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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 19 June 2023 at 5.15 pm

Present

Councillors

R Gilmour (Chairman)
D Broom, Mrs F J Colthorpe, A Cuddy,
G Czapiewski, M Farrell, B Holdman,
L G J Kennedy, R Roberts, S Robinson,
G Westcott and N Woollatt

Apologies

Councillor(s)

Also Present

Councillor(s)

D Wulff

Also Present

Officer(s):

Andrew Jarrett (Deputy Chief Executive (S151)), Maria De Leburne (District Solicitor and Monitoring Officer), Andrew Seaman (Member Services Manager) and David Parker (Member Services & Policy Research Officer)

1 ELECTION OF VICE CHAIRMAN (03:17)

Cllr G Westcott was duly elected Vice Chairman of Scrutiny Committee for the municipal year 2023-2024

(Proposed by Cllr B Holdman, seconded by Cllr S Robinson)

2 START TIME OF MEETINGS (05:06)

It was agreed that the committee meet at 5:30pm for the remainder of the municipal year.

(Proposed by Cllr B Holdman, seconded by Cllr L G J Kennedy).

3 APOLOGIES AND SUBSTITUTE MEMBERS (06:20)

No apologies were received. Cllr L Taylor, Cllr J Buczkowski, Cllr S Clist, Cllr G Duchesne, Cllr A Glover, Cllr L Knight and Cllr J Wright attended the meeting virtually.

Cllr Mrs F J Colthorpe confirmed that she was the permanent member of the Scrutiny Committee in place of Cllr S J Penny.

4 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (06:45)

Members were reminded of the need to make declarations where appropriate.

5 PUBLIC QUESTION TIME (07:04)

Barry Warren's questions related to Item 9 on the agenda; on the subject of Review Recommendations of the Planning Enforcement Working Group. It was asked:

1. Would this committee please take that whole document, now rather than later, and see where we were now as it was submitted in September 2021?
2. Were members aware of a paper I prepared on the 16th of April 2023 whilst Leader of the Council and submitted to the then Chair of Scrutiny to address the failings?
3. Would the committee please note that Recommendation 8, to rewrite the Local Enforcement Plan has not been actioned to date and so Council are working from a plan that is over 5 years old?
4. Would the committee please note that Recommendation 6 was to form a sub group of the Planning Committee to oversee Planning Enforcement. That was not implemented thereby denying elected members the opportunity to oversee planning enforcement in an open and transparent manner? Officers decided that the Cabinet Member for Continuous Improvement could deal with this. No such Cabinet post exists under the current administration. Would you please look at putting a process in place which will give the public some confidence in our Planning Enforcement activities which are considered by those most affected to be ineffective and toothless?
5. Would the committee note that staffing levels were recommended and some work was carried out to move toward that? Since this new administration has been in place the staff numbers dedicated to Planning Enforcement has reduced back to levels pre the 2021 report. Why?
6. If looking at this currently would the committee consider any working group co-opting a member or members of the public who have experience of the problems and concerns to assist members?

In reply the Chairman said that these were historic issues, a new administration is just getting going and was work in progress. The Scrutiny Committee would be looking at vacancies and the moratorium on recruitment.

Paul Elstone asked in relation to Item 9 – The Scrutiny Workplan 2023-2024 and the 3 Rivers Independent Authority review:

1. It is clear from the Work Programme that your own 3 Rivers investigation is dependent on receiving the results of other investigations. The urgent, but wide-ranging, Cabinet investigation into 3 Rivers was supposed to have reported by now. What is the date when it is expected that this full and historic investigation into 3 Rivers, including the Council's handling of the commercial relationship and related reporting, will be completed?
2. Council Officers have only just announced a 3 Rivers bad debt of over £5.2 million. In view of this, would Scrutiny Committee consider widening the scope of your Scrutiny investigation, in the Work Programme, so that it is not limited to the processing of the Business Plan?
3. Allegations have been raised relating to serious ethical and business conduct failings, including involving Council Officers and Members, in the whole matter of 3 Rivers. In the light of this, why was it felt permissible to allow Council Executive Officers to "scope out" the terms of reference of any review, when their own actions, or the lack of, may very likely form a key part of any investigation?
4. For full openness and transparency, which this new administration strives for, will all the Investigation Reports be published and made fully available to the public?

In reply the Chairman stated that this was an historic issue. The Deputy Chief Executive Officer (S151), confirmed that the Allegation report is going to be discussed by the Audit Committee on Tuesday 27 June, and that report from Devon Audit Partnership was now in the public domain. The Francis Clark report looking into how the business goes forward would be available in two and a half to three months' time. The bad debt and the impairment on the loans is something that the S151 Officer, has to make publicly available as part of the end of year accounts as at 31st March. It is the likely level of loan repayment and is an estimate and not a write off. The terms of Reference for the Francis Clark investigation was put in front of Cabinet in March and was signed off by them so it was a Councillor Terms of Reference and not an Officer Terms of Reference.

The Chairman commented that both reports are to come to the Scrutiny Committee as well as the Audit Committee. The Chairman put on record that the committee intends to be transparent and be as fully accountable as possible. Where this is possible within the remits of the law, we would do that, they would be looking very closely at matters on a case by case basis, there would be no blanket assumption that something is automatically dealt with under part two unless there were very specific legal reasons for it being so

6 MINUTES OF THE PREVIOUS MEETING (18:11)

The minutes of the meeting held on Monday 17 April 2023 were NOTED. The minutes were amended to show that Cllr B Warren had attended the meeting on 17th April via Zoom.

7 DECISIONS OF THE CABINET (18:44)

No decisions of the Cabinet were called in.

8 CHAIRMAN'S ANNOUNCEMENTS (18:53)

The Nolan Principles would apply on all occasions and we would not want to revisit some of the unpleasantness of the old administration.

9 WORK PROGRAMME (19:12)

- a) Motion 583 - Protecting Rivers and Seas work, making sure that Planning Development on large developments work with South West Water (SWW) on planning infrastructure was working effectively relating to sewage and so on is appropriate, continues.

It was agreed that the Committee receive clarity on what this motion was meant to do. There were two areas that the motion seeks to deal with; a) inviting further information from SWW to state the current loads on their infrastructure and how this would be affected by new development so that that may have significance for planning decisions, b) SWW had been invited and had attended to give a presentation to the Scrutiny Committee about their future investment plans. . The Committee requested the background journey of the motion that led to the SWW presentation, the Clerk will look for the information. The Committee would like to talk with the Environment Agency. Have SWW provided the information they were asked to provide? Is there a Data Controller? Do they have a plan – is it effective? The Clerk will review all of the requests and look at the previous minutes. This will all be put into a document to be discussed at a future meeting.

- b) Review recommendations of the Planning Enforcement Working Group.

In response to the public questions, it was agreed that background of the working group along with their final report and officer updates should be provided in a new report to the July meeting of the Scrutiny Committee.

- c) Motion 564 – Inclusivity and Community Engagement – does Local Government work for women? Work needs to be continued. Some recommendations had been approved by the Scrutiny Committee and Full Council but they still need to be finalised.

It was discussed that it would assist the committee by having an updated report on this matter for the July committee. It was agreed to review whether there is a crossover with the Community PDG. It was also agreed to move from the Increases to members allowance here to look at how to encourage greater diversity at local elections.

- d) 3 Rivers – It was discussed that the review needs to look at the whole 3 Rivers history as well as looking forward at 3 Rivers future. It was agreed that this will come back to Scrutiny once the two external reports are received.

- e) Increases to members allowances. – It was confirmed that there had been an Independent Review Panel (IRP) and the matter had gone to full Council. This was not a matter for the Scrutiny Committee. The Deputy Chief Executive (S.151) was asked whether increases to member's allowance was included within the budget? He replied that the matter of member's allowances is taken from the IRP. The Deputy Chief Executive (S.151) said that this council had a history of following the recommendations of the IRP. With regard to the overarching budget, reports would go to the PDG's in November. Cabinet receives a report just before then which gives an overview of the Council's medium term plan, where we are predicting to be next year and the three years thereafter. In December we receive information from Central Government as to the likely level of funding. The Cabinet will start receiving formal reports in late January. The IRP report will come in before or after that process, but if it arrives later, then the Deputy Chief Executive (S.151) will have made an allowance towards it. The monitoring Officer confirmed that there was due to be a fundamental review of member's allowances in any event.
- f) Participatory budgeting review, it was discussed that a lot of work has been done and needs to be carried forward. It was agreed that the committee should find examples of Participatory Budgeting and look at other councils for examples both good and bad.

Other matters for the work plan:

1. Making Green requirements part of future planning applications – The Chairman commented that the Environment PDG would be a good place for this work to start. At the same time the Chairman will ask the Environment PDG to consider what Energy Efficient Standards need to go into go into new build properties.
2. Can this committee and the Council support the installation of sprinkler systems into all new build residential properties. The Fire Service can provide displays. The Chairman asked for a demonstration of these systems to be arranged.
3. The Clerk was asked to put any outstanding proposals into a document that could be considered on an actual agenda.

(The meeting ended at 6.09 pm)

CHAIRMAN

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