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Phoenix House  
Phoenix Lane  
Tiverton  
Devon  
EX16 6PP  
[www.middevon.gov.uk](http://www.middevon.gov.uk)

Contact: **Sally Gabriel**  
Telephone:  
:  
Email: **01884 234229**  
**[sgabriel@middevon.gov.uk](mailto:sgabriel@middevon.gov.uk)**

**Date 19 April 2018**

Dear Member

**Council – 25 April 2018**

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.

**Agenda.No 9 – Committee Reports – Scrutiny Committee Minutes**

Please add these to your pack for the Council meeting on 25 April.

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 16 April 2018 at 2.15 pm

### **Present**

#### **Councillors**

F J Rosamond (Chairman)  
Mrs H Bainbridge, Mrs F J Colthorpe,  
Mrs C P Daw, Mrs G Doe, T G Hughes,  
Mrs B M Hull, F W Letch, Mrs J Roach and  
T W Snow

### **Apologies**

#### **Councillors**

Mrs A R Berry and N A Way

### **Also Present**

#### **Councillors**

P J Heal and R F Radford

### **Also Present**

#### **Officers**

Stephen Walford (Chief Executive), Jill May (Director of Corporate Affairs and Business Transformation), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Stuart Noyce (Group Manager for Street Scene and Open Spaces), Sally Gabriel (Member Services Manager), Kevin Swift (Public Health Officer) and Sarah Lees (Member Services Officer)

## 149 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Councillors Mrs A R Berry and N A Way. No substitutes had been provided.

## 150 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**

There were no declarations of interest made under this item.

## 151 **PUBLIC QUESTION TIME**

Mr Nick Quinn, a local resident, asked a question in relation to item number 5, 'Minutes of the previous meeting'. He stated that this Committee had set up a Member working group to look at community engagement following the recent Residents Satisfaction Survey which showed that only 51% of residents trusted this Council and only 41% considered that MDDC acted on their concerns.

His question to the Chairman was, would this Committee please ask this working group to include in their remit, a review of the Performance and Risk reports which are regularly presented to the Cabinet and this Committee?

He further stated that nobody had picked up on the ongoing very poor performance in answering FOI requests. There was a legal requirement to answer every request in 20 working days but this was something which had not been fully achieved by the

Council in any of the last 12 months. He commented that the Council had been in breach of the legislation for a year. Already this year the Information Commissioner had issued 2 Decision Notices against the Council, both of which had criticised the handling of requests. This was a key avenue for residents wishing to inform themselves. No wonder resident satisfaction was so low.

The Chief Executive responded by stating that there had been some difficulties in recruiting to this area a backlog of work had built up. Staffing issues had now been resolved and it was expected that this backlog would be addressed and dealt with in the near future.

#### 152 **MEMBER FORUM**

There were no issues raised under this item.

#### 153 **MINUTES OF THE PREVIOUS MEETING**

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

#### 154 **DECISIONS OF THE CABINET**

The Committee **NOTED** that none of the decisions made by the Cabinet on 5 April 2018 had been called in.

#### 155 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman stated that Sarah Lees would be clerking the meeting for today and that, until a new Member Services officer was in post, Sally Gabriel would clerk the Scrutiny Committee in the short term.

#### 156 **CABINET MEMBER FOR THE WORKING ENVIRONMENT AND SUPPORT SERVICES (00:06:25)**

The Committee had before it, and **NOTED**, a report \* from the Cabinet Member for the Working Environment and Support Services updating Members regarding the areas covered with her remit.

Unfortunately Councillor Mrs M E Squires had not been able to attend the meeting as she had been unwell, however the Chairman invited the Committee to consider the report in her absence and discussion followed with regard to the following areas:

##### Email policy

The policy currently stated that it was not possible for video footage recorded on a person's phone to be used as emailed evidence. It was explained that the policy was currently under review and would be updated to reflect current legislation. A report would be presented to the Cabinet shortly.

### Staff survey

Group Managers were currently working on an action plan in relation to the results of the staff survey and this would be shared with Members in due course.

### Constitution

It was stated that the Constitution needed to be updated and some errors needed correction. The Monitoring Officer replied by explaining that she had been working through it when time allowed but to focus on this would mean other important work in Legal Services falling behind. Her preference would be to have a leaner version of the Constitution but this ran the risk of not covering all circumstances. Work on the Constitution was time consuming but would be undertaken over the next few months and it was anticipated that a report would be brought before Members in the autumn.

### Decent High Quality Housing

The Cabinet Member's report stated that the Council was doing good work in this area but it was felt that not enough was being done to broadcast this fact through the press although there had been some coverage on Facebook.

**Action:** The Chairman stated that this would be fed back to the Cabinet Member as a comment from the Committee.

### Air Quality

More information was requested in relation to the Air Quality Action Plan which was the responsibility of Public Health and Regulatory Services and which was provided every four years to DEFRA. Members were reminded that the Action Plan was presented to the Community Policy Development Group in November 2017 and that all the information was in the paper presented to the Group. If Members had further questions in relation to this matter then they should contact the Cabinet Member.

### Complaints

The Committee was informed that the updated position with regard to complaints would be presented to the Cabinet in the summer and that this would include a breakdown by department. The question was asked as to whether complaints that were subsequently withdrawn, or not upheld by the Housing Ombudsman for example, would factor in the complaints data presented to Members. The Chief Executive couldn't confirm whether complaints that were received and subsequently withdrawn by a complainant did appear in the annual statistics, but stated that if the Council received information where a complaint had been (only) partially dealt with before being registered as a complaint, then these would still be recorded as a complaint.

**Action:** Further clarity in relation to this should be sought from the Cabinet Member.

Note: \* Report previously circulated; copy attached to the signed minutes.

## 157 MEMBER DEVELOPMENT UPDATE (00:25:25)

The Committee had before it, and **NOTED**, a report \* from the Member Services Manager providing an update on the development opportunities provided to Members as per the action plan for the South West Charter for Member Development. The Chairman of the Member Development Group, Councillor P J Heal, was also in attendance to answer questions.

It was explained that in December 2017 an opportunity had arisen for the Council to work with other local authorities in the Devon Shared Member Development Service. Information had already been received regarding the Shared Service Leadership Programme and 3 Mid Devon Members had signed up to this with the programme commencing in May 2018.

Discussion took place regarding:

- A recent Dementia training event that Councillor Mrs J Roach had attended in Manchester which she had considered to be very worthwhile. She would be providing detailed feedback to the Member Services Manager as she felt much of the training was relevant to the way services were provided by the Council.
- Members Away Day to discuss the budget – concerns were raised as to why these appeared to be regularly cancelled at the last minute and that some Members worked hard to prepare for the events only to have them cancelled. It was explained that Members had been given a significant number of opportunities to input into the budget setting process either at Member Briefings or via any of the Policy Development Groups where briefings on the budget took place at least twice for each PDG to allow Members to feed in their ideas and thoughts. A Members briefing had also been held in Cridton. It was suggested that a Members Away Day be held much earlier on in the budget setting process for 2019/20. It was **AGREED** that something should go in the Members Weekly Information Sheet asking for Members feedback in relation to this and possible timings for the budget setting process next year.
- Possible future training events to include refresher Scrutiny training (to be opened up to all Members as substitutes were often sought) and Parish Chairmen training. It was **AGREED** that it might be more sensible to wait to do this after the election next May and as part of the new Member induction programme.
- It was important to keep all Members and staff up to date on the new regulations regarding Data Protection as often as possible.

Note: (i) \* Report previously circulated; copy attached to the signed minutes.

(ii) Councillor P J Heal left the meeting after discussion of this item.

## 158 PLASTIC FREE DISTRICT (00:43:30)

At a previous meeting of the Committee, Members had discussed the possibility of becoming a plastic free District and requested that the Group Manager attend to discuss options for this, as well as school education and to outline what was currently being done.

The Group Manager for Street Scene and Open Spaces provided the Committee with the following information:

- Plastic collected from kerbside boxes in terms of tonnage had been 103.27 in 2014/15; this had increased to 714.90 in 2017/18.
- Following a sample of 200 households residual waste the following had been found for Mid Devon:
  - A significant amount of food waste of over 20%
  - Paper 10.8%
  - Mixed plastic 7.6%
- Of this residual waste sample 40% of the contents had been found to be recyclable or compostable through the existing scheme which equated to 55,000 tonnes across Devon.
- The Committee were referred to information in relation to Plastic Free Community Leaders, one of which was Plastic Free Coastlines, which promoted and supported Plastic free communities and was extended to non-coastline areas.
- 'Refill Devon' which was a practical campaign aimed at stemming the tide of single-use plastic.
- Waste education in school was chiefly provided by Devon County Council who took the lead using a company called Resource Futures. Nine waste education visits (workshops) were completed in Mid Devon primary schools between April 2017 and March 2018. This number had reduced last year when a charge was introduced. Waste Educators also worked in secondary schools. At present there was nothing specifically around plastics in the environment but there was a new workshop which schools could book called 'Wild Waste Walks, which focussed on ocean litter and involved children getting out and about in the school grounds, culminating in a litter pick or beach clean.

Discussion took place regarding:

- Plastic materials would not be rejected by the recycling collection teams if they were not spotless but half-filled containers with leftover food would be.
- The 'Any Bin Will Do' campaign which had been a recommendation of the Street Cleansing Service review which was aimed to give people more opportunities to get rid of waste. Also a trial had begun to have one bin in each town, one side of the bin for recycling and one side for general waste.
- It had not been possible to use 'pay back community groups' to help with litter collections as there were a lot of restrictions about the facilities they needed whilst they worked although the Council was happy to look at this again.
- The steps involved in the processing of plastic.
- China had brought in tighter regulations on accepting foreign waste/recyclable material. While the Council always used European processors, this policy decision by China has affected global market prices for various types of recyclable material. The price for plastic was starting to recover but prices for cardboard had been heavily affected.
- Companies selling takeaway cups were now more keen to make a cup that was re-useable or compostable and they were taking a more proactive approach as a reaction to national criticism.

- The Council had taken a decision not to provide more bins at the current time although these could be purchased by Town and Parish Councils if it matched the criteria in the policy.
- It was confirmed that with the operation of the new transfer station, it was expected that, as from the end of May, there would be no Mid Devon waste going to landfill. Residual waste would go to the 'Waste to Energy' plant in Exeter. It was anticipated that other Devon authorities would follow suit in due course.

#### 159 **EFFECTIVENESS OF SCRUTINY (01:10:22)**

The Government had now provided a response to the 'Communities and Local Government Committee First Report of Session 2017-19 on the Effectiveness of Local Authority Overview and Scrutiny Committees'. The Standards Committee had requested that this response be considered by the Scrutiny Committee prior to any further discussion by them.

The Chairman of the Committee had outlined his views in a paper attached to the agenda and stated that he considered there were now 3 options before them:

- a. Wait for full guidance
- b. Establish a task group to give further consideration to the matter
- c. Consider the report at this meeting and provide a response with regard to each recommendation

During discussion a proposal to 'do nothing' until further guidance was issued by the Government was considered and subsequently withdrawn. A further proposal for the Monitoring Officer to consider each of the recommendations and bring a report to full Council imminently was also considered and subsequently withdrawn.

It was stated that Mid Devon District Council was already complying with many of the recommendations, for example, in relation to the Scrutiny Committee reporting to full Council and Cabinet Members only contributing to Scrutiny discussions as invited guests or when called upon to do so.

It was **AGREED** that the Monitoring Officer would take serious account of each of the points made in the Government's response paper and that this guidance would be factored into the planned Constitutional review. Having considered this, the review would provide greater clarification with regard to the Scrutiny function. However, a piecemeal approach was not always constructive in the short term therefore it was hoped a substantive document would be brought before Members once the Monitoring Officer had had an opportunity to conduct a thorough review.

#### 160 **FORWARD PLAN (01:24:45)**

The Committee had before it, and **NOTED**, the Forward Plan \*.

Consideration was given to the following:

- An informal meeting of the Scrutiny Committee would be held early in the new municipal year to draw up a work programme for 2018/19.
- Land for Affordable Housing could be considered as a possible Scrutiny topic.



- Greater clarification was needed with regard to the master planning process.
- The Hoarding Policy, Section 215 Notices were used for external untidy land.
- Greater Exeter Strategic Plan had been delayed as growth across the four districts was being looked at and further technical work needed to be done.

Note: \* Forward Plan previously circulated and attached to the minutes.

#### 161 **SCRUTINY OFFICER UPDATE (01:34:50)**

The Committee had before it and **NOTED** a briefing note \* from the Scrutiny Officer updating them on the work being undertaken on their behalf.

The officer updated the Committee with the following information:

##### Road maintenance and repairs in Mid Devon

Vigorous contact had continued to be made with Devon County Council and Cllr N A Way had been involved in following issues up with various officers. An apology had been received from the County Council for the delay in responding but a further update had still not been provided. A reference number for the various queries had been obtained and this was already overdue in terms of getting a response. The Scrutiny Officer would continue to request a response through the appropriate channels. The Chief Executive confirmed that the Leader of the Council had also raised pot holes as a serious issue in Mid Devon at the Devon Local Government Steering Group in the previous week.

It was reported that Crediton Town Council held a Devon County Council Highways surgery once a month where they had recently been told that there was a policy to clear out the drains on the main roads once every 18 months and on estate roads once every 3 years.

##### Winter pressures

The Health and Adult Care Scrutiny report attached to the agenda had indicated that there had been some improvement in certain areas, for example, lower levels of delayed transfers of care compared to the previous winter. However, this was not felt to be the case by some Members of the Committee who were hearing different messages from constituents.

It was reported that Crediton Town Council were holding a Health and Well Being Day at the Boniface Centre on 25<sup>th</sup> April. This was would be a free event where Dr Jenner would be providing a talk on the state of the health in the area.

##### Anaerobic Digestion Working Group

The working group was awaiting comment from the Leadership Team, Environmental Health and Legal on the first draft of the report. It was anticipated that it would be brought before the Scrutiny Committee in June.

Brief discussion followed with regard to:

- The South West Scrutiny Network and the need to look at the topics other Scrutiny Committees were looking at to see if there were any similar issues of concern, for example, car parking fees.
- The need for the Economy PDG to keep a regular and proactive interest in all Broadband issues.
- The need for Cllrs Mrs J Roach and N A Way to consider any other areas of concern in relation to health and to bring these to the attention of the Committee and the Scrutiny Officer.

Note: \* Report \* previously circulated; copy attached to the signed minutes.

## 162 CHAIRMANS DRAFT ANNUAL REPORT (01:53:35)

The Committee had before it, and **NOTED**, a draft report \* by the Chairman on the work of the Committee since May 2017. This report would be submitted to Council on 25 April 2018.

A brief discussion took place regarding previous comments made about the difference in the ‘atmospheres’ of the three principal Mid Devon towns. The Chairman of the Economy Policy Development Group stated that she would find out what was happening in relation to this as the matter had originally been referred to her PDG.

Note: \* Report previously circulated; copy attached to the signed minutes.

## 163 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01:55:22)

- Council Tax Reduction Scheme – what are the issues and what is being done to support people facing difficulties?
- Affordable housing and contributions from developers – what are the rules especially if developers wish to release themselves from this obligation?

In addition to this it was **AGREED** that a report be brought to the Committee after the first quarter of 2018/19 in relation to Mid Devon being a trial area for the retention of Business Rates. This was requested as soon as possible after June 2018.

(The meeting ended at 4.17 pm)

**CHAIRMAN**