public and announce the legal action being taken. The Council is taking property litigation advice, and have written to the developers with the detail of its claim and expectation of issuing official proceedings forthwith.

There will be no immediate impact on the finances of the Council this year, but if legal proceedings become protracted, future implications will be considered in due course. In the meantime, the Council will maintain security on the Knowle site.

The Chairman also had an announcement to make.

He stated that in recognition of the important work that they carry out and as a gesture of good will, he had made a donation from the Chairman's fund, to each of the seven food banks which help the residents of East Devon.

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

There were none.

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

Twenty five questions had been submitted in accordance with Procedure Rule 9.2 – the questions and answers were circulated and published with the agenda. Councillors submitting questions were entitled to put a related supplementary question (Procedure Rule 9.5). A summary of the supplementary question asked and response is set out below.

Q11 Supplementary - Cllr Millar stated that whilst campaigning for the general election recently, there were a number of occasions when comments in the press from the Leader had arisen which appeared to ridicule Cllr Millar or other political candidates, and asked whether he would acknowledge the message such remarks may send to the public?

In response, the Leader stated that any remarks that Councillors make have to be reflected upon.

Q20 Supplementary – Cllr Millar stated that he did acknowledge the hard work and expertise of all staff at the Council, particularly the more junior staff who often get forgotten. However, in the case of the Peer Review, it was a case of chief executives marking their own homework and was neither independent or carried any authority. In the written answer to his question, Cllr Millar's reference to a review of the few highest paid officers was regarded as potentially making the entire workforce fearful of pay cuts, and, therefore, was an inaccurate interpretation. He referred to the increasing numbers of people in East Devon using food banks and that the threat of raising council tax would not assist them. Could the Leader explain why he does not see a moral justification for reviewing the pay of the highest paid staff?

In response, the Leader said that in his opinion their earnings were justified and accordingly there was no need to review them.

Q24 Supplementary – Cllr Cathy Gardner clarified that her question had specifically referred to public access to council meetings such as the one on 18 December, but it was not until paragraph 7 that an answer had been forthcoming. She stated that the building had been deliberately designed with a door which would be locked at 5pm and so there was no provision for unimpeded public access after this time. She asked the Leader who was responsible for making this decision, and what steps he would be taking to ensure that this situation was rectified?

In response, the Leader said that a written answer would be provided after the question had been given further consideration.

Q25 Supplementary – Cllr Cathy Gardner stated that whilst short term cover is to be expected in the event of maternity leave, as an example, could the Leader reassure members that no staff were employed longer than necessary on short term contracts to avoid them receiving the security of employment in a full time contract?

In response the Leader asked the Chief Executive to provide an answer. The Chief Executive said that the main reason for short, time limited contracts is related to the funding available for the work involved. Many posts end up being kept on whenever possible so that employees do benefit from such security.

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

The Chairman requested that he receive minutes of the following committees and approve any recommendations.

(a) **Minutes of Cabinet held on 30 October 2019 Minute numbers 74 - 86**  
Cllr Ingham presented the minutes of Cabinet held on 30 October. These were agreed.

(b) **Minutes of Cabinet held on 27 November 2019 Minute numbers 87 - 105**  
Cllr Ingham presented the minutes of Cabinet held on 27 November. Members were informed by the Chief Executive that on page 32 of the agenda (Cabinet Minute 105 refers), the recommendation from Cabinet to Council refers to agreement of a rent guarantee of £31,875, which should now have VAT added to it. Accordingly the figure should read £38,250.

This was noted, and agreed.

Arising from consideration of the minutes the following minute was called by two Councillors:-

➤ **Cabinet of 27 November, minute number 97 – Peer Review Report and associated Action Plan**

Cllr Paul Arnott wanted to point out that the Peer Review process involved some councillors being asked to meet the Peer Review Panel. During these meetings he understood that serious reservations were expressed about the Council which failed to appear in the report. Accordingly he wanted to dissent from accepting the report as it is currently.

The Leader confirmed that Cllr Arnott had the option of dissenting against the recommendations made by the Peer Review Team.

The Chief Executive clarified that Cllrs who had concerns could look at the LGA website where guidance and terms of reference on the way they conducted Peer Reviews could be seen. It may be the case that some participants do not consider that their concerns have been minuted, but the process of triangulation operated by the team is to act as a check and balance on whether some comments are generally accepted or one off views, which should not be added to reports.

Cllr Millar commented that he had attended meetings of the Peer Review and there were concerns expressed by a number of councillors about how the Council was run, none of which were reported in the final document.

Cllr Arnott asked the Chairman how to proceed in order to record that he would not accept the Peer Review.

The Chairman requested the names of those who wanted it noted in the minutes that they disagreed with the report of the Peer Review.

They are Cllrs; Paul Millar, Paul Arnott, Fabian King, Andrew Colman, Eleanor Rylance, Brenda Taylor, Luke Jeffery, Val Ranger, Jack Rowlands, Sarah Jackson, Denise Bickley, Cathy Gardner, and Marianne Rixson.

Cllr Andrew Moulding stated that he had attended meetings including Group Leaders with the Peer Review Team and the only criticisms of the Council appeared to come from Cllr Arnott and so it would not be expected

that they would be included in a report.

He went on to comment that one of the recommendations related to developing a cohesive leadership group and it was the view of the Conservative Group that the way to create positive relationships was via the creation of a shadow Cabinet rather than holding ad hoc meetings. Accordingly neither Cllr Moulding nor his Deputy would be attending future Cabinet and Leaders meetings.

He wanted to request that the Governance Working Group invite representatives from other local authorities who currently have a shadow Cabinet and who could outline the benefits or otherwise of this.

In response the Leader said that he had no problem with the Governance Working Group inviting experts they considered would help them develop an informed view.

Cllr Rixson stated that the request for a shadow Cabinet was pre-empting the outcome of the Governance Working Party and was the third time this had been suggested by the Conservative Group. She went on to say that if the Council moves to a Committee system in future, a shadow Cabinet would not be required anyway.

Following this debate, the minutes of Cabinet held on 27 November were agreed.

**(c) Minutes of Extraordinary Scrutiny Committee held on 24 October 2019  
Minute numbers 31 - 33**

Cllr Bloxham presented the minutes of the Extraordinary Scrutiny meeting held on 24 October. These were agreed.

**(d) Minutes of Extraordinary Scrutiny Committee held on 7 November  
2019 Minute numbers 34 - 40**

Cllr Bloxham presented the minutes of the Extraordinary Scrutiny meeting held on 7 November. These were agreed.

**(e) Minutes of Scrutiny Committee held on 21 November 2019 Minute  
numbers 41 - 49**

Cllr Bloxham presented the minutes of the Scrutiny meeting held on 21 November. These were agreed.

**(f) Minutes of Overview Committee held on 14 November 2019 Minute  
numbers 28 - 39**

Cllr Hookway presented the minutes of the Overview Committee held on 14 November.

Cllr Rylance requested that references to the 'reliance' and 'dependency' of people in relation to food banks in the document on poverty should be replaced by the word 'need'.

With this noted the minutes were agreed.

**(g) Minutes of Strategic Planning Committee held on 22 October 2019  
Minute numbers 18 - 30**

Cllr Bond presented the minutes of the Strategic Planning Committee held on 22 October.

Arising from consideration of the minutes:-

➤ **Strategic Planning Committee of 22 October, minute number 27 – Glover Review of Protected Landscapes in England**

Cllr Paul Arnott stated that at the meeting it had been resolved to hold a special meeting to develop a position in relation to the development of a National Park. However at the next meeting held on 9 December, there was no date set for a group to meet for this purpose. He was disappointed by the lack of progress and asked Cllr Bond as Chair of Strategic Planning to inform him when a meeting would take place.

Cllr Bond responded by saying that she had been looking at reports presented to Cabinet in Dorset and obtaining more background information before calling a meeting.

Cllr Gardner expressed concern that despite the wishes of many Cllrs to explore the issues around a National Park, Cllr Bond was conducting her own research before calling a meeting instead of doing this within a group setting.

Following further comments from Cllrs, Cllr Bond confirmed that she would be calling a meeting of a group to explore issues surrounding the development of a National Park.

Following this debate the minutes were agreed.

**(h) Minutes of Strategic Planning Committee held on 9 December 2019 Minute numbers 31 - 38**

Cllr Bond presented the minutes of the Strategic Planning Committee held on 9 December.

Arising from consideration of the minutes:-

➤ **Strategic Planning Committee of 9 December, minute number 36 – Delivery of the Axminster Urban Extension**

Cllr Andrew Moulding said that following the meeting on 9 December and the re-election of Neil Parrish as local MP, he wanted to call on the Leader and the Portfolio Holder to arrange a meeting with Neil Parrish to consider the options for delivering the Axminster Urban Extension and Relief Road.

Cllr Bond responded by saying that she had already spoken to Cllr Ian Hall on this matter and noted that Neil Parrish had agreed to look into funding.

Following this debate the minutes were agreed.

**(i) Minutes of Development Management Committee held on 29 October 2019 Minute numbers 61 - 71**

Cllr Howe presented the minutes of the Development Management Committee held on 29 October. These were agreed.

**(j) Minutes of Development Management Committee held on 3 December 2019 minute numbers 72 - 82**

Cllr Howe presented the minutes of the Development Management Committee held on 3 December.

Cllr Olly Davey pointed out an error in the declarations of interest for the meeting (Minute 73 refers) that in the case of the application 19/1258/MFUL, he did not know the applicant, but Cllr Gazzard did.

With this amendment to the minutes they were agreed.

**(k) Minutes of Audit & Governance Committee held on 24 October 2019  
Minute numbers 12 - 22**

Cllr Hawkins presented the minutes of the Audit & Governance Committee held on 24 October. These were agreed.

**52 Appointment of Co-opted Tenant Representative Members on  
Housing Review Board**

Members confirmed the co-option of Cindy Collier and Christine Morrison as Tenant Representative Members of the Housing Review Board following interviews which were held on 21 November to fill the vacant positions.

**53 Council Plan 2020 - 2024**

The Chairman invited comments from Cllrs on the Council Plan.

Cllr Millar considered that the plan was very well written but proposed an amendment in order to reduce the use of the word 'outstanding' from its appearance 21 times to 19. Specifically, in the paragraph which currently reads, 'To be an outstanding and well-run Council which provides great services and outstanding opportunities for East Devon – now and for future generations', he proposed replacing the second use of 'outstanding'. Also, under Council Priority Four, Outstanding Council and Services, he proposed removing the word 'outstanding' from the line which currently reads, 'This means operating as an outstanding organisation with the highest standards of organisational development'.

The Chairman invited a member to second Cllr Millar's amendment.

Cllr Howe seconded the amendment.

The Chairman then invited those present to vote in support of the amendment.

The amendment was carried with a majority.

**54 2020/21 Council Tax Base Report**

The Chairman invited Members to confirm the Tax Base for 2020/21 as set out in the report, and to confirm the amount for each parish as detailed under section 3 of the report. It is a legal requirement to calculate the Tax base for an area in order to determine the amount of Council Tax, which would be brought back to Council in February 2020 for final approval.

The recommendations were agreed unanimously.

**55 Motion: Housing Needs in East Devon - Housing Company TAFF**

In the absence of Cllr Ledger, the Chairman invited Cllr Rowland as proposer to speak to the motion.

Cllr Rowland stated that in March 2017, the Overview Committee produced a Task and Finish Forum (TAFF) report entitled Housing Delivery. The report recommended the creation of a council-owned housing company and a business case was developed for setting up a local housing company. On 25 October 2017 the housing company was set up but it has been dormant since then. A Housing sub-committee was set up to push forward delivery, note reports from officers and provide recommendations to Cabinet, but

no minutes are on the website and no recommendations have been brought forward to Cabinet for approval.

The recent Peer Review report of September 2019, recommends that the Council should explore the opportunity to acquire land to build more houses given the financial capacity within the Housing Revenue Account (HRA). Recent reports commissioned by EDDC have also confirmed that housing needs within the district are not being met. EDDC continues to be under pressure from the right to buy scheme with a net loss year on year to the housing stock available. The housing company offers an opportunity to change this situation. The Council Plan refers to the Council's own housing company but there is no evidence of property purchase or house building.

The Motion proposes a way forward to make progress to meet demand.

The Council needs to look at sites, its own assets and the skills required, as part of a fully scoped business model. The housing company has the potential to become a useful asset to the Council and its residents providing opportunities away from the private rented sector.

Cllr Rowland moved the motion and urged Cllrs to support it for the reasons outlined.

The Chairman invited the seconder, Cllr Mike Howe to speak to the motion.

Cllr Howe said that the Council is currently unable to deliver the social housing needed across East Devon. Property is needed to sell in order to give social housing a boost, so that the profits can be ploughed in where they are needed most. He queried the recently announced restructuring of the regeneration teams of EDDC and hoped that they would be able to support the work to develop more housing.

Cllr Millar wanted to comment in support of the motion. To emphasise the business case articulated by Cllr Rowland, figures provided relating to one of his questions to Council indicated that Council spend on housing people in temporary accommodation had increased from £17,500 in 2015 to £285,000 in 2019, an increase of 1,500% in four years. This situation is a result of central government policy which rolled out universal credit and continuing right to buy. He concluded by stating that there was an economic and moral case for supporting the motion and supporting poor people whilst saving money as a Council.

Further discussion about the motion included the following comments;

- Options should be explored by the Council to do more to tackle issues of using temporary accommodation.
- The motion does provide an opportunity to meet the needs of residents and address Council finances.
- There is a perfect opportunity in Axminster to test out the housing company at Millway Rise. This is a huge area of Council owned land, with an opportunity to provide more housing and infrastructure.
- There is an increase in homelessness figures and insecure tenancies. The council currently has to sell four properties before it can buy one.
- It takes time to get the right mechanism to take effective action. Some Cllrs have reservations about what can be done and how quickly but should regard this as an opportunity for long term investment now the cap has been lifted on Housing Revenue Grant.
- With an opportunity to act it would be good to encourage local developers to develop local housing.

The Chairman invited Cllr Rowland to give his right to reply.

Cllr Rowland summed up by welcoming the cross party support for the motion and formally proposed the motion.

Cllr Howe seconded the motion.

The Chairman invited those present to vote. The motion was carried unanimously.

**RESOLVED;**

1. That Cabinet establishes a politically balanced Housing Company TAFF comprising the relevant portfolio holders, members of the Strategic Planning Committee and also the Housing Review Board to re-evaluate the business model of East Devon Homes Ltd with a view to ensuring it is better fit for purpose and also integrates effectively with the work of the Housing Review Board.
2. That the TAFF will be expected to fully scope options into altering the delivery models of the housing company as they have been ineffective so far. Recommendations will be reported back to Cabinet, Strategic Planning Committee and the Housing Review Board and then to Council.

The Chairman closed the meeting at 7pm.

**Attendance List**

**Councillors present:**

S Hughes (Chairman)	O Davey	P Faithfull
V Ranger (Vice-Chairman)	L Jeffery	I Hall
P Jarvis	T McCollum	M Howe
S Jackson	J Rowland	B Ingham
S Chamberlain	D Bickley	G Jung
P Arnott	K McLauchlan	H Parr
K Blakey	S Hawkins	G Pratt
K Bloxham	A Moulding	M Rixson
F King	D Key	E Rylance
F Caygill	C Gardner	P Skinner
A Colman	S Bond	B Taylor
P Millar	C Brown	I Thomas
T Woodward	M Chapman	P Twiss
N Hookway	D Barrow	

**Officers in attendance:**

Mark Williams, Chief Executive  
Richard Cohen, Deputy Chief Executive  
Henry Gordon Lennox, Strategic Lead Governance and Licensing  
Simon Davey, Strategic Lead Finance  
John Golding, Strategic Lead Housing, Health and Environment  
Karen Simpkin, Strategic Lead Organisational Development and Transformation  
Susan Howl, Democratic Services Manager

**Councillor apologies:**

M Armstrong  
C Wright  
J Whibley

V Johns  
D Ledger  
J Bailey  
P Hayward  
M Allen  
D Manley  
I Chubb  
A Dent  
S Gazzard  
G Pook  
B De Saram  
E Wragg  
T Wright

Chairman .....

Date: .....