

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **SCRUTINY COMMITTEE** held on 12 October 2020 at 2.15 pm

### **Present**

#### **Councillors**

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

### **Also Present**

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

R J Chesterton, S J Clist, R M Deed, R J Dolley, R Evans,  
B A Moore and C R Slade

### **Also Present**

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

Stephen Walford (Chief Executive), Jenny Clifford (Head of Planning, Economy and Regeneration), Andrew Jarrett (Deputy Chief Executive (S151)), Jill May (Director of Corporate Affairs and Business Transformation), Kathryn Tebbey (Head of Legal (Monitoring Officer)), Darren Beer (Operations Manager), Simon Newcombe (Group Manager for Public Health and Regulatory Services), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Vicky Lowman (Environment and Enforcement Manager), Clare Robathan (Scrutiny Officer) and Carole Oliphant (Member Services Officer)

## 88 **APOLOGIES AND SUBSTITUTE MEMBERS (0.04.19)**

There were no apologies.

## 89 **REMOTE MEETINGS PROTOCOL (0.04.39)**

The Committee had before it, and **NOTED**, the \*Remote Meetings Protocol

Notes: \*Remote Meetings Protocol previously circulated and attached to the minutes

## 90 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.04.43)**

Members were reminded to make declarations of interest when appropriate.

## 91 **PUBLIC QUESTION TIME (0.05.12)**

The Chairman read out the following from Nick Quinn, a local resident:

'My questions concern Cemetery Lodge, Tiverton which appears in information covered by both Agenda Items 9 and 12.

I refer to the Asset Management and Capital Strategy Plan 2016-2020, attached to the report by the Cabinet Member for Housing, at Agenda item 9. Within Section 8 (Income Generation) – Cemetery Lodge is listed as a Council Asset, providing an income to the Council of £8,400 per annum.

However, at paragraph 2.2, in each of the recent 3 Rivers Update reports (which are being considered under Agenda Item 12), Cemetery Lodge is now shown as being a Rental Property of 3 Rivers.

My questions are:

**Has Cemetery Lodge been sold, or transferred to 3 Rivers?**

If it has:

**When did this happen? and for how much?**

If it has not:

**Why was this property included in the 3 Rivers update reports?’**

In response the Monitoring Officer explained that Cemetery Lodge had not been sold to but had been leased to 3 Rivers who in turn had leased the property to a private tenant. The reason for this was that under sole Council ownership the property could be subject to the right to buy regulations and the arrangement ensured that the property could not be sold.

**92 MEMBER FORUM (0.08.39)**

There were no issues raised under this item.

**93 MINUTES OF THE PREVIOUS MEETING (0.09.03)**

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

**94 DECISIONS OF THE CABINET (0.09.32)**

The Committee **NOTED** that none of the decisions made by the Cabinet on 1<sup>st</sup> October had been called in.

**95 CHAIRMAN'S ANNOUNCEMENTS (0.09.42)**

The Chairman had no announcements to make.

**96 CABINET MEMBER FOR HOUSING AND PROPERTY SERVICES (0.10.26)**

The Cabinet Member for Housing and Property Services explained that his \*report provided details of all aspects of the service and how it had coped during the pandemic to keep both the public and staff safe. He stated he wanted to acknowledge the tremendous work being done by the teams and gave thanks to Cllr Clist for his previous work with the portfolio.

In response to a question asked about the number of empty homes currently not in use in the District he stated that the exact number varied month on month. He explained that the full effect of the pandemic and the number of evictions which may

occur were not known at this time but on average 500 properties were currently empty and unoccupied. He stated that the average cost of bringing a property back into use would be provided to Members.

He confirmed to Members that the strategy for garage repairs would be provided separately.

In response to various questions about the current housing stock and the shortage of 3 bedroom houses, he explained that the Council was currently working on a new housing strategy which would identify what type of housing was required and where the need was. He confirmed that the timeline for the strategy would be June 2021 at which time it would be presented to Members.

Consideration was given to:

- The amount of time it took to rehome homeless people and that this was dependant on the type of accommodation required and the individual circumstances
- The Council was working with private landlords in Cullompton to increase the supply of quality housing above shops in the town centre. This strategy may be replicated in the other towns if successful, subject to funding
- The number and value of Home Improvement Loans (Wessex Scheme) delivered in 2019/2020
- The number of empty units in Market Walk, Tiverton and the negative appearance of the empty shop fronts
- The number of businesses closing due to high rents charged by private landlords for commercial properties in the towns and the limited assistance that the Council could provide
- The Asset Management Plan included policies on biodiversity and climate change to align with the Council's corporate aims
- The effect the pandemic would have on homeless figures and how the Council would deal with this

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

## 97 **STREET SCENE ENFORCEMENT UPDATE (0.50.23)**

The Committee had before it, and **NOTED**, a \* report giving an update on the Street Scene Education and Enforcement Service presented by the Interim Group Manager for Street Scene and Open Spaces.

The officer outlined the content of the report and explained that the amount of fixed penalty notices had increased to £400 and that all fixed penalty notices had been paid. He explained that from March until June the District Officers had been utilised within the Waste and Recycling service to assist with the effects of the pandemic.

In response to a question asked about the amount of hours the district officers dedicated to dog fouling the officer explained that the number of hours allocated had been previously agreed by Members via the discretionary scheme. He explained that the issue with prosecuting offenders was catching them in the act and the lack of evidence provided by members of the public who reported it.

Consideration was given to:

- A coordinated response was required with DCC highways to tackle the removal of litter from the A361
- Why there was a need for district officers to inspect streets
- The ongoing discussions with external enforcement companies
- The possible use of body cams by District Officers to catch offenders
- The need for education supported by strong enforcement fines to get the message across
- The amount of face masks and disposable gloves being discarded in the District
- That Members should set an example and tackle people they saw allowing their dogs to foul or littering in public spaces

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

#### 98 **PLANNING ENFORCEMENT WORKING GROUP (1.10.46)**

The Committee had before it a \*scrutiny proposal form for the creation of a Scrutiny Working Group to review planning enforcement in the Council.

The Committee **AGREED** to set up the Working Group.

(Proposed by the Chairman)

The Membership of the Working Group was agreed as: Cllrs G Barnell, B G J Warren, R J Stanley, L Cruwys and W Burke.

**Reason for the Decision** – Given the adoption of the Local Plan the Local Enforcement Plan is due to be refreshed and a working group would enable full Member involvement on the issue

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

#### 99 **3RDL - ST GEORGE'S SITE (TO INCLUDE SCRUTINY OF THE UPDATE PROVIDED AT CABINET ON 1ST OCTOBER) (01.17.47)**

The Committee considered the information contained within Cabinet reports of 3rd September and 1st October.

In response to questions asked, the Cabinet Members for Housing and Property Services and Finance responded:

- 1) What is the revised completion date for the St George's site?

A – The developer had provided a revised timeframe of March 2022 and a further update would be presented to Cabinet on 29<sup>th</sup> October 2020

- 2) What are the forecast losses on the St George's site? Does this include any contingency for settling the dispute with the main contractor?

A – There was no dispute with the main contractor and the forecast losses were the same as presented to the Cabinet on 1<sup>st</sup> October 2020

3) How will these losses be met?

A – Should there be any losses they would be offset by profits against future developments

4) How much has MDDC lent 3Rs?

A – Principal amount = £9.95M, Repayments received = £1.19M, Outstanding amount = £8.76M

5) How will this be repaid and by when?

A – As and when developments were finished and the properties sold

6) Do you intend to lend any more money to 3Rs? If so why?

A – Yes as the recommendations from the Cabinet, Scrutiny and Audit Committees for the company to go forward with future developments

7) When do you intend replacing the current directors - as per recommendations made in various reports and committee advice?

A – The process was in hand and a specialist external employment agency was being used for recruitment. Names of candidates would be announced in early December for the Cabinet to consider

In response to further questions asked the Cabinet Member responded:

- 1) A paper on the future of 3 Rivers Developments Ltd would be presented to Cabinet on 29<sup>th</sup> October 2020 and the Scrutiny Committee were welcome to scrutinise the report
- 2) The calculations for the potential losses at the St Georges site would be provided to Members
- 3) The reasons that contaminated earth was transported to Bristol from the St Georges site would be provided to Members
- 4) The overall profit from the sale of properties at Threwstones would be provided to Members
- 5) 1 Director was to be replaced and another employed to compliment the existing Directors

Notes:

- i.) Cllr R J Stanley declared a personal interest as a Director of 3 Rivers Developments Ltd and left the meeting at the start of the debate and took no part in the discussions;
- ii.) Cllr S J Penny left the meeting at 4.01pm and took not further part in the debate.

## 100 **PERFORMANCE AND RISK (01.48.44)**

The Committee had before it, and **NOTED**, the \*Performance and Risk report presented by the Group Manager for Performance, Governance and Data Security.

She outlined the contents of the report and explained that this was the second round of reporting which had been previously discussed by the Cabinet, Policy Development Groups and the Audit Committee.

Members requested further information on the following:

- The current empty shop count
- An explanation of the number of unresolved complaints
- Further detail of long term staff sickness
- Further detail of why staff sickness had reduced during the pandemic and if this was linked to working from home and furloughed staff

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

## 101 **FORWARD PLAN (02.07.13)**

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

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

## 102 **SCRUTINY OFFICER UPDATE (02.07.48)**

The Scrutiny officer provided Members with the following information:

- A work programming session had been arranged for 16/11/2020
- An update from Connecting Devon and Somerset had been provided to Members and a special of the Scrutiny Committee would be arranged to discuss the issue
- A training session had been provided to Members
- The Scrutiny officer would be providing a quarterly update on recommendations made by the Scrutiny Committee

The officer then provided Members with actions which had been taken from the last meeting:

- The Monitoring officer had provided further detail on informal Cabinet meetings and this advice had been attached the minutes of the meeting of 14<sup>th</sup> September 2020
- The number of responses to the Cullompton public consultation had been circulated to Members
- The customer survey, recommended by the Customer Experience Working Group, had gone live and a copy of the survey would be circulated to Members

- The business case for a new CRM system was underway and an update would be provided at the December meeting

### 103 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (02.10.51)

The following items were identified:

- Members requested that the 6 month Establishment report due to come to the February meeting included a comparison of sickness rates compared to last year and details of short and chronic absences over the past 18 months
- Members would discuss the 3 Rivers report due to be presented to Cabinet on 29<sup>th</sup> October
- Members requested that an update on the Post Hill site be brought to the Committee for the November meeting

(The meeting ended at 4.31 pm)

**CHAIRMAN**