

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **SCRUTINY COMMITTEE** held on 14 September 2020 at 2.15 pm

### **Present**

#### **Councillors**

F W Letch (Chairman)  
G Barnell, E J Berry, W Burke, L J Cruwys,  
Mrs C P Daw, J M Downes, Mrs S Griggs,  
S J Penny and B G J Warren

### **Apologies**

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

R L Stanley

### **Also Present**

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

R J Chesterton and R Evans

### **Also Present**

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

Stephen Walford (Chief Executive), Kathryn Tebbey (Head of Legal (Monitoring Officer)), Eileen Paterson (Group Manager for Development), Adrian Welsh (Group Manager for Growth, Economy and Delivery), Christie McCombe (Area Planning Officer), Clare Robathan (Scrutiny Officer) and Carole Oliphant (Member Services Officer)

## **73 APOLOGIES AND SUBSTITUTE MEMBERS (00.04.12)**

Apologies were received from Cllr R L Stanley.

## **74 REMOTE MEETING PROTOCOL (00.04.19)**

The Committee had before it, and **NOTED**, the \*Virtual Meeting Protocol.

Note: \*Virtual Meeting Protocol previously circulated and attached to the minutes

## **75 ELECTION OF VICE CHAIRMAN (00.04.24)**

Cllr Mrs C P Daw was duly elected vice chairman for the remainder of the municipal year.

(Proposed by Cllr E J Berry and seconded by Cllr S J Penny)

## **76 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00.06.06)**

Members were reminded to make declarations of interest when appropriate.

## **77 PUBLIC QUESTION TIME (00.06.18)**

There were no questions from members of the public present.

## **78 MEMBER FORUM (00.06.33)**

The Chairman reminded Members that the Local Government Act 1972 stipulated that agenda's were required to be dispatched 5 working days before a meeting and that there was no opportunity to add additional items once an agenda had been published.

Cllr G Barnell questioned the reasons why informal Cabinet meetings were held in closed session and requested that Members of Scrutiny had access to all meetings of the Cabinet and that notes from informal meetings were published.

The Monitoring Officer stated that she would provide Members with a comprehensive written response which would be published in the public domain.

Cllr G Barnell stated he had sent specific questions about 3 Rivers Developments to the Leader which had been answered and requested that further information was presented to Scrutiny about the St Georges site in Tiverton.

#### **79 MINUTES OF THE PREVIOUS MEETING (00.13.49)**

The minutes of the last meeting were approved as a correct record.

#### **80 DECISIONS OF THE CABINET (00.14.37)**

The Committee **NOTED** that none of the decisions made by the Cabinet on 3<sup>rd</sup> September had been called in.

#### **81 CHAIRMAN'S ANNOUNCEMENTS (00.14.46)**

The Chairman informed Members that he had spoken to the Monitoring Officer about the upcoming Governance Working Group.

He had enquired with the Head of Planning, Economy and Regeneration about setting up briefings with the Town and Parish Councils to explain the new S106 Governance rules when this was agreed by Cabinet in December.

The Group Manager for Business Transformation and Customer Engagement had confirmed that a business case for a new CRM system was being developed and that a customer survey was planned. She had confirmed that the customer waiting times had reduced.

Cllr L Cruwys was appointed to the Menopause Working Group following the departure of Cllr R B Evans.

#### **82 PLANNING ENFORCEMENT UPDATE (00.18.54)**

The Committee had before it a \*report from the Head of Planning, Economy and Regeneration outlining the planning enforcement service.

The Group Manager for Development Management explained that planning enforcement was a statutory function of the Council but the power to take action was a discretionary service that was an important one in the eyes of the public. She explained that any enforcement action needed to be proportionate.

She informed Members that the Enforcement Plan required a refresh due to the adoption of the Local Plan. She explained that there were currently 2 enforcement officers and that the current number of outstanding cases was 222 due to the lockdown restrictions on site visits but this was comparable to neighbouring local authorities of similar size.

In response to a question asked about the Council not following up on all planning conditions imposed she explained that with over 1500 planning applications approved per year there was not the resources to check every single condition had been complied with. If a breach was reported by the public it would be investigated.

Members discussed the report and consideration was given to:

- Resources in the Planning Service was biased towards planning applications and not enforcement
- The perception of the public who saw the Planning Service as biased toward developers
- Not enough information provided to Members about planning enforcement outcomes
- The timeframes for legal action
- The requirement of Members to receive training on planning enforcement
- The desire of Members to see the Council taking quicker and firmer action
- Who determined what was proportionate or not and was this standard across all authorities
- That biannual meetings with other local authorities enforcement services would be useful

The Group Manager for Development Management explained that the authority needed to determine if legal action was the appropriate course of action and that it was not a crime to breach planning control. The legislation around planning enforcement was weighted towards protecting the environment and preventing harm, that action taken by the enforcement team was not explicitly to 'punish' any breaches but to seek to prevent harm in planning terms, and that legal action was not appropriate in all cases.

Members agreed that they wanted to look at the issue in more detail and **AGREED** to set up a Working Group to look at the Enforcement Plan and question planning officers about the current process.

The Scrutiny Officer agreed to work with Members to develop a Scrutiny Proposal Form which would determine the scope and the outcomes of the Working Group which would be presented at the next meeting. Membership of the Working Group would be determined at the next meeting.

Note: \*report previously circulated and attached to the minutes.

Reason for the decision – Planning Enforcement was an issue of clear public interest and scrutiny could help to ensure that proportionate and robust processes were in place.

### 83 **COSTS OF PUBLIC CONSULTATIONS (01.01.37)**

The Committee had before it a \*report from the Scrutiny Officer detailing the number and costs of public consultations over a two year period.

Members were concerned about the costs of consultations and that few had been acted upon.

Members discussed the Cullompton Relief Road non statutory consultation which had cost in excess of £14k and why this was necessary. They requested further information on the numbers of people who had responded.

The Chief Executive explained that the consultation had been specifically at the request of Members and that the Cabinet Member for Planning, Economy and Regeneration had given an undertaking at the time to go out for pre consultation.

Members discussed the report and consideration was given to:

- Statutory vs Non Statutory requirements
- The percentage of the public who responded to consultations

Note: \*report previously circulated and attached to the minutes

### 84 **WORKING GROUP - QUALITY AND QUANTITY OF COUNCIL REPORTS (01.19.01)**

The Committee had before it a \*Scrutiny Proposal Form which had been prepared by the Scrutiny officer and Cllr B G J Warren.

Cllr B G J Warren explained to Members that he had been concerned about the number and length of reports presented to Members and the amount of officer time in preparing them. He explained that as he was on a number of committees he was seeing the same reports numerous times and that he was concerned with the number of reports asking Members to just note.

The Chief Executive explained that the current process was for reports to go to numerous committees as not all Members were on multiple committees but that this could be amended if Members requested it.

Members then discussed the proposal to set up a task and finish group to investigate the issues and consideration was given to:

- Members wanted as much information in reports as possible and were not keen to see reports artificially shortened which might leave out detail
- Most reports provided to Members were also available to the public and it was a good way to be open and transparent
- Members were happy with the current reporting system

- Reports for noting encouraged debate and often lead to actions to be taken by officers
- Some Members were only on one committee and therefore would not have an opportunity to see reports if they were not included in all agenda's

Members **AGREED** not to form a task and finish group at this time.

Note: \*Scrutiny proposal form previously circulated and attached to the minutes.

Reason for the decision – It was not felt that a task and finish group would add value to the current report process at this time.

## 85 **FORWARD PLAN (01.42.09)**

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

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

## 86 **SCRUTINY OFFICER UPDATE (01.42.36)**

The Scrutiny Officer explained that Devon County Council had produced a report on 5G and that this had been circulated to Members.

She informed Members that training was being arranged for new Members of the Committee and that existing Members were welcome to attend as a refresher if they wanted to.

She explained that she would be setting up a work planning session so that Members could raise issues that they would like to Scrutinise.

## 87 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01.43.00)**

Members requested that the following were brought to a future meeting of Scrutiny:

- An update on the recommendations on the Customer Engagement Working Group
- Rural Broadband update
- Devon County Council 5G response
- A Scrutiny Proposal for a Planning Enforcement Working Group
- An update on the projected losses for the St Georges site being developed by 3 Rivers Developments

Members heard a request that the Committee hear more about the following item on the Forward Plan before a decision is made at Cabinet:

- SPV Options Report

(The meeting ended at 4.20 pm)

**CHAIRMAN**