

Questions by Members to Full Council on 27 February 2019 under Procedure Rule 9.2

Question 1: Procedure Rule 9.2 to the Leader from Councillor Susie Bond

Eight Notices of Motion were submitted for debate at the 27 February council meeting, all within the prescribed time scale and all with the requisite number of supporters. Five of those NoMs were rejected by the Chief Executive. What criteria was used by the Chief Executive to decide which Notices of Motion would appear on the agenda paper, and which would not?

Answer:

The Chief Executive has to ensure that all submitted motions fulfil the legal criteria for valid motions. In summary form, all motions have to be timely, relevant, accurate, legally precise and fair. The difference, for example, between an officer report and a motion is that a report can provide members with all relevant information to support a recommendation. A valid motion has to achieve a similar objective but all that information has to be clear from the 'face of the motion'. It was the Chief Executives opinion that the 5 rejected motions did not fulfil the relevant criteria. Had the proposers of the motions discussed their suggested wording with the CEO in advance of the cut-off time limit he could have helped with the drafting. They did not do so, so unfortunately the Chief Executive was obliged to take the action he did.

Question 2: Procedure Rule 9.2 to the Leader from Councillor Susie Bond

In January 2017, EDDC's Strategic Planning Committee agreed that two Councillors should represent the views of East Devon Councillors at the GESP Panel. Such was the concern that only two Councillors were to be given such an onerous responsibility given that the GESP will impact each and every one of us, it was agreed at the same meeting that an Informal Reference Forum should be set up and that the make-up of this group should be politically balanced. I am not the representative of the Independent Group, but informed the responsible officer that I intended to attend the most recent meeting as an observer.

I subsequently received a phone call blocking me from attending!

This is the first (and only) time that I have been blocked from attending a meeting in my role as District Councillor.

Does the Council Leader agree that meetings of the Independent Reference Forum should be open to all councillors who choose to attend, in the interests of openness and transparency?

Answer:

It is accepted that the GESP is matter of considerable interest. There are however 5 Councils working in partnership to try and achieve the GESP and it was agreed at a relatively early stage that as each Council would be taking the GESP through its own internal procedures (thereby ensuring all members could engage) it was not appropriate to expand the Reference Forum to each and every member that might want to attend. The Forum provides the opportunity of a non-binding politically balanced sounding board and in view of its limited role I think the rationale remains valid.

Question 3: Procedure Rule 9.2 to the Leader from Councillor Peter Faithfull

I would like to ask what action has been made regarding the transferring of documents to the Devon Records Office of the documents and maps held at the Knowle. Much of our local history is potentially being destroyed through this move to Blackdown House.

Answer:

Document management has been key to the council's relocation programme. All relevant material has been digitally captured and remains in the ownership of the Council. Our new offices also have a deeds room and other physical storage capacity for the retention of important documentation. Some documentation / historic paraphernalia has also been offered back to the relevant town or parish councils. Cllr Faithfull may have seen old superfluous paper copies of that material. We will however contact the Devon Records Office and see if they want to view the material before it is disposed of.

Question 4: Procedure Rule 9.2 to the Leader from Councillor Geoff Pratt

In regard to the Knowle site to be sold please confirm whether contracts have been exchanged in respect of the sale and if contracts have been exchanged please confirm the Completion date and the sale price.

Answer:

As previously advised the agreed sale price of the Knowle site is £7,505,000. The contract between PegasusLife and EDDC was exchanged on 15 July 2015. This was conditional upon planning approval. Following the successful appeal by PegasusLife the contract became unconditional on 21 Mar 2018. The completion date will be agreed following both the finalisation of Section 106 costs associated with the purchase and clearance of the Knowle buildings by EDDC, which is underway.

Question 5: Procedure Rule 9.2 to the Portfolio Holder for Sustainable Homes & Communities from Councillor Geoff Pratt

In regard to Housing. In respect of Housing tenancies please confirm the arrears of rent for the year 2017-18, and for the Current year to date.

Answer:

The arrears of rent for the year 2017-2018 were £218,238 and represents 1.1% of the rent due. We publish the figures every quarter for the HRB in a Performance Indicator Digest, and annually in the Annual Report to tenants. Former tenants' arrears being pursued stood at £62,101 at year end.

The current rent arrears for 2018-2019 are £263,119 and represents 1.57% of the rent due. We reported an increase in arrears to the Housing Review Board in January, some of which is due to the introduction of Universal Credit.

We regularly benchmark our rent collection performance as one of our key performance indicators and consistently appear as high performers (top quartile). This is partly due to a clear tenancy 'sign up' process where rent payment options and responsibilities are discussed in detail. This way we 'set tenants up right' and help them maintain a clear rent account.

We also work closely with our tenants if they fall into arrears, we intervene early when in debt, and commission money advice that tenants can access. We appreciate the fact that the vast majority of our tenants pay their rent on time and in full.

Question 6: Procedure Rule 9.2 to the Leader from Councillor Roger Giles

At the 12 December 2018 Council meeting I tabled a question asking why EDDC had declined to designate Ottery St Mary Hospital as an Asset of Community Value (ACV). The Council Leader's written reply stated that "the weight given to the NHS objection in this case was high" and "the relevant test for determining whether it can be listed as an ACV is therefore set out at subsections 88(1) and 88(6) of the Act defines land of community value as that which 'furthers the social wellbeing or social interests of the local community'" and "the property's use for the delivery of health services does not further the 'social interests' of the local community as defined within the Localism Act 2011)".

In reaching the decision not to accord ACV status to Ottery St Mary Hospital, was account taken of the decision of Waveney District Council (WDC) to list Southwold Hospital as an ACV? If it was not, would he arrange for a review of the EDDC decision following consideration of the comprehensive review decision by the Strategic Director of WDC of 15 June 2016, in which he states (para 17) "The owner's assertion that there is no evidence that social interaction furthering the social well-being of the Community takes place on the hospital premises, defies common sense"?

Answer:

What is clear from a consideration of decisions around the country is that each case is considered on its merits and this is why there are some decisions supporting

designation and others declining designation, albeit we do have legal reservations about the decisions supporting designation. As regards Ottery St Mary there has been no new evidence or material change in circumstances warranting a review. A request for re-nomination can be made after a period of 18 months. In the case of Ottery the relevant date is 13th February 2020.

Question 7: Procedure Rule 9.2 to the Leader from Councillor Roger Giles

District Councils were recently given greater responsibilities for health and well-being. The EDDC Cabinet on 2 January considered the East Devon Public Health Strategic Plan 2019 - 2023, a key element of which is supporting and improving health and wellbeing across the District. The Scrutiny Committee discussed the Plan on 7 February.

In view of the increased responsibilities for health and well-being, will the Council Leader arrange for any further consideration of Assets of Community Value applications for East Devon community hospitals, to be determined within the Housing Health and Environment directorate, rather than in the Economy directorate, as has been the case so far?

Answer:

This suggestion can be looked at when the new Council reviews the Constitution at its Annual Meeting.

Question 8: Procedure Rule 9.2 to the Leader from Councillor Val Ranger

a) What assessment is made of the value of the Chairman's allowance expenditure?

Answer:

As part of the Annual Budget preparations, members are provided with the opportunity to assess the appropriateness of the Civic Budget.

b) Do the financial pressures which affect EDDC service budgets also apply to the Chairman's Allowance?

Answer:

Yes.

c) Are criteria given for guidance on how special allowances (for example the Chairman's additional £7813 or any other councillors' additional allowances) are spent?

Answer:

The additional responsibility allowances provided to Cabinet holders and Chairmen of Committees are determined by the Independent Remuneration Panel and reflect the extra time and commitment that these office holders take on with these roles. The

Chairman's Civic Fund is provided to support the Chairman in his role as the 'First Citizen' of the District. It is normal practice across the whole country to allow the Chairman a degree of discretion in how this fund is spent in support of that role.

Question 9: Procedure Rule 9.2 to the Portfolio Holder for Environment from Councillor Matt Booth

It was good to see that the CEO recognises the issue of climate change emergency as one of "critical importance". On 15th February, the day of the national schools' strike, Devon County Council committed to debating a motion on 'Climate Emergency' which took place at a council meeting on 21st February.

Does the Portfolio Holder agree that while it is essential to retain focus on all aspects of green living and a green economy, including the excellent work of the EDDC Environment team in particular with recycling, the pressing issue now is that of carbon reduction as recommended by UN scientists behind the inter-governmental IPCC report published in October 2018 that warned global warming will be irreversible if temperatures are not reduced to 1.5 degrees above pre-industrial levels within 12 years, by subsequent recent reports, and by an increasing number of councils most recently Cheltenham Borough Council who two weeks ago committed to working towards being carbon neutral by 2030?

Does he also agree that it is essential that this council should debate this issue as soon as possible, if only to agree that it should commit to taking immediate steps towards adopting a carbon reduction policy?

Answer:

As we have made clear we are looking forward to engaging with the County Council on this issue and ensuring that a comprehensive approach can be adopted by both tiers of local government in Devon. A report will be brought to Cabinet in due course so that councillors can engage in the debate

Question 10: Procedure Rule 9.2 to the Leader from Councillor Matt Booth

Does he agree that all Councillors should be free to talk to the press about issues that are specific to their ward and on general issues that they believe in?

Answer:

I would refer you to the Councillor Code of Conduct within the Constitution Part 5, in terms of the General Provisions and in particular Part 5, section 5.4 paragraph 108 covering Media relations.

Question 11: Procedure Rule 9.2 to the Leader from Councillor Cathy Gardner

This Council passed a motion, unanimously, in December 2018 asking if we can do more to help vulnerable people in our district, such as those claiming Universal Credit or facing homelessness. Can the Leader please summarise the steps that have been taken to address this motion since the start of the year?

Answer:

When Cllr Gardner sees the Cabinet agenda for the 6th March she will be able to read the report that has been prepared on the issues involved.

Question 12: Procedure Rule 9.2 to the Leader from Councillor Cathy Gardner

This Council has received section 106 money from the development of flats in Sidmouth, Sanditon, previously the Fortfield Hotel. Some of this money was allocated to be split between affordable housing and tourism. Can the Leader confirm (a) the amount being released; (b) if the Town Council has been officially informed that this money is now available and (c) when?

Answers:

a) – There is up to £325k remaining.

b) – Yes.

c) – We have been in ongoing dialogue with the Town Council for some time on this matter.

Question 13: Procedure Rule 9.2 to the Leader from Councillor Cathy Gardner

Were potential community bidders advised that an application for the s106 tourism money from Sanditon might be possible when they approached the agent acting for EDDC re the sale of the Drill Hall? If not, why not?

Answer:

No. There was never any expectation that the money would be available for this purpose.

Question 14: Procedure Rule 9.2 to the Leader from Councillor Cathy Gardner

My proposed motion asking this Council to publish regular updates regarding cost-savings from relocation was denied by the CEO. Can the Leader assure residents that fully transparent information on energy costs for Blackdown House and Exmouth Town Hall will be published on a regular basis?

Answer:

We will be bringing a report to Cabinet to inform members of the final costs of the relocation project. This report will remind members of the regular reporting that will take place as a result of our normal procedures and members can then debate what extra reporting requirements may be appropriate.

Question 15: Procedure Rule 9.2 to the Leader from Councillor Cathy Gardner

Recent actions show that the ruling group of this Council is comfortable borrowing to invest in commercial property and the risks associated with that, but one of our main priorities is housing for our residents. Can the Leader confirm whether or not this Council will be seeking to borrow funds to purchase social housing stock?

Answer:

The question is confused between the General Fund and the Housing Revenue Account. In terms of Council Housing the Housing Review Board will continue to assess the business case for borrowing to provide more Council houses. The Commercial Investment Strategy is designed to ensure that any cuts to our general fund services are kept to a minimum.

Question 16: Procedure Rule 9.2 to the Economy Portfolio Holder from Councillor Megan Armstrong

a) When commissioning user surveys, what guidance does EDDC give to the company carrying out the survey, with particular regard to the geographic location of those people whose views are sought?

Answer:

That would depend on the purpose of the survey. EDDC employs and works with experienced and professional research companies.

b) Please provide full details of all costs incurred and of income received for the first year of operation of the temporary attractions at Queen's Drive, Exmouth.

Answer:

Queen's Drive Space. Costs/Income for 2018

For the first year of the new attractions at Queen's Drive Space the capital expenditure was £285,305. This included £155,000 for the highly popular and continuing free play park. Other costs included the beach bar seating area and the events stage as well as making the whole site safe after its previous uses and ongoing site management.

Revenue costs for the first year were £22,850 and this covered the costs of putting on events. This included all the free live screenings from Royal Opera House, free

live music events, free children's entertainment and some of the theatre and cinema costs.

The income to go with these events was £25,373 which included £7,500 in sponsorship, £10,778 from food and drink and the remainder from ticket income and ancillary income (deckchairs, popcorn). In addition, the income from the Big Wheel was £9,000.

c). Please provide the projected anticipated income and expenditure for years two, three and four of the temporary attractions at Queen's Drive.

Answer:

In response to the desire of local people, visitors and our own members, EDDC has made sure that while development is underway at Queen's Drive, Exmouth seafront still continues to be attractive and lively. We are continuing to invest in Exmouth's seafront and have also been invited to a Stage 2 bid for Coastal Communities Fund that will further benefit the seafront.

We are working up a lively mix of activities for Easter onwards so watch this space. If we need more activities next year and while phased long term leisure development then we will provide them.

For 2019, the budget is £75,000 including staffing, event cost, equipment hire, maintenance, security and utility costs. Income is expected to be between £30,000 and £40,000, depending on sponsorship secured, and £12,000 for the Big Wheel. Depending on how longer term development on Queen's Drive comes forward we will review the need and opportunity for temporary uses in all or part to continue. It is important that as development happens we still seek to maintain a strong and popular range of attractions.

d) When will the final contract with Grenadier be signed, especially relating to beach access?

Answer:

We have a development agreement signed and in place with Grenadier as of August 2017. That agreement involves the confirmation of certain conditions to our satisfaction including an Agreement dealing with the construction of a beach access ramp by the tenant. As advised to members previously these conditions are being resolved at the moment. Officers are working hard to ensure that the right deal is delivered for the Council, this is taking longer than had been hoped but it is key that the Council delivers the best deal possible for Exmouth.