

Agenda Item 8 for council on 26 February 2020

Questions by Members to Full Council on 26 February 2020 under Procedure Rule 9.2

Question 1: Procedure Rule 9.2 to the Chairman from Councillor Paul Millar Re Accountability of Cabinet

To ask the Chairman, is there a mechanism in the Constitution if a majority of Members wish to reverse a Cabinet decision beyond Scrutiny Call-In procedure.

Answer:

Not that I am aware of, but please note that I don't profess to know the Constitution front to back. If you would like a definitive answer I suggest you ask the Monitoring Officer.

Question 2: Procedure Rule 9.2 to the Leader from Councillor Paul Millar Re Member Engagement

To ask the Leader, excluding the Cabinet, will he immediately commit to wider member engagement on an informal basis before taking major policies to the Cabinet table?

Answer:

Major policies should be being considered by the Overview Committee as part of their formulation thereby facilitating wider member engagement.

Question 3: Procedure Rule 9.2 to the Leader from Councillor Paul Millar Re Settlement Agreements

To ask the Leader, in light of the publicity around settlement agreements entered into by this Council in recent years and concerns that this Council is not taking decisions with openness, transparency and accountability, will he agree that for settlement agreements there should be a robust process in place for dealing with them which should include Member oversight and, if so, will he agree to such a process being put in place as soon as possible?

Answer:

Referring to previous answers to questions on settlement agreements, it is considered that there are robust processes in place and that member oversight is not required on individual cases. Any settlement agreements which are entered into follow good practice advice including that recently published by the Equality and Human Rights Commission and are subject to oversight by an independent legal advisor, UNISON or ACAS.

Question 4: Procedure Rule 9.2 to the Leader from Councillor Paul Millar

Re Queen's Drive Delivery Group

To ask the Leader, what was his justification prior to the Cabinet meeting of Wednesday 5th February to refuse to open up the Queen's Drive Delivery Group to other Councillors and/or the public?

Answer:

The answer to Q8 asked at Council on 23rd October 2019 refers.

Question 5: Procedure Rule 9.2 to the Portfolio Holder for Sustainable Homes and Communities from Councillor Paul Millar

Re Homes and Sustainable Communities Portfolio Team

To ask the Portfolio Holder for Sustainable Homes and Communities, pursuant to Q13 from the last Full Council, how many times has her Portfolio Team met since the new Council was formed?

Answer:

None as yet, but I will assess the need for and purpose of such a meeting as and when required.

Question 6: Procedure Rule 9.2 to the Portfolio Holder for Economy from Councillor Paul Millar

To ask the Portfolio Holder for Economy, how many times has his Portfolio Team met since the new Council was formed?

Answer:

None.

Question 7: Procedure Rule 9.2 to the Portfolio Holder for Strategic Development from Councillor Paul Millar

To ask the Portfolio Holder for Strategic Development, how many times has her Portfolio Team met since the new Council was formed?

Answer:

None.

Question 8: Procedure Rule 9.2 to the Portfolio Holder for Asset Management from Councillor Paul Millar

To ask the Portfolio Holder for Asset Management, how many times has his Portfolio Team met since the new Council was formed?

Answer:

The asset management portfolio team has met twice, once on 12/11/19 and once on 12/2/20.

Question 9: Procedure Rule 9.2 to the Portfolio Holder for Corporate Services from Councillor Paul Millar

To ask the Portfolio Holder for Corporate Services, how many times has her Portfolio Team met since the new Council was formed?

Answer:

I have not convened any corporate services portfolio team meetings but have held a Member Development Working Party, to engage the wider membership in member development which falls within the corporate services portfolio.

Question 10: Procedure Rule 9.2 to the Portfolio Holder for Environment from Councillor Paul Millar

To ask the Portfolio Holder for Environment, how many times has his Portfolio Team met since the new Council was formed?

Answer:

None.

Many of the subjects that are key environmental drivers have been covered by Cabinet and Full Council agendas such as Climate Change, Seaton wetlands, Fly tipping etc that there has not been a need for separate meetings.

There are regular meetings regarding our excellent Recycling and Waste Partnership Board, and anyone is welcome to attend.

I do attend most Council meetings and discuss Environmental Issues, (as my Attendance Record shows) and I attend a great number of meetings at Town and Parish level to discuss local issues on environmental and flood issues.

I was proposing a meeting in October to discuss the onward transmission of our recycling, but the issue was referred to Scrutiny.

I am happy to arrange or attend any meeting which will improve or enhance our environment.

**Question 11: Procedure Rule 9.2 to the Leader from Councillor Paul Millar
Re Scrutiny Call-In Procedure**

To ask the Leader, pursuant to Q14 from the last Full Council, if it is not the procedure rules that surround the Scrutiny function, why does he think the Scrutiny Committee recommended in March 2019 to review its Call-In procedure ('the issue of Call-ins would be put onto the Scrutiny Committee Forward Plan and discussed in further detail at a meeting following the elections, with a view to re-presenting recommendations for changes to the process in future')?

Answer:

I don't intend to seek to second guess the motivations of the previous Scrutiny Committee. Cllr Millar can ask those members directly if he so wishes.

Question 12: Procedure Rule 9.2 to the Leader from Councillor Paul Millar

Re Validity of motions

To ask the Leader, pursuant to Q19 from the last Full Council, why in his opinion a legal or financial assessment needs to be carried out into Motions which only set out reasonable moral aspirations?

Answer:

In the context of a question about Council policy on tree cover (Q19 from 18th December 2019 meeting) this question does not make any sense.

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

Gross cost of temporary accommodation

To ask the Portfolio Holder for Sustainable Homes and Communities, pursuant to Q7 from the last Full Council, what is the gross cost of temporary accommodation to the Council before money is recovered from the DWP and residents?

Answer:

2018/19 £285,531.42; 2019/20 to end of January 2020 £242,001.30

Question 14: Procedure Rule 9.2 to the Portfolio Holder for Sustainable Home & Communities from Councillor Paul Millar

Re Homemaker

To ask the Portfolio Holder for Sustainable Homes and Communities, what assessment has she made of the quality of service and value of money provided to the residents and the Council by the Homemaker South West.

Answer:

HomeMaker provides independent money advice and assists clients' access benefits and is a service the Council and clients value. We pay for the service quarterly and are very happy with the service our clients receive, and are busy putting lots of work their way. We currently have 18 tenants on the waiting list and are looking to increase the capacity we are offered under current arrangements with HomeMaker.

There is regular and close liaison between our organisations to monitor activity, make referrals and review outcomes. Officers receive quarterly reports (last one in December 2019) and periodically review and assess the effectiveness of the HomeMaker service. The Council monitors and meets with HomeMaker monthly to go through live cases.

During the period April 2018 – September 2019 inclusive, the value of gains made on our behalf were £155k. Deducting what we spent over the period (£45k) we saved £110k over the period.

We comment on the value of this service in the Poverty report which was considered by Overview Committee in November 2019.

Question 15: Procedure Rule 9.2 to the Portfolio Holder for Sustainable Homes and Communities from Councillor Paul Millar

Housing Repairs Contract

To ask the Portfolio holder for Sustainable Homes and Communities, what is her initial assessment of the quality of service and value for money provided to residents and the Council by the new housing repairs company, Ian Williams Ltd.

Answer:

As reported to the Housing Review Board last month, there are concerns about the performance of the Integrated Asset Management contractor. After a good mobilisation period and initial settling in period our partner has struggled to meet demand. Additional resources have been drafted in to meet the demand for responsive repairs and bringing void properties back into use.

An Improvement Plan and Issues Log is driving improved performance and officers have met with the senior management of the contractor and have been keeping me appraised of the issues.

Question 16: Procedure Rule 9.2 to the Portfolio Holder for Sustainable Homes and Communities from Councillor Paul Millar

Right to Buy

To ask the Portfolio Holder for Sustainable Homes and Communities, what steps is she taking to lobby the government on reforming Right to Buy, and can she confirm whether she has written to the Chancellor ahead of the March Budget using local statistics from the Poverty report?

Answer:

I have been working with Shelter on compiling evidence to challenge the Right to Buy scheme. I have an aversion to the Right to Buy because it is taking much needed stock out of public ownership at a time when we are under pressure to provide a decent home to an increasing number of people.

I have been discussing the position with a range of people, preparing evidence to present at a time I consider appropriate, aimed at changing social housing policy.

I have not written to the new Chancellor on the evidence in the poverty report. I am however preparing correspondence for the Housing Minister.

Question 17: Procedure Rule 9.2 to the Portfolio Holder for Strategic Development from Councillor Paul Millar

Re Greater Exeter Strategic Plans

To ask the Portfolio Holder for Strategic Development, what were her specific concerns about the GESP in April 2019?

Answer:

Thank you for your question and for raising the profile of GESP. Prior to the May 2019 election, my concerns around GESP involved the lack of openness, transparency and engagement with the wider membership of the Council, and specifically the ward members whose wards might be targeted for growth. An

Advisory Reference Forum (4 members from each authority) was set up with the primary purpose of engaging those not in the ruling group. Following the 2019 election, we increased the membership of the forum to 10 from each of the participating councils to address previous concerns.

All this information is available within the SPC minutes, but I am always more than happy to discuss any issue relating to my portfolio with any interested councillors.

Question 18: Procedure Rule 9.2 to the Leader from Councillor Paul Millar

Re Outstanding

To ask the Leader, is it an ambition for East Devon to be an 'outstanding Council', or does he believe the Council has achieved that goal already.

Answer:

Yes – it is the ambition to be outstanding hence it being included in the Council Plan. The recent IIP assessment and Platinum award resulted in the assessor making the following pertinent comments;

'I observed a very strong commitment to developing every aspect of your organisation in a consistent manner so that the Council Plan can be brought to fruition.

Your ambition '*to be an outstanding, well-run council which provides great services and outstanding opportunities for East Devon – now and for future generations*' is further supported by your internal culture and ethos of continuing to achieve outstanding performance and strive to be the best. This is underpinned by the underlying values and principles that identify the kind of organisation you are.'

Question 19: Procedure Rule 9.2 to the Leader from Councillor Paul Millar

Re Chief Executive's Bike Rides

To ask the Leader, whether he is aware of the Chief Executive's long bicycle rides during working hours clocking up many miles, to further ask in whose interests are these wild excursions and whether this offers the taxpayer value for money for his £120,000 per year salary, and confirm whether the Chief Executive receives an appraisal and, if so, by whom?

Answer:

I am aware that the Chief Executive tries to commute by bicycle as much as possible and I would like to see more members and officers using climate friendly modes of transport. His appraisal is carried out by me, Deputy Leader and Leader of the Opposition and is facilitated by South West Councils.

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

Re Chief Executive

To ask the Leader, if a Member had a concern about the conduct of the Chief Executive, which could not be resolved informally, to whom or to what body would that Member be able to seek recourse?

Answer:

If any member has a concern they should approach me in the first instance.

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

Re Cabinet Meetings

To ask the Leader, with reference to the Cabinet meeting of the 5th February, why did he not honour his policy at previous meetings of allowing Ward Members to speak for 5 minutes at the last Cabinet, whether he will agree to attend training to improve his chairing skills, and whether he will apologise to Cllr Hookway for his rank discourtesy in not allowing him to fully develop his points at the last Cabinet meeting?

Answer:

I don't have a policy of allowing Ward Members to speak for 5 minutes. I seek to ensure that Ward Members have the opportunity to speak but equally I need to ensure the meeting runs in a timely and orderly fashion. I therefore don't consider an apology necessary. I am always happy to consider self-improvement, something I would encourage us all to do.

Question 22: Procedure Rule 9.2 to the Leader from Councillor Paul Millar

Re Cabinet Briefings

To ask the Leader, with reference to the questions asked by members of the Cabinet to officers at the meeting of the 5th February, does he believe his Cabinet are making the most of their Cabinet briefing sessions?

Answer:

Yes.

Question 23: Procedure Rule 9.2 to the Portfolio Holder for Corporate Services from Councillor Paul Millar

Re Members Microphones

To ask the Portfolio Holder for Corporate Services, what was the total cost of purchasing Chamber microphones for Members, can they be returned if proven not to provide electronic voting capabilities, and what progress has she made since the Member Development meeting of Wednesday 5th February to establish a timetable with the relevant Strategic Lead to ensure these become fit for purpose as soon as possible?

Answer:

The microphones, operational software, installation and assisted listening system cost £43,448. The additional software costs for the enhanced functionality was £14,500.

The microphones do have electronic voting capability, it was trialled following the election but a technical issue prevented it being rolled out then. This has now been resolved but increasing levels of supporting being required of the Democratic Services team, when coupled with the key member of staff who has the greatest knowledge on the equipment being off sick for a period of time, it has not been possible to progress this further prior to now. It has been included within the Service Plan for Governance and Licensing for 2020/21 as an objective. I am pleased to report that since 5th February I have been informed that the member of staff with the best experience to progress this is now on a phased return to work and so I expect that this will be able to be progressed in the very near future.

Question 24: Procedure Rule 9.2 to the Portfolio Holder for Asset Management from Councillor Joe Whibley

Can he provide a full breakdown of;

- (a) fees,
- (b) usage,
- (c) income and
- (d) maintenance costs of the Manor Gardens band stand in each of the last five years.

Answer:

	2014	2015	2016	2017	2018	2019
ELECTRICITY BULK BILLING	212.54	224.96	119.63	337.85	378.38	183.89
PROPERTY INSURANCE	200.00	132.00	133.38	147.42	77.45	110.00
PERFORMING RIGHTS FEES	68.09	147.00	0.00	0.00	0.00	0.00
PERFORMING RIGHTS SOCIETY FEES	-140.74	-184.24	0.00	0.00	0.00	0.00
EVENTS	0.00	-30.00	0.00	0.00	0.00	0.00
PROPERTY MAINTENANCE AD HOC	250.00	0.00	12.50	150.11	68.73	2,068.42
PLANNED MTCE Corp Budget	0.00	111.50	0.00	31.50	0.00	575.00
VANDALISM CONTRACTORS	0.00	732.35	475.15	1,118.68	0.00	0.00
MATERIALS LAND AND BUILD	0.00	0.00	16.94	324.91	0.00	0.00
	589.89	1,133.57	757.60	2,110.47	524.56	2,937.31

2019 is to date in current financial year.

In addition, we have had the following events bookings, as included in the table below.

Dates	Location	Exclusive use	Event type	Organiser	Payment
31 Dec 2019	Manor Gardens	Yes	Firework display	Exmouth Town Council	£90.50
20-27 August 2019	Manor Gardens	Yes	Manorfest	Hospitality Events	£846.72
14 August 2019	Manor Gardens	No	Hive Live	Space*	£60.50

	(Bandstand used mainly)				
8 August 2019	Manor Gardens Bandstand	Yes	Outdoor Theatre	Pantaloons	Cancelled, EDDC take a 30% share of tickets
21 July 2019	Manor Gardens Bandstand	No	Concert	Wren Music	£60.50
14 & 17 July 2019	Manor Gardens	No	Love Parks	EDDC internal event	N/A
22 June 2019	Manor Gardens	Yes	Pride	Exmouth pride Committee	£189.32
23 May 2019	Manor Gardens Bandstand	No	Concert	Exmouth Community College Music Department	£95.50
1-7 May 2019	Manor Gardens	Yes	Manorfest	Hospitality Events	£846.72
30 October 2018	Manor Gardens	Yes	Open Air Cinema	Stuart Crook from Pop-Up-Events	£
18 August 2019	Manor Gardens	Yes	Love4Exmouth		Cancelled
15 August 2018	Manor Gardens (Bandstand used mainly)	No	Hive Live	Space*	£60.50
26-30 July 2018	Manor Gardens	Yes	Manorfest	Hospitality Events	£735.40
14 July 2018	Manor Gardens	No	Love Parks	EDDC internal event	N/A
14 July 2018	Manor Gardens Bandstand	Yes	Concert	King Alfred Concert Band	£50.20
7 July 2018	Manor Gardens	No	Charity event	Hospiscare	£60.50
30 May 2018 – 3 June 2018	Manor Gardens	?	Exmouth Festival	Exmouth Town Council	£
24 May 2018	Manor Gardens Bandstand	No	Concert	Exmouth Community College Music Department	£95.50
3 – 7 May 2018	Manor Gardens	Yes	Manorfest	Hospitality Events	£735.40
3 April 2018	Manor Gardens	Yes	Open Air Cinema	Stuart Crook from Pop-Up-Events	£245.30
31 December 2017	Manor Gardens	Yes	Fireworks	Exmouth Town Council	£85.00
17 December 2017	Manor Gardens Bandstand	No	Carol Service	David Jewison	£73.20

27 October 2017	Manor Gardens	Yes	Open Air Cinema	Stuart Crook from Pop-Up-Events	£223.00
16 September 2017	Manor Gardens	Yes	Food festival	Debra Quine	£236.00
2 September 2017	Manor Gardens	Yes	Wedding Blessing	Kirsty Greenway	£300.00
27 August 2017	Manor Gardens Bandstand	No	SOS Band	Exmouth Town Council	£22.22
25 August 2017	Manor Gardens	Yes	Open Air Cinema	Stuart Crook from Pop-Up-Events	£223.00
19 & 20 August 2017	Manor Gardens	Yes	Love4Exmouth	John and David	£176.40
16 August 2017	Manor Gardens Bandstand	No	Musicians events	Space*	£58.20
13 August 2017	Manor Gardens Bandstand	No	SOS Band	Exmouth Town Council	£22.22
6 August 2017	Manor Gardens Bandstand	No	SOS Band	Exmouth Town Council	£22.22
30 July 2017	Manor Gardens Bandstand	No	SOS Band	Exmouth Town Council	£22.22
30 July 2017	Manor Gardens	Yes	Shakespeare Performance	Exmouth Town Council	£35.20
23 July 2017	Manor Gardens Bandstand	No	SOS Band	Exmouth Town Council	£22.22
19 July 2017	Manor Gardens	No	Love Parks	EDDC internal	N/A
18 July 2017	Manor Gardens Bandstand	No	Concert	Wren Music	£73.20
16 July 2017	Manor Gardens Bandstand	No	SOS Band	Exmouth Town Council	£22.22
15 July 2017	Manor Gardens	No	Love Parks	EDDC internal	N/A
9 July 2017	Manor Gardens Bandstand	No	SOS Band	Exmouth Town Council	£22.22
8 July 2017	Manor Gardens Bandstand	No	Concert	King Alfred Concert Band	£65.60
8 July 2017	Manor Gardens	Yes	Twilight Walk	Hospiscare	£93.40 (in hire of The Maer)
2 July 2017	Manor Gardens Bandstand	No	SOS Band	Exmouth Town Council	£22.22
1 July 2017	Manor Gardens	Yes	Wedding	Bumble & Bee, Manor	£35.20

				Gardens, Exmouth	
1 July 2017	Manor Gardens	Yes	Pride	Exmouth Pride Committee	£111.20
28 & 29 June 2017	Manor Gardens	Yes	Open Air Cinema	Stuart Crook from Pop-Up- Events	£223.00 each
25 June 2017	Manor Gardens Bandstand	No	Concert	Jenny Bolt	£50.20
30 May 2017- 2 June 2017	Manor Gardens	Yes	Exmouth Festival	Exmouth Town Council	
25 May 2017	Manor Gardens Bandstand	No	Concert	Exmouth Community College	£74.30
10 & 11 May 2017	Manor Gardens	Yes	Open Air Cinema	Stuart Crook from Pop-Up- Events	£223.00 each
31 December 2016	Manor Gardens	Yes	NYE Fireworks	Exmouth Town Council	£30.60
3 December 2016	Manor Gardens	Yes	Christmas Cracker Fireworks	Exmouth Town Council	£30.60
26 August 2016	Manor Gardens	Yes	Proms in The Park	Town Council Band and Bumble and Bee	£30.60
22 August 2016	Manor Gardens Bandstand	No	Concert	Exmouth Town Concert Band	£30.60
21 August 2016	Manor Gardens Bandstand	No	Puppet Show	Love4Exmouth John/Dave	£30.60
21 August 2016	Manor Gardens Bandstand	No	45 Anniversary Concert	Centre Stage	£30.60
20 August 2016	Manor Gardens Bandstand	No	Puppet Show	Love4Exmouth John/Dave	£30.60
15 August 2016	Manor Gardens Bandstand	No	Concert	Exmouth Town Concert Band	£30.60
14 August 2016	Manor Gardens Bandstand	No	Concert	SW Comms Brass Band	£30.60
10 August 2016	Manor Gardens Bandstand	Yes	Canterbury Tales	Pantaloons	£30.60
8 August 2016	Manor Gardens Bandstand	No	Concert	Exmouth Town Concert Band	£30.60
1 August 2016	Manor Gardens Bandstand	No	Concert	Exmouth Town Concert Band	£30.60
31 July 2016	Manor Gardens Bandstand	Yes	Midsummer Night's Dream	Exmouth Town Council	£50.60

25 July 2016	Manor Gardens Bandstand	No	Concert	Exmouth Town Concert Band	£30.60
24 July 2016	Manor Gardens	No	Love parks	EDDC internal event	N/A
22 July 2015	Manor Gardens	No	Schools Out for Summer	Bumble and Bee	£30.60
21 July 2016	Manor Gardens Bandstand	No	45 Anniversary Concert	Centre Stage	£30.60
20 July 2016	Manor Gardens	No	Love parks	EDDC internal event	N/A
18 July 2016	Manor Gardens Bandstand	No	Concert	Exmouth Town Concert Band	£30.60
17 July 2016	Manor Gardens Bandstand	No	Concert	SW Comms Brass Band	£30.60
17 July 2016	Manor Gardens	No	Love parks	EDDC internal event	N/A
11 July 2016	Manor Gardens Bandstand	No	Concert	Exmouth Town Concert Band	£30.60
07 July 2016	Manor Gardens Bandstand	No	Concert	SW Comms Brass Band	£30.60
04 July 2016	Manor Gardens Bandstand	No	Concert	Exmouth Town Concert Band	£30.60
02 July 2016	Manor Gardens	Yes	Pride	Exmouth Pride Committee	£30.60
11 June 2016	Manor Gardens Bandstand	No	Concert	Community Church Choir	£50.60
25 May – 5 June 2016	Manor Gardens		Exmouth Festival	Exmouth Town Council	

If more detailed information or clarification on the above is required please contact the Strategic Lead (Finance).

Question 25: Procedure Rule 9.2 to the Portfolio Holder for Finance from Councillor Joe Whibley

Can the portfolio holder provide a fully costed breakdown of the reported yearly financial losses of Queen’s Drive Space?

Answer:

To enable the broad range of leisure facilities and activities the following costs have been incurred in the current year (2019/20).

<u>Account Name</u>	<u>2019</u>
PROPERTY MAINTENANCE AD HOC	375.00
SECURITY SERVICE	7,968.00
SECURITY SERVICE	120.00
PLANNED MTCE Corp Budget	210.00
MATERIALS LAND AND BUILD	494.14
MATERIALS LAND AND BUILD	581.83
ELECTRICITY BULK BILLING	843.35
ELECTRICITY BULK BILLING	3,065.51
RATES	8,960.75
WATER CHARGES	962.43
IDT Exp EQUIPMENT HIRE 6202	1,059.93
IDT Exp REFUSE DISPOSAL 6207	166.00
EQUIPMENT & PLANT PURCHASE	39.36
EQUIPMENT & PLANT PURCHASE	820.84
IDT Exp ADVERTISING 6231	160.00
EQUIPMENT HIRE	8,727.76
FURNITURE PURCHASE	64.99
STOCK PURCHASE	111.30
MATERIALS	1,670.23
STATIONERY	26.63
STRATA External Print Jobs	135.00
STRATA External Print Jobs	373.00
NON PROPERTY CONTRACTORS	17,514.21
NON PROPERTY CONTRACTORS	20.00
INS Claims FEES I&E	2,500.00
RECYCLING COLLECTION	1,936.27
CONSULTANCY=ADVICE	4,250.00
LICENCES	103.50
SPECIAL PROMOTIONS/EVENTS	21,015.66
PHONE MOBILES STRATA INT RECHG	31.50
PHONE MOBILES STRATA INT RECHG	5.00
IT CONSULTANCY	175.00
CONFERENCE EXPENSES	200.00
ADVERTISING GENERAL	1,647.70
ADVERTISING GENERAL	78.71
BAR SALES	- 3,976.96
FACILITIES HIRE EXEMPT	- 186.80
FACILITIES HIRE EXEMPT	- 70.00
DEPOSITS Bonds Received	- 1,000.00
TICKETS SALES	- 6,986.17
TICKETS SALES	67.42
EVENTS	- 631.66
Sponsorship	- 3,000.00
RENT	- 19,460.00
RENT	110.00
Total	51,279.43

Costs in 2018/19 were included in part in the overall Queens Drive Delivery project.

Question 26: Procedure Rule 9.2 to the Leader from Councillor Paul Millar

Can the Leader confirm who wrote pages 8 to 14, 'Case Study: Queen's Drive, Exmouth: seafront regeneration project', of the Peer Review Position Statement circulated to Members by the CEO in September 2019?

Answer:

The Deputy CEO.

Question 27: Procedure Rule 9.2 to the Leader from Councillor Paul Millar

Will the Leader consider implementing the recommendation in paragraph 32 in the government's Statutory Guidance on Overview and Scrutiny Committees in Local and Combined Authorities (2019) by taking votes by secret ballot for the Scrutiny Chairman?

Answer:

This hardly strikes me as a transparent approach or consistent with the objectives of our Constitution and would appear to run contrary to the IEDA's stated position on transparency. I think it is a strong commitment to the scrutiny function and being able to hold the Cabinet to account that the Chairman does not come from the ruling group. A secret ballot where there is a ruling group with an overall majority has the potential to undermine this.

Question 28: Procedure Rule 9.2 to the Leader from Councillor Paul Hayward

Can the Leader advise Council of the charging mechanism and administrative / logistical arrangements for the Electric Car Charging Points at Blackdown House and also advise us of the costs incurred to date for the electrical charging supply thereof (including supply & installation of the charging units and the electrical supply charges incurred) against the revenue earned from staff / user reimbursement?

Answer:

The nett cost of installation of the two dual outlet four electric car charging points at Blackdown House was £8,816. We do not charge for use of the charging points at Blackdown House at the moment. We can review the situation at a future date if, for example, demand for electric car charging increases. Also, the wider issue of availability and the case for car charging points is a matter to be addressed within our Climate Change Strategy.

Question 29: Procedure Rule 9.2 to the Leader from Councillor Paul Hayward

Can the Leader provide Council with the current ratio of female to male employees within EDDC, together with the ratio for BAME employees and also for those employees who are registered as disabled?

Answer:

We produce an annual people data report in May/June each year which details this information but as at 24 February 2020 the position is;

- Ratio of female to male employees is 51.5 : 48.5
- Employees with disabilities is 6.97%

- Number of employees from BAME is 16.7%

Question 30: Procedure Rule 9.2 to the Leader from Councillor Paul Hayward

Given that East Devon is recognised as the Devon District most affected by Ash Dieback, can the Leader advise Council how many trees were planted by EDDC (or planted via direct financial contribution) for the financial year 2018/19 and for the 10 years before that? Can Leader also advise of the number of planned trees to be planted 2019-20 & 2020-21 and the financial budget set aside to facilitate the same?

Answer:

We do not hold an accurate picture and inventory of trees planted over the last few years, but we will be capturing numbers and species for the purposes of carbon offsetting and future assessment of our carbon footprint.

We have planted several orchards on Housing land over the last few years and a significant number of trees have been planted in the West End through Council initiatives and those of our partners. Most recently we planted trees just two weeks ago as part of our Wild Exmouth initiative, and earlier in the year at Land of Canaan, Ottery St Mary.

We will be formulating a methodology to accurately gauge the number of trees planted and nature recovery areas enabled now that we have given this work priority in the Council Plan.

We are currently exploring opportunities for tree planting in the future associated with commitments contained in our Climate Change Strategy.

The Countryside Team through its Tree Officers are also actively engaged in the Devon Ash Dieback Forum that has provided advice, data and guidance on how to identify, combat and manage the impacts of this disease. This has led to the recently awarded project funding for the 'Saving Devon Trees' initiative which we have funded along with the Woodland Trust, National Trust and Devon Wildlife Trust. This Heritage Lottery Fund project will provide resources to help understand the impact of Ash Dieback better and provide funds for new tree planting in our district. East Devon has the highest concentration of Ash trees across the county and so we are aware of the potential impacts on our landscape and wildlife from the disease if it is not being monitored. We want to work with our Tree Wardens and local communities to help us identify where the disease has got a foothold and then provide advice and hopefully funding through this new lottery project to help manage the impacts.

Question 31: Procedure Rule 9.2 to the Leader from Councillor Paul Hayward

Is there a long-term District-wide Tree Management Policy available and, if so, where might members access this?

Answer:

Our policy on Trees is captured in a series of documents including the Local Plan, Council Plan; Climate Change Strategy; Green Space Plan; Countryside & Leisure Service Plan; and Planning Policy, including Tree Preservation Order policy. All these documents are available on our website.

We have also undertaken a comprehensive Systems Thinking review of trees and a Tree TaFF was completed several years ago, which captured our approach to valuing, managing and protecting our treestock.

We are exploring the merits of an Emergency Tree Plan with the Woodland Trust who have been encouraging local authorities to produce a plan in response to the climate change emergency.

Question 32: Procedure Rule 9.2 to the Leader from Councillor Paul Hayward

Can the Leader explain the GDPR / Data Protection Policy which members of the SMT have recently used to justify the withholding of constituents personal data from Ward Members which effectively prevents Ward Members from properly and routinely assisting residents in their own wards? Furthermore, can the Leader tell me if the SMT, and other officers in positions of responsibility and those with access to confidential personal data, have signed confidentiality agreements akin to those signed by all elected members and in accordance with the Council's adopted Code of Conduct?

Answer:

As Cllr Hayward will no doubt recall from the data protection training following his election, there is a difference in approach depending on whether a Councillor is acting as a Ward Member as opposed to fulfilling a Council function (i.e. such as being on a committee). In the latter case a Councillor is considered to be part of EDDC as data controller, while as a Ward Member a Councillor is not. This is why a Councillor must be separately registered with the Information Commissioner as a data controller. As such if EDDC passes personal information to a Ward Member there needs to have a lawful basis to do so. As Cllr Hayward has stated, in this instance he is acting as a Ward Member and therefore in order for a Ward Member to access personal data there essentially needs to be consent from the individual whose personal data is involved. This approach is in accordance with legislative requirements under the General Data Protection Regulations 2016 and Data Protection Act 2018 and our [Data Protection Policy](#) (see in particular sections 5.1 and 5.2). All officers are employees of EDDC as the data controller and are contractually bound to comply with the Council's requirements in relation to data protection and confidentiality. There is also a general statement in the Code of Conduct for Employees about maintaining confidentiality which all officers are also bound by. If there are concerns about accessing personal data then it can be discussed with the Council's Data Protection Officer.

Question 33: Procedure Rule 9.2 to the Leader from Councillor Paul Hayward

Can the Leader tell me what consideration, if any, has been given to replicate the provision of a Register of Interests among members of the SMT and other officers with delegated powers and responsibilities, to govern situations where Council expenditure of more than £500 can be authorised without recourse to a resolution of this Council?

Answer:

All staff complete, and are reminded to update annually, a Register of Interest as required by the Code of Conduct for Employees. The Code also contains overarching principles regarding not being influenced by improper motives and what

is expected of them during a tendering process. Officers contractually agree to follow the Council's policies and so further safeguards exist in the Financial Regulations and Contract Standing Orders as well as a number of controls within the procurement systems.

Question 34: Procedure Rule 9.2 to the Leader from Councillor Paul Hayward

Can the Leader tell Council the number of FPN's issued in the last 12m, and in the 5 years previously, for the offence of dog fouling in the district and, additionally, the revenue raised from those notices? Can he also tell members of how many of these FPN's were challenged and the success rate of those appeals? Can the Leader share with Council the costs of the District Dog warden scheme for the financial year 2018-19 and the forecasted costs for the current financial year? Finally, has the Cabinet given any consideration as to the implementation and provision of a district Dog DNA scheme which allows for the identification of dog mess and DNA matching to the offending animal, similar to schemes run by Councils in Essex & Leicestershire and which is funded by the successful prosecution of errant owners with almost 100% accuracy using DNA technology?

Answer:

Almost 30 officers in the Environmental Health and Streetscene teams have the training and ability to issue fixed penalty notices for a number of offences, including dog fouling, alongside their other work. This enforcement is coordinated by the Environmental Protection team and there has not been a dedicated dog warden since 2014 when the service was reviewed. Substantial savings were made and there is now no identified cost for dog related services; education and enforcement is now far more efficient and effective. The fixed penalty fines are £80. The number of incidents for which sufficient evidence is received is very low, mainly because the incidence of fouling is also very low. In 2016 6 were issued and 3 paid; in 2017 3 were issued and 3 paid; in 2018 2 were issued and 1 paid; in 2019 3 were issued and 2 paid. So the income in 5 years has been £720. The EP team make every effort to secure payment and in all cases of non-payment either the offender or witness could not subsequently be found or the evidence was found to be not sufficiently robust. We have statistical evidence which indicates that there are around 20,000 dogs in East Devon and the heavy use of dog waste bins is further indication that the vast majority of dog owners always do the right thing and pick up. Officers and town and parish councillors report back to us that our streets and pavements have never been cleaner and they rarely see fouling. If there are particular hot spots reported we have concentrated education and community engagement in those areas. Enquiries to the EP team about dog fouling have halved since 2015, from 290 per year to 157. Almost all of these were from people wanting to know what to do if they were able to identify someone not picking up. With regards to the question about a DNA scheme there is no need for the team to consider this because the incidence of fouling is so low in East Devon, as evidenced above. These schemes are extremely difficult and expensive to implement and enforce (20,000 dogs to be tested), and our approach which focuses on education and community involvement has already been shown to be successful.

There are a few Councils that have had some publicity including Barking & Dagenham and Market Harborough in Leicestershire. Dog poo samples cost around £120 each to test but the legal loophole is that there is no statutory power to obtain a dna sample from dogs themselves. It therefore relies on a voluntary scheme in

which responsible dog owners locally already have their dogs dna fingerprinted (at their own expense) to eliminate their dogs as suspects. Most seem to agree its headline grabbing, raises awareness and may act as a deterrent but not really a practical or proportionate enforcement tool.

Question 35: Procedure Rule 9.2 to the Leader from Councillor Paul Hayward

Is the Leader able to provide me with the comprehensive schedule of Overage Agreements relating to previous approved planning applications which was previously sought in July 2019 but not, as yet, provided (Council of [24 July 2019](#), minute 25, response to Q11 supplementary from Cllr Hayward refers)?

Answer:

Apologies that this has not yet been provided. I would like to reassure Cllr Hayward that work is underway and I expect the information to be made available soon.

Question 36: Procedure Rule 9.2 to the Portfolio Holder for Corporate Services from Councillor Paul Millar

What was the total cost charged by Investors in People to the Council for its recent assessment, and can the raw data of the questionnaire for staff before Christmas be shared with the Scrutiny Committee?

Answer:

The total cost since May 2019 of the recent assessment is £15,804.

With regard to the raw data from the survey, this is only one part of the process and the practitioner has agreed to go through all the data collected if required to do so.

Question 37: Procedure Rule 9.2 to the Portfolio Holder for Corporate Services from Councillor Paul Millar

Will she ensure mental health awareness training is offered to all Members?

Answer:

I would refer you to the minutes of the Member Development Working Group of 5th February which state "It was also noted that Karen Simpkin runs courses for officers on a number of areas, including mental health awareness and dementia awareness and it was felt that these would be helpful for members too." The Strategic Lead for Organisational Development has already scheduled a dementia awareness course and I can confirm that a mental health awareness course will also be scheduled.