

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 19 January 2015
at 2.15 pm

Present

Councillors

Mrs J Roach (Chairman)
E J Berry, Mrs J Rendle, T W Snow,
Mrs M E Turner, A V G Griffiths,
Mrs S Griggs, T G Hughes, M R Lee and
P F Williams

Apology

Councillor

N A Way

Also Present

Councillors

R M Deed, Mrs L J Holloway, Mrs B M Hull, R L Stanley,
K D Wilson and Mrs N Woollatt

Also Present

Officers:

Kevin Finan (Chief Executive), Jonathan Guscott (Head of Planning and Regeneration), Andrew Jarrett (Head of Finance), Amy Tregellas (Head of Communities and Governance and Monitoring Officer), Christina Cross (Head of BIS), Liz Reeves (Head of Customer Services) and Julia Stuckey (Member Services Officer)

114 APOLOGIES AND SUBSTITUTE MEMBERS

Councillor P F Williams was in attendance as a substitute for Councillor N A Way.

115 PUBLIC QUESTION TIME

Referring to item 12 on the agenda Mr Dennis told the Committee that he recalled the Scrutiny function was introduced into Local Government as a safeguard, in effect to allow it to monitor and question as necessary the various Local Authority decisions. In particular to ensure that such decisions made were in the best interests of both the Council/associated agencies and the local community. Does that remain the case today?

The question related to the cost of the Councillor Wilson v MDDC court case. Not the reasons for it, not the outcome, purely the basic cost details of the court case to MDDC.

Figures seem to vary with no firm amount. The current figure which I understand is some £13K seems at odds with a figure which emerged during a Full Council meeting which took place around the end of 2013 when as I recall the CE stated, I think in answer to a question from the floor, a figure which again from memory, was significantly greater than the said £13K.

So what is the actual figure please?

Mr Dennis said that he appreciated the figures might not be to hand so a written detailed and meaningful clarification of the costs to this Council, and in effect, to the local community would be appreciated.

The Chairman replied that she felt that the Scrutiny function at Mid Devon was not working as well as it should but that it was improving.

The Head of Finance confirmed the figure of £13K, which had been quoted.

116 **MEMBER FORUM**

No issues were raised.

117 **MINUTES OF THE PREVIOUS MEETING**

Following the addition of the word 'strong' to minute 106, referring to the letter to be sent by the Chairman, the minutes were agreed as a true record and signed.

118 **DECISIONS OF THE CABINET**

The Chairman explained that she had tried to call in a decision of the Cabinet, made at their meeting held on 8th January 2015 but that her request had been refused by the Monitoring Officer.

The Chairman explained that the Cabinet had referred the recommendations of a Working Group back to the Head of Housing for further review. She had been informed that because the only decision made had been to not make a decision, there was no need for this to go on the decision list and because it had not been on the decision list it could not be called in.

The Chairman informed the Committee that she intended to take this matter further.

119 **CHAIRMAN'S ANNOUNCEMENTS (00:12:55)**

The Chairman informed the Committee that Devon County Care Homes was on the agenda for noting but it was AGREED that this matter be discussed at agenda item 13.

The Chairman introduced Geraldine Daly from Grant Thornton and explained that she was there to observe the meeting.

120 **HARLEQUIN VALET**

The Head of Planning and Regeneration outlined the report which had been requested by Scrutiny following their consideration of the Independent Review Report on 10 November 2014. The Scrutiny Committee had requested this report address the time-line and any gaps within it, and also wished to see recommendations developed from the section entitled 'summary and points for consideration'.

The Officer confirmed that there were no additions to make to the time line in the original report. The last formal written communication from the Council's Building Control department prior in respect of the dangerous structure was in December 2011 when the owner was requested to take action to secure the safety of the render and cob at first floor level. Action was taken by the owner boarding the wall at that time and it was considered the minimum works necessary had been carried out to remove the danger at that time. Contact between the owners agents and the Planning Department were maintained during the processing of the various planning applications between the time of the fire and the wall collapse and reference was made to the involvement of Building Control Officers in those considerations. This history was fully set out in the earlier report.

Discussion took place regarding:

- The number of dangerous buildings reported;
- The need for a Structural Engineer to inspect dangerous buildings;
- Financial implications to the Council;
- The Council having the power to deal with dangerous structures but no obligation to do so;
- Responsibility to make the building safe lies with the owner and the need to make the public aware of this;
- A further dangerous building had been identified in Cullompton at the weekend;
- This building was being monitored to ensure public safety;
- The need to keep the public informed at all times, by press releases, News Centre and the website;
- The need to keep Ward Members and Town and Parish Councils informed at all times.

The Head of Planning and Regeneration tabled a list of recommendations, which had been amended slightly from the report.

RECOMMENDED to Cabinet that:

- Following the initial assessment and any remedial action to make a dangerous structure safe, the structures shall (unless fully demolished or fully repaired) if instructed by the Council, be monitored every two months (employing a structural Engineer where necessary) to ensure any further decay is identified as early as possible. A detailed record of those inspections and any actions requested to be kept.
- Ward Members, the Media, the website and Town and Parish Councils to be notified following inspections of the findings and any proposed action, ensuring maximum publicity.
- A leaflet to be published on the Council's website identifying the powers the Council has with regard to dangerous structures and the actions the Council may pursue where public safety is being put at risk where no action is taken by the owner. The proposed policies are set out below.

- Information should also be displayed on the Council's website, of the risks that poorly maintained cob structures can create and owner responsibility regarding dangerous structures.
- Delegated authority be given to Building Control officers to take action under Section 77 and 78 of the Building Act, as deemed necessary, and that expenditure incurred in those cases be agreed by the Cabinet Member for Planning and the Head of Finance as an expenditure outside of set budgets on a case by case basis. (The Council will always seek to recover its costs in such circumstances but recovery cannot be guaranteed).
- When proposals for enforcement action are taken to Planning Committee regarding dangerous structures the report to include a risk assessment on the building.
- The Council will set out the following policies (subject to Cabinet and Council approval) on its website for dealing with dangerous structures as follows:-
 - a. In an **EMERGENCY** situation the Council shall, if reasonably practical to do so give notice to the owner of their intention to take action. The Council will employ a contractor to do the minimum amount of work necessary to remove the danger. The owner, if not previously informed, will later be notified of the action and the fact that he/she is liable for the Council's full costs.
 - b. Where a dangerous structure is identified **BUT IS NOT AN EMERGENCY**, the Council will attempt to obtain a verbal commitment from the owner to remove the danger immediately. If not achieved, formal notice will be sought and served on the owner via the Magistrates Court under section 77 of the Building Act, requiring that the danger is removed. If the owner fails to comply, the Council will employ a contractor to do the minimum amount of work necessary to remove the danger.

(Proposed by Cllr T W Snow and seconded by Cllr P F Williams)

Note: - Report previously circulated and attached to minutes.

121 REORGANISATION AND REDUNDANCIES WITHIN THE COUNCIL (00:58:15)

The Chairman informed the Committee that she had placed this item on the agenda as she had wanted to ensure that correct procedure had been followed.

The Chief Executive reminded the Committee that there were continued cuts to budgets and that there was a need to work with less money. The budget for 2015/16 needed to be balanced and that he had worked with Heads of Service and Managers to find ways to save money and increase income. He had identified some redundancies and had consulted with the Leader, as per the Constitution, and had consulted with Human resources and the Union.

Those redundancies had taken place and the costs would be met within one year. The Chief Executive confirmed that there had been 4 redundancies and that these had been carried out in accordance with the Council's policy on the matter.

Redundancies were used as a last resort to balance the budget and were not estimated for each year.

The Head of Finance explained that the funds to pay for the redundancies had been taken from the reserves in the first instance. The organisation had been transparent and the savings were shown on the last budget statement. The effect of this could clearly be seen on the budget and if the redundancies had not been made the budget gap would be considerably higher.

One of the posts made redundant had strong connections to the Local Plan and the Chief Executive explained that it may be necessary for this Officer to return to the Authority at a later date as a consultant. However, the Local Government Pension Scheme would only allow Officers to earn in total no greater amount than they had been earning when in post. The Officer would be in post until 31 March 2015.

The Chairman reiterated that she was not happy that funds had been taken from the reserves without approval other than from the Chief Executive, Leader and Head of Finance. She stated her view that this was a budget issue which should have to be approved by Members. The decision was not in the Forward Plan nor shown as an Officer decision.

The Head of Finance confirmed that the Constitution allowed for the Chief Executive to make decisions such as this in consultation with the Leader. He had put in place a higher level of General Fund to allow for situations like this or a local disaster. There had been no intention to hide anything from Members, staffing levels were identified in the budget report on this agenda and Financial Monitoring went to all Policy Development Groups. Financial Regulations were approved by the Audit Committee.

Discussion took place regarding:

- The need to circulate a structure chart;
- Flexible Retirement;
- The need to make savings.

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

The Chairman of the Scrutiny Committee be consulted, along with the Leader, when the Chief Executive uses reserves to make payments for redundancies.

(Proposed by Cllr T W Snow and seconded by Mrs M E Turner)

122 **DRAFT BUDGET REVIEW FOR 2015-16 (01:52:50)**

The Committee had before it a Budget Report 2015/16 from the Head of Finance for consideration, prior to its final recommendation by the Cabinet.

Discussion took place regarding:

- Pension Back Funding – this was an amount that was being paid in order to reduce the pension deficit over a number of years;
- Pool Cars – these were 18 months old and were being leased over a 4 year period. They were used by staff for journeys as an alternative to paying an

amount per mile for driving their own vehicles. This was considerably cheaper and the cars were well utilised;

- The Fraud Team would be transferred to the Department for Works and Pensions in May;
- Numbers of staff employed was identified within the report;
- The Citizens Panel might be undertaken electronically in the future therefore making savings on postage and printing;
- Consideration was being given to charging for parking in Amenity Car Parks;
- Some investment had been made to the Multi-Storey Car Park to improve resurfacing and sealing. There had been a proposal for development on the car park which was being investigated;
- Improvements to the Pannier Market may be part of a larger investment in the town centre;
- Future investment in Sheltered Housing projects;
- Housing rent increases;
- Housing stock being lost due to the Right to Buy Scheme.

The Committee expressed their thanks to the Head of Finance and his team for producing this budget report.

It was **RECOMMENDED** to Cabinet:

That the draft budget for 2015/16 be approved.

(Proposed by P F Williams and seconded by T G Hughes)

- Notes: -
- i) Report previously circulated and attached to minutes.
 - ii) Mrs J Rendle and Cllrs P F Williams declared Personal Interests as they are involved with Sheltered Housing.

123 **PROCUREMENT WORKING GROUP (02:27:26)**

The Committee had before it and **NOTED*** a report from the Procurement Working group.

The Head of Finance explained that at a meeting of the Scrutiny Committee on 14th April 2014 it had been agreed to form a small Member Working Group to assess the Councils financial arrangements in relation to securing value for money, in particular in relation to Procurement and Accounts Payable service areas.

The Officer explained that the Group had met with the Procurement Manager, a Procurement Officer from Devon County Council and the Head of Business Information Systems.

The Group considered that they had seen an overall picture of procurement in Devon and were satisfied that the service was well run. There was concern regarding the amount of money spent on IT but the Group were satisfied that work was ongoing to reduce the cost of licences by joint working with other authorities.

Councillor Snow asked that his name be removed from the Working Group as he had not seen a 'paper trail' of evidence to show that the work was being done. The Head

of Finance explained that, unless the company being dealt with was unable to do so, all transactions were completed electronically.

Note: - Report previously circulated and attached to minutes.

124 CABINET MEMBER FOR WORKING ENVIRONMENT AND SUPPORT SERVICES (02:38:36)

At the request of the Chairman the Cabinet Member for the Working Environment and Support Services had submitted a report updating the Committee on the work of the IT Service.

Discussion took place regarding:

The new Payment Kiosk – the Head of Customer First explained that it had been well received so far and that if anyone was anxious about using it there would be a member of staff available to assist them. The public could still pay by cash but could avoid waiting to be dealt with by a cashier.

Electronic payslips had been introduced for staff and Members expenses would be changed to electronic claims in the near future.

The Head of Business Information Services explained procedures that were in place for disaster recovery. She informed the Committee that there was a contract in place which would allow for relocation and for systems to be set up. The backup location would be in Bristol but staff would be able to work remotely.

An Emergency Planning and Business Continuity plan was in place.

Note: - Report previously circulated and attached to minutes.

125 COUNCILLOR D F PUGSLEY HAD REQUESTED THAT THE FOLLOWING BE DISCUSSED BY THE COMMITTEE; (02:50:20)

Proceedings against Councillor Wilson. (We can all remember the very unpleasant atmosphere in the Council after the Court decision in February.) It is time now to have a calm post mortem to see what lessons can be learnt for the future.

Councillor Pugsley requested confirmation of the costs incurred. He stated that a recent Magistrates case had resulted in costs of £13K and he considered it unlikely that a similar case being heard at the Crown Court would incur the same costs. He also asked if the Committee considered spending £13K on costs but only recovering £240.00 was the best way to do things. Councillor Pugsley queried whether this sort of matter would best be left to the Police to deal with.

The Chief Executive suggested that it would be more appropriate for the Committee to discuss this matter, having been provided with all of the available information.

It was **AGREED** to defer this matter to the next meeting of the Scrutiny Committee, for which the Chief Executive would prepare a report.

126 UPDATES AND ITEMS TO NOTE REGARDING OUTSTANDING ITEMS (03:07:33)

The Chairman informed the Committee that she had received a letter from Councillor Barker of Devon County Council in which he stated that he would not be attending a meeting of this Committee. Councillor Barker had previously said that he was willing to attend but had since changed his mind.

With regard to a letter that had been sent to the local MP's, Councillor Barker and the local Clinical Commissioning Group regarding working together to prevent bed blocking the Chairman informed the Committee that she had received two responses:

- Councillor Barker had responded to say that he did not consider there to be a problem;
- The CCG responded to say that they had been looking into this matter and they offered to attend the next meeting of this Committee to discuss recent issues and bed blocking;
- Neither of the local MP's had responded.

It was **AGREED** to leave this matter.

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

Cabinet Member for Housing
Market Update
The Cost of the Prosecution of Cllr Wilson
Clinical Commissioning Group

(The meeting ended at 5.34 pm)

CHAIRMAN