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Date 23 August 2016

Dear Member

Council – 31 August 2016

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

7 **Committee Reports** *(Pages 5 - 16)*

Scrutiny Committee Minutes 19 August 2016

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Yours sincerely

Sally Gabriel
Member Services Manager

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 19 August 2016 at 2.15 pm

Present

Councillors

F J Rosamond (Chairman)
Mrs A R Berry, Mrs J B Binks, R J Dolley,
Mrs G Doe, R Evans, Mrs J Roach,
Miss C E L Slade and T W Snow

Apologies

Councillor(s)

Mrs H Bainbridge, Mrs C P Daw, Mrs S Griggs,
T G Hughes, N A Way and J L Smith

Also Present

Councillor(s)

R M Deed, C J Eginton, Mrs B M Hull, R L Stanley and
C R Slade

Also Present

Officer(s):

Andrew Jarrett (Head of Finance), Amy Tregellas (Head of Communities and Governance and Monitoring Officer), Liz Reeves (Head of Customer Services), Sally Gabriel (Member Services Manager) and Julia Stuckey (Member Services Officer)

31 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr Mrs H Bainbridge who was replaced by Cllr Mrs J D Binks for this meeting only, Cllr Mrs C P Daw who was substituted by Cllr Miss C E L Slade, Cllr Mrs S Griggs, Cllr J L Smith who was substituted by Cllr R Dolley and Cllr N A Way.

32 **PUBLIC QUESTION TIME**

There were no members of the public present.

33 **MEMBER FORUM**

There were no issues raised under this item.

34 **MINUTES OF THE PREVIOUS MEETING**

Subject to the addition of wording at Minute 29 to include 'discussion took place regarding the evidence base; Members sought clarification regarding data protection and the sharing of information and that an update be received from the Head of Communities and Governance following the October meeting to clarify that action was being taken, the minutes of the last meeting were approved as a correct record and **SIGNED** by the Chairman.

35 DECISIONS OF THE CABINET

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

36 CHAIRMAN'S ANNOUNCEMENTS

The Chairman informed the Committee that the Vice Chairman had fallen and suffered an injury, the Committee sent their best regards.

37 MEETING MANAGEMENT

The Chairman informed the Committee that he intended to rearrange the order of agenda items so that items 8, 10, 11, 13 and 14 were taken prior to items 7, 9 and 12.

38 WHISTLEBLOWING UPDATE

The Head of Communities and Governance informed the Committee that there had been one case reported since the last update and that this was currently being investigated. The Officer informed the Committee that there was a robust policy for whistleblowing in place and that there were other HR Policies available that staff could use to raise concerns if they wished.

39 SHOP FRONTS (00:08:00)

The Committee had before it a briefing paper * from the Head of Communities and Governance providing an update on the Tiverton Shopfront Facelift Scheme.

The Officer explained that following the unexpected resignation of the Grants and Funding Officer for Cullompton at the beginning of July, the shopfront scheme had not been actively promoted. However, one outstanding application had been approved, and two queries followed up. It would probably be necessary to re-advertise the scheme in the autumn, once the long-term administration of the scheme was confirmed.

Discussion took place regarding:

- Whether there was a fund available for Crediton;
- Levels of funding available;
- Officer attendance at the Tiverton Business Forum to promote the scheme;
- The resignation of the Tiverton Town Centre Manager and the responsibilities of the Economic Development Team;
- Street furniture and the need to ensure that the town centres looked as attractive as possible.

Note: - * Briefing Paper previously circulated an attached to Minutes.

40 **EQUALITIES/HATE CRIME (00:25:39)**

The Head of Communities and Governance provided an update regarding Equalities and Hate Crime.

Members had requested information as to whether the number of hate crimes reported in mid Devon had increased in the run up to and post Brexit. Inspector Bradford from the Police had confirmed that there had not been an increase in incidents prior to or after the EU referendum as recorded by the Police.

In terms of the statistics for Mid Devon, Inspector Bradford looked at the period 01/06/16 to 31/07/16 and compared the same period in 2015. Overall there were 3 crimes recorded in 2015 and 2 in 2016 and none of the crimes in 2016 were attributable to the EU referendum.

The breakdown was one crime in Tiverton and one in Crediton with no crime recorded in Cullompton in 2016. In 2015 there was one crime in Crediton and two in Tiverton with none recorded in Cullompton.

The Chairman raised the matter of an email that had been received by a number of Members regarding racist and xenophobic incidents and it was **AGREED** that in instances such as this the Police must be called. The Equalities pages of the website would be updated to make this clear.

41 **PARISH LIAISON (00:32:35)**

The Chairman had requested that the Committee discuss communication with town and Parish Councils following reports he had received from Parish councillors regarding information that had not been passed to them. He asked that Members considered whether the Authority did enough to inform and to help individual councillors liaise with their Parishes? He explained that with more responsibility being passed to town and Parish Councils it was important that good channels for communication were in place.

The Head of Communities and Governance raised the issue of how much information was appropriate and reported that in the past town and Parish Councils had complained that they received too much information. There could also be issues with the cascade of information from Parish Clerks to councillors.

Discussion took place regarding:

- Two way communication and the need for local Councils to keep the District Council informed regarding changes to their Membership;
- The need for District Councillors to ensure that their local council was kept informed;
- The Parish Matters newsletter, which had been discontinued following reports that it was not read.

It was **RESOLVED** that a working group be put in place to scope the extent of the issue and that the Group consist of Cllrs Mrs G Doe, Mrs A R Berry and Cllr F J Rosamond.

(Proposed by the Chairman)

42 **RIPA 6 MONTHLY UPDATE (00:42:00)**

The Committee had before it an update * from the Head of Communities and Governance regarding the Regulation of Investigatory Powers Act (RIPA).

The officer reminded the Committee that at its meeting on 18th April 2016 it was agreed that progress against the remaining outstanding action be brought back to the Scrutiny Committee in 6 months' time. The outstanding action was to ensure that future training addressed weaknesses set out in the report and the officer confirmed that following this four officers had undertaken Covert Human Intelligence Sources (CHIS) training on 19th July 2016. Following this training a corporate policy was now being developed and training was being rolled out to staff in respect of RIPA, CHIS and Open Source Research. The Head of Communities and Governance would attend staff team meetings where appropriate to brief them on these matters.

Cllr Mrs J Roach raised the matter of a question that she had asked at Council on 9th September 2015 when she was informed that covert surveillance was not being used. The Head of Communities and Governance explained that covert surveillance could be a useful tool but that the regulations had changed with the Protections of Freedoms Act to mean that it could only be used for crimes that received a sentence of 6 months or more. Housing Benefit fraud did not receive a sentence of 6 months and therefore the main reason for using it had diminished. There had been no cause to use RIPA in the last few years but it could be used if appropriate.

Discussion took place regarding other methods of investigating fraud, such as data matching and what did and did not constitute 'covert' regarding social media.

Note: - * Report previously circulated at attached to Minutes.

43 **DIGITALISATION FOR MEMBERS (00:55:09)**

The Committee had before it a report * from the Head of Customer Services and the Member Services Manager regarding digitalisation and the introduction of iPads for Members.

The Head of Customer Services explained that as part of the Business Transformation Programme to modernise working practices and to ensure efficient and best use of information available, a range of new services had been provided to Members over the past 18 months. This had included the issue of new ICT equipment and the move to Modern.Gov as the administrative system for Member Services.

The Member Services Manager explained that Modern.Gov removed a lot of double entry work for officers as it was an automated system for publishing agendas and Minutes and that this had allowed one member of staff to reduce her hours. Ongoing savings were also being made by the team taking on additional parish liaison work

therefore allowing savings to be made to the corporate budget. The aim was to support Town and Parish Councils alongside Members.

Discussion took place regarding:

- The number of Members receiving paper copies of agendas;
- Some training needs regarding iPads and potential workshop style sessions to be arranged to address this;

Members reported that IT staff had been very helpful in addressing issues and asked that their thanks be passed on.

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

44 **CAR PARKING (01:08:47)**

The Committee had before it a report * from the Head of Finance providing an update on car parking after the first 3 months of the new charging strategy.

The Head of Finance reminded the Committee that during 2015/16 the Managing the Environment Policy Development Group had set up an officer and Member working group to review the current car park charging policy and then made recommendations on a new policy to be implemented in April 2016. The review had looked at usage levels, benchmarked charges against neighbouring Councils, considered more free periods, reviewed concessions and considered economic consequence.

After an extensive consultation process, reported at all of the 34 car parks and advertised in the local press and at the Council offices, the main changes were made to the new charging policy were:

- The removal of the £1 tariff for 5hrs parking in the 3 long stays
- But freezing the £2 tariff for all day parking
- Introducing a 30min free period during the evening and freezing the overnight charge at a £1
- Extending the free period at Westexe and Phoenix House to 30 mins
- Introducing a 30 minute free period at William St and Wellbrook St
- Reducing Sunday and BH charges to £1.

At the last meeting of the Committee a question had been raised regarding the fact that the parking tickets issued in the multi storey car park indicated that ticket holders could stay until 2.am although the car park actually closed at 8.00pm. The Head of Finance explained that this was an issue with the vending machine settings which the contractor has been asked to change. He also pointed out that the car park may become 24 hour when the Premier Inn was operational.

The Officer explained that the report contained 3 months' worth of data (a further month was now available) but that the vend analysis for May and June was not accurate due to a fault in the system and therefore only the data for April and July could be used for analysis.

The data provided clearly showed that income had increased across all of the councils pay and display car parks since the new fee structure had been introduced. However, without accurate vend analysis it was impossible to draw meaningful conclusions from the vend data provided. The officer reminded Members that other issues such as weather, fuel prices and road closures for example, could affect overall vend data and therefore it would be difficult to prove any direct cause.

The officer confirmed that income had increased on the same period last year by 13%.

The working group would be reconvened when there was 6 months' worth of data available to review.

Discussion took place regarding:

- Improvement works to the multi-story that were outstanding;
- Negative feedback from members of the public regarding the £2 charge for a whole day and the removal of the 5 hour tariff;
- Positive feedback from visitors to Phoenix House regarding the charging levels;
- Officers would ask the Business Forum for feedback regarding fees;
- Impact of free parking concessions on other car parks in close proximity.

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

45 **ANNUAL REVIEW LETTER 2015/16**

The Committee had before it the Annual Review Letter 2015/16 * from the Local Government Ombudsman which provided an annual summary of statistics on complaints.

The Head of Customer Services informed the Committee that this was an annual report and that it had been included within the annual complaints report to Cabinet. No complaints to the Ombudsman had been upheld in the past year.

Discussion took place regarding the Ombudsman and the fact that it did not accept complaints from Members.

It was **RESOLVED** that a letter be sent from the Committee requesting that the Ombudsman consider accepting complaints from Members as part of their reform.

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

Note: - * Annual Review letter previously circulated and attached to Minutes.

The Chairman welcomed the Member of Parliament for the Tiverton and Honiton Constituency, Neil Parish, to the meeting.

The following questions were put to the MP:

Local Authorities draw up Local Plans to control development. Common sense says that these should stay in force until replaced by an updated version. The Planning Inspectorate seems to have carte blanche to ignore these plans, particularly Settlement Limits, which means that sooner or later our much loved Devon villages will become towns. Would you please ask the Government to put the Planning Inspectorate back in its cage?

Mr Parish said that he considered that the Planning Inspector needed to recognise Local Plans and not overrule. He had written to the inspectorate to point out issues on previous occasions but had no powers to intervene. He asked Members to forward specific instances to him so that he could take them forward.

Does Mr Parish share concerns that there appears to be no way that action can be taken to ensure that Japanese knotweed is dealt with appropriately? Will he take this matter up with a minister?

The MP said that he was more than happy to take this matter up and that he would also make enquiries regarding ragwort.

Is there a realistic prospect regarding the alternate quarry route at Longwood Lane, Burlescombe ever being developed, seeing that Aggregate Industries will not contribute because they feel they already pay enough tax and the LEP criteria is not satisfied? Also the present estimate from Devon County Council did not seem adequate given the improvements required and by the time anything happened would doubtless have increased, current £7m plus. Should we now cease to raise false hopes amongst the residents?

Mr Parish said that he had attended a meeting with the quarry management and that they had said that they would not contribute towards the road as they already paid taxes. He had asked to meet with the Swiss owners and was proposing a parliamentary debate regarding this. He had suggested a potential alternative route and was planning to meet with an officer from the County Surveyors Office to walk it. The quarry had a long life left and he didn't know if he would get the road but he was 'upping the temperature'.

Patients in Mid Devon have very long waiting times for cataract surgery. This is not cosmetic but vital surgery to ensure quality of life, enable people to work and prevent accidents. They may not be in pain but it has a huge impact on their lives, their independence and in the case of younger people their ability to carry out their job or business - particularly inhibiting their ability to drive in the winter months when daylight is short. What is the government doing to improve the situation? Can you press the Minister to address this as a priority?

Mr Parish said that he would contact the Clinical Commissioning Group to find out if this type of surgery could be carried out in Tiverton. He was hoping that the Royal

Devon and Exeter takeover of services would help the situation. He would also take up the matter of the Urgent Care Centre not being Doctor led from the autumn.

The recently published report of the Chartered Institute of Housing warns that 350,000 social rented homes may be lost, thus making the housing crisis worse. Council and Housing Association tenants would suffer massive rent rises and new tenants, some of them vulnerable, could be denied the security of a permanent home. Communities will suffer as families are priced out of their neighbourhoods. The Housing and Planning Act is due to return to Parliament after the recess. Could you please request the Government to think again about what has been described as this "ill conceived, damaging divisive and unworkable legislation?"

The MP said that he was in favour of people owning their own homes but the situation with housing associations, removing rental accommodation from the market, was an expensive option. He considered that this needed to be looked at again and he would make enquiries regarding this.

Pay to Stay

Can you offer some opinion on this topic – specifically:

How are Local Authorities obtaining income information i.e. HMRC?

With changes to Cabinet and Prime Minister is the proposal destined for the dustbin?

Mr Parish said that he could see the argument for this happening but could also understand the complexities of operating the system. He offered to discuss this with the Housing Minister to get some clarity.

Right to Buy

The current level of discount, particularly in district councils similar to MDDC is not sustainable, replacement stock is not keeping up with losses.

What is your position and anticipated actions proposed to rectify the problem?

The MP offered to discuss this matter with the Housing Minister and to point out that with the discounts given it was not possible to replace the stock. He would ask that this be reviewed.

New houses, especially affordable ones, need to be affordable not only to rent or buy, but also to live in. Would you please ask the Government to update Building Regulations to compel builders to ensure all houses are as energy efficient as possible?

Mr Parish explained that MP's were trying to get an amendment in regarding planning legislation which would mean that the energy saving would need to be recognised when building the house. He also said that most of the properties that he had officially opened for housing associations had good standards for energy efficiency and heat source options were very efficient. Currently rules regarding affordable homes were higher than on private sector applications.

The last district elections were held at the same time as the General Election. Does Mr Parish share my concern that combining these two elections had a negative effect on small parties and independents?

Mr Parish said that he believed the electorate preferred elections to take place on the same day and that the practicalities of asking people to vote on more occasions would not increase the turnout and it was possible that less people would vote if there were more days. There were also cost savings in running the elections together. With the current timing of elections it was unlikely that District and General elections would coincide very often.

I am pleased the PM is reviewing the proposals for Hinkley Point contract with EDF and the Chinese. If built the cost per KW of energy from this plant will be very high. Recent reports in the Times suggest that the cost per kW will be higher than renewables, given that the comparison was based on 2013 figures - since when renewable technology, particularly wind and solar has become more efficient, the cost per kW has reduced and there is now a realistic potential to store the energy generated from these sources. We have no answer to the costly and environmental problem of how to safely dispose of nuclear waste. What are the chances of Hinkley being ditched in favour of more renewable technologies?

The MP said that he considered that there would be a Nuclear Power Station at Hinkley in the future but not necessarily the planned one. He felt that renewable energies were needed but with a base load from nuclear power. He considered the EDF plant to be expensive and doubted that it could be delivered on time. His view was that it should be built by ourselves with our own money, but this would increase borrowing. He thought there would be a complete review which would include renewables and nuclear. He was very in favour of tidal energy.

Starter Homes

The principle appears to be an 'off the cuff' policy.

What do you think the process will do for those people who need 'social rent'?

Mr Parish said that this would be part of the Affordable Homes Policy, for which there was little information as yet.

Rent Reductions

What are you intending, if anything, regarding the emergence of the government dictate to reduce social rent by 1% per annum for the next 4 years. This change in direction so rapidly after previously indicating that the rents should increase by 2 ½ plus inflation. The effect on this authority is some £4.0m in lost income which will have a detrimental effect upon repairs, maintenance and the opportunity to invest in new homes.

The MP said that he believed rents should be high enough to allow for properties to be kept in good well maintained condition. He would ask for this to be reviewed.

The best way to meet local housing needs is through a Community Land Trust. Would you please ask this Government to abandon the last Government's ill-considered policy of selling Housing Association property and ensure proper funding of CLT's into the future?

Mr Parish agreed and said that he would continue talking to Ministers regarding a review of the sale of housing association property.

Traffic problems in Cullompton. Lack of a relief road to take traffic away from the centre of Cullompton has contributed to its decline, causes frequent congestion and is stifling attempts to regenerate. Air quality is way below safe levels. The town has already grown exponentially, in the Local Plan 1,200 new houses are approved for the NE Development and 2,600 proposed for East Cullompton. There are now suggestions that a further 2,400 houses may be required in order to ensure that access to the M5 is improved and the Eastern Relief road is brought forward. This is totally unacceptable to local people.

In addition plans for traffic to be diverted from Willand Road through the NW Development to Swallow Way via Kingfisher Reach, is likely to be a disaster, the Kingfisher Reach section being totally unsuitable.

We need adequate infrastructure before there is more development - can something be done help us achieve this?

Mr Parish replied that there was a need to ensure that infrastructure was put in place upfront of development. He said that there were methods where certain amounts of money could be borrowed for this to happen. He appreciated that there were already problems with the roads in and around Cullompton and the M5 junction so these problems needed to be solved with the proposed development. Cullompton and Kentisbeare could not be expected to take all the development without infrastructure.

It is apparent that BT- presumably Open Reach inspired- is not providing the level and extent of broadband service suggested by the phrase "superfast broadband" in our rural areas, including Exmoor and the Blackdown Hills, even when specifically advertised and, where possible subscribed thereto. Whosoever is the ISP, the infrastructure of fibre and copper cables is provided by BT, and the responsibility for the service rests ultimately with BT. You have a long association with this problem and are aware of the huge disappointment and dissatisfaction at this state of affairs, compounded by the Government's rejection of a Blackdown Hills consortium bid promoting a different solution to that offered - or not, as the case may be- by BT.

What moves is the Government making to fully implement its declared policy of broadband for all as a public utility, to protect the interests of the rural community? What efforts are being made by you good self and other SW MPs to pressurise BT as seemingly the only universal provider to overcome the apparent diffidence on the part of BT or to seek to foster alternative provision to satisfy local concern.

The MP said that he was as frustrated as everyone else by this and that a lot of money had been put in by councils and the government. The situation now was that the delivery for Devon and Somerset was out to tender and he understood that there were probably 3 -5 serious contenders. Time had been lost but there was now a chance to get more competition and contracts would be broken up into smaller delivery parcels, which was good news after having had such a vast contract. There was a need to get as much fibre optic cable out there as possible because though some Exmoor and Dartmoor radio systems were working they were not a total success. BT had to deliver where they had an existing contract. Mr Parish considered broadband to be 4th utility service and that it needed to be delivered.

It was **AGREED** that a Member Briefing be put in place with Kerry Denton of CDS so that all Members were kept up to date with this matter.

The Chairman thanked the MP for his attendance.

47 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING

Establishment
Cabinet Member for Housing
Performance and Risk
Clinical Commissioning Group and Devon County Council

(The meeting ended at 5.22 pm)

CHAIRMAN

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