

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 16 January 2023
at 2.15 pm

Present

Councillors

S J Clist (Chairman)
G Barnell, L J Cruwys, Mrs S Griggs,
Mrs E J Lloyd, Mrs E J Slade, J Buczkowski
and B G J Warren

Apologies

Councillor(s)

E J Berry, F W Letch, S Pugh, R F Radford and A Wilce

Also Present

Councillor(s)

Mrs C P Daw and R L Stanley

Also Present

Officer(s):

Stephen Walford (Chief Executive), Maria De Leburne (District Solicitor and Monitoring Officer), Andrew Jarrett (Deputy Chief Executive (S151)), Richard Marsh (Director of Place), Jill May (Director of Business Improvement and Operations), Andrew Busby (Corporate Manager for Property, Leisure and Climate Change), Paul Deal (Corporate Manager for Finance), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Lisa Lewis (Corporate Manager for Business Transformation and Customer Engagement), Matthew Page (Corporate Manager for People, Governance and Waste), Angharad Williams (Development Management Manager), Jason Ball (Climate and Sustainability Specialist), Carole Oliphant (Member Services Officer) and Jessica Rowe (Member Services Apprentice)

62 APOLOGIES AND SUBSTITUTE MEMBERS (0.03.21)

Apologies were received from Cllrs S Pugh, E J Berry and R F Radford.

Apologies were also received from Cllrs F W Letch and A Wilce who were substituted by Cllrs J Buczkowski and B G J Warren.

63 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.03.47)

Members were reminded of the need to make declarations where appropriate

64 PUBLIC QUESTION TIME (0.03.57)

Nick Quinn, a local resident asked:

My first questions concern Agenda Item 9: Complaints Update.

On page 10 of your papers, at paragraph 3.3, it is said that a new complaints system is being built and that input will be obtained from the Portfolio holder for Continuous Improvement and the Corporate Performance & Improvement Manager.

Q1. Is it intended to ask service users, or the public generally, what they would want to be included in a new complaints system?

Q2. Does the Council currently follow up on closed complaints, to find out whether the complainant was satisfied with the outcome, or the complaint process?

My final question concerns Agenda Item 10: Budget Update.

On page 27 of your papers, there are two tables: Capital Expenditure Summary and Capital Funding Summary.

In the Capital Funding Summary table, just above the General Fund Subtotals row, is a row called Borrowing 50 years - totalling £57.538M.

The table shows the 50 year borrowing amount for 2023/24 is £12.196M, which my children's children will still be paying off in 2073.

I should like to know what they will be getting for this long term loan. So my question is...

Q3. What is the £12.196M, of General Fund 50 year borrowing in 2023/24, being spent on?

The Chairman confirmed that the questions would be addressed when the item was discussed.

65 **MINUTES OF THE PREVIOUS MEETING (0.06.39)**

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

66 **DECISIONS OF THE CABINET (0.16.27)**

The Committee **NOTED** that none of the decisions made by the Cabinet on 3rd January 2022 had been called in.

67 **CHAIRMAN'S ANNOUNCEMENTS (0.16.44)**

The Chairman announced that two Member Services Officers were moving to other departments within the Council and he wished them well for the future.

68 **WHISTLEBLOWING 6 MONTH UPDATE (0.18.55)**

The Corporate Manager for People, Governance and Waste informed the meeting that there had been no whistleblowing instances during the previous 6 months

69 **MOTION 583 - PROTECT RIVERS AND SEAS (0.18.59)**

Representatives from South West Water Authority (SWWA) had been invited to attend and the following questions were put to them:

- The UK has the dirtiest rivers in Europe. Here in Mid Devon, in 2021, SWWA discharged sewage into local rivers and seas over 2,068 times, totalling over 20,853 hours of sewage discharge in just one year (monitoring was carried out on 53 of the 93 storm overflows). Last year, Ofwat opened an enforcement case with SWWA, after heightened concerns about its environmental performance which suggested it was not complying with its obligations. SWWA must have known this was the case before enforcement action was started, so why was SWWA not complying and therefore knowingly harming rivers and seas?
- What action has been taken so far as a result of this enforcement case? How much money are you investing and where will this go?
- The Environment Act has driven increased monitoring and reporting of storm overflows. Since this requirement, what has SWWA done to identify and reduce sewage spills and pollution? Can you give us the latest numbers on how many discharge events there have been?
- What other work is planned and in what timeframe?
- What are you doing to ensure your wastewater treatment works are operating as they should?
- What can you do to input to local authority planning processes, so that we can better assess whether existing treatment works have the capacity for new development? Do you have information available to be able to assess the impact of development on the number and duration of sewage discharges into local rivers? Will you be willing to share this information?
- How will SWWA and the Environment Agency be working together to monitor this work?
- How are you / how will you be keeping customers informed of your actions?

Mark Worsfold from South West Water Authority gave the following responses:

- Events were monitored via event duration monitors and the numbers of these had been increased to cover all storm over flows
- There was an open enforcement and criminal case and he could not respond to this question due to legal privilege
- Although unable to respond to the open enforcement case he confirmed £333m had been invested via Waterfit in 200 storm overflows
- Operational action had been taken to increase the number of monitors and increased maintenance activity. No of spills had been reduced by 75% for overflows in the bathing season
- The Waterfit program ran until 2025 and SWWA was preparing submissions to both the Environment Agency and OFWAT
- The Water Resources Management Plan looked at a series of actions and engagement with customers. The plan set out actions over 25 years and was currently open to public consultation
- There were continued reviews of treatment works including daily and weekly reports and an investment program
- SWWA were undertaking a number of tests for phosphates and nitrates. The Government set targets through the Environment ACT and required Water Authorities to reduce levels by up to 80%
- 45% of phosphate was from agricultural practices but this should reduce with new legislation for farmers

- Drainage and wastewater management plans set out the plans for new developments. There was currently a consultation on this which was open until the end of May
- SWWA and the Environment Agency had a close working relationship as they were the regulator
- SWWA were close to publishing real time information re storm overflows. When this goes live it would be available to view on their website.
- Environment Agency and Natural England had their own processes but there were no gaps in these highlighted by SWWA
- There would be a need in future to look at more solutions for grey water drainage, storage and distribution

In addition, the Director of Place confirmed that he was not aware of any specific request by SWWA to respond to the consultation on Drainage and Wastewater management plans but he would follow this up.

70 COMPLAINTS, COMMENTS AND COMPLIMENTS - UPDATE (1.08.18)

The Committee had before it, and **NOTED**, a *report from the Corporate Manager for Business Transformation and Community Engagement providing an update on complaints.

The officer explained that the update followed on from the previous report presented to Scrutiny and that there has been a slight decline in some of the results. As a result of this she confirmed action being taken which included:

- Refresher training
- Replacement CRM system in the future
- Replacement complaints system in the future
- Housing Complaints would be reported to the Homes PDG

Consideration was given to:

- The ability for managers to spot check complaints would be investigated

In answer to public question asked the Corporate Manager for Business Transformation and Community Engagement stated:

- Policies and processes concerning complaints would not change but they would engage with a new CRM system
- Closed complaints were not currently followed up but this could be introduced with the new systems

Note: *report previously circulated and attached to the minutes

71 BUDGET UPDATE (1.23.08)

The Committee had before it, and **NOTED**, the Budget update *report, previously presented to the Cabinet on 3rd January 2023.

In response to public questions asked the Corporate Manager for Finance stated:

- As explained at Cabinet on 3/1/2023 the borrowing timeframe is usually aligned with the working life of an asset funded from that borrowing. Within those working draft papers the funding requirements for 3RDL had been included with the 50 year borrowing as the underlying assets financed were property. As highlighted, it was not appropriate to fund short term development investment through long term borrowing. Therefore, in this case, the term would be amended to align with the development timeframe and not the life of the asset. So, hopefully Mr Quinn that gives you reassurance that we will address that in terms of the papers going forward to February Cabinet, where the budget will be approved. I would just add that, up to this point, we have not actually borrowed externally for 3 Rivers and the intention is not to, going forward, as long we have that capacity internally. So, hopefully, that answers that question.

The officer went on to explain that the budget gap was largely due to inflation of wages, fuel and energy costs and that progress was being made to close the gap through income generation rather than service cuts.

A new approach would be taken with Town and Parish Councils and there would be ongoing discussions with the S151 officer due to attend a number of Parish Council meetings in the future.

Consideration was given to:

- The budget was constantly reviewed and residents were consulted via residents surveys
- Annual settlements from Governments made it difficult to strategically plan budgets
- Provision had been made for impairment for 3RDL and had been agreed by the Council's external auditors
- There were ongoing discussions about the costs of the Leisure Centres against the benefit to residents and there was a work in progress to reduce costs through green initiatives and an increase in fees and charges
- The impact of vacancy management on service delivery could be scrutinised by way of quarterly reports

It was therefore **RESOLVED** that:

- Officers provide a report on a system of vacancy control that was transparent and inclusive of Members and the Scrutiny Committee. To include the projected targets for vacancy control and how it might be implemented

(Proposed by Cllr Barnell and seconded by Cllr B G J Warren)

AND:

- Officers to provide a report on the future funding of the Leisure Centres including the possibility of an inclusive budgeting exercise involving the electorate on the future funding of the leisure centres

(Proposed by Cllr G Barnell and seconded by Cllr Mrs E J Lloyd)

Reason for the decisions: To provide a steer for Council on budget proposals

Notes:

- *report previously circulated and attached to the minutes
- Cllr J Buczkowski made a personal declaration as Chairman of Cullompton Town Council
- Cllr Mrs S Griggs made a personal declaration as Mayor of Tiverton Town Council
- Cllr B G J Warren made a personal declaration as Chairman of Willand Parish Council
- Cllr Mrs E J Slade left the meeting at 4.43pm

72 **WORK PROGRAMME (2.34.32)**

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

Members discussed the 3 additional items as requested by a member of the committee to determine how the Scrutiny Committee would like to deal with them:

1. It was **RESOLVED** to request that the Leader attend a future meeting of the Scrutiny Committee to present the recent Cabinet review into 3RDL

(Proposed by Cllr G Barnell and seconded by Cllr B G J Warren)

2. It was **RESOLVED** that the item on Planning Policy and Procedures not be taken forward onto the Scrutiny Workplan after confirmation received from the Director of Place and the Development Management Manager that the Authority was able to determine planning applications for itself, its officers and members and arm's length companies by virtue of the Town and Country Planning Act.

(Proposed by the Chairman)

Note:

- Cllrs G Barnell, Mrs E J Lloyd and B G J Warren requested that their abstention from voting be recorded
3. The District Solicitor and Monitoring Officer explained to Members the process for requesting items be placed onto an agenda of the Scrutiny Committee and gave a brief overview of the Scrutiny Prioritisation flow chart previously provided during training of Members. It was **AGREED** that Members would be provided with the training material again along with a Scrutiny Proposal form in order that a firm proposal for an agenda item could be presented back to Committee

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

(The meeting ended at 5.28 pm)

CHAIRMAN