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Mid Devon District Council

Scrutiny Committee

Wednesday, 1 August 2018 at 2.00 pm
Exe Room, Phoenix House, Tiverton

Next ordinary meeting
Monday, 13 August 2018 at 2.15 pm

Those attending are advised that this meeting will be recorded

Membership

Cllr F J Rosamond
Cllr Mrs H Bainbridge
Cllr Mrs F J Colthorpe
Cllr Mrs C P Daw
Cllr Mrs G Doe
Cllr Mrs S Griggs
Cllr T G Hughes
Cllr Mrs B M Hull
Cllr F W Letch
Cllr Mrs J Roach
Cllr T W Snow
Cllr N A Way

A G E N D A

Members are reminded of the need to make declarations of interest prior to any discussion which may take place

- 1 **APOLOGIES AND SUBSTITUTE MEMBERS**
To receive any apologies for absence and notices of appointment of substitute Members (if any).
- 2 **PUBLIC QUESTION TIME**
To receive any questions relating to items on the Agenda from members of the public and replies thereto.

Note: A maximum of 30 minutes is allowed for this item.
- 3 **MINUTES OF THE PREVIOUS MEETING** (*Pages 5 - 12*)
Members to consider whether to approve the minutes as a correct record of the meeting held on 18th June 2018.

The Committee is reminded that only those members of the Committee present at the previous meeting should vote and, in doing so, should be

influenced only by seeking to ensure that the minutes are an accurate record.

4 **CHAIRMAN'S ANNOUNCEMENTS**

To receive any announcements that the Chairman of Scrutiny Committee may wish to make.

5 **MEMBER OF PARLIAMENT NEIL PARISH**

The Committee to welcome Neil Parish (MP) and put the following questions:

1. Could he briefly discuss the implications of Brexit in relation to agriculture and the rural areas? What are the implications for food, farming and the environment in Mid Devon as a consequence of Brexit as currently envisaged? What preparations are being contemplated in response to "no deal"?

2. Do you consider that proposals for an alternative route via Longwood Lane, for the quarry lorries, avoiding Burlescombe has now hit the buffers or is there still a realistic hope that it may still go ahead.

3. Would you be prepared to lobby the Housing Minister concerning the five year land supply which Mid Devon has been unable to show and probably never will as we do not sit on swathes of redundant industrial land. This unrealistic target has left us hostage to several undesirable planning applications.

4. There is significant interest amongst the 3 Head teachers in 11-16 schools in Tiverton, Cullompton and Uffculme in respect of engaging in a review of future options of A level provision in Mid Devon, particularly in the light of the major housebuilding programme of over 8000 houses envisaged in the MDDC Local Plan. Could we call upon your services to navigate the options with the Department of Education in considering such a review?

5. Should the government look again at "right to buy" from council stock?

6. Universal superfast broadband coverage remains an elusive concept in Mid Devon, especially in rural areas. A recent report states that the UK slipped to 35th in the global table of broadband speeds, below the likes of Madagascar and Bulgaria. Locally a DCC Scrutiny report called for greater transparency in a critical analysis of the performance of Connecting Devon and Somerset which appears to have been rejected by CDS. How do we hold CDS to account? When will the project be completed? Will the 95% coverage be achieved? What happens to the remaining 5%?

8. Michael Gove has proposed a Protected Landscapes Review of designated landscapes (10 National Parks, 34 AONBs) What are the terms of Reference and how will those working in and for them be able to input into the process directly?

9. Will the Review allow for the consideration of a possible AONB designation for the Exe Valley- a beautiful part of the country?

10. Natural England is being scaled back- how does this fit (or not) with the ambitions of the 25 Year Environmental Plan (25YEP) which

seeks to deal with the environmental impact of "unprecedented expansion in population consumption, energy use waste and population"?

11. Natural England has informed the AONB that they are no longer able to provide monitoring data free of charge- information used to fulfil a statutory function of the designation. Will DEFRA be offering additional funds to cover the shortfall or can the policy be re-thought?

12. As many experts forecast, Universal Credit is associated with growing rent arrears which impacts on Councils. Is Government monitoring the situation to protect local Councils?

6 **SCRUTINY OFFICER REPORT**

To receive a report from the Scrutiny Officer

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

Members are asked to note that the following items are already identified in the work programme for the next meeting:

Anaerobic Digester Working Group update

Whistleblowing 6 month update

Maintenance of Local Improvement Schemes

Palmerston Park/Birchen Lane cost report

RIPA 6 month update

Community Safety Partnership

Cyber Security

Note: - this item is limited to 10 minutes. There should be no discussion on items raised.

Stephen Walford
Chief Executive
Tuesday, 24 July 2018

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may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Member Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use other forms of social media to report on proceedings at this meeting.

Members of the public are welcome to attend the meeting and listen to discussion. Lift access the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is time set aside at the beginning of the meeting to allow the public to ask questions.

An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, or

If you would like a copy of the Agenda in another format (for example in large print) please contact Carole Oliphant on:

Tel: 01884 234209

E-Mail: coliphant@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 18 June 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,
F W Letch, Mrs J Roach and N A Way

Apologies

Councillor(s)

Mrs S Griggs, Mrs B M Hull and T W Snow

Also Present

Councillor(s)

R J Chesterton, C J Eginton and R L Stanley

Also Present

Officer(s):

Jill May (Director of Corporate Affairs and Business Transformation), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Joanne Nacey (Group Manager for Finance), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Tristan Peat (Forward Planning Team Leader), Kevin Swift (Public Health Officer) and Sally Gabriel (Member Services Manager)

17 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllrs Mrs S Griggs, T W Snow and Mrs B Hull.

18 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**

There were no declarations of interest made under this item.

19 **PUBLIC QUESTION TIME (00-01-57)**

Mr Quinn referring to Items 10 (Leaders Annual Report) and 11 (Performance and Risk) on the agenda stated that the questions concern the FOI performance by the Council, figures are being reported to you today in three different places but they do not all agree.

Within agenda item 10 – Leaders Annual Report, at paragraph 6.2, the Leader states that 89% of FOI responses have been on time, in the 3 months since the new Information Management Officer started. Within agenda item 11 – Performance and Risk Update Report, at paragraph 2.16, Jill May also states that 89% of FOI responses have been on time in the 3 months since the new officer started. They both agree on a figure of 89% for the first 3 months. However the Corporate Performance PI figures shown in appendix 5 disagree.

The unqualified FOI actual performances figures are clearly shown in the table as:

January was 69%
February was 70%
March was 72%

So, the Corporate Plan PI's show the 3 month FOI performance as 70% but the Leader and the officer say it was 89%. These figures are different by quite a margin, so one of the figures has to be wrong. My questions are: which of these FOI performance figures is correct? And if the corporate PI figures are wrong, how can Members and the public rely on all the other PI figures?

The Chairman indicated that answers would be provided when the items were discussed.

20 MEMBER FORUM (00-04-11)

There were no issues raised under this item.

21 MINUTES OF THE PREVIOUS MEETING (00-04-17)

The minutes of the last meeting held on 21st May 2018 were approved as a correct record and **SIGNED** by the Chairman.

22 DECISIONS OF THE CABINET (00-07-44)

The Group **NOTED** that none of the decisions made by the Cabinet on 14th June 2018 had been called in.

23 CHAIRMAN'S ANNOUNCEMENTS (00-07-58)

The Chairman informed the meeting that following the call-in of the Cabinet decision of 10th May with regard to the sale of the Crediton Office, the Cabinet had at its meeting on 14 June reconsidered the decision and resolved that the original decision stand.

The Chairman also informed Members that a special meeting of the Scrutiny Committee would take place on Wednesday 1 August when Neil Parish (MP) would be in attendance, he requested that any questions for the MP be sent to the Committee Clerk.

24 REVENUE AND CAPITAL OUT TURN 2017/2018 (00-13-46)

The Group had before it a * report from the Director of Finance, Assets and Resources presenting the revenue and capital outturn figures for the financial year 2017/18.

The Group Manager for Finance outlined the contents of the report drawing Members attention to key figures; although it had been anticipated that the General Fund would be overspent, in fact with additional funding for the Garden Village and Business Rates income (through growth and the benefits of pooling), an overall general fund surplus of £159k had been realised. The Housing Revenue Fund had produced an underspend of £255k which was proposed to be transferred to the Housing Maintenance Fund earmarked reserve. With regard to the Capital Programme, the

revised budget for 2017/18 amounted to £24.315m, the spend for the year had been £8.523m leaving an underspend of £15.792m of which £5.874m would be carried forward into the 2018/19 programme.

Consideration was given to:

- Specific budget codes
- A maintenance fund for Council owned property which included walkways
- Priorities and budget setting
- The need for more detail in the explanation column of the accounts to identify location of spend.

RESOLVED that there were concerns over the maintenance of (Council owned) small items in rural areas that was not taking place and the need for a solution be found and that accordingly the Chairman write to the Group Manager for Property Services requesting a list of outstanding works due to take place.

(Proposed by Cllr Mrs J Roach and seconded by Cllr F W Letch)

Note: *Report previously circulated.

25 **AFFORDABLE HOUSING AND CONTRIBUTIONS FROM DEVELOPERS (00-31-48)**

The Group had before it a *report from Head of Planning, Economy and Regeneration presenting information on affordable housing contributions secured through the planning system via S106 agreements together with information on the approach to providing affordable housing on site or via off site financial contributions which had been requested at a previous meeting of the Committee

The Forward Planning Team Leader outlined the contents of the report stating that the purpose of the report was to advise Members of the following matters:

- What S106 agreements are, how they are used and legal constraints;
- What was meant by 'affordable housing';
- Local Development Plan policies for affordable housing;
- Affordable housing mix and mix of dwelling sizes;
- Need and local connections.

He walked through the report and consideration was given to the following:

- Government planning guidance which set out the circumstances where contributions via planning obligations should not be sought particularly from small scale development and the ministerial statement of 2014 which addressed what was perceived to be the disproportionate impact on small scale developers particularly in rural areas where affordable housing could not be requested in connection with sites of 5 dwellings or less.
- Monies collected in lieu of affordable housing and where that money had gone and could it be tracked and whether a rural fund could be established. Discussion also considered how the housing need in rural areas was established and how the surveys were conducted; the use of the Devon Home

Choice cascade and how Band E people could not be considered even though they were usually in expensive private rented accommodation.

- Rural exception sites and how local people could be awarded local housing of their choice and had the ability once in residence to swop and that the Housing Association had no control of this.
- The affordable housing mix of tenure.
- The expectation that the revised National Planning Policy Framework would be published before summer recess.
- The need to remind the Town and Parish Councils of the exceptions site policy.

It was therefore **RESOLVED** that officers consider the following:

- a) Where developer contributions towards off-site affordable housing provision are made, how they can be directed to the provision of affordable housing in the locality where a need for affordable housing exists.
- b) That Town and Parish Councils be reminded of the exceptions site policy and the need to work with the Council, landowners and site promoters to bring forward rural exceptions sites for affordable housing.
- c) The limitations of the Devon Homes Choice cascade system.
- d) Where affordable housing financial contributions are spent, the Council's Housing Service considers an option for such contributions from development proposals in the rural area (outside the towns of Crediton, Cullompton and Tiverton) to be used towards the provision of affordable housing elsewhere in rural areas where suitable, timely opportunities arise and the need for affordable housing exists.

(Proposed by the Chairman)

Note: *Report previously circulated.

26 **LEADERS ANNUAL REPORT (1-07-18)**

The Group had before it and **NOTED** the Leaders Annual *report providing Members with an update on performance against the Corporate Plan and local service targets for 2017-18.

He outlined the contents of the report highlighting the various threads of the Corporate Plan and the performance against priorities.

Discussion took place with regard to:

- The litter buster scheme, how the scheme worked and how to request the attendance of the team at specific sites; the need to address littering issues quickly so that they did not multiply.
- The high cost of maintenance to council owned vehicles and how the costs could be reduced. A list of new purchases and a rundown of the fleet was requested.
- What had happened to the brown bins that were no longer used other than for the prepaid garden waste scheme.
- The adoption of the Air Quality Action Plan 2017-21, but what was being achieved? Air quality figures to be supplied.

- The large number of empty homes brought back into use.
- The cost of development at Palmerston Park and Birchen Lane
- The need for the Economy Policy Development Group to consider public transport in Mid Devon
- Although Aim 1 under Community was laudable what was actually being done and how the new Community Housing Fund would work
- The possible need for the creation of a community fund which would support local communities.

The Group Manager for Performance, Governance and Data Security provided the following answers to questions posed in public question time: the figures on the performance appendix were cumulative for the year to date; the cumulative percentage for the first 9 months to December 2017 was 67%. In the covering report and Leaders Report (agenda Item 10), the quoted figure of 89% was for the first 3 months of 2018 hence the different figures.

Discussion took place regarding the volume of FOI enquiries and the reasons why 100% of responses could not always be provided within the timescales allowed in statute.

Members recorded their appreciation and congratulations to the Land Charges and Gazetteer Teams following their recent awards.

Note: *Report previously circulated.

27 **PERFORMANCE & RISK UPDATE (1-42-05)**

The Group had before it and **NOTED** a *report from the Director of Corporate Affairs and Business Transformation providing an update on performance against the Corporate Plan and local service targets for 2017-18 as well as providing an update on the key business risks.

The Group Manager for Performance, Governance and Data Security outlined the contents of the report highlighting the targets against the Corporate plan aims and providing information from queries raised:

- Reducing the carbon footprint and the schemes available
- A correction to the number of affordable homes delivered which was 115 and not 92.
- Social media communication and whether a figure for the number of “likes” could be considered
- With regard to the risks why the level of risk was high for Information Security and the reasoning as to why it had to remain high.

Note: *Report previously circulated.

28 **FORWARD PLAN (1-51-31)**

The Group had before it and **NOTED** the Cabinet Forward Plan *.

Note: - Forward Plan * previously circulated and attached to Minutes

29 **SCRUTINY OFFICER UPDATE (1-52-17)**

The Group had before it and **NOTED** information * from the Scrutiny Officer regarding various areas that he had been asked to look into on their behalf.

Consideration was given to the themes within the report:

- Road Maintenance and repairs in Mid Devon – information was still being gathered.
- Anaerobic Digestion Working Group – it was hoped that a report could be presented to the next meeting of the Committee
- Community Engagement Working Group -
- Homelessness Working Group
- Leader Project Report

Note: *Report previously circulated.

30 **ACCESS TO INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC (1-55-53)**

Prior to considering the following item on the agenda, 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 1 respectively of Part 1 of Schedule 12A of the Act, namely information relating to an individual.

(Proposed by the Chairman)

31 **LEGAL SERVICES UPDATE**

The Group had before it and **NOTED** a *report from the Group Manager for Legal Services and Monitoring Officer with regard to workplace welfare and levels of work in the Legal Team.

She outlined the contents of the report and a full discussion took place with regard to the issues raised.

Members thanked the Group Manager for her report.

Note: *Report previously circulated.

The meeting then returned to open session.

32 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (2-00-00)

The following items were identified for future meetings:

- Maintenance of council property including walkways, a list of assets owned and how these assets are maintained.
- Abandoned Vehicles and their removal – (information to be sent to all Members via WIS).
- Lorries parking on the streets and the need for a lorry park in Tiverton.
- Contractor/costs information for the developments at Palmerston Park and Birchen Lane, Tiverton (this will be a Part II report).

(The meeting ended at 4.30 pm)

CHAIRMAN

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