

# Public Document Pack

**Mid Devon District Council**

## **Scrutiny Committee**

**Monday, 15 June 2015 at 2.15 pm**  
**Exe Room, Phoenix House**

**Next ordinary meeting**  
**Monday, 13 July 2015 at 2.15 pm**

Those attending are advised that this meeting will be recorded

## **Membership**

Cllr F R Rosamond  
Cllr Mrs H Bainbridge  
Cllr Mrs J B Binks  
Cllr Mrs C P Daw  
Cllr Mrs S Griggs  
Cllr T G Hughes  
Cllr B A Moore  
Cllr Mrs J Roach  
Cllr Mrs E J Slade  
Cllr T W Snow  
Cllr N A Way  
Cllr Mrs N Woollatt

## **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       **ELECTION OF VICE CHAIRMAN**  
To elect a Vice Chairman for the municipal year 2015/16.
  
- 2       **APOLOGIES AND SUBSTITUTE MEMBERS**  
To receive any apologies for absence and notices of appointment of substitute Members (if any).
  
- 3       **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.
  
- 4       **MEMBER FORUM**  
An opportunity for non-Cabinet Members to raise issues.

- 5 **MINUTES OF THE PREVIOUS MEETING** *(Pages 5 - 12)*  
To approve as a correct record the Minutes of the last meeting of this Committee (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.

- 6 **DECISIONS OF THE CABINET**  
To consider any decisions made by the Cabinet at its meeting on 4 June 2015 that have been called-in.

- 7 **CHAIRMAN'S ANNOUNCEMENTS**  
To receive any announcements that the Chairman of Scrutiny Committee may wish to make.

- 8 **START TIME OF MEETINGS**  
To agree a start time for meetings for the municipal year.

- 9 **LEADERS ANNUAL REPORT** *(Pages 13 - 20)*  
To receive a report from the Leader of the Council, in respect to the state of the district, Cabinet priorities for the coming year and its performance in the previous year.

- 10 **CABINET MEMBER FOR ENVIRONMENT** *(Pages 21 - 22)*  
The Cabinet Member for the Environment will update the Committee regarding areas covered by his remit.

- 11 **LEGAL SERVICES SIX MONTHLY UPDATE** *(Pages 23 - 30)*  
The Head of Communities and Governance will update the Group following the report to this Committee in April 2014 when it was agreed that an interim progress report be brought to the Committee in September 2014 with a six monthly update.

- 12 **STAFF SURVEYS** *(Pages 31 - 32)*  
Councillor Mrs J Roach has requested that the Committee discuss Staff Surveys.

- 13 **POLITICAL BALANCE OF COMMITTEES**  
Councillor Mrs J Roach has asked that the Committee consider whether the swapping of seats, Conservative to Independant and visa versa is allowed under the political balance regulations.

- 14 **MEMBERSHIP OF THE JOINT EAST AND MID DEVON CRIME AND DISORDER SCRUTINY PANEL FOR THE FOLLOWING MUNICIPAL YEAR.**  
Under the Police and Justice Act 2006 every local authority is required to have in place a committee with power to review and scrutinise the

functioning of the Community Safety Partnership (CSP) within its area. The Crime and Disorder (Overview and Scrutiny) Regulations 2009 further complements this. Home Office guidance provides that where councils are working together in a CSP, they should work together to deliver a scrutiny function that is able to add value. Previously meetings have been held twice a year and have been held alternately in Sidmouth and Tiverton and chaired by the relevant Scrutiny Chairman within that area.

The Committee is asked to appoint three Members to the Panel, one of whom should be the Scrutiny Committee Chairman.

15 **UPDATES AND ITEMS TO NOTE REGARDING OUTSTANDING ITEMS**

Whistle Blowing - To receive a six monthly verbal update from the Head of Communities and Governance.

16 **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:

Cabinet Member for Community Well Being

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

**Kevin Finan**  
Chief Executive  
Friday, 5 June 2015

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:

Tel: 01884 234209

Fax:

E-Mail: [jstuckey@middevon.gov.uk](mailto:jstuckey@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 13 April 2015 at 2.15 pm

### **Present**

#### **Councillors**

Mrs J Roach (Chairman)  
Mrs H Bainbridge (substituting for Councillor E J Berry), A V G Griffiths, Mrs S Griggs, T G Hughes, M R Lee, Mrs J Rendle, Mrs M E Turner and N A Way

### **Apologies**

#### **Councillors**

E J Berry and T W Snow

### **Also Present**

#### **Councillors**

Mrs E M Andrews and R L Stanley

### **Also Present**

#### **Officers:**

Liz Reeves (Head of Customer Services), Jenny Clifford (Head of Planning and Regeneration), Catherine Yandle (Internal Audit Team Leader) and Julia Stuckey (Member Services Officer)

## 164 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Councillor E J Berry, who was substituted by Councillor Mrs H Bainbridge and from Councillor T W Snow.

## 165 **PUBLIC QUESTION TIME**

There were no questions from the members of the public present.

## 166 **MEMBER FORUM**

There were no issues raised under this item.

## 167 **MINUTES OF THE PREVIOUS MEETING**

Following the addition of the wording "The matter of £15K being allocated to the Master Plan was raised" under Minute 158 the minutes of the last meeting were approved as a correct record and **SIGNED** by the Chairman.

## 168 **DECISIONS OF THE CABINET**

The Committee **NOTED** that none of the decisions made by the Cabinet at its last meeting had been called in.

## 169 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Inspector Jane Alford-Mole to the meeting.

## 170 MEETING MANAGEMENT

The Chairman informed the Committee that she intended to take item 12 on the agenda before item 8.

## 171 POLICE DETECTION RATES

Inspector Jane Alford-Mole thanked the Committee for inviting her to the meeting.

The Inspector explained that over the last few years crime standards had changed. There were strict rules and regulations into the reporting of crime and the HMRC monitored this and regularly undertook audits. This was the case for all forces across the country and strict guidelines had to be followed.

A crime had to be reported within 72 hours but it was expected that this would be changing to 24 hours.

If an offence was alleged, unless it could be disproved, it must be recorded. A lot of low level crime reported to police in previous years could be dealt with on the spot, but even if an Officer on the street was advised of something very low level it still had to be reported. There was a dedicated team in place which looked at all police logs received and they were audited to make sure that they were not closed off if a crime had been committed. If a crime had been committed it would always be recorded.

Crimes were broken down into different categories, for example, burglaries dwellings, burglaries non dwelling, theft, shop lifting and making off without payment. Making off without payment was often simply a mistake but it still had to be logged and proven.

Violence with injury and violence without injury crimes could often be alcohol linked. Violence with no injury could be as minor as someone shouting abuse across a street.

The Inspector explained that part of her job was to break down the crime trends. To do this she met with her team and other agencies fortnightly to identify trends and patterns. This helped her to identify where to put resources and to identify which crimes were going up in which areas.

Records of domestic abuse and sexual abuse were not being logged as violence with injury as the Police were trying to encourage victims to report these crimes. Coverage of Operation Yew Tree had encouraged victims of historic abuse to come forward.

On the subject of rural crime the Inspector explained that she was working to engage the rural community, which traditionally was not known for reporting crime. Farmers were being encouraged to report incidents of suspicious activity in their area and the Inspector explained that they would always follow up intelligence. She explained that she did not have enough officers to cover the area without the public's help.

The Inspector explained that two people were currently on remand and would be in court the following week, accused of large type commercial break-ins. She explained that these were travelling criminals and had been apprehended as part of Operation Snoop. Other ongoing operations included Operation Garmin and Operation Mascot, both of which were targeting rural crime.

The Inspector explained that there had been a move to online crime, which included child exploitation. She further explained that there was now a unit dealing with the M5, but that these officers could be diverted to other work if required.

Discussion took place regarding:

- 20 mph speed restrictions – the Inspector explained that there was a dedicated Officer that looked at requests for speed limits in liaison with the Highways Authority;
- Cyber-crime and the need to report it;
- Incidents of rural crime;
- The number of officers available for the Inspector to respond to incidents;
- The 101 website;
- The processes involved in the recording of crime and the time it took officers to complete paperwork;
- The need to safeguard victims of domestic violence.

It was **RESOLVED** that the Chairman of the Scrutiny Committee write to the Police Commissioner and the Chief Constable to highlight the amount of time officers were spending completing paperwork.

(Proposed by Councillor Mrs H Bainbridge and seconded by Councillor T G Hughes).

## 172 **NIGHT TIME ECONOMY (00:42:50)**

The Chairman of the Night Time Economy Working Group outlined the reasons why the Group had been set up.

He explained that last November there had been reports of disorder during the evenings in the town centres and reports that this was affecting the night time economy by deterring the public from using the town centres at night.

Following this a Working Group was set up and the Licensing Committee became involved with a particular premises in the town.

The Chairman of the Working Group was pleased to inform the Committee that there seemed to have been a significant improvement to this situation and that on Saturday 28<sup>th</sup> March himself and the Chairman of the Scrutiny Committee had the privilege of spending an evening with Inspector Jane Alford-Mole, in the town centre hot spots, observing the situation. He was pleased to be able to report that he had been

thoroughly impressed by the manner in which the police dealt with incidents and came away from the evening with the conclusion that, with the resources available to her, the Inspector was dealing with the situation well. He also reported that the Inspector had an excellent relationship with staff at the late night premises and that door staff appeared to be making a difference. He felt that what they witnessed was normal Saturday night behaviour and saw nothing to cause concern.

Discussion took place regarding Temporary Extension Notices and the Inspector confirmed that she had looked into an issue that had occurred while the Councillors were out with her, due to the clocks going forward. Procedures had been put in place to prevent this happening again.

It was **RECOMMENDED** to the Cabinet that:

- i. The Waste Service liaise with the Licensing Service to ensure that the litter from late night food premises be kept to a minimum. Should a problem arise with a specific premises a letter be sent to remind them of their duty to keep the area clean.
- ii. The Licensing Officer liaise with the Devon and Cornwall Police with regard to Temporary Extension Notices, to ensure that they are dealt with in a timely fashion and that all of the appropriate people are aware of them.
- iii. The Licensing Officer ensure that measures be put in place to monitor Temporary Extension Notices when offices were closed.

(Proposed by the Chairman)

Inspector Jane Alford-Mole outlined an incident that had recently occurred in Cullompton during a weekend, which had been well publicised. The Inspector explained that an argument had started inside a public house but spilled out into the town. This happened to coincide with closing time in the pubs so a large number of people became involved. It was a Bank Holiday weekend and a lot of alcohol had been consumed. She considered that the occurrence had been a circumstance of timing but confirmed that the landlord would be spoken to regarding the amount of alcohol that had been consumed. She said that there had been racial tones within the incident but she did not consider this to be the cause. She reported that Tasers and spray deterrents would only be used in extreme circumstances. She felt that although Facebook could be a useful tool for the Police, in this instance it had proved to be negative. The Police would be using intelligence gained to prevent further issues.

The Chairman thanked the Inspector for attending the meeting and for her time on Saturday 28<sup>th</sup> March.

It was **RESOLVED** that the Chairman of the Scrutiny Committee write to the Police Commissioner and the Chief Constable to praise Inspector Jane Alford Mole for the efficient manner in which she went about her job.

(Proposed by Councillor Mrs H Bainbridge and seconded by Councillor T G Hughes).

Note: - Report previously circulated and attached to Minutes.



### 173 **PERFORMANCE AND RISK (01:01:35)**

The Committee had before it and **NOTED** 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 the 2014/15 financial year, as well as providing an update on the key business risks.

The Audit Team Leader explained that the report highlighted performance for each Policy Development Group, Planning Committee and Audit Committee.

Discussion took place regarding:

- The risk regarding chemicals – Members queried why this risk was set at level 2 when staff should be trained and procedures should be in place to reduce the risk. The Audit Team Leader would report this back to the appropriate Officer.
- The risk regarding Digital Transformation and the Local Plan needed to be removed, following the successful transition to the new website.
- Members requested that sickness reporting be broken down to report long term and short term sickness separately.

Note: - Report previously circulated and attached to Minutes.

### 174 **PERFORMANCE MANAGEMENT GUIDANCE (01:08:05)**

The Committee had before it information regarding Performance Management Guidance from the Head of Communities and Governance.

The Audit Team Leader informed the Committee that the Head of Communities and Governance had asked that Members give feedback or comments on the document. It was proposed that this document be circulated to all Councillors following the election. In particular she asked for comments in relation to section 6 – Members role in performance management. She asked if Members felt that it was useful or were there things that could be added to improve further?

Discussion took place regarding:

- Section 6.2 bullet 3 asked if the information was concise, accurate, balanced and presented in an easily understandable format. Members did not feel that this was the case and reported that they did not consider that it questioned value for money;
- Members requested that more comments be added to performance data to explain variances;
- Reports may have been too simplified resulting in not enough relevant information being given;

- There seemed to be a lack of action taken if performance was not as it should be;
- It was suggested that performance be measured against the new Corporate Plan;
- Members felt that the guide explained the role of Members and Officers well;
- The possibility of looking at other authorities and how they reported performance;
- That a review of the achievement of Corporate Plan targets be added to the time line in October, to identify issues.

The Audit Team Leader requested that any further feedback be forwarded to the Head of Communities and Governance.

Note: - Report previously circulated and attached to Minutes.

#### 175 **PLANNING POLICY PROCEDURES (01:34:31)**

The Chairman asked the Head of Planning and Regeneration to update the Committee regarding the current situation with the Planning Committee Procedures Working Group and their report which was due to go to the Planning Committee

The Officer explained that she was very aware that the report was outstanding but that other priorities had prevented the completion of this work. The Planning Service had prioritised work on the Local Plan and the urban extensions. The required public consultation had taken place but the report to the Committee had not yet been formalised. It was anticipated that the report would go before the Planning Committee in June.

The Chairman explained that Members of the Scrutiny Committee had raised several issues regarding planning in the past and that these had been compiled into a Minute of a meeting of the Committee held on 20 October 2013. Minute 76 had been sent to the Working Group in order that these matters be added to the procedures. Subsequently the Chairman had received an email from the Chief Executive in January 2014 confirming that the procedures would be prepared by Spring 2014. The Chairman expressed her concern that some Members would leave the Council before their concerns had been addressed.

Members also raised concerns regarding enforcement. Members gave anecdotal examples of enforcement that had not been followed up and expressed concerns about the service following the recent departure of one of the Enforcement Officers.

The Head of Planning and Regeneration explained that the establishment should have 2.5 Enforcement Officers. This had recently dropped to 1 full time officer. The recruitment process was underway and no appointment had been made following internal advertising or through potential secondments from neighbouring authorities. She further explained that the case load of the remaining officer had been prioritised and that it would continue to be managed with the resources to hand.

A total of six vacancies for the Planning Service were being advertised. These vacancies had arisen due to maternity, resignations and a restructure. It was hoped, in the case of the Enforcement Officer vacancy, that an experienced Officer could be recruited.

It was **RECOMMENDED** to Council that the following be **NOTED**;

The Scrutiny Committee expressed disappointment that the report of the Planning Policy Working Group had not been seen by this Committee prior to the election and that Minute 76 had not been actioned.

(Proposed by the Chairman and seconded by Councillor T G Hughes)

(Vote 5 for 4 against – Chairman’s casting vote.)

#### 176 **HIGH STREET INNOVATION FUND (02:00:17)**

The Committee had before it and **NOTED** information from the Head of Communities and Governance regarding the High Street Renovation Fund.

The Committee were satisfied that the information provided clarified where the funds had been spent and the remaining funds yet to be allocated.

Note: - Information previously circulated and attached to Minutes.

#### 177 **CHAIRMAN'S ANNUAL REPORT**

The Group had before it and **NOTED** a draft report \* by the Chairman on the work of the Group since May 2014, a final copy of this report would be submitted to Council on 29 April 2015.

Note: - Report previously circulated and attached to Minutes.

#### 178 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING**

Legal Services – six monthly update  
Performance and Risk  
Whistle Blowing update  
Leaders Annual Report  
Cabinet Member for the Environment  
Election of Vice Chair  
Minutes of the meeting of the Joint East and Mid Devon Crime and Disorder Panel

(The meeting ended at 4.25 pm)

**CHAIRMAN**

This page is intentionally left blank

## **Scrutiny Committee 15 June 2015**

### **Leader's annual report to Scrutiny 2015**

Key achievements over the last year in our main service areas:-

#### **Customer Services**

- Implemented a new self-service payment kiosk in Phoenix House.
- Increased council tax collection rate by 0.2% to 97.8% (97.6% last year) and collected £1.6m more in council tax over last year.
- Business Rates collection also increased by 1.0% to 99%, (98% for 2014).
- Designed and went live with a new website, saving money and allowing more flexibility for future digital transactions.
- Made savings on postage through the introduction of clean-mail and moving to more digital transactions.

#### **ICT**

- Preparing iPads for those members requesting them (should be available for collection w/c 8 June).
- New Exchange email system now live, migration of email accounts to new system will be completed end of June (Outlook is the client).
- New Staff in ICT – Kai Hirst and Amy McNaughton to help with Digital Transformation.
- There have been problems in recruiting web skills so we are investing in additional training for existing development staff.
- About to go live with a new Forward Plans Representations searchable public register (mid-June).
- Leisure have completed their new website w/e 29/05/15.
- Waste - Recycling system migrated from legacy software w/c 01/06/15.
- New Comments/Complaints system go-live w/c 25/05/15.

- About to commence build of Chargeable Green Waste system.
- Gazetteer Management Services received a Gold award again for the high quality of their work.

### **Environment –**

- We successfully relocated our recycling service from Silverton to Tiverton – this was completed on budget and to a very tight timetable. It is also seeing some operational benefits through enhanced synergy as we now have both depots in close proximity. During this busy year (June 2014) we also managed to win a national recycling award for the greatest % increase in beverage carton recycling.
- Much of 14/15 has been spent planning the new changes to the waste collection service (which included a pilot trial). From June we are now collecting an increased range of plastics and cardboard (in accordance with resident requests) and from October we will be collecting food waste from the whole of the District on a weekly basis and introduce a charge for the discretionary collection of green garden waste. It is expected that these changes should significantly increase the level of recycling across the District and reduce the overall cost of the service by around £500k.
- Car parking charges were frozen at the 13/14 level across the District, we introduced a £1 night time charging tariff and we maintained our popular £1 for 5hrs in our long stay car parks. This has seen significantly improved usage levels.
- We are continuing with negotiations with Town & Parish Councils regarding the ongoing provision of Public Conveniences and Play Areas in order to match our property estate with the funding available to maintain them. Clearly this is not something the Council would choose to do – but it is one of the hard choices we are having to make in light of ever decreasing funding levels.

### **Finance –**

- Since 2010/11 we have seen over a £2m cut in aggregate Govt. funding (this includes £1.6m in additional New Homes Bonus from the delivery of extra housing across the District) and we continue to deliver a wide range of well performing services.
- 2014/15 saw a very small overspend of £90k on the General Fund – this position included one-off costs of some staff redundancies and the Recycling move from Silverton which totalled circa £250k. So if you take these amounts into consideration our remaining services under spent their budgets by £160k. This is a very good outcome when bearing in mind that we continue to reduce budgets to match the cuts in Central Govt. funding.

- Towards the end of 14/15 we have purchased a number of commercial units in Tiverton Town Centre in order to both ensure a healthy economic heart to the centre of Tiverton but to also earn an investment return of around 8% - this compares very favourably when compared against the 0.6% we are currently earning on investments made with banks/building societies on any surplus funds.
- During 14/15 we received another very positive audit from Grant Thornton who also referred to our demonstration of delivering value for money across our services and having good levels of financial control and reporting.
- We have ended 14/15 with a healthy level of financial reserves/balances which will undoubtedly help us cope with the ongoing financial challenges of the next 4 years.

#### Future –

- On the 8/7/15 there will be an emergency budget and the Chancellor has stated his desire to see another circa £13bn reduced from public sector budgets. This will undoubtedly flow down to further cuts to the local authority family. Most public sector commentators are estimating further year on year cuts of at least 10-15% per annum for the next 3-4 years.
- We are already looking at ways to balance the 16/17 budget. This will need to include a portfolio of measures: further reducing costs, looking at alternative means of service delivery, raising income where possible, looking at more commercial opportunities and revisiting service delivery in terms on quality/frequency.
- It is clear that current and future Govt. funding has moved towards a “payment by results” system. i.e. the old style fixed Formula Grant is being cut year on year and Councils will only receive additional funding if they accept more house building and commercial businesses within their boundaries.

#### **Leisure Services**

- Increased membership base
- Culm Valley Sports Centre ground floor refurbishment
- New internet connected
- New equipment at Culm Valley gym
- Increased variety of training courses offered (swimming, first aid etc.)
- Consultant’s report

- Recommending development at Exe Valley regarding a building extension

### **Community Development**

- We have awarded funding from the Town and Parish (TAP) fund totalling £70,982 in respect of 70 applications. A number of applications have already been received for the 2015/16 financial year.
- In 2014/15 we paid £185,000 of grants to external organisations. We are continuing to support these organisations in 2015/16 with a grants pot of £170,000
- As reported in the last Grants report in November 2014 we had allocated £23,500 from the Seed Fund to various projects across the District meaning that since starting the seed fund in 2012 we have awarded £79,700
- Continued to provide support and assistance to Town and Parish Councils. This includes 'Parish Matters' a monthly newsletter and meetings with Town and Parish Clerks. Shortly a number of training sessions will be run for Town and Parish Councillors on the Standards Regime and Planning.
- We have been actively involved with the Targeted Families Programme helping approximately 150 families in Phase 1. We are likely to engage with 450 in Phase 2. Work being done now to link with Early Help – which is to prevent families getting to the stage of social care intervention.
- Actively involved in the Devon Youth Games, which takes place on Sunday 12<sup>th</sup> July in Paignton. This large Olympic style sporting event is sponsored by the South West Rotary Clubs and will see over 1000 young people compete. There are various different sporting categories where Mid Devon is hoping to field a team at this year's Games from hockey, rugby, football, badminton, netball, athletics and more including para-sports. We are currently holding trials and training sessions in the build up to the event across Tiverton, Cullompton and Crediton.

### **HR**

- Increased in-house development around Lone Working, MBTI (Myers-Briggs Type Indicators) relating to personality profiling, NLP (Neuro linguistic programming) using different skills to communicate and soft skills, ie communication skills.
- Successful year with the in-house coaching programme which continues to develop and offers team coaching, team events and team MBTI.
- WRAP (Working to raise awareness of prevent) trainers qualified in house to deliver mandatory to employees and external bodies and support the government's anti-terrorism prevent campaign.



- HRBP's (Human Resources Business Partners) continuing to support and work with service areas on workforce planning (recruitment of staff, redundancies), consultations, restructures, disciplinaries, budget constraints
- Implementation of MyView (employee self-service system) and Etarmis systems (time management system)
- Implementation of new recruitment system
- The payroll system still has a lot of potential but this does need the time being spent on it
- Successful completion of the year end process once again
- Currently still going through our HMRC inspection
- Payroll Manager to leave at the end of June 15 which will have an effect on the service
- New apprentice in HR (Molly Deslandes) who has fitted in very well and has been a big help to all in the department

## **Housing**

- Performance across all areas of the service continues to match the best in the country in many areas, e.g. rent arrears, void turnaround times.
- Increased levels of investment continue: - 100% Decent Homes standard achieved on the 31 March 2015
- Completed building 6 new council homes in Fir Close Willand, completion of a further 14 properties at St Andrews Street, Tiverton due in September. Tenders are being prepared for 4 one bedroom flats in Tiverton and a planning application has been lodged for 26 properties at Palmerston Park, Tiverton and others being planned.
- Successfully bid and awarded £400k by the Homes and Community Agency for Mid Devon affordable housing projects
- In total 58 affordable homes provided across the District. We continue to negotiate for more affordable housing where this is viable.

## **Property**

- Acquisition of Market Walk and 32/34 Fore Street, Tiverton

- Additional car parking Exe Valley Leisure Centre
- Construction of new skateboard park adjacent Exe Valley Leisure Centre

### **Planning and Economic Regeneration**

- The Proposed Submission Local Plan Review was published in February 2015, with consultation taking place February - April 2015. Consultation responses are currently being analysed by Planning Staff. Plan submission and examination is expected later this year. This sets out ambitious plans for future development within the District that will deliver economic growth and investment, new homes and safeguard the environment of Mid Devon.
- At the same time a Draft Community Infrastructure Levy Charging Schedule has been prepared to ensure that developers make a fair and reasonable contribution towards local infrastructure. Once adopted, Parish and Town Councils will receive a proportion of this levy from developments in their area to spend on their own local priorities. Consultation on the Draft Charging Schedule has also taken place, responses to which are currently being assessed. Examination of CIL will take place in conjunction with the Local Plan Review.
- Tiverton Eastern Urban Extension: Outline planning applications for Area A of the Tiverton Eastern Urban Extension have been considered and subject to legal agreements, will be granted permission. Planning permission has been granted for the new junction onto the A361 North Devon Link Road and up to £7.2 million funding for it has been secured from the Local Enterprise Partnership on a match funded basis. Developer financial contributions will also fund this junction together with other infrastructure. Initial work has started on the masterplan for Area B of the Tiverton Eastern Urban Extension and consultation has taken place on the proposed traffic calming and environmental enhancement scheme for Blundell's Road. A brief for a design guide for the urban extension is also being drawn up. Funding has also been secured from the Homes and Communities Agency to assist the Council in the delivery of this project.
- Scoping stage consultation on the masterplanning of the North West Cullompton has taken place. A draft masterplan setting out how the development could come forward is currently being prepared. Further consultation will take place in 2015.
- Improvements, in part funded by development, have taken place at junctions 27 and 28 of the M5.
- An additional Conservation Area has been designed in the area of Blundell's Road, Tiverton and appraisals/management plans for a further 5 Conservation Areas have been undertaken. The Article 4 Direction in Cullompton Conservation Area has been reviewed

- A review is taking place of the Building Control Service in order to identify service delivery opportunities.
- Business Forum Mid Devon continues to enjoy a good turnout at the bi-monthly meetings at the Tiverton Hotel with between 50 and 80 attendees at each meeting.
- Our Business Advice Scheme provided by Business Information Point (BIP) has helped 117 businesses in the last financial year.
- Working with Devon County Council we have successfully secured LEADER funding worth €1.788 million (£1.43 million) for a five year programme up to Dec 2020 available for small and micro businesses in Mid Devon. The Economic Development team will work with businesses to help them bid for funding.
- Appointed a new Economic Development Officer who has been working proactively with businesses across the District to help them grow and expand
- Actively working with other Councils and the Local Enterprise Partnership (LEP) to draw down funding into the District for Economic Development
  - Continuing to work with the town teams and various business groups in the District.

This page is intentionally left blank

## **Cabinet Member for Environment Report to Scrutiny Committee**

### Waste, Recycling and Street Cleansing

This year we will see the most significant changes to the waste and recycling service in over a decade. The kerbside collection of mixed plastics and cardboard for recycling which is being rolled out this month will be followed by the weekly collection of food waste and introduction of a chargeable garden waste service in the autumn. Members may be interested to read the report being presented to the Managing the Environment Policy Development Group on 9 June (attached).

Stuart Noyce our Waste and Transport Manager and his teams of staff have now been working hard over a number of months to ensure the successful introduction of these changes, which are expected to result in ongoing costs savings of circa £450,000 per annum once the schemes have been rolled out. A project team, which includes staff from IT, finance, customer services and communications in addition the waste and recycling, is overseeing the changes as they are planned and introduced. A successful trial of the new scheme was carried out on an urban and rural round in February. Looking to the future work needs to be undertaken to further improve recycling rates particularly amongst those who do not take advantage of our kerbside recycling.

Street cleansing – we continue to work hard to keep our streets clean, with the limited resources available and to work with voluntary groups as well as town and parish councils. It is our intention to review street sweeping rounds and introduce revised rounds using route optimisation approaches. Litter and dog fouling in public places are unfortunately problems which need to be addressed, but I do not think Mid Devon is any worse than other areas of the country. We must not however be complacent and deal with these issues both by enforcement and improving litter collection particularly along the roadside and in rural areas.

### Grounds Maintenance

Devon County Council Highways have been forced to make budget cuts and have reduced the amount they spend on grass cutting, in mid Devon the majority of this work has been carried out by MDDC under contract from Highways. Highways now only contract us to cut grass on visibility splays and where there are safety reasons. Our grounds maintenance teams' cut grass across the district, including public open spaces for which we are responsible and our parks, as well as the work carried out on behalf of Highways. As an authority we have for a number of years, effectively subsidised the grass cutting undertaken on behalf of Highways, for this year we are continuing to cut highway grass but cannot afford to continue doing so in future years. We are therefore going to be contacting town and parish councils to see what levels of service they wish to receive in their areas and seek financial contributions to cover the cost of maintaining existing Service levels.

## Car Parking

Our main car parks in town centres continue to be well used and the introduction of the £1 fee for five hours parking in our long stay car parks in Tiverton, Crediton and Cullompton has proved very popular. The policy development group set up a working group a few months ago to look at car parking and to review the various car parks we have across the district including car parks in villages and out of town centres. Following the recent election I am anticipating the PDG will re-establish the working group and that they will make recommendations to the PDG later in the year. It is important to gain a greater understanding of what use is made of some of car parks, particularly those which are used free of charge and I want ward members to be involved in that process.

Cllr Neal Davey  
Cabinet Member for Environment  
3 June 2015

## **UPDATE ON THE RECOMMENDATIONS FROM THE LEGAL SERVICES WORKING GROUP**

### Background

In January 2014, a report was presented to the Scrutiny Committee from the Legal Services Working Group. The Working Group consisted of Councillors Griffiths, Lee and Roach and was set up to consider concerns raised by Members. The report is attached as Appendix 1

In March 2014, the Head of Human Resources and Development produced and presented a response to the recommendations made by the Scrutiny Committee. This update is attached as Appendix 2.

In September 2014, the Head of Human Resources and Development provided the Scrutiny Committee with an interim progress report. This update is attached as Appendix 3.

Since the last update the Head of Communities and Governance has become the Head of Service for Legal Services.

### Update

The workload of the Legal Service has been extremely heavy over the last 6 months and this does not show any signs of reducing.

Some examples of the work undertaken by Legal Services include:

- Dealing with complex legal issues arising from the redevelopment of the Town Hall site in Tiverton
- Purchase of 32/34 Fore Street and Market Walk, Tiverton
- Premier Inn development
- Review of community leases and Council's industrial and commercial portfolio
- Illegal slaughter and cutting up of animals case including an application under the Proceeds of Crime Act
- High profile planning enforcement cases including the Harlequin Valet and Manor House in Cullompton
- Planning appeals and inquiries (2 recently, Sunshine Corner, Lapford and Hackpen Stables, Blackborough)
- Commercial fly-tipping case
- Heavy demand for legal advice in housing law in the areas of ASB, flexible tenancies, possessions and injunctions
- Assisting Monitoring Officer
- Providing advice regarding large contracts

Since the last update Johanna Ayres, Principal Solicitor has left the Council.

In terms of a replacement for Johanna, we have employed a temporary member of staff, Mary Dolley. Mary has considerable expertise in property law and has been invaluable in projects including the Town Hall site and the purchase of Market Walk.

When considering the level of work in terms of property and assets, it is clear from the Estates business plan that this is only going to increase and as a result of this we have made the decision to make the Principal Solicitor post permanent.

Also since the last update the member of staff that had been dealing with the backlog of S106's and covering the maternity leave of the Legal Executive has left the Council.

The Legal Executive returns from maternity leave at the end of June 2015. In the interim the Trainee Paralegal Officer has been seconded to this role in order to assist as well as growing his training and development needs.

Once the member of staff has returned from maternity leave the team will be having an 'away day' to consider what Legal Services needs to look like in the future. This will focus on anticipated future workloads and how we resource these.

Succession planning is an important part of the plan going forward and opportunities to develop the Legal Executive and Trainee Paralegal Officer will form part of this plan.

The team will also be considering the most efficient and effective way of working going forward. We will focus on the requirements of the team in terms of digital transformation. This will include the scanning of all of the records in the deeds room.

A Service Level Agreement (SLA) for Town and Parish Councils has been drafted but currently due to the workload of the team they are not able to assist Town and Parish Councils with legal queries at the current time.



### Scrutiny Committee 20 January 2014

## Draft Report of the Legal Services Working Group

### Why the Working Group was formed

In May 2013 the Scrutiny Committee resolved to establish a task and finish group comprising of Councillors, A V G Griffiths, M R Lee and Mrs J Roach to address concerns raised by Members. Specifically, some Members had expressed deep concern regarding the Chairman of the Council and the Planning Committee Chairman being left in a vulnerable position over questions of legality that had occurred during full Council and Planning Committee meetings. It was felt that legal representation ought to be at the highest possible level and that Members and Committee Chairmen should be able to feel fully supported.

### Methodolgy used

1. An interview with each member of the Legal Services team asking them the following questions:
  - a) Do you have any concerns yourselves, if so, can you tell the WG what they are?
  - b) Where are the stress points and where is the strain coming from?
  - c) Do you feel the section is under staffed?
  - d) Do you need more time to complete certain jobs?
  - e) How long would it take to clear the backlog?
2. Meetings with the chief instructing officers from each service area asking them the following questions:
  - a) How quickly do you need your requests dealt with?
  - b) Are timescales adhered to?
  - c) Are you aware of the resource capacity within the Legal Services team?
  - d) Do you think the Legal Services Team would be more effective with another member of staff?
  - e) Do you feel satisfied with the service you receive from Legal Services, if not, why not?
  - f) Can you provide any other feedback regarding the service you receive from the Legal Services team?
3. A meeting in the Council Chamber to which all Members were invited.
4. Feedback sought from current and past Committee Chairmen including the Chairman of the Council.

### Documents provided to the Working Group

- Budget and actual spend for Legal Services for 2012/13 External spend on legal consultancy for 2012/13 including details of why external support was obtained and who requested it
- Financial Monitoring reports
- Recharges from Legal to other services for 2012/13 and 2013/14
- Time and Motion data

## Conclusions

The following summarises the concerns of the Working Group:

- i. Greater resource is needed within the Legal Services team particularly in relation to Planning and Constitutional law. This is particularly necessary given the future increase in workloads, e.g. development of Junction 27, increase in right to buy sales and introduction of CIL.
- ii. There has been no evidence of succession planning following the loss of trained legal staff in the last 5 years. Many of the concerns felt by the working group are a direct result of this.
- iii. Representation was made to the Legal Services Working Group by the Planning Committee as concerns had been raised regarding the capacity of staff in the Legal Services section to progress S106 agreements in a timely manner and the impact that this has on the performance of Planning Services in the time taken to determine applications. This must be addressed as a matter of urgency given the financial risk to the authority.
- iv. Greater support is needed for the Chairman at full Council. Advice has to be effective and immediate.
- v. There needs to be a recognition that there are occasions when there is a need to 'buy in' specialist legal advice.
- vi. The perception of the public particularly in Planning Committee when questions of legality are raised and there is no legal representation present.

## Recommendations:

- 1) Opportunities should be seized following any staff leaving in the future to recruit somebody with the necessary advocacy skills (it is understood that the Head of Human Resources will be undertaking a review of the skills needed early in the new year).

Note:The working group would like to make the comment that this does not necessarily need to be a one full time officer and suggest that consideration be given to other flexible / innovative working arrangements such as job share or part time hours.

- 2) In advance of a permanent solution being found consideration be given to a temporary arrangement in order to fill some of the gaps in procedural knowledge provided to full Council, for example, approach an ex member of staff to act as a mentor in the short term?
- 3) Photocopier – the Working Group strongly recommend that the photocopier is returned to the Legal Services Office especially as this was originally purchased from their budget. There are confidentiality reasons as to why the Legal Services staff cannot leave the copier unmanned. Its current location is having a significant impact upon the amount of time spent copying documents and leads to a great deal of frustration within the team.
- 4) Consideration be given to using funds from the Housing Revenue Account to fund specialist housing legal expertise.
- 5) Service Level Agreements be drawn up with Parish and Town Councils when a request is made for the District Council to provide legal advice.

### Cabinet Response to Legal Services Working Group Recommendations

4<sup>th</sup> March 2014

Note of a discussion which took place between the Cabinet, the Chief Executive and the Head of HR and Development on the Scrutiny Committee Working Party Report of the Legal Services Section (report dated 20<sup>th</sup> January 2014).

Looking at the five recommendations the following observations/agreements were reached:-

1. Opportunities should be seized following any staff leaving in the future to recruit somebody with the necessary advocacy skills (it is understood that the Head of Human Resources will be undertaking a review of the skills needed early in the New Year).

Note: The working group would like to make the comment that this does not necessarily need to be a one full time officer and suggest that consideration be given to other flexible/innovative working arrangements such as job share or part time hours.

**Response: following the resignation due to retirement of one of the Solicitors in the team the Head of HR and Development will be putting to Management Team within a fortnight a reorganisation of the team and an advertisement will be placed looking for someone with predominantly advocacy, property and some management skills. Consideration would be given to full time, job share or part time dependant on the applicants' suitability for the role.**

2. In advance of a permanent solution being found consideration be given to a temporary arrangement in order to fill some of the gaps in procedural knowledge provided to the full Council, for example, approach an ex member of staff to act as a mentor in the short term?

**Response: With the new Principle Member Services Officer and new Monitoring Officer in office the Cabinet and Chief Executive felt that full Council had sufficient support in place and no further action needed to be taken on this point.**

3. Photocopier – the Working Group strongly recommend that the photocopier is returned to the Legal Services Office especially as this was originally purchased from their budget. There are confidentiality reasons as to why the

Legal Services staff cannot leave the copier unmanned. Its current location is having a significant impact upon the amount of time spent copying documents and leads to a great deal of frustration within the team.

**Response: The photocopier which had formerly been in the Legal Section and latterly was situated outside the Chief Executive's office has now been moved elsewhere in the building as part of an overall strategy of better utilisation of equipment. However the Head of HR has been looking at what can be done to assist the team and will work with them to see what can be achieved to reduce the impact mentioned in point 3.**

4. Consideration be given to using funds from the Housing Revenue Account to fund housing legal expertise.

**Response: this already happens as and when necessary.**

5. Service Level Agreements be drawn up with Parish and Town Councils when a request is made for the District Council to provide legal advice.

**Response: it was agreed that Town Councils should have a service level agreement put in place and a charge made however it was felt that this would be incorrect for Parish Councils with their lack of resources.**

## SCRUTINY COMMITTEE LEGAL SERVICES UPDATE

### AGENDA ITEM 10 – 15 SEPTEMBER 2014

The Head of Human Resources will update the Group following the report to this Committee in April when it was agreed that an interim progress report be brought to the Committee in September 2014 and that a thorough review then be undertaken in six months time regarding the effects of ongoing changes in this area.

Previous minute below, with updates in bold where available:

The Committee had before it a paper \* setting out the Cabinet's response in relation to each of the Working Groups recommendations.

The Head of Human Resources and Learning and Development provided the Committee with an update on recent events in the Legal Services area:

- A new solicitor had been appointed to fill a gap resulting from an imminent retirement. She would start on 1 June 2014 and would have a hand over period of one month with the member of staff retiring. She had a particular expertise in Planning and was very experienced in managing staff;

**Johanna Ayres commenced employment with the Council as stated on the 1<sup>st</sup> June, Johanna is now attending Planning meetings and has taken on the management of two members of the legal team.**

- In addition to this a member of staff had been employed on a temporary three month basis to deal with the backlog of Section 106's as a result of the introduction of the Community Infrastructure Levy;

**This individual is still with the Council and is now covering the maternity leave of a member of the legal team.**

- Service Level Agreements would be drawn up with the Town Councils;

**This is in the process of being done.**

- It had been proposed to employ somebody for six months to scan all of the records in the deeds room thereby freeing up a lot of space and holding records electronically;

**We have had initial discussions regarding the use of DMS to store some of the documentation but the process is still in its very early stages, and initially we are looking at going through the files to establish the document types so that we can begin looking at how each file (and subsequent deed) would be stored. Once we have gone through this process we can then look to take the matter further.**

It was hoped that there would be a significant improvement in this service area within the next six months as a result of these changes.

Discussion took place regarding the decision to remove the photocopier which had once been in the Legal Services room. It was felt that its relocation to a position some distance

away had led to highly paid staff having to spend long periods of time at the copier since it was not possible to leave confidential documents in the machine and return to their desks whilst the copying took place. This had led to a great deal of frustration within the Legal Services team and had prevented them from using their time efficiently. A business case had been made by the Head of Human Resources to return the copier to its original location but this had not been supported.

Members expressed concern that this issue had still not been resolved and questioned who had made the decisions in relation to the copier especially given that it had originally been purchased out of the Legal Services budget. It was felt that this was having a negative impact upon the ability of the team to function efficiently.

RECOMMENDED to full Council that the Legal Services photocopier be returned to their office as a matter of urgency.

(Proposed by Cllr T W Snow and seconded by Cllr N A Way)

It was also AGREED that an interim progress report be brought to the Committee in September 2014 and that a more thorough review be undertaken in six month's time regarding the effects of on-going changes in this area.

## Innovation

---

At first I had reservations concerning the Committee's decision to establish the working group and undertake a detailed scrutiny of the findings [...]

I am pleased to say that in practice, the approach adopted by the working group was constructive and helpful. [...]

The interest shown by the scrutiny function in the views and welfare of staff has helped to foster improved officer-member relations within the council.

**Fiona Marshall,**  
Chief Executive

### Winner

#### Maldon District Council

#### Scrutiny of Staff Survey 2011 results

After negative results from its survey in 2011, the Overview and Scrutiny committee of Maldon District Council took the initiative of conducting a full review into the staff survey process, to highlight areas where improvement in the survey could be made, but also in tracking how survey responses were leading to council action. This was to test the approach taken by management, and to make sure that councillors were engaging with staff concerns.

**Judges** thought that this review provided an example of a council doing something different with performance management, and scrutiny helping with building relationships between officers and members.

#### Impact:

- The Staff Survey was conducted again in February 2013. It reported that the overall results showed a significant improvement in staff morale across the board (eg from 28% to 72% saying that "there is a positive culture within the council")
- A more consistent approach by the council and its members to working closely with staff to tackle issues, arising in part from Member representation on the council's Staff Forum, which provides Members with a direct link to frontline staff
- Agreement about the future conduct of staff surveys, and how management and staff can learn lessons effectively from the experience to bring about improvements.

This page is intentionally left blank