

Scrutiny outcomes for 2020/21

Highlights

Despite Covid 19, it has been a busy year, with many fruitful discussions and Committee recommendations that have made a real impact to the Council and the District, including:

- 14 public (virtual) meetings – with only one meeting cancelled due to Covid19
- 3 Working Groups: Customer Experience; Menopause; and Planning Enforcement
- 2 Working Group reports published, with all 12 recommendations accepted
- 2 Call-ins
- 15 public questions
- Informal joint briefing with the Audit Committee on Three Rivers
- Special meeting with Neil Parish, MP for Tiverton and Honiton.

Review of Customer Experience in MDDC (July 2020)

Work has significantly progressed on the Committee's recommendations: a business case is being drawn up for a new Customer Relationship Management (CRM) system; workshops are planned for Members; phone waiting times have improved; and a customer satisfaction survey has completed. Notably, the Centre for Governance and Scrutiny is planning to include this work in their 2021 'Scrutiny Frontiers' publication.

Menopause in the workplace: a review of support available in MDDC (Feb 2021)

The recommendations made will impact on workplace culture, workplace policy and the workplace environment. A key outcome is to raise awareness and to normalise the issue, and we are grateful to the staff that spoke so openly to us. Already Local Authorities have expressed interest in our report and we have received some national media attention.

Planning Enforcement (ongoing)

Work is progressing on the review of planning enforcement. We received a large response to our All-Member call for information on cases, work continues in the coming months.

Other outcomes include:

- A session with Neil Parish, **MP for Tiverton and Honiton**. Mr Parish gave an overview of broadband problems; answered questions on agricultural issues and Members lobbied on issues relating to the transport from Anaerobic Digesters.
- Members have discussed aspects of **Three Rivers**, including: the St George's site; two call-ins on Cabinet decisions; and the 3RDL Business Plan. An informal joint briefing with the Audit Committee was held to consider roles for each Committee.
- A review of the process and timelines for a **Public Spaces Protection Order (PSPO)**, making recommendations to improve future processes; and ensure sufficient officer resource committed to actively enforcing it.
- Consideration of the planning implications of **5G technology**.
- After a Scrutiny Committee recommendation, the Audit Committee reviewed the risks surrounding the **Housing infrastructure fund**.
- The Committee will continue to ensure an impactful work programme, and alongside standing items will consider looking into: Anaerobic Digesters and biofuels; and Motion 564 on diversity and inclusion.

Scrutiny Chairman's Annual Report 2020-21

The first scrutiny meeting of the council's year, a virtual meeting, took place on 18th May. The first task was to elect a Vice Chairman and Cllr Andrew Moore was elected unanimously. The main agenda item was the annual report of the Cabinet Member for Working Environment and Support Services. Members asked questions about line manager intervention, sickness absence and support, and dealing with enquiries from residents with special needs. The Legal Services Team Leader also answered questions about s106 agreements, enforcement notices and anti-social behaviour injunctions.

Our second meeting included a report from the Cabinet Member for Environment regarding corporate property and commercial assets. Members were pleased we would receive a list of all the responsible groups for hedges and cutting of verges. It was also pleasing to note that we had entered into a joint partnership with Exeter City Council which means we will be purchasing new vehicles at a much more advantageous price! Unfortunately electric vehicles are not practicable and also above our budget. It was encouraging to see that in these difficult times recycling is going well and the street scene group are tackling many of the problems in towns. We were all grateful for the staff's efforts in these areas!

The Performance and Risk report from the Group Manager for Performance, Governance and Data Security covered all the Policy Development Groups, and Members questions focused on the future budget that would have to be reset in the autumn and the prospect of the Tiverton Town Centre Masterplan. Members were relieved to hear that section 106 agreements would include more involvement of Ward Members and the relevant Parish and or Town Council.

There is no doubt that if you want the public to take an interest in a Scrutiny meeting put 5G on the agenda. So it was that on 22nd June there were many "virtual" attendees of our meeting and we had received 12 pages of questions. The agenda item was about the planning implications of installing 5G. The public questions, however, focused on the "health" issues of 5G which was not in the Committee's remit to answer (although we noted their concerns). The Head of Planning Economy and Regeneration made it clear that MDDC has no control over the roll out of 5G, just the planning rules. It was pointed out that we are very much governed by the NPPF.

The Leader presented us with the leader's report which highlighted the achievements and challenges of the past year. We also had the first report from the Cabinet portfolio holder for climate change. She highlighted the areas where MDDC has direct control and spoke of the cooperation with other, neighbouring authorities.

After a brief discussion it was agreed to put the item on 3 Rivers Development Limited (3RDL) Governance Review into part two. The Committee discussed the findings and recommendations asked of it and made several other recommendations to go before Cabinet.

In the July meeting, finance was the topic to open the meeting with the Cabinet Member's report to the Committee. All agreed that the finance officers had performed magnificently in difficult and uncertain times. The committee requested that the Cabinet Member for Finance return with detail as to how we are going to maintain a healthy financial position.

Cllr Christina Daw presented the report of the Working Group on Customer Experience.

The report was praised by Members who agreed the six recommendations to Cabinet to improve MDDC's service to the public.

The Committee noted the Community Safety Partnership report but highlighted its wish to receive update reports on the Devon Sexual Abuse and Rape Crisis Support services. It is under great pressure and has up to a nine month waiting list.

The report on the Greater Exeter Strategic Plan (GESP) was discussed. The recommendations to Cabinet were duly noted with a small addition but members were keen to highlight to Cabinet their concerns over democracy, the hierarchy of plans, infrastructure and its Exeter bias.

The final item for discussion was to consider a funding report resulting from the Housing Infrastructure Fund. Members again had concerns about financial risk to the Council. For this reason it was recommended that the report be viewed by the Audit Committee.

The first report of the August meeting, the Establishment Update, was given by the Corporate Manager for People, Governance and Waste. Sickness and illness rates seem to be improving and we noted a small increase in full-time equivalent employees. This was partly because of a downturn in the use of agency workers. It was pointed out that we had lost a few of our more senior officers who had been headhunted. We were informed that staff had responded very well to the new working arrangements caused by Covid-19.

The Group Manager for Performance, Governance and Data Security gave us the performance and risk report, which she highlighted had been affected by the coronavirus measures that have had to be taken. For this reason some risk scores had increased but in general terms there were no areas to cause alarm.

The final report on Section 106 governance was given by the Head of Planning and Regeneration who stressed that the Government is in the process of reassessing the whole planning process which could well affect section 106 contributions. Importantly, we agreed that Ward Members will be consulted on S106 agreements as well as Parish and Town Councils. We were also promised training for Parish and Town Councillors on S106 which is due to commence after Easter.

Following the recent changes in Cabinet, and that two members of the independent group had become ungrouped, the membership of the Scrutiny Committee for 14 September had a different look. One of the departing Committee members was the Vice-Chairman Cllr Andrew Moore. Cllr Christina Daw was elected as Scrutiny Committee Vice-Chairman.

At Members Forum questions were raised about the projected losses incurred by 3RDL at the St George's site, and a wish to have access to the papers of the informal Cabinet meetings. The Monitoring Officer stated that she would provide Members with a written response which was also put in the public domain.

Under Chairman's announcements I gave an update on the progress of the recommendations on customer experience. I was pleased to announce that work on a business case would commence soon, training with staff was going ahead slowly, the issues with a planning officer being available on the phone were being addressed and waiting times for customer services had reduced.

The Group Manager for Development talked us through a report on planning enforcement

and then answered questions from Members who were concerned about resources and the speed of conclusion of enforcement items. As the Enforcement Policy is due for review the Committee agreed to set up a working group to look at causes for the number of complaints, delays and at workloads of enforcement officers and to recommend how to improve the service.

The Committee also discussed the costs of public consultations. It was noted that most of these were statutory and costs varied greatly. Ironically the most costly consultation was non-statutory and concerned the Cullompton relief road.

At the October meeting we had an update from the Cabinet Member for Housing and Property Services. He pointed out that like every area of activity of the Council housing had been greatly affected by coronavirus. Nevertheless it was pleasing to see a reasonable number of empty homes had been brought back into circulation and repairs of council houses was back on schedule. He was also able to report that the Council had a number of void properties that could be used in an emergency for temporarily housing people in a crisis. The next challenge could well be homelessness because of the change in a landlord's ability to expel tenants. The Cabinet Member was confident that MDDC would be able to rise to this challenge.

This was followed by an update on the Street Scene Education and Enforcement Service. Members were pleased to see that in general terms fly tipping has improved but litter and dog fouling are still major problems. The Committee were concerned that the personnel resources were insufficient in these areas in particular dog fouling; no fixed penalties for dog fouling had been served this year although most members said that it was a major problem in their towns. The Cabinet Member for the Environment agreed that resources were a problem and so he supported Scrutiny Committee's suggestion that more money should be put aside in the forthcoming budget, in particular for education.

The Committee discussed the St Georges site in Tiverton, which is being developed by 3RDL. The Cabinet Member for Housing and Property Services and the Cabinet Member for Finance answered questions around timings, potential losses and the possibility of further loans to the company.

At the November meeting, the Cabinet Member for Community Well Being informed us that our public health and regulatory service had been very active because of the Covid infectious disease work. Again, because of Covid, local authority inspections of food premises had been somewhat relaxed. One area of concern was ICT but we were informed that soon the team would be back to full capacity. Our leisure centres have had an up-and-down year because of lockdown. The Committee stressed liaison with parish and town councils with emergency planning. We were also keen to help public who had problems accessing online functions.

The next major agenda item was the 3RDL report that had gone to Cabinet on 29 October. Consideration was given to a number of topics such as whether Cabinet had exceeded its authority and funding involved in the project. It was decided that we would set up an informal briefing between Audit and Scrutiny to consider our roles.

The final agenda item concerned the viability of council owned commercial property. The Committee gave consideration to the income received for the properties owned by the council but as these are commercially sensitive they were dealt with in part two. The last meeting of 2020 was itself dominated by three important agenda items. Four

Members of Council had called in a decision made at the Cabinet meeting of 10 December which considered land at Post Hill in Tiverton. The call-in asked that the decisions about an allocation should be looked at again by Cabinet because it had not taken into account sufficiently the council's local plan concerning social housing. There was also a request that Cabinet look again at its decision on setting up a Teckal company. Two members of Cabinet were present to answer questions. After debate the two parts of the call-in were put to the Committee. The first recommendation concerning the allocation of the land was defeated, however the second item which asked Cabinet to look again at their decision on setting up a Teckal was passed with my casting vote.

The next large item was an update from the Cabinet Member for Planning and Economic Regeneration. Members were interested in the town centre plans for Tiverton, Cullompton and Crediton, and were informed that the master plans for Tiverton and Cullompton were well on the way to completion and they were looking for consultants to bring forward the plan for Crediton. There were questions about planning performance and also section 106 money. The Cabinet Member informed the Committee that records would be published on 31 December 2020, and I was able to add that, following discussions with the relevant officer, the preceding years going back to 2015 would be published hopefully by the end of March.

The Corporate Manager for Digital Transformation and Customer Engagement gave the Committee a verbal update on the Customer Experience Working Group's recommendations. They had already looked at two companies that supply telephone answering services as recommendation one was to investigate a new Customer Relationship Management system (CRM) and build a business case. She reported that training was also going ahead. She promised a further written update in June.

The first gathering of 2021 was an informal briefing for Scrutiny and Audit Committees to get a clear idea of their roles in connection with 3RDL. The briefing was given by the Cabinet Member for Housing and Property Services, the Cabinet Member for Finance and the Director of Finance, Assets and Resources. The Cabinet Member for Housing and Property Services "walked us through" the progress of the 32 recommendations made to the company and the Cabinet Member for Finance concentrated on the financial processes with checks and balances. It was resolved a clearer role for Audit would be beneficial.

In the meeting of 18 January the first major item for discussion was the report by the Cabinet Member for Working Environment and Support Services. Questions were raised about the impact of Covid on staff morale, and absence. It was noted that there was a greater dependence on distance communication including digital payments. One area of concern was 40% increase in e-mails received which numbered 1.4 million. It was pointed out that this is not a particularly effective way of communicating as it often requires officers to go back over the e-mail to find out precisely what is in question. The Corporate Manager for Digital Transformation and Customer Engagement said that they would be looking at a more robust system with the new CRM system.

The Director of Finance, Assets and Resources gave a brief overview of the budget position and the efforts being made to produce a balanced budget. There is still £400,000 to be found, no small challenge.

The Committee also received the annual report of compliments, comments and complaints. It was pleasing to see that even with the challenges of Covid compliments had

increased and complaints had diminished.

The Committee discussed the 3RDL business plan. As the plan was not finished and would not be ready until the Cabinet meeting of 4 February it was agreed by the Chief Executive and the Leader that, following the Cabinet meeting the business plan would come to scrutiny for further discussion.

The meeting of 15 February looked at the 3RDL business plan. Although this clearly ran the risk of straying into part two members were very careful with their questioning and all of the discussion remained in part one. Members questioned the likely finishing time for the St George's site and were concerned about marketing the site and other properties being built by the company. Members were also informed that all lending to 3RDL had come from short term lending from the Council's reserves and was not directly from Council tax income.

The Chair of the Governance Working Group gave a brief update to the Committee on the work of the group. The Group had met several times but other Members had not attended because of a failure to realise that in 2013 a motion had been carried to allow all Members to attend working groups. Members were still somewhat concerned that alternatives to the beefing up of scrutiny and creating another scrutiny group were not considered. Nor was the role of Cabinet.

There was again some concern about the maps that had been sent out for the Public Spaces Protection Orders. These had been sent to town and parish clerks to be discussed at their council meetings. It was imperative that the protection order be put in place as quickly as possible to give the enforcement officers the right to "enforce".

Cllr Christina Daw introduced the Menopause Working Group report. It was pleasing to hear that officers and the unions were delighted with the recommendations. The Committee was also delighted when the Chief Executive was able to announce that he had read through the recommendations and could see no difficulty in their being implemented.

On 22 February the Scrutiny Committee meeting was attended by Neil Parish MP who answered a range of questions from concerns about broadband, helping farmers after Brexit and considering the impact of Covid on the local economy.

St David's Day saw us meet once again for an extraordinary meeting with just two major topics on the agenda. The first was a report on climate change. The Corporate Manager for Property, Leisure and Climate Change went through the report with some follow-up from the new portfolio holder, Cllr Colin Slade.

The second important item was to consider the 3RDL business case for the nine houses at Bampton. As it was clear that most of this would be discussed in part two it was finally resolved that members would send me their questions for Cabinet and the 3RDL board, which would be answered and considered at Cabinet.

In a year dominated by coronavirus, I would like to thank Officers for their hard work in particularly challenging times. In particular I would like to thank our Clerk, Carole Oliphant, and the Scrutiny Officer, Clare Robathan for their continued support.