

Mid Devon District Council

Scrutiny Committee

Monday, 8 December 2014 at 2.15 pm
Exe Room, Phoenix House

Next ordinary meeting
Monday, 19 January 2015 at 2.15 pm

Those attending are advised that this meeting will be recorded

Membership

Cllr J Roach
Cllr E J Berry
Cllr J Rendle
Cllr T W Snow
Cllr M E Turner
Cllr N A Way
Cllr A V G Griffiths
Cllr S Griggs
Cllr T G Hughes
Cllr M R Lee

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 **MEMBER FORUM**
An opportunity for non-Cabinet Members to raise issues.

- 4 **MINUTES OF THE PREVIOUS MEETING** (*Pages 7 - 10*)
To approve as a correct record the minutes of the meeting held on 10 November 2014 (attached).

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.

5 **DECISIONS OF THE CABINET**

To consider any decisions made by the Cabinet at its meeting on 27 November 2014 that have been called-in.

6 **CHAIRMAN'S ANNOUNCEMENTS**

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

7 **DEVON COUNTY COUNCIL - CLOSURE OF CARE HOMES** (Pages 11 - 18)

The Committee to discuss the response received from Devon County Council to questions submitted by this Committee regarding the closure of care homes.

Correspondence attached.

8 **PERFORMANCE AND RISK** (Pages 19 - 38)

To consider a report of the Head of Communities and Governance providing Members with an update on performance against the corporate plan and local service targets for 2014/15 as well as providing an update on the key business risks.

9 **COUNCILLOR D F PUGSLEY HAS REQUESTED THAT THE FOLLOWING BE DISCUSSED BY THE COMMITTEE;** (Pages 39 - 40)

Exclusion of Press and Public. The minutes of Scrutiny Committee on 11 March 2013 and Cabinet on 28 March 2013 are relevant.

Scrutiny 11/03/13

RECOMMENDED to the Cabinet that:

(a) A training session be held for all Chairmen, Vice-Chairmen and relevant Officers regarding the use of the exemption clause in Schedule 12A of the Local Government Act 1972 regarding the exclusion of the press and public; and

(b) Whenever there is a possibility that an item may need to be discussed in part two the agenda should include a brief explanation as to why this might be the case, in plain English, and make reference to the Constitution, Article 13, which mentions a presumption in favour of openness and transparency.

Cabinet 28/03/13

RESOLVED that the above recommendations be approved.

Correspondence attached.

10 **STAFF RECRUITMENT** (*Pages 41 - 82*)

At the request of the Committee the Head of Human Resources, Learning and Development will give a briefing regarding both internal and external recruitment to the Authority.

During discussion of this item it may be necessary to pass the following resolution to exclude the press and public having reflected on Article 12 12.02(d) (a presumption in favour of openness) of the Constitution. This decision may be required because consideration of this matter in public may disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The Committee will need to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information.

ACCESS TO INFORMATION ACT – EXCLUSION OF THE PRESS AND PUBLIC

RECOMMENDED 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 of Part 1 of Schedule 12A of the Act, namely information relating to an individual.

11 **ASBESTOS** (*Pages 83 - 90*)

To receive a report from the Head of Housing and Property Services providing Members with an update on the Health and Safety Executive (HSE) investigation into the alleged Asbestos Insulating Board (AIB) asbestos soffit removal by an unlicensed contractor at Brays Close, Crediton.

12 **UPDATES AND ITEMS TO NOTE REGARDING OUTSTANDING ISSUES:** (*Pages 91 - 96*)

- Safeguarding - The Head of Communities and Governance attended the Districts Safeguarding Meeting on the 18th November where the safeguarding reps from the District Councils in Devon met along with the Chairman of the Devon Safeguarding Childrens Board (DSCB) and the following items were discussed:

As District Councils deal with the safeguarding of children and vulnerable adults it was felt that it would be useful to bring together training in these two areas rather than the lead officers having to attend individual sessions on safeguarding children and safeguarding adults. The DSCB are going to look into this

One of the priorities of the DSCB is to tackle Child sexual

exploitation. The DSCB briefed the district leads on the role we can play in this including discussions with licencing and tourism leads and work that can be done in respect of hotels in our area

We are required to submit our Section 11 returns (a self-evaluation of compliance with the specific and general duties in respect of safeguarding children as defined in the Children Act 2004) to the DSCB by the end of January 2015. Once the returns have been completed the District leads will discuss areas of commonality and gaps and then form a workplan to address issues we can work on jointly such as training, referral routes, policies (including HR), communication and publications and wellbeing of and support for employees.

The next meeting is likely to be in early February 2015.

- Planning Committee Procedures: – Members are asked to note that there has been a delay in the issue of this report which will be considered by the Planning Committee. Following this, the report will be further considered by the Scrutiny Committee at the next available meeting.
- Chief Executive of the Police Commissioners Office: – Answers to questions raised by the Committee are attached to the agenda.
- Active Daily Living Equipment (ADL): – Following discussion at the meeting of this Committee held on 30 September 2014, Devon County Council have provided the attached response.
- Harlequin Valet - Following its deferral from the last meeting of this Committee the Head of Planning and Regeneration will attend the next meeting on 19th January to answer outstanding queries regarding the time-line and fill any gaps. Also to discuss any recommendations that could be developed from the section titled summary and points for consideration.

13 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:

Review draft budget review for 2015-16
Car Parking update from Cabinet Member
Reorganisation/Redundancies within the Council
Harlequin Valet update
Procurement Working Group Report

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

Kevin Finan
Chief Executive
Friday, 28 November 2014

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who 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 to the Council Chamber on 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 Julia Stuckey on:

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