

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 8 October 2018 at 2.15 pm

Present

Councillors

F J Rosamond (Chairman)
Mrs H Bainbridge, Mrs C P Daw,
Mrs G Doe, Mrs S Griggs, F W Letch,
T W Snow, N A Way and R M Deed

Apologies

Councillor(s)

T G Hughes, Mrs B M Hull and Mrs J Roach

Also Present

Councillor(s)

R L Stanley

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Pritchard (Director of Operations), Jill May (Director of Corporate Affairs and Business Transformation), Jane Cottrell (Group Manager for Human Resources), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Lisa Lewis (Group Manager for Business Transformation and Customer Engagement), Adrian Welsh (Group Manager for Growth, Economy and Delivery), Tina Maryan (Area Planning Officer) and Carole Oliphant (Member Services Officer)

70 APOLOGIES AND SUBSTITUTE MEMBERS (00.01.21)

Apologies were received from Cllr Mrs B Hull and Cllr T G Hughes. Cllr Mrs J Roach gave apologies and was substituted by Cllr R M Deed.

71 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00.01.51)

No declarations were made

72 PUBLIC QUESTION TIME (00.02.06)

Hon Alderman David Nation stated that - on the 30th September you very kindly wrote to me about this whole issue of Crediton office building from which it was clear that you were mistaken about several key aspects of the issue. You believed that Crediton Town Council has dismissed as too expensive the opportunity to buy the building at the reduced price, that the Town Council declined to increase the precept and meet the cost and that there was an assurance that community groups could continue to use the building. I replied to you Chairman, explaining that first of all the Town Council did offer the £102,500 on the same terms as those that the District Council agreed with Tiverton Town Council for the purchase of the Tiverton Town Hall. Also that the Town Council did increase the precept so that they could pay off the purchase price in five or six years and that any new private owner could

terminate the tenancy of the community group or indeed the Town Council so there would be no security of tenure for the Town Council or anyone else. Indeed we have learned that one of the tenants at the Crediton Town building have been told by the new owner, the intended owner, that they can stay for the time being at the current rate although they are having to make an additional payment for works to be done. Now can I presume that if you as Chairman of Scrutiny were confused or have been wrongly informed about such key issues such as these that the Scrutiny Committee was equally confused or misinformed although it actually encouraged the Cabinet to reverse their decision and they were ignored. But would it not therefore be appropriate for the Scrutiny Committee to revisit the issue so that you might give further advice to the Cabinet on the matter.

In response Cllr F J Rosamond, Chairman of the Scrutiny Committee stated irrespective of that particular confusion if you like to put it that way, the Scrutiny Committee was not happy with the Cabinet decision and challenged the Cabinet by a call in so that the decision actually went back to the Cabinet to reconsider. So my confusion, and I could argue about some of that, did not influence the fact that Scrutiny took the issue as far as they possibly could but were unsuccessful in the sense that the Cabinet rejected the Scrutiny recommendation. So it wasn't for the lack of trying.

Hon Alderman David Nation then interjected to state I think what I was suggesting was if you had known the position was worse than it was you might have tried even harder.

Cllr Rosamond assured the member of the public that he did try very hard.

J Tucker stated: I would just like to say that I don't know quite how much you realise, how much absolute fury and distress there is in Crediton about this issue and the decision to sell the building to a private purchaser that there is even a petition going around now for a referendum to alter the Cabinet system. Should the Cabinet be made aware of this since the cost of a referendum is going to eat substantially into the profit that they are making from selling Crediton building which would be a bit of a shame for them quite apart from the danger of Members losing their seats next May because of it.

Cllr Rosamond said that the question had been decided and as far as the influence of Scrutiny was concerned we have no further purchase on any further developments in that respect, so I am sorry that you are thinking in terms of removing the Cabinet system but I fought quite hard for it, but that obviously rests with the people of Crediton.

Cllr T W Snow then stated he wanted to make a comment about the Cabinet system because when it was established of the 33,000 people in Mid Devon 178 voted and only 50% were in favour so only about 80 people out of 33,000 voted for the Cabinet system. I tried to change it but nobody would listen, I don't think it was democratically done.

Ms S Stevens stated that: the minutes of Newton St Cyres Parish Council revealed that when they considered the plight of Crediton Town Council on 6th September they were advised by Cabinet Member Cllr Hare-Scott that the building could not be offered to Crediton Town Council at the reduced price because it was different from

Tiverton Town Hall in the fact that the latter was listed also that Mid Devon District Council were duty bound to get the best value. Neither of these statements is true. The Crediton building is Grade 2 listed and Mid Devon District Council are entitled to sell the building to the Town Council at a reduced price for the benefit of the community. This is one example of incorrect and misleading facts which are currently being used to justify the Cabinet's decision to sell the building on the open market. Does the Scrutiny Committee believe that the Cabinet have acted properly, fairly and equitably as required by common law in the best interests of Mid Devon District Council and Crediton community and Crediton local charities as well. Relating to this please could the Chairman explain what advice he had received from the Monitoring Officer in the response to the request made by Alderman Nation at the last meeting that further consideration with accurate facts might be given at your next meeting regarding the Cabinet's decision to sell the Crediton building not to the Town Council for the use of the community of Crediton.

Cllr Rosamond said that he didn't know if there was a mention of the Monitoring Officer's comments in the minutes but this could be communicated to Ms Stevens.

Mr R Stevens stated that: I come before you as a concerned resident with a question regarding the intended sale of Crediton Town Council offices by Mid Devon District Council. May I preface these by saying that before this I have never involved myself in a protest about local or national government issues, but for me this is a matter of trust? It strikes at the very heart of our democracy. If I walk into a town in France or Germany it is easy to find the Hotel De Ville or Rathaus, even a small town it is frequently an imposing and historic building situated in the Town Square. It is an immediate focal point, a source of information and welcome. Crediton has a building which does that and much more. It looks the part although it is not imposing, it is in the right place in the square, it is designed for that and has a superb council chamber which has served that purpose long before Mid Devon District Council was born. It's a focal point for the local community and so many vital and charitable organisations. It once belonged to the Town but was entrusted in a moral sense to Mid Devon District Council in the local government reorganisation of 1974. So why is that to be taken from us? It seems that it is to fund a cash strapped Mid Devon District Council. However, the £80,000 or so difference might well have been bridged even if the Cabinet judged, I would say misjudged, the social and democratic value that such a low figure should the unnecessary bureaucracy clearly defending this indefensible decision must have eroded that profit. Crediton has a population of around 8000 and a voting population of 6400, the petition to save the Town Council offices is now over 2000 and rising, perhaps 25-35 % of the electorate. Nationally a petition numbering just 10,000 is to illicit a response from Government and 100,000 signatures triggers a debate in Parliament, scale up our petition to the 64.7 million in the UK and you would have 16 million signatures that is the significance of the issue. Yet we cannot get a moral or social reply from Mid Devon District Cabinet with technical defects by right of powers invested in Cabinet are just real. Fortunately on a national scale there are other District Councils who are wiser than ours. East Dorset District Council is offering to transfer 40 of its real estate assets to Parish and Town Councils, that is their Cabinet working properly. Contrast that with Mid Devon District Council Cabinet, it shows no humility to its electorate, no fear of the ballot box. We have heard that there are elections due on 2nd May 2019 when we vote we place trust. My question when Mid Devon District Council elects a Cabinet does it place trust in that Cabinet to fulfil the wishes of the Full Council and of the public electorate affected by their decisions and what actions are taken if that trust is mutant.

Cllr Rosamond said that the authority of Scrutiny to take it any further is extremely limited, we fought very hard within Scrutiny to challenge the decision but Cabinet took a view in terms of the financial circumstances of this authority that they had to maximise the potential assets.

73 **MEMBER FORUM (00.15.15)**

Discussion took place regarding the Cabinet decision to sell Crediton Town Council offices to a private buyer including:

- Failure to get the message across
- Transparency of the decision
- Local dismay at the decision
- Ability for the Cabinet to change its mind before contracts had been exchanged

The Chief Executive explained that as the petition had reached over 1500 signatures then the matter would be raised at the next Full Council meeting for further debate but as the Monitoring Officer had made clear at the last Cabinet meeting whilst it can be debated the Full Council does not have the power to overturn the Cabinet decision.

It was therefore:

RESOLVED that the Chairman of the Scrutiny Committee write to the Cabinet to express the disappointment that the recommendation made by the Scrutiny Committee had been ignored by the Cabinet. To ask them to reconsider their decision to sell Crediton Town Council offices to a private buyer in light of the adverse public opinion being received.

Proposed by Cllr T Snow and Seconded by Cllr F J Letch

74 **MINUTES OF THE PREVIOUS MEETING (00.27.51)**

The minutes of the meeting held on 10th September 2018 were approved as a correct record and **SIGNED** by the Chairman.

75 **DECISIONS OF THE CABINET (00.28.05)**

The Committee **NOTED** that none of the decisions made by the Cabinet on 27th September had been called in.

76 **CHAIRMAN'S ANNOUNCEMENTS (00.28.15)**

The Chairman announced that the report on Universal Credit was to be postponed until all the entire District was on line.

77 **CABINET MEMBER FOR HOUSING REPORT (00.29.31)**

The Committee had before it and **NOTED** a *report from the Cabinet Member for Housing.

He outlined the contents of the report and highlighted:

- Homes not fit for purpose inspections
- Gas inspections
- Temporary accommodation in Crediton
- New build budget and units built
- Responsive emergency service
- Evictions

Cllr Stanley explained that the Governments policy on Right To Buy was having an effect on the number of social housing units owned by the Council.

The Chairman thanked the Cabinet Member for Housing for his comprehensive report.

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

78 **COMPLAINTS POLICY (00.58.32)**

The Committee received and **NOTED** a *review of the Complaints and Feedback Policy from Group Manager for Business Transformation and Customer Engagement.

She outlined the contents of the review and stated that the key requirement remained unchanged and that the policy provided the standards in which staff dealt with complaints.

Members requested that the policy include further information on the aims and objectives and how confidentiality was assured.

It was **RECOMMENDED** to the Cabinet that the revised Complaints and Feedback Policy be approved.

(Proposed by the Chairman)

Note: *Review previously circulated and attached to the minutes

79 **ANNUAL REPORT ON COMPLAINTS, COMMENTS AND COMPLIMENTS (01.04.12)**

The Committee received and **NOTED** the Ombudsman *report of Complaints and the Annual Customer First report of Complaints, Comments and Compliments presented by Group Manager for Business Transformation and Customer Engagement.

She outlined the contents of the report and explained that all customer complaints were logged onto a database and that customers received an acknowledgement within three working days. She stated that the report provided a summary of the contact that the Council had with its customers.

Members requested the following information:

- How many complaints about dogs actually lead to a prosecution
- Volumes of communication by channels (phone, post, email etc.)

Note: *Report previously circulated and attached to the minutes

80 **ESTABLISHMENT 6 MONTH UPDATE (01.13.08)**

The Committee received and **NOTED** a *report from the Group Manager for Human Resources on the level of resignations and the reasons for them.

She outlined the contents of the report stating that the Committee had been concerned about the staff turnover and it provided details of why people left the employment of the Authority and details of sickness absence.

Consideration was given to the difficulties of always conducting a leaving interview as they were not mandatory and that stress related illness absence was not always work related stress but could be linked to bereavement and family breakdowns.

Note: *Report previously circulated and attached to the minutes

81 **TIVERTON TOWN MASTERPLAN FOLLOWING PUBLIC CONSULTATION (01.21.03)**

The Committee received and **NOTED** a *report from the Area Planning Officer on the Tiverton Town Masterplan following public consultation.

She outlined the contents of the report and stated that the report set out a summary of the response received from the recent public consultation. She stated that the Council had visited the Town Council twice, held two public consultations including one at Electric Nights, ran a video on Devon Live and extensively used social media to advertise and encourage participation in the consultation.

Although Members were disappointed that only 55 responses had been received the Area Planning Officer explained that the responses received had been very detailed and did contain a lot of useful information.

In response to a question on how long the Masterplan would take to implement the Area Planning Officer explained that the Tiverton Town Centre Working Group which consisted of Members and Officers would now be looking at next stages for the production of a draft Masterplan and also at implementation of the Masterplan.

The Chief Executive stated that the next stage would be to prepare and consult on a draft Masterplan and work up detailed propositions in parallel with the Masterplan.

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

82 **REVIEW OF PERFORMANCE INDICATORS GIVEN TO ELECTED MEMBERS (01.32.05)**

The Committee received and **NOTED** a *report on the review of Performance Indicators given to Elected Members from the Group Manager for Performance, Governance and Data Security which was requested by a member of the public.

She outlined the contents of the report explaining how the performance indicators were developed and how they were linked to the Corporate Plan. She invited Members input on the type of measurement which would be useful for developing the reports moving forward.

Note: *Report previously circulated and attached to the minutes

83 **PERFORMANCE AND RISK (01.36.34)**

The Group 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:

- Recycling figures compared to other District Councils
- Empty shop figures for Tiverton and Cullompton
- IT Security measures

Note: * Report previously circulated and attached to the minutes

84 **SCRUTINY OFFICER'S UPDATE (01.43.56)**

The Committee received and **NOTED** the Scrutiny Officer *report presented by the Chairman.

Note: *Report previously circulated and attached to the minutes

85 **FORWARD PLAN (01.45.09)**

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

Members requested that the Proposals for improvements to Tiverton Town Centre was not fully exempt but changed to partially exempt so that the public could be aware of what was being planned

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

86 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01.45.36)

There were no items identified.

(The meeting ended at 4.03 pm)

CHAIRMAN