

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 21 May 2018 at 2.15 pm

Present

Councillors

F J Rosamond (Chairman)
Mrs H Bainbridge, Mrs C P Daw,
Mrs G Doe, T G Hughes, Mrs B M Hull,
F W Letch, Mrs J Roach, T W Snow and
N A Way

Apologies

Councillor(s)

Mrs F J Colthorpe and Mrs S Griggs

Also Present

Councillor(s)

R M Deed, C J Eginton and R L Stanley

Also Present

Officer(s):

Andrew Pritchard (Director of Operations), Jill May (Director of Corporate Affairs and Business Transformation), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Mark Baglow (Group Manager for Building Services), Andrew Busby (Group Manager for Corporate Property and Commercial Assets), Andrew Jarrett (Director of Finance, Assets and Resources), Carole Oliphant (Member Services Officer) and Sally Gabriel (Member Services Manager)

1 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr Mrs S Griggs.

2 **ELECTION OF VICE CHAIRMAN**

RESOLVED that Cllr T G Hughes be elected Vice-Chairman of the Committee for the municipal year 2018/19.

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

Members made the following declarations:

Councillor	Minute	Interest
Mrs J Roach	15	Personal – as a trustee of Silverton Room 4U with an interest in the disposal of council assets.
F W Letch	15	Personal - as Chairman of Crediton Town Council

N A Way	15	Personal - as a Member of Crediton Town Council
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4 PUBLIC QUESTION TIME (00-04-41)

Mrs Faulkner referring to Item 12 (Scrutiny Officer Report) on the agenda stated: In order to understand the complexity of operations relating to Anaerobic Digesters, the committee will need the following expertise of the following:

- Agriculturist
- Planner
- AD Operation Advisor
- Biologist
- Organic Chemist

Will these people be involved?

Mr Faulkner referring to Item 12 (Scrutiny Officer Report) on the agenda stated: Is the Sub Committee a Member of the ADBA, this costs approximately £500. With regard to the new EA rules, what is stable and what is sanitised, how is the EA proposing to test or police it?

Do they realise that when making gas from vegetable matter that process produces 40% carbon dioxide. When the methane is burnt, even more carbon dioxide is produced. Were any methane to escape into the atmosphere, that is 30 times more effective as a greenhouse gas than carbon dioxide itself.

The Chairman indicated that the Director of Operations would provide a written response.

5 MEMBER FORUM (00-06-59)

There were no issues raised under this item.

6 MINUTES OF THE PREVIOUS MEETING (00-07-10_

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

7 DECISIONS OF THE CABINET (00-07-24)

The Chairman informed the Committee that he had called in a decision made by the Cabinet at its meeting on 10th May 2018 (with regard to the Crediton Office) for consideration by the Scrutiny Committee in accordance with the Council's Constitution. This item would be discussed at agenda item 15.

The Chairman also informed the Committee that Cllrs: R M Deed, F W Letch, Mrs J Roach, T W Snow and Mrs N Woollatt had called in a decision made by the Cabinet at its meeting on 10th May 2018 (with regard to the kitchen supply contract 2018-

2022) for consideration by the Scrutiny Committee in accordance with the Council's Constitution for the following reasons:

To consider:

- the framework process and how it has been applied to this particular procurement; and
- the reasons behind Mid Devon's Service Level Criteria and how they have been applied to the suppliers on the Framework;
- the conclusion that Suppliers A and B did not meet Mid Devon's Service Level Criteria

The Director of Operations stated that procurement exercises were compliant with the Official Journal of the European Union (OJEU). He explained the process that had taken place with regard to the supply of kitchens explaining the specification required, which involved cost per kitchen, the delivery of supplies including parts and timings for delivery, all this data was then fed into a Cirrus Kitchen Materials Supply Framework and businesses had been invited to tender. He highlighted the importance of the specification and that supplies would have to be available when required. There were two stages to the process, stage one was completed by Cirrus and stage two had been carried out by the Procurement Service, the latter process involved selecting the highest ranked supplier and discounting them if they had not met the Mid Devon District Council service level criteria. He stated that Supplier A and B had been discounted as they had not met the absolute criteria set. He added that in hindsight adding the words "in order to meet the absolute criteria" at paragraph 5 to the report after "Suppliers A and B were discounted as they could not provide a local depot" may have provided a better description of the reason for being discounted from the selection process. In terms of absolute criteria, the time criteria chosen was minded to the turnaround time for works associated with voids; the intent being to minimise the time in-between tenancies; with an already demanding target of 16 days having been reduced to 14 days for the current year.

Discussion took place regarding

- The specific criteria and how points were awarded
- The process of excluding some companies as they did not meet the criteria
- The reasons for suppliers to be discounted
- Whether the decision of the cabinet had been based on incorrect information

At this point as Members wanted to discuss specific issues with regard to the suppliers therefore it was agreed that the matter be discussed in closed session and therefore it was:

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 respectively of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information)

(Proposed by the Chairman)

Returning to open session it was

RESOLVED that the decision of the Cabinet be accepted.

(Proposed by the Chairman)

Notes:

- i) Report * previously circulated and attached to Minutes.
- ii) Cllr Mrs J Roach requested that her vote against the decision be recorded
- iii) Cllr Mrs J Roach left the meeting at the conclusion of the debate on this matter.

8 CHAIRMAN'S ANNOUNCEMENTS (00-29-05)

The Chairman had no announcements to make:

- He reminded the meeting that if Members had concerns regarding the minutes of the previous meeting then they were requested to raise them in advance so that some preparatory work could take place.
- He reminded Members of the informal Scrutiny workshop that would take place on 11 June.

9 PARTNERSHIP WORKING GROUP UPDATE (00-30-07)

The Committee had before it and **NOTED** a *report of the work of the Partnership Working Group. The Director of Corporate Affairs and Business Transformation outlined the contents of the report stating that the work of the Group had initially taken place in 2015 and it was felt that the findings of the work should be reported to the Committee for consideration and that the issue be revisited on an annual basis.

Consideration was given to:

- the current partnership working that was taking place
- the details of the LEADER programme

Note: Report * previously circulated and attached to Minutes.

10 COUNCIL TAX REDUCTION SCHEME (00-34-50)

The Committee had before it and **NOTED** a *briefing paper of the Director of Finance, Assets and Resources providing an update on the Council Tax Reduction Scheme.

He outlined the contents of the report informing the meeting of the introduction of the Council Tax Reduction Scheme in 2013 and the recent changes that had been agreed by Cabinet in November 2016. He outlined the work that had taken place

with other Devon authorities to produce a scheme that was broadly consistent across the county. He also identified the criteria of the original scheme which was estimated in 2012 to affect 2600 existing claimants:

1 - Everyone should pay something. All working age claimants would be required to pay a contribution towards their Council tax. This would restrict the level of support to 80% - i.e. the claimant would be required to pay 20% of their Council Tax charge.

2 - Limit the amount of Council tax support to a Band D charge. This change would affect 97 customers.

3 - Reduce the savings limit from £16,000 to £8,000. This change would affect 47 customers.

4 - Stop Second Adult Rebate. This would affect 18 customers.

5 - Additional support for exceptional cases of hardship.

He reported the number of claimants had reduced since the introduction of the original scheme.

Consideration was given to the effect of the scheme on Town and Parish Councils precepts and that those Councils should contact the Finance Team if they required further explanation.

Note: Report * previously circulated and attached to Minutes.

11 **FORWARD PLAN (00-44-43)**

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

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

12 **SCRUTINY OFFICER UPDATE (00-46-34)**

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

Consideration was given to the themes within the report:

1. Road Maintenance and repairs in Mid Devon – concerns were raised that the issue had been passed to Devon County Council Highways Department to respond as a business as usual request; Members voiced their disappointment that the Committee's query had not been answered and the County Councillor present stated that he would follow this up.
2. Partnership Working Group – the work of the Group had been reported earlier in the meeting.
3. AD Working Group – the Chairman indicated that a report would be presented to the Committee in June.

4. Community Engagement Working Group – the meeting was informed that the initial meeting of the group would take place on 6 June 2018

5. Summary of complaints – consideration was given to:

- the data provided and the number of complaints for each service
- Whether Members performance should be measured
- Front line staff and how they behaved
- Informal feedback forms at the Leisure Centres
- The number of calls and face to face contacts that were dealt with annually
- The annual report which would be presented to the Committee in the near future.

13 **START TIME FOR MEETINGS (1-04-44)**

The Committee **AGREED** to continue to hold its meetings at 2.15pm for the remainder of the 2018/19 municipal year.

14 **ACCESS TO INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC (1-05-32)**

Prior to considering the following item on the agenda, discussion took place as to whether it was necessary to pass the following resolution to exclude the press and public having reflected on Article 15 15.02(d) (a presumption in favour of openness) of the Constitution. The Committee decided that in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

It was therefore:

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 respectively of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information)

(Proposed by the Chairman)

15 **THE FUTURE OF CREDITON OFFICE - CALL IN**

The Chairman informed the Committee that he had called in a decision made by the Cabinet at its meeting on 10th May 2018 (with regard to the Crediton Office) for consideration by the Scrutiny Committee in accordance with the Council's Constitution for the following reasons:

- 1 the decision appears to have been made, not in haste, but without full recognition of the potential for:
 - further negotiations to take place with Crediton Town Council to see whether a more acceptable offer could be achieved. There is, despite the known financial pressures in local government, no deadline by which the decision had or has to

be made - other than the need for a disposal to take place before the end of the 18-month protected period which applies to disposals of assets of community value in order to avoid a further moratorium.

- the central and valued location of the building to Crediton which, if it were to be transferred to Crediton Town Council, could sustain the well-being and social cohesion of the town
- 2 it is unclear how the Cabinet took into account the following Corporate Plan objectives:
- working with local communities to encourage them to support themselves, including retaining and developing their local facilities and services
 - working with town and parish councils

Following discussion on the matter, the meeting returned to open session and it was

RESOLVED that the Cabinet be requested to reconsider its decision to dispose of the Crediton office building to buyer 2 and that Crediton Town Council be allowed to make a final offer for the building.

(Proposed by Chairman and seconded by Cllr T G Hughes)

(Vote 5 for 4 against)

Notes

- i) Cllr F W Letch declared a personal interest as Chairman of Crediton Town Council;
- ii) Cllr N A Way declared a personal interest as a Member of Crediton Town Council;
- iii) *Report previously circulated

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

There were no additional items raised for the next meeting.

(The meeting ended at 4.15 pm)

CHAIRMAN