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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)**

**4 September 2019**

Dear Member

**Council – 11<sup>th</sup> September 2019**

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. Item 8**

Minutes of the Scrutiny Committee 2 September 2019

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 2 September 2019 at 2.15 pm

### **Present**

#### **Councillors**

F W Letch (Chairman)  
W Burke, R J Chesterton, Mrs C P Daw,  
R Evans, Mrs I Hill, B Holdman, B A Moore,  
R L Stanley, Ms E J Wainwright,  
B G J Warren and A Wilce

### **Also Present**

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

R M Deed, S J Clist, Mrs N Woollatt, L J Cruwys,  
J M Downes and C R Slade

### **Also Present**

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

Andrew Jarrett (Deputy Chief Executive (S151)), Jill May (Director of Corporate Affairs and Business Transformation), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Andrew Busby (Group Manager for Corporate Property and Commercial Assets), Stuart Noyce (Group Manager for Street Scene and Open Spaces), Catherine Yandle (Group Manager for Performance, Governance and Data Security) and Carole Oliphant (Member Services Officer)

## 43 **APOLOGIES AND SUBSTITUTE MEMBERS (00.01.57)**

There were no apologies.

## 44 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00.02.09)**

No declarations were made

## 45 **PUBLIC QUESTION TIME (00.02.17)**

There were no members of the public present.

## 46 **MEMBER FORUM (00.02.24)**

There were no issues raised under this item.

## 47 **MINUTES OF THE PREVIOUS MEETING (00.02.34)**

The minutes of the last meeting held on 5<sup>th</sup> August 2019 were approved as a correct record and **SIGNED** by the Chairman.

#### **48 MEETING MANAGEMENT (00.03.08)**

The Chairman informed the Committee (with their agreement) that he intended to move item 6 on the agenda, Decisions of the Cabinet to the final item on the agenda and item 9, Police representatives to the next item on the agenda.

#### **49 POLICE REPRESENTATIVES (00.03.32)**

The Committee welcomed Superintendent Stephen Bradford from Devon and Cornwall Police who had been provided with some questions from Members.

In response to questions asked he explained that the Police had connected with the local population via certain shows like the Mid Devon Show, the implementation of a rural affairs officer and a PCSO working with migrant workers.

He outlined the cadet unit based in Tiverton and that they were currently looking at programme in which the cadets could be involved, like letter drops giving tips on crime prevention. He explained that they were looking at expanding the cadet unit to Cullompton and Crediton.

There was a general discussion about the effectiveness of CCTV and the Superintendent explained the working relationship between the Police and the CCTV supervisor in Tiverton. He stated he would welcome further investment in CCTV coverage but realised the financial difficulties that local councils were experiencing.

Members had asked about the possibility of patrol cars returning to base via the local villages to show a presence in these areas and the Superintendent explained that it was a fine balance between the number of officers available and the incidents they were involved in but the rural villages were included in the patrol plans.

He stated that there had been no significant increase in crime due to the increased levels of house building in the district.

There was a discussion in regard to police representatives attending Town and Parish meetings and the Superintendent could not commit to providing officers to attend one meeting a year each as there were 62 parishes in the district and there was not the manpower to provide this service. He did, however, commit that if a Parish had a particular issue they would attend a meeting if requested. He stated that there were plans to introduce meetings in which the Parish and Town Councils could attend.

#### **50 CHAIRMAN'S ANNOUNCEMENTS (00.36.12)**

The Chairman announced that he was due to have a meeting with the Leadership Team and the Monitoring Officer regarding the way forward for Scrutiny.

He was due to attend a Police Advocate scheme and would report back to the Committee.

## 51 **PERFORMANCE AND RISK (00.37.32)**

The Committee had before it, and **NOTED**, the Performance and Risk \*report from the Group Manager for Performance, Governance and Data Security who stated that this was the first report detailing the 2019/2020 performance.

She informed the Committee that if there were suggestions for additional performance measures then these could be included in future reports.

The Committee considered:

- The Corporate plan for houses
- Affordable homes vs Council homes
- Empty units at Market Walk
- Targets for Council Tax
- Working days lost to sickness

Members expressed concerns that the Pannier Market in Tiverton was not being supported by the Council and that traders felt that more could be done to support them.

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

## 52 **FORWARD PLAN (00.52.19)**

The Committee **NOTED** the forward \*plan.

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

## 53 **DECISIONS OF THE CABINET (00.53.55)**

The Chairman informed the Committee that two decisions made by the Cabinet at its meeting on 22<sup>nd</sup> August 2019 (with regard to the Car Parking Working Group report and the Disposal of Land at the Park Road Nursery Depot) had been called in for consideration by the Scrutiny Committee in accordance with the Council's Constitution.

To consider:

### a) Car Parking Working Group report\*

- The decision was illogical
- The decision diminishes legitimate income
- The decision went against the balanced recommendation of the Car Parking Working Group

The Chairman explained that he had called in the decision as he felt that having different charges for night time parking in different car parks across the District was illogical and that the findings and recommendations of the Working Group were balanced.

The Committee discussed the Cabinet decision to abolish night time car parking charges and the Chairman of the Car Parking Working Group explained that over the course of the Group meetings night time car parking charges had been discussed. He explained that the working group had a long discussion about the charges and had decided to retain the £1 charge but to introduce a lower priced permit which would be able to be paid in monthly instalments and would cost the user less than 30p per day.

The Cabinet Member for the Working Environment and Support Services explained that she was part of the original Car Parking Working Group and she felt that the decision to remove night time charges was not illogical. She explained that the charges in the Multi Storey Car Park had always been different than the Council's other car parks. She explained that in her opinion the policy to charge people to park overnight had increased the amount of car parking on local streets. She explained that no other local authority in the South West charged people to park overnight and that the decision would not have a detrimental effect on the Council's income. She further explained that the Cabinet had understood and considered the Working Group recommendation but they didn't accept them in their entirety.

The Chairman of the Working Party explained to members that those neighbouring authorities that didn't charge for overnight parking had a residents' parking scheme which raised income for overnight parking but in a different way. He explained that this had been looked at by the working group, but it was felt that the Council should assist residents to park securely at night but with a lower fee.

The Cabinet Member for the Working Environment and Support Services informed members that people were driving around and around in Cullompton looking for a free car parking space. She addressed the points about residents' parking permits and suggested that this was something that could be looked at.

The Chairman of the Economy PDG addressed the committee and explained that they had accepted the findings of the Working Group. He acknowledged the current poor uptake of night time parking permits but stated that as part of the discussion into the new charges, it was agreed that there needed to be a public engagement campaign.

There were further discussions about the night time parking charges and members considered:

- Current poor sales of night time permits
- People wanting to park outside their homes
- The financial aspect of removing night time charges

The Committee agreed that the Cabinet should reconsider their decision.

It was therefore:

**RESOLVED** that the Cabinet be requested to reconsider the decision to abolish night time car parking charges.

(Proposed by the Chairman)

Prior to considering the following Call in item (Disposal of Land at the Park Road Nursery Depot), discussion took place as to whether it was necessary to pass the following resolution to exclude the press and public having reflected on Article 15 15.02(d) (a presumption in favour of openness) of the Constitution. The Committee decided that in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

It was therefore:

**RESOLVED** that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 respectively of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information)

(Proposed by the Chairman)

In response to:

b) Disposal of Land at the Park Road Nursery Depot

The Chairman informed the Committee that the Disposal of Land at the Park Road Nursery Depot decision had been called in by Cllr B Evans, Cllr Mrs C P Daw and Cllr A Moore and that the reasons for the Call in were:

- The Cabinet failed to consider wider possibilities for additional income generation set against other options available.
- The Cabinet failed to adequately consider the risks associated with any time delay associated with the decision made.
- The Cabinet failed to adequately consider the full risks associated with known ongoing costs associated with the asset.
- The Cabinet failed to adequately consider the known required expenditure to enable the asset to be placed in the open market with no mitigation offered against such risk.
- The Cabinet failed to adequately consider being unable to gain the higher valuation sought given the current market volatility.
- The Cabinet failed to adequately consider known and approved wider corporate objectives.

Cllr R Evans outlined his view on the decision and the reasoning behind the call-in.

The Committee discussed the decision made by the Cabinet to place the Park Road Nursery Depot on the open market with planning permission and the reasons that it had been called in.

The Cabinet Member for Housing and Property Services and the Leader explained to the Committee the process of making and the reason for the decision.

Consideration was given to:

- The cost to the Council of obtaining planning permission for the site prior to a sale
- The decision to offer the asset on the open market
- The three valuations obtained

Following discussion on the matter, the meeting returned to open session and it was:

**RESOLVED** that as there were no recommendations or proposals agreed by the Committee there was no need for Cabinet to reconsider the decision.

(Proposed by the Chairman)

Note: \*Report previously circulated and attached to the minutes

#### 54 **IDENTIFICATION OF ITEMS FOR FUTURE MEETINGS (01.31.29)**

Members requested that a representative from Devon and Somerset Fire Service to be invited to attend a future meeting to discuss the ongoing public consultation on proposed cuts to the service.

(The meeting ended at 4.38 pm)

**CHAIRMAN**