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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 14 September 2020 at 2.15 pm

Present

Councillors

F W Letch (Chairman)
G Barnell, E J Berry, W Burke, L J Cruwys,
Mrs C P Daw, J M Downes, Mrs S Griggs,
S J Penny and B G J Warren

Apologies

Councillor(s)

R L Stanley

Also Present

Councillor(s)

R J Chesterton and R Evans

Also Present

Officer(s):

Stephen Walford (Chief Executive), Kathryn Tebbey (Head of Legal (Monitoring Officer)), Eileen Paterson (Group Manager for Development), Adrian Welsh (Group Manager for Growth, Economy and Delivery), Christie McCombe (Area Planning Officer), Clare Robathan (Scrutiny Officer) and Carole Oliphant (Member Services Officer)

73 APOLOGIES AND SUBSTITUTE MEMBERS (00.04.12)

Apologies were received from Cllr R L Stanley.

74 REMOTE MEETING PROTOCOL (00.04.19)

The Committee had before it, and **NOTED**, the *Virtual Meeting Protocol.

Note: *Virtual Meeting Protocol previously circulated and attached to the minutes

75 ELECTION OF VICE CHAIRMAN (00.04.24)

Cllr Mrs C P Daw was duly elected vice chairman for the remainder of the municipal year.

(Proposed by Cllr E J Berry and seconded by Cllr S J Penny)

76 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00.06.06)

Members were reminded to make declarations of interest when appropriate.

77 PUBLIC QUESTION TIME (00.06.18)

There were no questions from members of the public present.

78 MEMBER FORUM (00.06.33)

The Chairman reminded Members that the Local Government Act 1972 stipulated that agenda's were required to be dispatched 5 working days before a meeting and that there was no opportunity to add additional items once an agenda had been published.

Cllr G Barnell questioned the reasons why informal Cabinet meetings were held in closed session and requested that Members of Scrutiny had access to all meetings of the Cabinet and that notes from informal meetings were published.

The Monitoring Officer stated that she would provide Members with a comprehensive written response which would be published in the public domain.

Cllr G Barnell stated he had sent specific questions about 3 Rivers Developments to the Leader which had been answered and requested that further information was presented to Scrutiny about the St Georges site in Tiverton.

79 MINUTES OF THE PREVIOUS MEETING (00.13.49)

The minutes of the last meeting were approved as a correct record.

80 DECISIONS OF THE CABINET (00.14.37)

The Committee **NOTED** that none of the decisions made by the Cabinet on 3rd September had been called in.

81 CHAIRMAN'S ANNOUNCEMENTS (00.14.46)

The Chairman informed Members that he had spoken to the Monitoring Officer about the upcoming Governance Working Group.

He had enquired with the Head of Planning, Economy and Regeneration about setting up briefings with the Town and Parish Councils to explain the new S106 Governance rules when this was agreed by Cabinet in December.

The Group Manager for Business Transformation and Customer Engagement had confirmed that a business case for a new CRM system was being developed and that a customer survey was planned. She had confirmed that the customer waiting times had reduced.

Cllr L Cruwys was appointed to the Menopause Working Group following the departure of Cllr R B Evans.

82 PLANNING ENFORCEMENT UPDATE (00.18.54)

The Committee had before it a *report from the Head of Planning, Economy and Regeneration outlining the planning enforcement service.

The Group Manager for Development Management explained that planning enforcement was a statutory function of the Council but the power to take action was a discretionary service that was an important one in the eyes of the public. She explained that any enforcement action needed to be proportionate.

She informed Members that the Enforcement Plan required a refresh due to the adoption of the Local Plan. She explained that there were currently 2 enforcement officers and that the current number of outstanding cases was 222 due to the lockdown restrictions on site visits but this was comparable to neighbouring local authorities of similar size.

In response to a question asked about the Council not following up on all planning conditions imposed she explained that with over 1500 planning applications approved per year there was not the resources to check every single condition had been complied with. If a breach was reported by the public it would be investigated.

Members discussed the report and consideration was given to:

- Resources in the Planning Service was biased towards planning applications and not enforcement
- The perception of the public who saw the Planning Service as biased toward developers
- Not enough information provided to Members about planning enforcement outcomes
- The timeframes for legal action
- The requirement of Members to receive training on planning enforcement
- The desire of Members to see the Council taking quicker and firmer action
- Who determined what was proportionate or not and was this standard across all authorities
- That biannual meetings with other local authorities enforcement services would be useful

The Group Manager for Development Management explained that the authority needed to determine if legal action was the appropriate course of action and that it was not a crime to breach planning control. The legislation around planning enforcement was weighted towards protecting the environment and preventing harm, that action taken by the enforcement team was not explicitly to 'punish' any breaches but to seek to prevent harm in planning terms, and that legal action was not appropriate in all cases.

Members agreed that they wanted to look at the issue in more detail and **AGREED** to set up a Working Group to look at the Enforcement Plan and question planning officers about the current process.

The Scrutiny Officer agreed to work with Members to develop a Scrutiny Proposal Form which would determine the scope and the outcomes of the Working Group which would be presented at the next meeting. Membership of the Working Group would be determined at the next meeting.

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

Reason for the decision – Planning Enforcement was an issue of clear public interest and scrutiny could help to ensure that proportionate and robust processes were in place.

83 **COSTS OF PUBLIC CONSULTATIONS (01.01.37)**

The Committee had before it a *report from the Scrutiny Officer detailing the number and costs of public consultations over a two year period.

Members were concerned about the costs of consultations and that few had been acted upon.

Members discussed the Cullompton Relief Road non statutory consultation which had cost in excess of £14k and why this was necessary. They requested further information on the numbers of people who had responded.

The Chief Executive explained that the consultation had been specifically at the request of Members and that the Cabinet Member for Planning, Economy and Regeneration had given an undertaking at the time to go out for pre consultation.

Members discussed the report and consideration was given to:

- Statutory vs Non Statutory requirements
- The percentage of the public who responded to consultations

Note: *report previously circulated and attached to the minutes

84 **WORKING GROUP - QUALITY AND QUANTITY OF COUNCIL REPORTS (01.19.01)**

The Committee had before it a *Scrutiny Proposal Form which had been prepared by the Scrutiny officer and Cllr B G J Warren.

Cllr B G J Warren explained to Members that he had been concerned about the number and length of reports presented to Members and the amount of officer time in preparing them. He explained that as he was on a number of committees he was seeing the same reports numerous times and that he was concerned with the number of reports asking Members to just note.

The Chief Executive explained that the current process was for reports to go to numerous committees as not all Members were on multiple committees but that this could be amended if Members requested it.

Members then discussed the proposal to set up a task and finish group to investigate the issues and consideration was given to:

- Members wanted as much information in reports as possible and were not keen to see reports artificially shortened which might leave out detail
- Most reports provided to Members were also available to the public and it was a good way to be open and transparent
- Members were happy with the current reporting system

- Reports for noting encouraged debate and often lead to actions to be taken by officers
- Some Members were only on one committee and therefore would not have an opportunity to see reports if they were not included in all agenda's

Members **AGREED** not to form a task and finish group at this time.

Note: *Scrutiny proposal form previously circulated and attached to the minutes.

Reason for the decision – It was not felt that a task and finish group would add value to the current report process at this time.

85 **FORWARD PLAN (01.42.09)**

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

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

86 **SCRUTINY OFFICER UPDATE (01.42.36)**

The Scrutiny Officer explained that Devon County Council had produced a report on 5G and that this had been circulated to Members.

She informed Members that training was being arranged for new Members of the Committee and that existing Members were welcome to attend as a refresher if they wanted to.

She explained that she would be setting up a work planning session so that Members could raise issues that they would like to Scrutinise.

87 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01.43.00)**

Members requested that the following were brought to a future meeting of Scrutiny:

- An update on the recommendations on the Customer Engagement Working Group
- Rural Broadband update
- Devon County Council 5G response
- A Scrutiny Proposal for a Planning Enforcement Working Group
- An update on the projected losses for the St Georges site being developed by 3 Rivers Developments

Members heard a request that the Committee hear more about the following item on the Forward Plan before a decision is made at Cabinet:

- SPV Options Report

(The meeting ended at 4.20 pm)

CHAIRMAN

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Minute Item 79

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 17 August 2020 at 2.15 pm

Present

Councillors

F W Letch (Chairman)
W Burke, R J Chesterton, L J Cruwys,
Mrs C P Daw, J M Downes, R Evans,
B Holdman, B A Moore, R L Stanley,
B G J Warren and A Wilce

Also Present

Councillor(s)

R M Deed, G Barnell and R J Dolley

Also Present

Officer(s):

Stephen Walford (Chief Executive), Jenny Clifford (Head of Planning, Economy and Regeneration), Jill May (Director of Corporate Affairs and Business Transformation), Matthew Page (Group Manager for Human Resources), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Maria De Leiburne (Legal Services Team Leader), Clare Robathan (Scrutiny Officer) and Carole Oliphant (Member Services Officer)

58 **REMOTE MEETING PROTOCOL (00.03.54)**

The Committee had before it, and **NOTED**, the *Virtual Meeting Protocol.

Note: *Virtual Meeting Protocol previously circulated and attached to the minutes

59 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00.04.00)**

Members were reminded to make declarations of interest when appropriate

60 **PUBLIC QUESTION TIME (00.04.09)**

There were no members of the public present.

61 **APOLOGIES AND SUBSTITUTE MEMBERS (00.04.22)**

There were no apologies or substitute Members

62 **MEMBER FORUM (00.04.27)**

There were no issues raised under this item.

63 **MINUTES OF THE PREVIOUS MEETING (00.04.40)**

The minutes of the last meeting held on 20th July 2020 were approved as a correct record.

64 **DECISIONS OF THE CABINET (00.08.21)**

The Committee **NOTED** that none of the decisions made by the Cabinet on 6th August 2020 had been called in.

65 **CHAIRMAN'S ANNOUNCEMENTS (00.08.39)**

The Chairman had no announcements to make.

66 **WHISTLEBLOWING 6 MONTH UPDATE (00.08.46)**

The Group Manager for Performance, Governance and Data Security advised the Committee that no Whistleblowing matters had been raised during the previous six months. She explained that the Whistleblowing Policy was due for review in March 2021 and she welcomed any comments or feedback from Members on any changes required.

67 **ESTABLISHMENT 6 MONTH UPDATE (00.09.42)**

The Committee had before it, and **NOTED**, a *report from the Group Manager for Human Resources giving an update on the Establishment during the Covid 19 pandemic.

He explained that sickness levels were down compared to the same period the previous year and were now under a 6 day average in the current year if the first quarter results were replicated across the year (the Group Manager stressed that the first two quarters often yielded better results than the last two quarters due to the autumn and winter periods). He stated that the establishment had risen by 12.26 due to agency posts being removed and these becoming embedded in the establishment of critical services.

He further explained that there had been issues with turnover which centred around previous conduct and performance issues with individuals which had been addressed and that experienced staff were being head hunted by other authorities.

He provided further detail on the effect of the Covid 19 pandemic and confirmed that 40% of the workforce had been working from home, 30% had been working on site and a further 20% had been initially furloughed. The Council had made full use of the Government's furlough scheme and there had been no reported positive cases within the workforce to date.

The Officer explained that staff had been surveyed and had provided a lot of positive feedback about working from home and the Council was looking into providing additional support for staff who wanted to continue with the arrangement in the future. He explained that more regular 1-2-1's and manager supervision would be required.

In response to a question asked, the Group Manager for Human Resources explained that a Reasonable Adjustments Policy was being developed which would assist with the recruitment and retention of disabled staff. He also explained that the Council was very much a champion for attracting and retaining staff with disabilities.

The Chief Executive, responding to a question about his welfare, explained that he had access to a range of internal and external support and that the Leadership Team were very supportive of each other. He confirmed that the support mechanisms available to staff and Members was also available to him if required.

There was a general discussion with regard to the sickness policy launched in February 2020 and Members agreed that Managers needed to become more confident in applying the policy.

Consideration was given to:

- The amount of unlogged hours staff were completing working from home
- The reasons for agency costs in the Waste Management Service
- That Members felt that staff had coped exceptionally well with the recent crisis

Note: *report previously circulated and attached to the minutes

68 **PERFORMANCE AND RISK (00.36.45)**

The Committee had before it, and **NOTED**, the *Performance and Risk report presented by the Group Manager for Performance, Governance and Data Security.

She outlined the contents of the report and explained that this was the first report presented to the Committee against the new corporate plan. She explained that sustainability was now firmly incorporated within the corporate plan.

In response to a question asked about gas service compliance, she explained that there were currently 25 gas inspections outstanding. That staff had been working closely with tenants to get the gas services completed but many had been shielding and it had not been possible.

There was a general discussion with regard to the regeneration of Tiverton Town Centre and Members questioned what was in the pipeline. The Head of Planning, Economy and Regeneration explained that the Cabinet had recently considered a report on progress with the town centre masterplan including locations for projects and that a draft plan for public consultation was due to be considered by Cabinet by the end of the year. She explained that the Council was aware of the need to identify and implement quick wins which could make a meaningful change.

The Cabinet Member for Planning, Economy and Regeneration explained that he was setting up a Tiverton forum with members of the Town Council to help inform this work and that further financial assistance was expected from Central Government which could provide bid opportunities.

The Head of Planning, Economy and Regeneration acknowledged Members concerns with the amount of empty shops in the three towns. She explained that there were real links with the work to reopen the high streets safely for which Government funding had been received. She stated that a lot of work had been undertaken and many initiatives had been implemented in a short time frame and that there was a live action plan for further phases.

Members requested an update on the status of the Cinema site in Tiverton which had previously been identified for potential expansion and enhancement

Note: *report previously circulated and attached to the minutes

69 **S106 GOVERNANCE (00.54.10)**

The Committee had before it, and **NOTED**, a *report from the Head of Planning, Economy and Regeneration providing an update on the proposed S106 Agreements Governance and Financial Contribution arrangements.

The Head of Planning, Economy and Regeneration explained that the Committee had before it a briefing note and the latest draft of the S106 Governance arrangements which was due to be presented to the Cabinet. She explained that the Planning Policy Advisory Group had provided input to the proposed scheme and invited comments from Members of the Scrutiny Committee which would be included in the final Cabinet report.

The Officer explained the difference between S106 funding and Community Infrastructure Levy (CIL) which both were both types of developer contributions. The Community Infrastructure Levy had not yet been introduced in Mid Devon. She explained that prior to 2015, the Local Planning Authority could take generic contributions but they now had to be more specific at time of negotiation. She further explained that the Local Plan Review had been approved and that the Government had recently indicated an intention to reform developer contributions including S106 requirements.

Members discussed the revised governance and funding proposals and provided the following comments:

- That Members were not provided with details of legacy S106 monies or how this could be accessed
- There was not enough information available to the public on who could apply for S106 funding and what could be applied for
- That Ward Members were not involved with the initial negotiations with developers and had no insight of what was being proposed
- That the publication of public information by year end was not an acceptable timeframe
- The information supplied to Town and Parish Councils was not acceptable and training on the new arrangements must be provided
- There was not enough transparency of accountability

Note: *report previously circulated and attached to the minutes

70 **FORWARD PLAN (01.38.05)**

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

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

71 **SCRUTINY OFFICER UPDATE (01.38.24)**

The Scrutiny Officer informed Members that the Cabinet had accepted all the recommendations proposed by the Customer Experience Working Group and that the Group would reconvene in six months to scrutinise the outcomes.

72 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01.39.41)**

The following items were identified:

- A proposal for a Working Group to investigate the quality and quantity of Council reports and to agree membership of the Working Group if approved by Committee
- Update required on additional funding for the self-help guides for service users of the Devon Sexual Abuse and Rape Crisis Support Services from the Group Manager for Public Health and Regulatory Services
- Update required on the plans for the Cinema site in Tiverton as part of the revised Tiverton Town Centre masterplan from the Head of Planning, Economy and Regeneration
- A report required on the percentage and number of planning enforcement cases pursued by the Council and the outcomes of these from the Head of Planning, Economy and Regeneration
- A report required on the enforcement activities completed by the Street Scene service and an update on progress of contracted out enforcement (due in October) from the Group Manager for Street Scene and Open Spaces

(The meeting ended at 4.06 pm)

CHAIRMAN

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