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Date 8th January 2020

Dear Member

Council – Minutes of the Scrutiny Committee – 6th January 2020

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

Minutes of the Scrutiny Committee - 6th January 2020

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 6 January 2020 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, G Barnell, S J Clist, L J Cruwys, Mrs S Griggs
and C R Slade

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Jill May (Director of Corporate Affairs and Business Transformation), Kathryn Tebbey (Head of Legal (Monitoring Officer)), Andrew Busby (Group Manager for Corporate Property and Commercial Assets), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Sally Gabriel (Member Services Manager), Clare Robathan (Scrutiny Officer) and Carole Oliphant (Member Services Officer)

96 **APOLOGIES AND SUBSTITUTE MEMBERS (00.00.54)**

There were no apologies.

97 **DECLARATION OF INTEREST UNDER THE CODE OF CONDUCT (00.01.05)**

There were no declarations made.

98 **PUBLIC QUESTION TIME (00.01.15)**

There were no members of the public present.

99 **MEMBER FORUM (00.01.23)**

There were no issues raised under this item.

100 **MINUTES OF THE PREVIOUS MEETING (00.01.44)**

The minutes of the last meeting held on 2nd December 2019 were approved as a correct record and **SIGNED** by the Chairman.

101 DECISIONS OF THE CABINET (00.01.53)

The Chairman informed the Committee that a decision made by the Cabinet at its meeting on 19 December 2019 (with regard to the Tiverton Town Centre Regeneration Project – Tender Outcome) had been called in for consideration by the Scrutiny Committee by Councillors R B Evans, R J Chesterton and B A Moore for the following reasons:

1. The decision that was not unanimously supported by Cabinet fails to understand its significant negative impact when considering the stated council wide ambitions within the current and proposed strategy for regeneration of town centres made within the corporate plan and is contrary to the stated strategic aims of Mid Devon Council as a whole.
2. The decision has been set against a wish to seek views from a number of sections of society, however is clearly driven by the wishes of a small number of Tiverton Town Council planning committee members in particular as stated by individual members of Cabinet on several occasions.
3. Cabinet have failed to acknowledge documented evidence of previous wide ranging consultations that satisfied all consultation requirements.
4. Cabinet have failed to offer a plan that can realistically off set the evident clash of priorities when full-council are asked to consider the future corporate plan at its meeting on 26th February 2020 with no measurable time line set for future decisions against this vital project, yet its delay is contrary to stated aims within the economic strategy of the MDDC plan.
5. Cabinet have failed to recognise the reputational damage that can affect the council given their failure to show a clear economic commitment towards the town, this may possibly also manifest itself in reduced investment from other investors who may see MDDC's Cabinets continued dither and delay as systematic across a range of future investment opportunities.
6. Cabinet have failed to offer a viable alternative except a delay in any works towards the town's regeneration ambitions.
7. Cabinet have failed to consider the financial loss that is already known and continues to grow as each days delay adds to the cost of non-action set against a known budgetary challenge over the coming months and years. These losses should be clearly and openly publicised too aid a decision that is enshrined in openness and transparency to aid informed debate.

The Chairman invited Cllr R Evans who had led the 'call in' to address the Committee. Cllr R Evans explained that he felt that the decision made by the Cabinet on 19th December to postpone the contract award for the Tiverton Town Centre Regeneration project should be reconsidered.

He explained that that project had been fully considered by the previous administration and that it was aligned to the Corporate Plan. He informed the

Committee of the previous public consultation, the planning application in which Tiverton Town Council had commented and the full member review which had taken place. He explained that the market entrance project was part of the wider Tiverton Town Centre Masterplan. He explained that the Scrutiny Committee did not have the power to overturn the decision of the Cabinet but that it could ask it to reconsider its decision to postpone the project.

Other Members who had supported the Call In raised concerns that the Cabinet had consulted with only 14 Members of Tiverton Town Council and that the Council could lose £88k by cancelling the project and starting again.

The Monitoring Officer informed the Committee that the decision made by the Cabinet had not breached Article 15 (Principles of Decision-Making) of the Constitution.

The Cabinet Member for Planning and Economic Regeneration explained to the Committee that the key issues for Cabinet in making the decision to postpone the project were fitness of purpose and involvement of the community. He explained that the project would involve the Council borrowing a large sum of money and that the Cabinet wanted to be sure that this was the best scheme to go forward. He explained that the Cabinet would like Tiverton Town Council to become a full partner in any future consultation on the regeneration of Tiverton Town Centre.

Members gave consideration to the following:

- The public consultation which had taken place
- The involvement of Tiverton Town Council
- The reputation of the Council
- The Councils corporate aims

The Committee **RECOMMENDED** to the Cabinet that:

The decision to defer the Tiverton Town Centre Regeneration Project – Tender Outcome be reconsidered.

(Proposed by Cllr R Evans and seconded by Cllr B A Moore)

Note:

1. Cllr R L Stanley declared a personal interest as the previous Cabinet Member for Housing.
2. Cabinet report previously circulated and attached to the minutes

102 **CHAIRMAN'S ANNOUNCEMENTS (00.54.41)**

The Chairman gave his apologies for the next meeting on 27th January 2020.

103 **CARBON BASELINE REPORT (00.54.58)**

The Committee had before it and **NOTED** a *report of the Group Manager for Corporate Property and Commercial Assets updating it on the Carbon Footprint Baseline.

Members discussed carbon offsetting and the definition of this.

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

104 **MEMBER DEVELOPMENT ANNUAL UPDATE (00.59.11)**

The Committee had before it and **NOTED** a *report of the Member Services Manager with regard to Member Development. The officer outlined the contents of the report which included the work of the shared service, member development opportunities and suggestions for future member development.

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

105 **PERFORMANCE AND RISK (1.01.14)**

The Committee had before it and **NOTED** the Performance and Risk *report providing an update on performance against the Corporate Plan and local service targets for 2019-2020 presented by the Group Manager for Performance, Governance and Data Security.

Consideration was given to:

- Planning performance
- Empty shops in the Town centres
- The need to consider revising or amending performance indicators to align with the new Corporate Plan in due course

Note: *Report previously circulated and attached to the minutes

106 **SCRUTINY OFFICER UPDATE (1.09.59)**

The Scrutiny Officer informed the Committee that she had attended the Centre for Public Scrutiny conference in London and outlined the content of the conference to Members.

She explained that Menopause and Procurement would be added to the work programme once the Customer Experience working group had been completed.

Members were reminded to complete a Scrutiny proposal form if there were any subjects that they would like investigated by the Committee.

107 **FORWARD PLAN (1.14.15)**

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

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

108 IDENTIFICATION OF ITEMS FOR FUTURE MEETINGS (1.14.23)

No additional items were identified.

(The meeting ended at 3.30 pm)

CHAIRMAN

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