

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **SCRUTINY COMMITTEE** held on 16 February 2015  
at 2.15 pm

### **Present**

#### **Councillors**

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

### **Also Present**

#### **Councillors**

C J Eginton, R M Deed, N V Davey, Mrs L J Holloway,  
D F Pugsley and R L Stanley

### **Also Present**

#### **Officers:**

Kevin Finan (Chief Executive), Liz Reeves (Head of  
Customer Services), Jill May (Head of HR and  
Development), Philip Langdon (Solicitor) and Julia Stuckey  
(Member Services Officer)

## 128 **APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies.

## 129 **PUBLIC QUESTION TIME**

There were no questions from members of the public present.

## 130 **MINUTES OF THE PREVIOUS MEETING**

The Chairman requested that the word 'refused' be removed from the first sentence of Minute 118 and be replaced with 'took advice'.

The Chairman requested that the sentence introducing Geraldine Daly to the Committee under Minute 119 be moved to Minute 120, with the added wording 'and could not answer questions'.

The Chairman requested that the wording 'in relation to thresholds and the cost of prosecution' be added to the final sentence of minute 125.

The amendments above were moved by the Chairman and **AGREED** by the Committee. The minutes were then **AGREED** as a true record of the previous meeting.

## 131 DECISIONS OF THE CABINET (00:16:28)

The Chairman explained that a recommendation made by this Committee at its meeting of 19 January 2015 had been discussed at the Cabinet meeting held on 5 February 2015 and had been rejected.

The Leader of the Council was invited to explain the reasons for the rejection. He reminded the Committee that the recommendation being discussed was that the Chairman of the Scrutiny Committee be consulted, along with the Leader, when the Chief Executive uses reserves to make payments for redundancies. He stated that this should not be confused with the decision regarding redundancies.

The Leader explained that the decision of the Cabinet had been unanimous. They had agreed that it would be very difficult for the Chairman of the Scrutiny Committee to be involved in making a decision that may later be scrutinised by the Committee. He added that the Monitoring Officer had provided her view, which was that the decision made by the Cabinet was in accordance with article 12.02 in the Constitution and that she had advised the Chairman that she did not believe there were grounds for calling-in this decision.

Discussion took place regarding:

- Whether the Chairman could be 'judge and jury' and whether it would be appropriate for the Chairman to be involved in the decision and the scrutiny;
- The original recommendation and whether it was what the Committee had actually intended;
- The wish of the Chairman to have legal representation at Committee meetings in order to make sure that the recommendations put forward were appropriate;
- The lack of clarity in the Constitution and the ongoing work of the Constitution Working Group.

The Solicitor, deputising for the Monitoring Officer, confirmed that he considered the statement prepared by the Monitoring Office to have been correct and re-iterated that Call-in should only be used in 'exceptional circumstances'.

As the person calling in the item the Chairman made a statement. She explained that she felt that the Committee were correct when they said that the recommendation did not reflect what they had intended. She said that this was a problem that the Committee had, when decisions were made and resolutions put forward and there was no legal advice available. She informed the Committee that she had asked for a legal representative to be at the table at all meetings. She stated that if there had been a Solicitor at the last meeting the Committee could have been informed that the recommendation was one that could not be upheld.

The Chairman confirmed that should a situation arise whereby she had been part of a decision making process she would leave the room and let the Vice Chair lead on the matter. The Chair suggested that she sit down with the Monitoring Officer to discuss the decision making process.

It was agreed to leave the matter.

## 132 **MEMBER FORUM**

No issues were raised.

## 133 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had no announcements to make.

## 134 **CALL IN PROCEDURE (00:50:27)**

At the request of the Chairman the Committee had before it information from the Head of Communities and Governance and Monitoring Officer outlining the process for Call-in. The Chairman explained that she had requested the information as she wanted to ensure that the Committee were all clear on the process.

Discussion regarding this matter had already taken place at Minute 131.

Note: - Information previously circulated and attached to minutes.

## 135 **CABINET MEMBER FOR HOUSING (00:53:27)**

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

He highlighted areas of the report, including performance. The Committee worked through the report and discussion took place regarding:

- Garages - the Cabinet Member asked that Members let the Housing Service know if they were aware of areas within their Wards where parking was taking place on old garage plots without a fee being paid;
- Rent arrears - the Committee were informed that rent arrears were the lowest that they had ever been for this time of year;
- Call outs for repairs had reduced since stock had been improved and more proactive maintenance;
- Affordable Homes had fallen below target but was expected to reach 80 for the current year;
- The budget for St Andrew Street had been revised;
- Investigations were being made into the potential use of communal heat pumps;
- Decent Homes Standard – the Cabinet Member explained that this target would be met on 31/3/15 but would be lost on 1/4/15 when the standards changed;
- The use of B & B accommodation had been reduced by the introduction of DARS which was a scheme that lent money for deposits.

The Committee recorded their congratulations to the Housing Service for their efficiency in the collection of rents.

The Cabinet Member explained the importance of Eviction Panels and stressed to the Committee that Ward Members were invited to attend these panels but to date few had. Members explained that the invitation to attend Eviction Panels was often

given with very little notice and this made it difficult for them to attend. The Cabinet Member would report this back to Officers.

The Committee thanked the Cabinet Member for Housing for his report and commended the Housing Service on the improvements that had been made.

Note: - Report previously circulated and attached to minutes.

#### 136 **COMMUNICATION WORKING GROUP UPDATE (01:20:00)**

The Committee had before it and **NOTED** a report \* from the Communications Working Group which had originally been put before the Committee in January 2014.

The Committee worked through the recommendations that had been made to establish progress:

- The dates of neighbourhood walks had been published in advance and had been checked against Council meetings to ensure that there were no clashes;
- Training was available to any Member that asked for it regarding the use of Outlook;
- The Chief Executive explained that receiving a response to an email to an Officer within 5 days was an aspiration but could not be guaranteed due to Officer work load. He informed the Committee that they should report specific incidents to him if they had a continued problem;
- The 'Doodle' system was in place but it was important that Members responded to it;
- Management Team would endeavour to keep Members updated with regard to the management structure and guidance with regard to who had moved where within the building would be sent out once everything had settled;
- The Chief Executive now held two annual Q & A sessions with Members and had agreed to meet Groups on further occasions if required;
- The Chief Executive and the Leader had met with the editor of the Gazette. The Chief Executive considered that the Council had a good relationship with the local paper;
- Further resource had been put into Social Media

It was **AGREED** that the report of the Communications Working Group be reviewed in six months' time.

Note:- Report previously circulated and attached to minutes.

#### 137 **PROCEEDINGS AGAINST COUNCILLOR WILSON - RESPONSE TO QUESTIONS RAISED BY COUNCILLOR PUGSLEY (01:42:53)**

The Committee had before it a report \* by the Chief Executive detailing proceedings that had been taken against Councillor K D Wilson and a response to questions raised by Councillor D F Pugsley at the last meeting of the Committee.

Councillor Pugsley explained to the Committee that judges made decisions on whether or not to pay expenses for cases and at which level the expenses would be set. In the case against Councillor Wilson the expenses had totalled £13k but only £240 had been awarded for costs. Councillor Pugsley suggested that the Council

should look at alternatives to prosecution, in the same way that the HMRC had. He suggested that sending a letter as a final warning could have the same effect as a conditional discharge.

Discussion took place regarding:

- The Council could not issue warnings in the same way that the Police did but could send warning letters
- The need to 'move on';
- Legislation for fraud which had to be followed;
- Torbay Councils Fraud Policy which laid down thresholds and allowed for warnings to be issued;
- The need to be seen to be prosecuting benefit fraud.

It was **RESOLVED** to:

1. Note the answers to questions raised at the earlier meeting;
2. Note and endorse the current Anti-Fraud and Corruption Policy; Housing and Council Tax Benefit Fraud Policy; and Fraud Policy & Procedure Manual;
3. Support the promotion of propriety in public office;
4. Review the Fraud Investigation Policy used by Torbay Council.

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

Note: - Report previously circulated and attached to minutes.

138 **COUNCILLOR D F PUGSLEY HAD REQUESTED THAT THE COMMITTEE DISCUSS THE FOLLOWING: (02:04:55)**

"Progress report on the steps taken to ensure that the Council actually has a powerful and effective system for holding decision-makers to public account (Minute 98)."

Councillor Pugsley asked what progress had been made since he last asked this question?

The Chairman informed the Committee that she had asked for further resource in order for the Scrutiny Committee to become more effective.

Discussion took place regarding:

- The need for a full time Officer to prepare and carry out research on behalf of the Committee;
- The Constitution Working Group had looked at Scrutiny;
- Whether or not there was a need for further scrutiny;
- The possibility that Members 'shadow' Cabinet Members in order to see what they do;

It was **RECOMMENDED** to the Cabinet:

That in the new Council, Members be offered the opportunity to shadow Cabinet Members.

Proposed by Councillor N A Way and seconded by Councillor T W Snow.

**139 UPDATES AND ITEMS TO NOTE REGARDING OUTSTANDING ITEMS (02:24:00)**

The updates were **NOTED**.

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

The next meeting of the Scrutiny Committee would be held on Friday 27<sup>th</sup> February 2015 at 2.00pm in the Council Chamber.

This would be a Special Meeting at which the Committee would receive a presentation from Mr John Finn, Managing Director of the Eastern Locality, Northern, Eastern and Western Devon Clinical Commissioning Group.

The Committee would also discuss DCLG proposals for Local Authorities (Functions and Responsibilities) (England) Regulations 2015

Items for the following meeting on 16<sup>th</sup> March 2015 to include:

High Street Innovation Awards

(The meeting ended at 4.45 pm)

**CHAIRMAN**