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Contact: **Sally Gabriel**  
Telephone  
:  
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**Date 21 April 2016**

Dear Member

Council – 27 April 2016

I am now able to enclose, for consideration at the next meeting of the **Council**, the following reports that were unavailable when the agenda was printed.

7 **Committee Reports** (*Pages 5 - 14*)

Scrutiny Committee

18 April 2016  
Chairman's Annual Report (amended – shown in brackets)

Yours sincerely

Julia Stuckey  
Member Services Officer

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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **SCRUTINY COMMITTEE** held on 18 April 2016 at 2.00 pm

### **Present**

#### **Councillors**

F J Rosamond (Chairman)  
Mrs H Bainbridge, T G Hughes,  
Mrs J Roach, T W Snow, Mrs G Doe,  
Mrs A R Berry, R Evans, D J Knowles and  
Miss C E L Slade

### **Apologies**

#### **Councillor(s)**

Mrs C P Daw, Mrs S Griggs, N A Way and R M Deed

### **Also Present**

#### **Councillor(s)**

R L Stanley and Mrs M E Squires

### **Also Present**

#### **Officer(s):**

Liz Reeves (Head of Customer Services), Julia Stuckey (Member Services Officer) and Amy Tregellas (Head of Communities and Governance and Monitoring Officer)

## 153 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr Mrs C P Daw who was substituted by Cllr Miss C E L Slade, Cllr Mrs S Griggs, Cllr N A Way and Cllr R M Deed who was substituted by Cllr D J Knowles.

## 154 **PUBLIC QUESTION TIME**

There were no members of the public present.

## 155 **MEMBER FORUM**

Cllr Mrs J Roach raised the matter of Safeguarding and the review that was being undertaken by Devon County Council following an incident in Tiverton. The Head of Communities and Governance informed the Committee that the appreciative enquiry had now been completed and that a high level verbal summary had been issued. The officer was waiting for the lead officer to report back to her and hoped that an update would be provided at the next meeting.

Cllr T W Snow raised the matter of recycling materials being sent to landfill in some areas of the country due to the fall in their value. The Head of Communities and Governance assured the Committee that officers kept a close eye on the value of materials and worked with other local authorities to ensure that the best prices were obtained.

## 156 MINUTES OF THE PREVIOUS MEETING

The minutes of the last meeting were approved as a correct record and **SIGNED** by the Chairman.

## 157 DECISIONS OF THE CABINET

The Committee **NOTED** that none of the decisions made by the Cabinet at their last meeting had been called in.

## 158 CHAIRMAN'S ANNOUNCEMENTS

The Chairman thanked the Committee for their contribution in the last year.

## 159 CABINET MEMBER FOR THE WORKING ENVIRONMENT AND SUPPORT SERVICES

The Committee had before it a report \* updating it on services covered within the remit of the Cabinet Member for the Working Environment and Support Services.

The Cabinet Member outlined the contents of the report. Discussion took place regarding:

Community Safety – a project to upgrade the CCTV system in Tiverton was underway which would improve picture quality;

Fly tipping and whether offenders could be prosecuted if evidence of their address was found within the waste;

Anti-social behaviour and statistics which were reported to the Community Well Being Policy Development Group (PDG) annually;

Modern Day Slavery was considered to be a high risk in Mid Devon owing to the high number of jobs in agriculture;

The Cabinet Member attended the monthly Police and Crime Commissioners Scrutiny Panel;

Computer fraud and the risks of this;

Electoral Services were busy organising two elections, the Police and Crime Commissioner and the EU Referendum;

Electoral Registration encouraged 16 years olds to register to ensure that they could vote when they were 18;

Legal Services – whether or not the Legal Service was adequately staffed to cope with the high level of work that was being processed due, in the main, to property sale and purchase. The Head of Communities and Governance informed the Committee that a new Business Support Officer had been appointed and that the Legal Executive was leaving and was being replaced by a Solicitor. She was

constantly reviewing the situation, was aware of issues caused by delays in legal work and was working with the team to rectify this;

Public Health – Concerns regarding the health of staff and their ability to continue manual lifting as they would be required to work to an older age and the question of whether they would be able to undertake such physical work;

The Public Health agenda appeared to give no reference to diet and nutrition;

How the Public Health agenda was determined;

Customer Services – The Crediton Office had closed and the Town Council had been moved downstairs. The Town Council were being very helpful in dealing with the public and had been provided with a leaflet giving all contact details for the authority. A surgery was being held fortnightly to ease the transition;

A personal experience of the ‘tell us once’ scheme was praised;

The Annual Complaints report which was reported to Cabinet annually;

Freedom of Information data files not being published on the website which the Cabinet Member would look into;

Human Resources – the annual appraisal system was being reviewed to consist of more regular discussion throughout the year.

The Chairman thanked the Cabinet Member for her comprehensive report.

Notes: i) Cllr Mrs J Roach declared a personal interest as she was working with a charity that was purchasing a property from the authority and the Legal Service was dealing with the sale.

ii) \* Report previously circulated and attached to Minutes.

## 160 **RIPA UPDATE**

The Committee had before it a six monthly update \* from the Legal Services Manager regarding RIPA.

The Head of Communities and Governance outlined the contents of the report, confirming that there had been no cases of RIPA being used in the year 2015-16. Usage had decreased due to the Protection of Freedoms Act which prevented the use of covert surveillance for crimes that did not hold a sentence of at least six months.

The Officer confirmed that recommendations and actions from the Office of Surveillance Commissioners had been completed, other than training which was ongoing.

Discussion took place regarding;

- There was a potential to use covert surveillance to prosecute for fly tipping;

- It was necessary to go before the magistrates for permission prior to any investigation;
- Successful prosecutions had taken place in the past regarding fly tipping but could be expensive.

Note: \* Report previously circulated and attached to Minutes.

#### 161 **COMMUNICATIONS WORKING GROUP SIX-MONTHLY REVIEW**

The Group had before it a report \* from the Head of Customer Services regarding recommendations from the Communications Working Group. The Officer explained that the Working Group had been put in place in August 2013 and progress on their recommendations had been reviewed six-monthly since then.

Discussion took place regarding the fact that the Chief Executive had shown some concerns regarding communication and it was **RESOLVED** that this matter be left with him to move forward.

It was **AGREED** that an agenda item be added for 12 months' time in order that Members could assess progress from a Members perspective.

(Proposed by Cllr Mrs J Roach and seconded by Cllr F J Rosamond)

Note: Report previously circulated and attached to Minutes.

#### 162 **COUNCIL WEBSITE**

The Committee had before it a report \* from the Head of Customer Services regarding the authority's website. The officer explained that the website should be the first port of call for members of the public and should be seen as a 'shop window' as well as a place for carrying out tasks.

Discussion took place regarding recent changes which had made it more difficult for Members to access Committee pages and the need for improvements to the search facility regarding the Councillor and Democracy pages. The Head of Customer Services agreed to look into this.

Note: Report previously circulated and attached to Minutes.

#### 163 **CHAIRMAN'S ANNUAL REPORT**

The Group had before it and **NOTED** a draft report \* by the Chairman on the work of the Committee since May 2015. Subject to a few minor grammatical changes a final copy of this report would be submitted to Council on 27 April 2016.

Note: - Report previously circulated and attached to Minutes.

#### 164 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING**

Tiverton Pannier Market

Review of Planning Committee Procedures  
Devolution  
Safeguarding  
5 Year Land Supply  
PORTAS

(The meeting ended at 4.00 pm)

**CHAIRMAN**

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# Scrutiny Annual Report

**18 April 2016**

In reviewing the last year how would we recognise successful scrutiny?

- Has it influenced outcomes through policy development review, performance review and by internal and external challenge?
- Has it influenced process through informed debate, Member involvement and public involvement?
- Has it implemented the four principles of good scrutiny: - providing a critical friend challenge to the Cabinet as well as external agencies and holding the Executive to account?
- Reflected the voice and concerns of the public?
- Taken the lead on behalf of the public?

This represents a challenging agenda for a committee which meets but monthly and whilst well supported by our Member Services colleague, Julia Stuckey, and the professional contribution of officers, is unable to call upon the resources of a dedicated Scrutiny Officer. Regrettably a proposal to deploy an intern from Exeter University failed to attract any interest. Much therefore depends on the enthusiasm and integrity of Scrutiny Committee Members and its effectiveness on their capacity to act in a non-party political way. It is therefore encouraging to report that the Committee made determined strides to achieve the above agenda and had a full and busy year.

A noticeable feature is the respect which Members of the Cabinet demonstrate when they are held to account on their portfolio and the vigour with which they are challenged by Members – similarly replicated when officers are challenged. However it is important that such dialogue is conducted with mutual respect and understanding of different roles.

Apart from these regular interrogation of members of the Cabinet on the effective performance of their portfolios, the Committee has directed attention to the following:

- Staff survey outcomes to assess the morale and well being of staff, coupled with staff sickness
- Conservation and Listed Building issues, particularly in respect of Cullompton
- Progress towards Digital Transformation to generate efficiencies in working methods and a concern that there should be a concomitant recognition of the needs of those members of the public unfamiliar with digital methods. There was also regard for its impact on Town and Parish Councils and the technical and financial support available to them.

- An update on Economic Development , a key objective of the Council – an opportunity to commend the raised profile of MDDC in encouraging business development of Tiverton Town Centre and the District as a whole and raising the profile across the South West
- A timely presentation on Safeguarding of Children and vulnerable adults which indicated the active concerns of MDDC but identified an absence of effective coordination machinery *countywide*.
- Planning issues were uppermost on Members minds representing public concern, particularly the impact on local communities of Anaerobic Digesters. A request is to be made to the Environment Agency for MDDC to lead into the environmental permit regime and that it should take a lead in the coordination of all the agencies involved including the Environmental Health Service, Devon County Council, Public Health England and the Driver Vehicle Standards Agency. The Scope of important planning conditions to be reviewed to develop best practice for future application. There was also a call for a report regarding the enforcement Services delays in enforcement and plans to rectify this.
- A call for the update of the Town and Parish Charter and circulation to all Members.
- Links with local business and the new role of Tiverton Town Centre Manager to identify and address business needs and plans for the future. Regular information on the Pannier Market to be provided.
- Reassurance was sought on the implementation of RIPA (Regulations of Investigatory Powers Act) with MDDC and ongoing reassurance of its use, however now deployed exceptionally and under magistrate direction.
- Concern for people in low paid employment or self-employed with no hope of buying their own home and the diminishing quantity of social housing was raised with the Minister responsible to little effect unfortunately. A second letter has been sent at the Committees request.

### **External Representations**

The Committee invited and subsequently interrogated important representatives in the public sector who contribute to the community in Mid Devon.

- We welcomed both MP's – a first – in Neil Parish and Mel Stride who responded to members questions previously submitted and also to subsequent questions. A number of issues raised were taken back and answers sought e.g. Superfast Broadband.
- The Committee received an extensive report from the Police and Crime Commissioner, Tony Hogg, on the day prior to his appearance at the House of Commons to challenge the Police funding mechanism. With declining finance he explained the pressure facing the force including growing issues

such as mental health and domestic violence, child sexual exploitation, fraud and drugs. He also floated the concept of a referendum to address the funding issue as an alternative to the potential loss of 12-1300 jobs.

- The Committee were also able to question John Finn Managing Director of the Eastern Division of the Local Clinical Commissioning Group, a discussion once again dominated by resources or the absence thereof, but importantly he offered to bring subsequent sessions all the partners engaged in the wellbeing of the community – Public Health, NHS and Social Care – as a recognition that *comprehensive care* involves a multi-agency approach.
- *Members were very anxious to note the difficulty in coping with the after care of elderly people leaving hospital -or worse its absence causing bed blocking- and acknowledged the importance of building up local provision and support for an ageing population. Examples of good practice existed in the District but many more projects needed to be undertaken locally to spread good practice across the District to promote the welfare of our senior citizens*

### **Task and Finish Group**

The investigatory work of Scrutiny is often addressed via a task and finish groups and 2 groups have been established to examine key aspects of MDCC's business planning, namely reviewing efficiencies and partnership working. I appreciate the extra time that Members donate to this activity, the report of the former to be published shortly.

### **Call-in**

Call in is in one sense the 'nuclear button' which should only be used rarely and when the Executive is out of line with expected behaviour and needs to be hauled back from an ill-conceived action. It has been used twice this year – to challenge the Premier Inn proposed adaption to the multi-story car park which had not been flagged up as a key decision – a challenge not supported by the *Scrutiny* Committee. Secondly, concerns that car park charges in long stay car parks were contrary to the economic development priority of the Corporate Plan which the committee supported but fell at the Cabinet meeting. Although neither 'call in' succeeded within its own terms its potential use serves as a reminder that Scrutiny can both work with and equally hold the executive to account – part of the checks and balances of the Constitution.

In conclusion I hope the above demonstrates the efforts made by the Scrutiny Committee to adhere to the 4 principles and to achieve value to the community. Its agenda is determined by Members bringing forward issues of interest and concern from their contact with the public. I would like to thank Members of the Committee for their commitment, officers for their professionalism and especially Julia Stuckey who works tirelessly to keep the process on track.

Frank Rosamond  
Chairman

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