

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **SCRUTINY COMMITTEE** held on 13 August 2018 at 2.15 pm

### **Present**

#### **Councillors**

F J Rosamond (Chairman)  
Mrs F J Colthorpe, Mrs S Griggs,  
Mrs B M Hull, F W Letch, T W Snow,  
N A Way, Mrs A R Berry and R J Dolley

### **Apologies**

#### **Councillor(s)**

Mrs C P Daw, Mrs G Doe, T G Hughes and Mrs J Roach

### **Also Present**

#### **Councillor(s)**

R L Stanley and Mrs M E Squires

### **Also Present**

#### **Officer(s):**

Stephen Walford (Chief Executive), Andrew Pritchard (Director of Operations), Jill May (Director of Corporate Affairs and Business Transformation), Andrew Busby (Group Manager for Corporate Property and Commercial Assets), Simon Newcombe (Group Manager for Public Health and Regulatory Services), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Alan Keates (Group Manager for ICT), Maria De Leiburne (Solicitor), Kevin Swift (Public Health Officer) and Carole Oliphant (Member Services Officer)

## **40 APOLOGIES AND SUBSTITUTE MEMBERS (00.01.35)**

Apologies were received from Cllr Mrs C P Daw (substituted by Cllr Mrs A R Berry) and Cllr Mrs J Roach (substituted by Cllr R J Dolley). Apologies were also received from Cllr Mrs G Doe.

## **41 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00.02.17)**

There were no declarations made.

## **42 PUBLIC QUESTION TIME (00.02.30)**

There were no questions from members of the public present.

## **43 MEMBER FORUM (00.02.39)**

The Committee asked for an update from the Scrutiny Officer on the funding for Trim Trails outside of Tiverton who stated that he would provide a written response.

44 **MINUTES OF THE PREVIOUS MEETING (00.04.04)**

The minutes of the meeting held on 1<sup>st</sup> August 2018 were approved as a correct record and **SIGNED** by the Chairman.

45 **DECISIONS OF THE CABINET (00.04.28)**

The Committee **NOTED** that none of the decisions made by the Cabinet on 2<sup>nd</sup> August 2018 had been called in.

46 **CHAIRMAN'S ANNOUNCEMENTS (00.04.32)**

The Chairman reminded Members that Neil Parish MP had requested information with regard to the Superfast Broadband provision from BT. He asked Members to forward details onto the Committee Clerk who would, in turn send them onto the MP.

He informed the Committee that the Housing Services Manager was compiling a report on Universal Credit.

47 **WHISTLEBLOWING 6 MONTH UPDATE (00.06.41)**

The Group Manager for Performance, Governance and Data Security informed the Committee that there had been no cases reported since the last update. She informed the Committee that reported cases had to be in the public interest and that this would lead to less reported instances.

48 **RIPA 6 MONTH UPDATE (00.07.52)**

The Committee **NOTED** a 6 month verbal update from the Group Manager of Legal Services and Monitoring Officer informing it that there had been no RIPA applications or authorisations in the past 6 months.

In light of this and the absence of any authorisations for a number of years, the Monitoring Officer had asked the Scrutiny Committee to consider moving to an annual report.

The Committee were informed that the reason for the low instances was that the process was quite intrusive and so if information could be obtained by other methods it would be preferable.

It was **RESOLVED** that the RIPA report be presented to the Scrutiny Committee annually or when an instance came up.

(Proposed by the Chairman)

49 **PERFORMANCE AND RISK (00.10.17)**

The Committee had before it and **NOTED** a \*report from the Group Manager for Performance, Governance and Data Security providing an update on performance against the Corporate Plan and local service targets for 2018-2019 as well as providing an update on the key business risks.

She outlined the contents of the report highlighting the targets against the Corporate Plan aims and providing information from queries raised.

The Committee asked, in relation to the Corporate Plan aim to facilitate the housing growth that Mid Devon needs, including affordable housing, for confirmation of the number of and location of Council houses built in the District in recent years. The Group Manager for Performance, Governance and Data Security stated she would provide a response.

Discussion took place regarding the reporting of Markets and that some Members felt that other local markets not run by the Council should be included.

The Committee requested that an explanation be provided of the biodegradable bags being provided by traders at the Tiverton Pannier Market. The Group Manager for Performance, Governance and Data Security stated she would provide a response.

The Committee were informed that the Gas Safety Inspections figures were reliant on tenants allowing access to their properties to enable the inspections to take place. The reason the figure was not 100% was that some tenants would not allow access but it was explained that there was an agreed procedure if the tenant didn't allow access.

The Committee discussed the fact that stress factors were only reported for staff and not for Members. The Chief Executive explained that he had a statutory duty of care for council employees (officers) but he would raise with Member Services the issue of stress management for Members.

The Group Manager for Performance, Governance and Data Security summarised the risk matrix.

Note: \*Report previously circulated and attached to minutes

## 50 **FORWARD PLAN (00.28.04)**

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

The Committee requested an updated report on property assets and the plans for them. The Chief Executive explained that he would arrange a repeat of the report previously sent.

The Committee discussed the Greater Exeter Strategic Partnership (GESP) and agreed to wait for the report into the proposed consultation for GESP which was due to be presented to Cabinet in the autumn.

Note: - Forward Plan \* previously circulated and attached to minutes

## 51 **COMMUNITY SAFETY PARTNERSHIP ANNUAL REPORT (00.33.04)**

The Committee had before it and **NOTED** a \*report from Group Manager for Public Health and Regulatory Services providing the Committee with a progress report of the Community Safety Partnership (CSP).

He outlined the contents of the report and gave an overview of the financial implications of Domestic Homicide Reviews (DHR). He explained that the reviews were legally required where a death occurred through violence in the home and it may be where domestic violence or other safeguarding issues were previously known to the authorities. One of the key purposes of the DHR was to see if there were any multi-agency lessons to be learnt from such tragic events which in turn could inform CSP activities and initiatives

He explained that the East and Mid Devon CSP were currently considering the latest Devon Strategic Assessment and a consultation in July to develop a new CSP Action plan had attracted over 30 organisations or interested parties. He said that there would be a slightly different approach going forward.

The Committee discussed why only Tiverton High School had been mentioned in many of the initiatives mentioned in the report but not any other Mid Devon secondary schools. It was explained by the Cabinet Member for Working Environment and Support Services that Queen Elizabeth School Crediton had been approached but had not wanted to take up the offer of being involved in the initiatives. It was explained by Cllr A R Berry that Uffculme School had also been approached and that they had other programmes in place covering the same topics.

The Committee requested that the details of the 6 primary schools who had taken up internet safety training were made known to Members.

Members requested that future reports on ASB activity were broken down by Ward.

The Committee discussed the issues of drugs and drug trafficking in Mid Devon and noted that Neil Parish MP was going to raise the issue with the Chief Constable of Devon & Cornwall Police, Shaun Sawyer.

The Committee discussed the issue of forced marriages and child sexual exploitation in Mid Devon and the Group Manager for Public Health and Regulatory Services stated that this may be an area in which the CSP could help to get the information across.

The Chairman thanked the Group Manager for Public Health and Regulatory Services for his report and reminded the Committee they had a duty to scrutinise the Community Safety Partnership and its actions.

Note: \*Report circulated and attached to the minutes.

## 52 **SCRUTINY OFFICER UPDATE (00.56.41)**

The Committee received a verbal update from the Scrutiny Officer regarding various areas that he had been asked to look into on its behalf.

Consideration was given to the themes within the report which included:

- Road Maintenance
- Air Quality Action plan - update at next Community PDG

- Community Engagement – The Parish & Town Council survey had 22 reports back and he hoped to bring the results back to the working group
- A level provision
- Diet, Nutrition and Lifestyle Members Briefing at 2.00pm on 16th August

### 53 **ACCESS TO INFORMATION - EXCLUSION OF PRESS AND PUBLIC (01.02.12)**

Prior to considering the following items 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 cases, 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 items of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 respectively of Part 3 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) and under Part 5 of Schedule 12A of the Act, namely information in respect of which a claim of legal professional privilege could be maintained in legal proceedings.

(Proposed by the Chairman)

### 54 **CYBER SECURITY**

The Committee had before it and **NOTED** a \*report from the Group Manager for ICT and GMS Services on Cyber Security and procedures to mitigate risks.

He outlined the contents of the report and provided the Group with the Council's mitigation strategies.

He encouraged Members to send any suspect emails that came into their MDDC email accounts through to ICT so they could be scanned and provided the relevant email address.

Note: \*Report previously circulated

### 55 **PALMERSTON PARK/BIRCHEN LANE**

The Committee had before it and **NOTED** a cost \*report from the Group Manager for Corporate Property and Commercial Assets on the Palmerston Park and Birchen Lane developments.

He outlined the contents of the report which was duly debated by Members.

Note: - \*Report previously circulated

The meeting moved back into open session.

56 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01.05.11)**

The following item was identified for a future meeting:

Committee requested a report on affordable housing contributions (as part of s106) and s106 monies in general and the Chief Executive advised that he would provide some information.

(The meeting ended at 3.54 pm)

**CHAIRMAN**