



**To: All Members of the Town Council**

**Meeting of Seaton Town Council  
on Monday 4<sup>th</sup> September 2017 at 7.30pm**

**29<sup>th</sup> August 2017**

You are hereby summoned to attend the above meeting to be held at 7.30pm or immediately following the Planning Committee Meeting, whichever is sooner, at Marshlands, Harbour Road, Seaton. It is proposed that the matters set out on the agenda below will be considered at the meeting and resolution or resolutions passed as the Council considers appropriate.

Yours faithfully,

*Amy Tregellas*

**Town Clerk**

**This meeting has been advertised as a public meeting and as such could be filmed or recorded by broadcasters, the media or members of the public. Please be aware that whilst every effort is taken to ensure that members of the public are not filmed, we cannot guarantee this, especially if you are speaking or taking an active role.**

**AGENDA**

**The Deputy Chairman will say a prayer at the start of the meeting**

- 17/COU/01 Declaration of Acceptance of Office**  
Newly co-opted Councillor Stephen Read to make his declaration of acceptance of office
- 17/COU/02 Apologies for absence**  
To receive any apologies for absence
- 17/COU/03 Declarations of Interest**  
To receive any Members' declarations of interest in respect of items on the agenda
- 17/COU/04 Minutes**  
To agree the minutes of the Council Meeting held on Monday 7<sup>th</sup> August 2017

- 17/COU/05 Chairman's Report**
- 17/COU/06 Public Question Time**  
To allow any questions or reports from members of the public.
- 17/COU/07 Police Report**
- 17/COU/08 County Councillor Report**
- 17/COU/09 District Councillors' Reports**
- 17/COU/10 Reports from Council representatives on Outside Bodies**
- 17/COU/11 Appointments to Council Committees**  
Cllr Hartnell has requested to fill the vacancy on the Communities Committee.  
Councillor Read has requested to fill the vacancy on the Finance & General Purposes Committee and one of the vacancies on the Planning Committee.
- 17/COU/12 Seafront Enhancement**  
To discuss the next steps in terms of the Seafront Enhancement Scheme including the report from the Working Party on a Sea Moorings scheme for Seaton
- To propose that Members receive the Town Development Team's Working Party Report on Sea Moorings for Seaton and:
- a) Support the principle of increasing water-based activities as part of the town's 'Year Round Adventure' branding;
  - b) Agree that the Town Council is represented at any on-going discussions on Sea Moorings with the Axe Yacht Clubs and other interested parties;
  - c) Agree that the findings of the report be incorporated into the work of the Seaton Beach Management Plan Group;
  - d) Support any undertaking of a feasibility study into the provision of a deep water harbour for the town; and
  - e) Agree that the findings of any feasibility study form part of future funding applications to deliver the Council's seafront enhancement plans as appropriate
- 17/COU/13 Post Office Consultation**  
To consider, and decide on the Council's response, to the current consultation on the relocation of the Post Office in Seaton
- 17/COU/14 Member Officer Protocol**  
To consider the Member Officer Protocol which has been recommended by the Personnel Committee

**17/COU/15 Youth related facilities**

To consider holding a new referendum vote to establish the priorities for spending on youth related facilities in Seaton.

**17/COU/16 Fisherman's Gap**

To consider the correspondence from the Environment Agency regarding Fisherman's Gap

**17/COU/17 Golf Course**

To highlight issues with the current operation of the golf course and ask for improvements

**17/COU/18 Christmas and New Year Opening Arrangements**

To consider the recommendation put forward by the Personnel Committee that the office is closed between Christmas and New Year (closing at the end of the day on Friday 22<sup>nd</sup> December 2017 and re-opening on Tuesday 2<sup>nd</sup> January 2018)

**17/COU/19 MOTIONS FOR DEBATE**

**a) Cllr. C Chadwick:**

- i) *Alongside local residents, I am very concerned about the speed limit on the Underfleet, particularly near the dropped kerb opposite the playpark. Would the Council support requesting a 20mph restriction along this road and also the possibility of a pedestrian crossing here? And*
- ii) *Could the Council support some action to have the bus stop(s) on the Underfleet relocated into the coachpark?*

**17/COU/20 Update on Actions arising from previous meetings:**

**Clarification on use of the Town Development Team logo on STC headed paper**

*Update: This has now been sorted out and it appears that we were inadvertently using the letterhead designed for the Town Development Team.*

**Top 5 priorities for STC**

*Update: a report on progress against the priorities will come forward to Council in October*

**Cycle Way Measures introduced at Harbour Road/Underfleet Roundabout: safety issues**

*Update: Meg Booth from Devon County Highways advises that "the route of the stop line was designed and constructed based on best practice guidance for shared paths. This particular section along the Underfleet and up to the roundabout has also been subject to an independent safety audit at various stages with no issues raised to date". The officer invites Seaton Town Council to specify its concerns*

**Costs of installation of Cycle Way**

*Meg Booth advises that the cost of installing the shared route along the Underfleet and up to the roundabout was £77,500*

**Improving the vitality of the Town Centre**

*Update: Three Councillors have undertaken consultation on re-opening up of the town centre*

**Write to Police and Highways regarding speeding issues on Seaton Down Hill/Road to ask for an update on previously promised action**

*Update: The Town Clerk has chased both Devon County Council and the Police and to date has only had a response from Meg Booth's assistant who is looking into the matter.*



## **D R A F T Minutes of the Council Meeting of Seaton Town Council on Monday 7<sup>th</sup> August 2017**

### **Present**

**In the chair:** Cllr Jack Rowland

**Councillors:** K Beer, P Burrows, M Hartnell, M Pigott, K Rye, H Sanham, M Shaw, D Squire, R Webster

**Officers:** Town Clerk  
Several members of the public  
One Press representative

### **66. Apologies for absence**

There were apologies for absence from Cllr Chadwick which were accepted.

### **67. Declarations of Interest**

Cllrs Hartnell and Burrows declared personal interests as East Devon District Council (EDDC) Councillors.

Cllr Hartnell declared a Personal Interest for item 23 as he has a business in the town.

### **68. To agree the minutes of the Council Meeting held on Monday 3<sup>rd</sup> July 2017**

The minutes of the meeting held on the 3<sup>rd</sup> July were agreed.

(Moved Cllr Rowland; seconded Cllr Pigott)

### **69. Chairman's Report**

The Chairman read out his report and the Council **NOTED** the Chairman's Report.

### **70. Public Question Time**

Several Members of the Public spoke in Public Question Time:

Di Smith – spoke about the Seaton Colyford Road and the turning into Seaton Cemetery. She provided photos of a blind bend. Mrs Smith stated that local funeral directors also have a problem with this junction. She confirmed she has emails Stuart Hughes at East Devon District Council and other Councillors and has not yet had a response. There has been an increase in the usage of junction due to the cycle path. Lots more people have been coming into the area due to the Jurassic Centre and it is dangerous. There needs to be traffic calming to reduce the speed of vehicles.

Tony Smith – spoke on the same subject as Di Smith and said that traffic calming needs to be more widely considered in Seaton.

Cllr Martin Shaw said that he had seen the letter from Mrs Smith and is also waiting for a response from Devon County Council. He confirmed he will take up the matter with highways.

June Chrysler also spoke on traffic issues and said she had observed two cars nearly having a serious accident at the junction.

Howard West, Clerk to Colyford spoke on the hospital beds – he said that he had been a both Devon County Council Scrutiny Committee meetings and wrote to Neil Parish MP and Sara Randall Johnson as he had the impression that they knew what was going to happen beforehand. He said it was a lesson for future General Elections as have voted Tory but won't do it again.

June Chrysler also spoke on hospital beds – she met Neil Parish MP at a show and he said that things were happening in the background but gave no detail. If beds are closing there is a need to get together and sort out what is happening with the remaining facilities.

Diana Mason – said she has concern over whether the hospital building will be sold off. This would be legalised theft from the community as the community raised the money and volunteers who have given thousands of hours their time.

Di Smith – said it is vitally important to fill the hospital building

Judith Richards – asked if East Devon District Council are supporting the letter and request for a meeting with MP's Neil Parish and Jeremy Hunt. Mrs Richards said that she wrote to Jeremy Hunt to voice her concern but got an odd email back as if she was one of Mr Hunts constituents.

Cllr Hartnell confirmed that Jeremy Hunt has two email addresses. One is for his constituents and the other is in his role as the Secretary of State.

#### **71. Police Report**

Council **NOTED** the information that had been sent by PC Jenkins. The Town Clerk updated the Council that PC Richard Jenkins is retiring towards the end of September and his replacement will be PC Adam Spears.

The Council **RESOLVED** that the Council send PC Jenkins a retirement card and to also send a letter to the Chief Constable to confirm what a good job PC Jenkins has done for Seaton.

(moved Cllr Pigott; seconded Cllr Rowland)

#### **72. County Councillor Report**

Cllr Shaw read out his County Councillor report. He added that the fallout from the Devon County Council Scrutiny Committee meeting was ongoing. A number of formal complaints have been made to the Monitoring Officer and these are being investigated.

Council **NOTED** the County Councillor's Report.

#### **73. District Councillors' Reports**

Cllr Hartnell presented his report.

Cllr Burrows presented his report. Cllr Burrows said that he had received several complaints from the public regarding the Mendip Mule parking at the bus stop on the Underfleet. He was going to follow this up with Andrew Ennis from East Devon District Council and Highways to see if there was an alternative e.g. parking in the coach park.

Council **NOTED** the District Councillor's Reports from Cllr Hartnell and Cllr Burrows.

Council **RESOLVED** to write to Andrew Ennis and Highways to ask them to agree to the Mendip Mule using the coach park.  
(moved Cllr Sanham; seconded Cllr Beer)

#### **74. Reports from Council representatives on Outside Bodies**

Cllr Sanham gave a report to Council on the Yacht Club in terms of the Beach Management Plan and Sea Moorings Project. Cllr Sanham confirmed that a Seaton Town Development Team report on the Beach Moorings project will be coming to Council in September.

Council **NOTED** the report from Cllr Sanham.

Cllr Burrows stated that he had attended the Seaton & District Care Forum and that he had just sent the minutes to the Town Clerk to distribute to all Councillors.

Council **NOTED** the report from Cllr Burrows

Cllr Beer said that he had attended the Seaton Traders meeting, which had been well publicised but only 3 others turned up.

Council **NOTED** the report from Cllr Beer

Cllr Pigott said that he had attended the Seaton Arts Society event at the Town Hall on Friday 4<sup>th</sup> August to judge the exhibition. Cllr Pigott encouraged people to visit the exhibition.

Council **NOTED** the report from Cllr Pigott

#### **75. Town Clerk Report**

The Town Clerk gave an update on her report stating that the 'have your say' sessions with the Police had now been scheduled for September, October and November.

The Town Clerk also confirmed that a report on the Cycle Fest was going to the next meeting of the Communities Committee.

Cllr Sanham said that the dates for the Cycle Fest for 2018 need to be pencilled into the British Cycling diary asap to ensure that the date is held. It can always be taken out at a later date if the Council decides not to go ahead with the event.

The Council **RESOLVED** to provisionally book the date of the 1<sup>st</sup> July 2018 with British Cycling for the Cycle Fest 2018.

(moved Cllr Sanham; seconded Cllr Rye)

The Council **NOTED** the Town Clerk's Report.

#### **76. Co-option of a Councillor**

Cllr Rowland outlined the process that had been undertaken by the Council in terms of the co-opting of a new Councillor. He explained that the 3 applicants had met with the Council informally before the Council meeting and had given a five minute presentation as to why they wanted to be a Councillor and then were asked questions by the Councillors.

Councillor Rowland then made it clear that the voting on the candidate would now take place and the successful applicant would need an absolute majority of 6 to become a Councillor. He added that if there was no absolute majority after the first round of voting that the applicant in last place would be taken off the ballot and then the vote would be taken again.

The vote was:

Daniel Ledger = 5

Stephen Read = 3

Amrik Singh = 2

Therefore, a second vote was needed. Amrik Singh was removed from the ballot paper and the Councillors voted again.

The result was:

Daniel Ledger = 5

Stephen Read = 5

Therefore, the casting vote fell to the Chairman. Cllr Rowland voted for Stephen Read and, therefore, Stephen Read was duly co-opted.

Stephen Read will complete his declaration of acceptance of office at the start of the Council meeting in September and will then be a member of the Council.

## **77. Foodbank**

Stephen and Lesley Page gave the Council an update on the Seaton foodbank. Mr Page said that the foodbank was there to help people in crisis and was at No 1 Harepath Road once a week. It is currently resourced by a team of about 7 volunteers. Mrs Page said that if a person is in crisis they are given a voucher from several sources including the Job Centre, Children's centre, Housing and Citizens' Advice Bureau (CAB). 80% come via the CAB. Mrs Page explained the process once someone comes to the foodbank and said that the food given out is tins and packets only as they have no way of storing fresh produce and they are only operated once a week. Mr Page confirmed that they are experiencing a huge increase in demand. From August 2016 to August 2017 the number of meals issued has gone from 8,000 to 12,000 i.e. a 50% increase. Coupled with, this the contributions made by the public through the boxes in the Co-op, Pebbles, Tesco and churches are reducing. So, more demand but less food is coming in to meet the demand. Mr Page confirmed that he is asking Councillors and the Council to be aware of the issues.

Cllr Rye left the meeting.

**78.** Cllr Rowland proposed suspending Standing Orders to enable consideration of item 20 on the agenda.

(Seconded by Cllr Beer)

Council **RESOLVED** to agree the proposal

## **79. Motions for Debate**

The Council considered the motion put forward by Cllr Rowland re Seaton Hospital  
(moved Cllr Rowland; seconded Cllr Beer)

Discussion took place around:

- What the Care arrangements will look like
- The need to seek clarity as to what the care arrangements will look like
- Whether the meeting with Neil Parish MP and Jeremy Hunt MP could include representatives from other towns

Cllr Squire proposed an amendment to the motion – ‘and to seek clarification as to how future care will be taken forward’

(both Cllrs Rowland and Beer were happy to accept the amendment)

The Council **RESOLVED** to agree the motion - *Seaton Town Council is concerned by the decision taken by the DCC Health and Adult Care Scrutiny Committee on 25<sup>th</sup> July to not refer the CCG decision to close the hospital beds in Seaton Hospital to the Secretary of State for Health for a review. Representatives from this Council seek an urgent and direct meeting with the Honiton and Tiverton M.P. Neil Parish and the Secretary of State for Health, Jeremy Hunt to seek the latter's direct intervention now in view of the flawed decision-making process used by the CCG and to seek clarification as to how future care will be taken forward.*

In respect of the motion put forward by Cllr Chadwick, as Cllr Chadwick had to send her apologies it was **AGREED** that the motion be carried forward to the agenda for the meeting on the 4<sup>th</sup> September 2017.

The Council then reverted back to follow standing orders.

## **80. Committee dates**

The Council considered the report of the Assistant to the Town Clerk and considered each of the recommendations in turn:

The Council **RESOLVED** to agree recommendation 1 - The Communities and Open Space Committee meeting time is changed from during the day to the evening.

(moved Cllr Hartnell; seconded Cllr Webster)

The Council **RESOLVED** to agree recommendation 2 - Where possible, the Planning Committee be scheduled to take place on the same evening as one of the other Committee meetings e.g. Council, Finance & General Purposes, Estates, Communities & Open Spaces or Personnel Committee.

(moved Cllr Beer; seconded Cllr Shaw)

The Council **RESOLVED** to agree recommendation 3: The Council agrees that the meetings of Council, Finance & General Purposes, Estates and Communities & Open

Spaces are not scheduled to be on the same evening (with the exception of an extraordinary Council meeting) so that the Committees can give due and proper consideration to the items on their agenda.

(moved Cllr Beer; seconded Cllr Hartnell)

The Council **RESOLVED** to agree recommendation 4: That the Council approved the revised schedule of meetings incorporating the changes outlined above

(moved Cllr Beer; seconded Cllr Shaw)

**81.** Cllr Shaw proposed that due to the length of time the meeting had gone on for that the remaining items (with the exception of agenda items 19, 22 and 23) be deferred to the September meeting.

(seconded by Cllr Sanham)

Council **RESOLVED** to agree the proposal.

**82. Free Room Hire Booking form**

The Council **RESOLVED** to agree to the free room hire booking request for charitable use

(moved Cllr Pigott; seconded Cllr Shaw)

**83. Confidential Items**

Cllr Rowland moved, and the Council **RESOLVED** that in accordance with the Councils Standing orders the press and public be excluded from the meeting during the discussion of agenda item 23 as there was likely to be disclosure of confidential information as matters were being discussed that could identify individual(s).

**84. Marketing and Events Contract**

The Council **RESOLVED** to agree with the recommendation made by the Personnel Committee.

(moved Cllr Burrows; seconded Cllr Hartnell)

The Councillors on the working group are Squire, Hartnell, Burrows, Sanham, Webster and Pigott.

Cllr Hartnell declared a Personal Interest as he has a business in the town.

**The meeting ended 22.00**

**Chairman:** \_\_\_\_\_

**Dated:** \_\_\_\_\_

### **Chairman's Report**

My report this month concentrates solely on the subject of the hospital bed closures at Seaton Hospital.

My request to Neil Parish to facilitate a meeting with Jeremy Hunt in a last-ditch attempt to ask him to directly intervene has not been successful. The bed closures happened on 21 August and the timetable for the closures was accelerated from the original September date on the basis that patient safety was at risk due to staff absences / shortages. I, along with Cllrs Martin Shaw and Martin Pigott attended a vigil / demonstration outside the hospital on 21 August where the local press, TV and radio were also in attendance.

Attention now needs to turn to ensure the hospital site has a future to provide as many health-related services as possible to make sure the space is fully utilised so that a compelling case is in place in advance of any further reviews. As mentioned previously the hospital site is legally owned by NHS Property Services who now charge a commercial rent. We know that a review of all the hospital sites under the ownership of NHS Property Services will be carried out in the not too distant future hence the reason for making sure a sound case is in place to retain the site. Seaton Hospital is morally owned by all of us and specifically those people who have raised or donated extensive funds over the past 30 plus years to help finance the cost of the original building and subsequent equipment and services.

Discussions in connection with the services that can be provided from the site to complement the existing services and other possibilities have already begun involving all the stakeholders and representative groups including Seaton Town Council.

Jack Rowland

24 August 2017

## **County Councillor's Report September 2017**

### **Future of Seaton and Honiton Hospitals**

Seaton and Honiton Hospitals will have both lost their in-patient beds by the end of August. I supported the call by Councillor Martin Pigott, Vice-Chair of Seaton Town Council, for a vigil at Seaton Hospital on 21st August. I spoke at this event and was widely interviewed by regional TV and radio. I hope to attend the similar event called in Honiton for 28th August. I was extremely disappointed that Neil Parish MP failed to reply to the request of Cllr Jack Rowland, Mayor of Seaton, for an urgent meeting with the Secretary of State.

Dr Mark Welland, Chairman of the Seaton and District Hospital League of Friends, has pointed out in a statement that Seaton continues to have out-patient clinics in rheumatology, ear nose and throat, audiology, spinal assessment and general medicine, as well as its physiotherapy department. I shall now work with the League, local doctors and Seaton Town Council to press the Royal Devon and Exeter Trust to bring more services to the community hospitals. Services which can be provided in a community setting should not be centralised in Exeter, forcing patients to travel.

Meanwhile, the Seaton League of Friends has provided me with figures for its contributions to the Hospital from 1985 to 2009, which totalled over £1.9 million in constant prices. Using the Bank of England's inflation calculator, I estimate that this amounts to over £3 million in today's money. Almost half of this appears to have been towards the building of the hospital and its additional wings (at least one of which was paid for entirely by the League); the remainder for 'general purposes' and for specific developments like the Physiotherapy Department and Hospiscare at Home. When full figures for the last 8 years are also available, it is likely that the total contributions will come close to £4 million in today's money.

### **Investigation into Devon Health Scrutiny Committee**

On 3rd August, Cllrs Claire Wright, Brian Greenslade and I met with Jan Shadbolt, the County Solicitor and Monitoring Officer, to discuss our concerns about the way in which the Health Scrutiny Committee on 26th July, which decided by 7-6 not to refer the hospital bed closure decision, was conducted. Meanwhile a number of residents in East Devon complained to DCC about the meeting and a formal investigation was launched in response to these complaints. I was interviewed by Rob Hooper, the Council's Democratic Services Officer, who is carry out this investigation, on 9th August. Mr Hooper will report to a closed session of the Standards Committee on 29th August.

### **A35 at Wilmington**

I have agreed to join the A35 Action Group, Widworthy Parish Council and Neil Parish MP in meeting Highways England to discuss implementing urgently needed crossings, etc.

## **X52 bus service**

In my last report I mentioned that, following my question at Devon County Council in July, the Cabinet Member for Transportation, Roger Croad, had agreed to look further into possible subsidy for this service, the only direct service from Beer to Exeter and from Seaton to the RD&E, but also by many residents in Colyford as well as Beer and Seaton for other journeys. Cllr Croad has now replied that subsidy cannot be justified, and First Wessex will therefore reduce the route to two off-peak services per day from 4th September.

I will only comment that the calculations only take into the small numbers of 'unique users', not the overall usage of the bus, and that further reducing services from our area only forces more people to use cars, contributing to congestion in Exeter, as well as penalising further those people who don't drive.

*'Martin,*

*As you most probably know, both First X52 and Stagecoach are commercially operated so there is no County Tender involved. We have no power to direct either company, both having reacted to what they see as commercial considerations and satisfying most passenger demand.*

*I have now had the opportunity to look into this and John has very kindly crunched some numbers:*

*The best tender price is £50,960 per annum.*

*Looking at the likely passenger numbers, the only unique usage would be from and to Beer, plus Seaton to the RD&E (if we think it unreasonable for Seaton residents to use the Stagecoach service to Exeter and change buses for the RD&E). We think a very generous estimate of the passengers each way is six(6).*

*The calculation is therefore 6 x 2 directions x 6 days x 52 weeks = 3,744 passenger trips.*

*£50,960/3,744 = **£13.61 subsidy per passenger trip.***

*Our daily service support criterion (set some time ago now) is £2.50 per passenger trip – in the 2015 review we allowed £4.00 for workers.*

*So, as you can see, we can safely say that the X52 would be significantly in excess of our criteria and as this has been applied across the County I see no reason to benefit some residents to the disadvantage of others. I'm sorry to say that I cannot recommend a subsidy on this occasion.*

*Roger*

## **D R A F T Protocol on Member/Officer Relations**

### **1.0 Introduction**

- 1.1 The purpose of this protocol is to guide Members (Councillors) and Officers of the Council in their relations with one another in such a way as to ensure the smooth running of the Council.
- 1.2 This protocol seeks to promote greater clarity and certainty and is intended to assist Members and Officers, in approaching some of the sensitive circumstances which arise in a challenging working environment.
- 1.3 The reputation and integrity of the council is significantly influenced by the effectiveness of Councillors, the Town Clerk and other staff working together to support each other's roles. The aim is effective and professional working relationships characterised by mutual trust, respect and courtesy.

### **2.0 General Principles**

- 2.1 The ideal relationship is best defined as a partnership of Members and Officers working together to achieve the overall aims of the Council.
  1. Members and Officers should avoid any close personal familiarity that could give rise to the suspicion of bias or undue influence
  2. Every person must be treated fairly with dignity and respect. Harassment and bullying is not acceptable
  3. In general, Members make policy and Officers implement the Council's Policy. In most cases Members should avoid becoming involved in the operational and administrative aspects of service delivery
  4. Members and Officers share a responsibility to work together to achieve and implement decisions in the interests of the Council and the area it serves
  5. All dealings between Members and Officers should be conducted courteously and neither party should seek to take advantage of their position
  6. To ensure high standards of conduct Members are required to abide by the Members Code of Conduct and Officers the staff handbook
  7. If an Officer is concerned about the behaviour of a Councillor, or if a Councillor is concerned about the behaviour of an Officer, the nature of the concern should be brought to the attention of the Town Clerk.

### **3.0 Roles of Members and Officers**

- 3.1 The respective roles of Members and Officers can be summarised as follows: Members and Officers are servants of the public and they are indispensable to one and other, but their responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the council. Their job is to give advice to Members and to the

council, and to carry out the council's work under the direction and control of the council and relevant committees.

3.2 Mutual respect between Members and officers is essential to good local government.

#### **4.0 Members**

4.1 Members (Councillors) have four main areas of responsibility:

- To determine council policy and provide community leadership;
- To monitor and review council performance in delivering services;
- To represent the council externally; and
- To act as advocates for their constituents.

4.2 It is not the role of Members to involve themselves in the day to day management and running of the Council. This is the Town Clerk's responsibility, and the Town Clerk will be acting on instructions from the Council or its Committees, within an agreed job description.

4.3 All Members have the same rights and obligations in their relationship with the Town Clerk and other employees, regardless of their status or political party, and should be treated equally.

#### **5.0 Chairmen and Vice-Chairmen of Committees**

5.1 Committee Chairs and Vice-Chairs have additional responsibilities. These responsibilities mean that their relationships with employees may be different and more complex than those of other Members. However, they must still respect the impartiality of Officers and must not ask them to undertake work of a party political nature, or to do anything which would prejudice their impartiality.

#### **6.0 Officers**

6.1 The role of Officers is to give advice and information to Members and to implement the policies determined by the Council.

6.2 In giving such advice to Members, and in preparing and presenting reports, it is the responsibility of the Officer to express his/her own professional views and recommendations. An Officer may report the views of individual Members on an issue, but the recommendation should be the Officer's own. If a Member wishes to express a contrary view they should not pressurise the Officer to make a recommendation contrary to the Officer's professional view, nor victimise an officer for discharging his/her responsibilities.

#### **7.0 Meetings**

7.1 Inappropriate relationships can be inferred from language/ style. To protect both Members and Officers, Officers should address Members at all formal meetings as, Councillor XXX and Mr or Madam Chairman save where circumstances clearly indicate that a level of informality is appropriate. Similarly, when

addressing Officers at formal meetings of the Council, Members should address Officers by their post title.

- 7.2 A Member should not raise matters relating to the conduct or capability of an Officer at meetings held in public. This is a long-standing convention in public service. An Officer has no means of responding to such criticisms in public. If a Member feels they have not been treated with proper respect, courtesy or have any concern about the conduct or capability of an Officer, and fails to resolve it through direct discussion with the Officer, they should raise the matter with the Town Clerk who will then look into the facts and report back to the Member. Any action taken against an Officer in respect of a complaint will be in accordance with the provisions of either the Council's Disciplinary Procedure or Capability Procedure.

## **8.0 Expectations**

8.1 All Councillors can expect:

- A commitment from Officers to the Council as a whole, and not to any individual Councillor, group of Councillors or political group;
- An effective and co-operative working partnership;
- Officers to understand and support respective roles, workloads and pressures;
- A timely response from Officers to enquiries and complaints;
- Officer's professional advice, not influenced by political views or personal preferences;
- Regular, up to date, information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities or positions that they hold;
- Officers to be aware of and sensitive to the public and political environment locally;
- Respect, courtesy, integrity and appropriate confidentiality from Officers;
- Training and development opportunities to help them carry out their role effectively;
- Not to have personal issues raised with them by Officers outside the council's agreed procedures;
- That Officers will not use their contact with Councillors to advance their personal interests or to influence decisions improperly;
- That Officers will at all times comply with the relevant code of conduct/ staff handbook.

8.2 Officers can expect from Councillors:

- A working partnership;
- An understanding of, and support for, respective roles, workloads and pressures;
- Leadership and direction;
- Respect, courtesy, integrity and appropriate confidentiality;
- Not to be bullied or to be put under undue pressure;

- That Councillors will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly;
- That Councillors will at all times comply with the council's adopted Code of Conduct.

## **9.0 Political Groups**

- 9.1 The operation of political groups is becoming more of a feature within Town and Parish councils, but it is worth repeating that it is NALC policy that party politics should have no place in parish councils. Town and Parish Councillors are there to serve their community as members of the community, and should not be sidetracked by party political issues. Party politics within a Town and Parish council can pose particular difficulties in terms of the impartiality of the Clerk and other employees, and the relationship between Members and Officers generally.
- 9.2 Party political groups have no power to require the Clerk or any other officer to attend group meetings or to prepare written reports for them, and employees can legitimately refuse to do so. The Clerk and other Officers are responsible to the council as a whole and should not take action under instructions from any individual Member, even if he/she has been styled as 'Leader' of the council.

## **10. When things go wrong**

- 10.1 From time to time the relationship between Members and Officers may break down or become strained. Whilst it is always preferable to resolve matters informally, through conciliation by an appropriate third party, the council has an adopted formal grievance procedure should it be required.
- 10.2 The Chairman of the council should not attempt to deal with grievances or work related performance or line management issues on their own. The council has a Personnel Committee with delegated authority to deal with all personnel matters.
- 10.3 The law requires all employers to have disciplinary and grievance procedures. The Councils grievance procedure enables individual Officers to raise concerns, problems or complaints about their employment in an open and fair way.
- 10.4 If a Member is dissatisfied with the conduct, behaviour or performance of an Officer, the matter should be raised with the Town Clerk in the first instance. If the matter cannot be resolved informally, it may be necessary to invoke either the council's disciplinary procedure or capability procedure.
- 10.5 Where an Officer feels that he/she has not be properly treated with respect and courtesy by a Member, he/she should raise the matter with the Town Clerk. In these circumstances the Town Clerk will take appropriate action either by approaching the individual Member and/or Chairman or by referring the matter to the Personnel Committee.

10.6 Where the complaint cannot be resolved, it will be referred to the Monitoring Officer at East Devon District Council.

## **11.0 Conclusion**

11.1 Mutual understanding and openness on these sensitive issues and basic respect are the greatest safeguards of the integrity of the Council, its Members and Officers.

11.2 Copies of the Protocol will be issued to all Members, upon election or co-option, and to all Officers as part of their induction pack / staff handbook.

**Full Council Monday 4<sup>th</sup> September 2017**

**Agenda item 16**

**To consider correspondence from the Environment Agency  
regarding Fisherman's Gap**

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**From:** Brooker, Lydia J <[Lydia.Brooker@environment-agency.gov.uk](mailto:Lydia.Brooker@environment-agency.gov.uk)>

**Sent:** 12 July 2017 09:26

**To:** Cllr Marcus Hartnell; Cllr Peter Burrows; Cllr J A Knight

**Subject:** Environment Agency Enquiry - Fishermans Gap, Seaton

Hello,

I am contacting you from the Environment Agency to discuss some upcoming works on Fisherman's Gap gate by the roundabout at Seaton seafront. At this point it is very early days and the works are not imminent but we are gathering information from other parties that may affect the works and what alterations can be made.

For context, the Environment Agency have raised concerns about the safety of the gate for those operating it. As you may be aware, each gate is over 5m long and the width of the path on the beach side of the wall is only 3.5m. The gates are pushed closed and are quite heavy. The concern arises from the uneven ground under the arc of the gate and the effort required in getting the gates to move, and to stop them once they pick up momentum.

One of the options being considered is whether to reduce the size of the gate since fishing boats no longer launch from here, East Devon Council have said they haven't had a boat concession on the beach for a few years now. We are trying to ascertain the usage of the gate and by what parties so we can determine, if we did reduce the size of the gate, what width would need to be maintained for access.

If you have any information regarding access through the gate that we may not be aware of, then please do let us know. Like-wise any information on public events that use the area by the gate or require access through the gate. I am aware that there is a planning application in for works on the Esplanade that is awaiting a decision. Do you have any further information on this and whether you think works on the gate, potentially at the end of this financial year or in the next, may present any conflicts?

If you have any questions then please do ask.

Regards,

Lydia

**Lydia Brooker** | MEng  
Graduate Mechanical Engineer  
Environment Agency | Devon, Cornwall & Wessex | MEICA Team