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Date 16 February 2017

Dear Member

Council – 22 February 2017

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.

9 **Meeting Reports (b)** *(Pages 3 - 12)*

Scrutiny Minutes 13 February 2017

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 13 February 2017 at 2.15 pm

Present

Councillors

F J Rosamond (Chairman)
Mrs H Bainbridge, Mrs C P Daw,
Mrs G Doe, S G Flaws, Mrs B M Hull,
T G Hughes, Mrs J Roach, J L Smith,
T W Snow and N A Way

Apologies

Councillor(s)

Mrs A R Berry

Also Present

Councillor(s)

R M Deed, R J Dolley, C R Slade, R L Stanley and
Mrs M E Squires

Also Present

Officer(s):

Jill May (Director of Corporate Affairs and Business Transformation), Catherine Yandle (Internal Audit Team Leader), Alan Ottey (Market Manager) and Julia Stuckey (Member Services Officer)

97 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr Mrs A R Berry.

98 **PUBLIC QUESTION TIME**

Miss S Coffin, referring to item 8 on the agenda said that with regard to the apparent high performance figures stated in paragraph 7 (page 16) we dispute the satisfactory situation reflected in the stated 95%. This is not the experience of affected Templeton residents over the past 10 – 12 years although it could be construed as reflecting the continuing effort and attitude of your officers to repeatedly rebuff and frustrate potential complainants.

Affected parishioners have experienced out of hours reports misdirected and delayed. Out of hours operators refusing complaints over the phone, officers visiting after the incident or pre-warning the offender of their presence. The problems Templeton has experienced have been regarding noise, increased traffic, fly infestations, odour, and breaches concerning boreholes with potential pollution. Your officers in Planning and Environmental Health have been unable or unwilling to accept that there may be a difference between rural and urban nuisance but it still needs genuine investigation instead of taking the route of least resistance and appeasement to what can, in some instances, verge on intimidation and bullying. Although initially it might appear easier and cheaper to treat the residents as a nuisance it emboldens the offender and leads to an escalation of the problem.

Since 2005 the individual referred to enlarged his dairy herd and operated a piece-meal mega farm without planning approval as well as operating an unlicensed milk transfer operation from an unsuitable location. The dairy business went into administration in approximately 2014 and residents have reported that he now appears to be operating an unlicensed transfer station from Cleave Farm and Crossparks, importing and exporting both slurry, digestate and feedstocks to and from the 8 Greener for Life Anaerobic Digesters across three counties. This includes the mixing of slurry and digestate from AD's in an open slurry pit just under and just over 100m from two individual properties. The unlicensed change of use has resulted in continual increase in emptying and filling of the slurry pits/containers at Crossparks and Cleave, rather than the acceptable two or three times a year.

Now we have experienced an escalation with a potential risk to health over the last three weeks, when effected residents suddenly experienced varying degrees of exposure to heavy unidentified gas omissions from Crossparks pit, resulting in adverse health symptoms which they have logged with their respective doctors with emergency services becoming involved. The affected residents are now insisting on an urgent correlated and comprehensive investigation between planning, Environmental Health as well as the Environment Agency and DEFRA with genuine intention to resolve the reported issues rather than the continual passing of this complex problem between them.

Templeton residents ask why their wellbeing and quality of life under the relevant Human Rights Act should be considered any less important than that of other residents of Mid Devon District Council. It is not only towns and cities that are entitled to reasonable air quality. Surely everyone has the right to be able to breath in their own home and garden without adverse health effects.

After all, your enforcement officers were able to identify the potential detrimental effect on residents within 400m of the excavated empty slurry pit at Pulsards Farm, Pennymoor ENF/16/00269/NUDRU for potentially exactly the same type of transfer operation, which they commented would be unlikely to obtain retrospective planning permission. Yet two properties within 100m distance from Crossparks slurry pit, which is actively being used as a mixing pit and as a transfer station, is not recognised as a nuisance by Environmental Health, who have been less than forthcoming in their efforts to acknowledge or resolve the continuing nuisance issues.

Finally may we respectfully remind Councillors that nuisance is within your councils remit under duties given to local authorities by the Environmental Protection Act 1990 you are required to investigate statutory nuisance complaints and to serve a notice when there is a statutory nuisance. You also have similar powers when there is a situation that is prejudicial to health. The standards of evidence needed to serve a statutory notice is on a balance of probability and not beyond all reasonable doubt.

Equally as we understand it a statutory nuisance to our residents will occur long before matters become prejudicial to health. However, continuous exposure to odours, that have already caused to varying degrees adverse effects on different individuals and which had already been reported to your officers would surely reflect on your councils responsibility for any ensuing heightened or continuing health problems.

Miss Coffey also referred to a question that she had asked on 12 December to which she had not yet received a response.

The Chairman indicated that these questions would be answered in writing.

99 **MEETING MANAGEMENT**

The Chairman indicated that he intended to take items 3 and 12 on the agenda after item 9.

100 **MINUTES OF THE PREVIOUS MEETING**

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

101 **DECISIONS OF THE CABINET**

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

102 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had no announcements to make.

103 **CLINICAL COMMISSIONING GROUP**

The Chairman welcomed Caroline Dawe, Deputy Chief Operating Officer, Northern Eastern Planning and Delivery Unit of the Clinical Commissioning Group to the meeting.

Ms Dawe gave a brief synopsis of the current situation, explaining that the Success Regime had been put in place as a partnership because of financial challenges. The Success Regime had been working for the last 18 months and from the Clinical Commissioning Group (CCG) perspective had undertaken a vast programme of work. The scheme was projected to start being more strategic and had delivered a financial programme. Then the Sustainable Transformation Plan (STP) was introduced which involved health working as a system with all of its partners, Devon County Council (DCC), acute providers, community providers and the Ambulance Service. This started to supersede but involve the work of the Success Regime. As part of the STP an overarching framework was put in place, which was available to view on the website. This document set out what the objectives were of each programme. Each programme was at a different stage, some were at workshop stage to understand best practice. 'Where your Future Care' sat within one of the seven work streams as integrated local care. This was about redesigning community services, district nurses and primary care, a cohesive set of community services to wrap around patients, ensuring they worked closely with social care providers to prevent admissions. Your Future Care was the first part of this programme which required three stages; comprehensive assessment to identify needs, the setting up of a single point of access and sufficient rapid responses to prevent people going into hospital. Your Future Care had been out to consultation and results were currently being collated. There had been a significant number of responses and attendance at engagement events.

Ms Dawe explained that levels of service currently varied throughout the area.

Discussion took place regarding:

- Bed-blocking and the reduction in community hospital beds; Ms Dawe explained that the beds that had been closed had not been in the right place and did not provide the right services. The CCG had been able to demonstrate that patients stayed longer in community beds than they did if they received more acute care followed by support at home. Community hospitals were relevant but needed to be equipped. Longer stays in hospital were not good for the patient in the longer term. The contract for 'Living Well at Home' led by DCC along with the CCG provided services across the area to manage social care for those staying at home. Work so far had been considered successful and the number of patients helped positive. Optimisation of beds, general efficiencies, good practice and diagnostics helped to get patients out of hospital sooner, reducing dependency, improving performance and flow through the hospital.
- Crediton and the need for hospital beds for patients from the area to be provided in Exeter rather than Tiverton or Okehampton to make allowance for local transport links;
- Hubs – A Hub was planned for Crediton and Ms Dawe explained that there was no blue-print as to what the Hub would be. Hubs in the area were at different stages of development and needed to be relevant to the community.
- Staffing – Royal Devon and Exeter (RDE) had a new model of care and would be introducing a new basic level nurse to work in the community.
- The need for paperwork for District Nurses to be reduced in order that they could spend more time dealing with patients.
- Good work that was happening in the community and the tendency to listen to anecdotal negative tales and not the thousands of hours of care that were working well.
- The need for authorities to work with the NHS to ensure that housing provision was appropriate for the population;
- The need to increase usage of Tiverton Hospital and changes to contract arrangements there.

The Chairman highlighted consultation that was taking place regarding the Sustainable Transformation Programme at the New Hall Tiverton on 6th March from 10.30am to 12.30.

Ms Dawe apologised that other agencies such as DCC had not been able to attend the meeting with her and offered to return at a later date if required.

The Chairman thanks Ms Dawe for her attendance.

104 **CABINET MEMBER FOR COMMUNITY WELL BEING**

The Committee had before it and **NOTED** a report * from the Cabinet Member for Community Well Being.

The Cabinet Member outlined the contents of the report, highlighting two recent reports regarding Leisure Pricing and Community Engagement.

A report regarding Leisure Pricing had been to the Community Policy Development Group who had recommended that the Cabinet Member agree the strategy and price increases by delegated decision. The Cabinet Member explained that it was within his delegated powers to make the decision but on this occasion he had consulted with the PDG.

The Cabinet Member explained that his report also included an update from Environmental Health, Licensing and Grants. It had been agreed that the grants process be changed to a commissioning approach and to date nine applications had been received. He would be meeting with officers within the next couple of weeks to assess those applications.

Discussion took place regarding:

- Changes to leisure pricing which allowed those with concessionary memberships to use the facilities without time restrictions;
- Food premises and scores on the doors;
- An accident and the investigation that had taken place;
- A meat prosecution case that was ongoing.
- Praise for the leisure website and its ease of use.

The Chairman thanked the Cabinet Member for his report.

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

105 **PANNIER MARKET SIX MONTHLY REVIEW (01:18)**

The Committee had before it and **NOTED** a report * from the Town Centre and Market Manager regarding the Pannier Market.

The officer outlined the contents of the report highlighting areas of improvement such as monthly trader meetings, the use of flags to brighten up the interior, the extent that events increased footfall, the measuring of footfall, lock-ups were now fully let with a waiting list, promotional work on social media, work with PETROC, monthly inspections of the premises, new website and logo, cycle racks and the potential to use click and collect.

The officer informed Members that in his experience it could take up to three years to revive a market.

Discussion took place regarding:

- A deep clean and decorate were underway and quotes had been received;
- The officer had met with a market trader to discuss the formation of a farmers market and was currently undertaking work to find out which would be the best day of the week to hold this;
- Policies were currently being updated and the officer had been in talks with DCC (Devon County Council) regarding the canal and the possibility of erecting signage there to direct visitors to the town centre and market;
- The successful Crediton Farmers Market;
- The success of South Molton Market which was assisted by still having a livestock auction market and it was only open on two days a week until 1pm. A number of traders had been attracted from there
- The proposed erection of multi coloured canopies and the need to introduce colour to the area;
- The possibility that DCC may wish to sell recycled goods from their recycling centre at the market;
- National statistics that indicated that face to face shopping within shopping centres, town centres and markets was down year on year.

It was **RECOMMENDED** to Cabinet that the Council focus on three key aims for the Pannier Market:

- a) To deep clean and decorate the market hall within 3 months.
- b) To introduce a farmers market by end of May.
- c) To update all policies for the market and put up signage including one for tolls by end of April.

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

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

- II) Cllr N A Way declared a personal interest as he was a Crediton Town Councillor.

106 MEMBER FORUM

Discussion took place regarding:

- Meetings of the Committee that had been moved to accommodate the attendance of the local MP's and the reinstatement of the meeting scheduled for 13 March 2017;

- Safeguarding and a report that was provided to the Committee by Devon County Council. An update would be provided at the next meeting;
- Car parking revenue and the number of vends; a report was requested for the next meeting to include changes in footfall for the town centres and an update from the Town Centre Manager and Economic Development Officer.
- Urgent decisions agreed by the Chairman of Scrutiny.

107 **CONSULTATION**

Cllr Mrs J Roach had requested that the Committee consider conducting a Scrutiny exercise in Tiverton, Crediton and Cullompton, to ascertain from the taxpayers their views on the authority and what they considered were the top issues in their community.

Discussion took place regarding;

- Whether or not the Committee should go out and talk to the public;
- Consultation that had already been undertaken that was identified within the report from the Cabinet Member for Community Well Being;
- The need for any questions asked to be specific and not to raise expectations;
- The need for caution when interpreting results and ensuring that the poll was demographic;
- The number of complaints received by some Members and the view that the public do not think highly of Members. Being known in the 'main street' may help improve their reputation;

It was **RESOLVED** that a working group be put in place to consult with the public; the group to comprise of Cllr Mrs C Daw, Cllr Mrs J Roach and Cllr J L Smith.

It was agreed that the Town Centre and Pannier Market Manager would be the lead officer for the Group and that a meeting be put in place to scope the project.

108 **PERFORMANCE AND RISK (02:03)**

The Committee had before it and **NOTED** a report * from the Director of Corporate Affairs and Business Transformation providing Members with an update on performance against the corporate plan and local service targets for 2016-17 as well as providing an update on the key business risks.

The Audit Team Leader outlined the contents of the report, reminding Members that Performance and Risk was now being reported on a monthly basis.

Discussion took place regarding:

- The number of garden waste permits sold;

- Car parking vends had increased during December;
- In Tiverton and Crediton the number of empty shops were below the national average;
- The increase in on road parking due to parking fee changes;
- The Town Centre Masterplan and a request for an update regarding this at the next meeting;
- Gas and electrical testing that took place in Council homes;
- The risk of an increase in homelessness and what was being done about this;
- Lone workers and procedures in place to protect them;
- The Pannier Market and an incident involving a door which had now been resolved.

Note: - Report previously circulated and attached to Minutes.

109 **DRAFT WHISTLEBLOWING POLICY (02.24)**

The Committee had before it a report * from the Director of Corporate Affairs & Business Transformation, presenting the Committee with the Draft Whistleblowing Policy.

The Audit Team Leader explained that the policy had been written in a way that directed it to employees rather than the employer and that hopefully this made it easier to read.

Discussion took place regarding the need for officers to feel confident enough to use the policy should they come across something that they believed was not right. The Director of Corporate Affairs & Business Transformation confirmed that training would be put in place once the policy had been adopted. She also confirmed that the Bullying and Harassment Policy could be used to protect staff at a later date and that any dismissal of an officer that had whistle blown would automatically be classed as unfair dismissal.

It was **RECOMMENDED** that the Audit Committee consider adding the Monitoring Officer to the list of people in section 5 that a concern could be raised with.

(Proposed by the Chairman)

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

110 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING**

Garden Village
Performance and Risk
Safeguarding Update
Update on actions taken by Environmental Health regarding specific issues

Update on the Tiverton Town Centre Masterplan
Car Parking (vends and footfall in the town centre)

(The meeting ended at 4.50 pm)

CHAIRMAN

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