

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **SCRUTINY COMMITTEE** held on 2 October 2023 at 5.30 pm

### **Present**

#### **Councillors**

R Gilmour (Chairman)  
G Westcott (Vice Chairman), D Broom, E Buczkowski,  
F J Colthorpe, A Cuddy, G Czapiewski, B Holdman, S Robinson  
and N Woollatt

### **Apologies**

#### **Councillors**

M Farrell and R Roberts

### **Also Present**

#### **Councillors**

S J Clist, G Duchesne and C Harrower

### **Present**

#### **Officers:**

Matthew Page (Corporate Manager for People, Governance and Waste), Sarah Lees (Democratic Services Officer) and David Parker (Democratic Services & Policy Research Officer)

## 31 **APOLOGIES AND SUBSTITUTE MEMBERS (00:03:39)**

Apologies were received from Cllrs M Farrell and R Roberts no substitute members were offered.

Councillors A Glover, J Buczkowski, S Keable, and L Taylor attended the meeting via Teams.

Officers S Walford (Chief Executive), Richard Marsh (Director of Place) and Dean Emery (Corporate Manager for Income, Revenues, Planning Enforcement and Benefits) attended the meeting via Teams.

## 32 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00:04:34)**

No interests were declared under this item. Members were reminded of the need to make declarations of interest where appropriate.

## 33 **PUBLIC QUESTION TIME (00:04:50)**

Paul Elstone asked in relation to Agenda Item 7 - Work Programme. Specifically, 3 Rivers Lessons Learnt 1

### **Question 1**

Given the increasing level of concerns being raised about both the value and integrity of the 3 Rivers “no blame” lessons learned process, will this Committee commit to a fully open and transparent plus very importantly a complete investigation ?

### **Question 2**

It is noted that the Deputy CEO and S151 Officer is named as the Officer Responsible for the 3 Rivers Lessons Learned 1. Given this person’s far reaching involvement in 3 Rivers and

including being a Director is this not immediately seen as a conflict in terms of integrity of the process ?

### **Question 3**

Has a Full Terms of Reference been prepared ?

### **Question 4**

If so, will the Terms of Reference be made fully available to the general public ?.

### **Question 5**

Will the investigation fully cover the period from the 3 Rivers Development company formation in 2016 to full closure in 2024 ?

### **Question 6**

Who exactly will make up the Lessons Learned Team ?

### **Question 7**

Will an External Auditor plus ideally a specialist Root Cause Analyst support members of the Lessons Learned Team. This to provide the necessary expertise, impartiality and therefore credibility ?

### **Question 8**

Who will draft the report ?

### **Question 9**

Will the full and unedited report be made public and without redactions ?

### **Question 10**

Will all the previous MDDC Council Leaders be formally invited to participate and meet with the Lessons Learned Team in a face-to-face meeting rather than paper submissions if they prefer. This to enable the highest quality of information exchange. ?

### **Question 11**

Will other stakeholders be formally invited to participate this including well informed members of the general public ?

The Chairman said that she was yet to meet with Councillors and officers of the Council, at the meeting on 30 October the Terms of Reference would be set out and they would be explicit in the transparency and attention to detail that they will be undertaking. A written answer would be provided.

## **34 MINUTES OF THE PREVIOUS MEETING (00:09:08)**

The minutes of the previous meeting held on 24 August 2023, were corrected at page 19 in the answer to Question 2 asked by Paul Elstone in the third sentence the word reply was amended to read rely. Cllr Woollatt also asked that it be noted that she was present towards the end of the meeting. The minutes of the meetings held on 14 August and 24 August were then approved as a correct record and **SIGNED** by the Chairman.

**35 DECISIONS OF THE CABINET (00:12:46)**

The Committee **NOTED** that none of the decisions made by the Cabinet on 19 September 2023 had been called in.

**36 CHAIRMAN'S ANNOUNCEMENTS (00:12:49)**

The Chairman had no announcements to make.

**37 WORK PROGRAMME (00:12:50)**

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

On the Forward Plan the "Makeup of the senior officer structure in light of posts held vacant" was mentioned and it was agreed to see what Cabinet did about this matter and to call the decision in if a member of the committee was unhappy with any decision the Cabinet made.

On the Scrutiny Work Plan, Devon Home Choice was mentioned and it was agreed to bring this matter to the Scrutiny Committee if necessary after an all members briefing had been given.

Consideration was given to:

- The use of a form used to bring matters to the Scrutiny Committee and making changes to make the form easier to complete.
- KPI's on Enforcement – to come to March committee meeting.

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

**38 WHISTLEBLOWING - 6 MONTH UPDATE (00:29:40)**

The Corporate Manager for People, Governance and Waste gave a verbal report confirming that there had been no Incidents of Whistleblowing in the past six months. The manager explained that Whistleblowing Policy was where an Employee was raising an issue that was in the public interest and was different to the Grievance Policy where Employees raise issues concerning their employment.

**39 MOTION 583 - PROTECTING RIVERS AND SEAS (00:31:16)**

The Policy Research Officer for the Scrutiny Committee gave a verbal report regarding the background to Motion 583 and what progress had been made since the motion was passed. Consideration was given to

- Run off from roads, sludge, grit and oil running into leats.
- The compilation of an evidence base assessing the cumulative impact – the authority are in a challenging position in that MDDC do not have any formal remit or requirement in terms of recording this information or skills and expertise to analyse the data and the information they receive. MDDC do analyse the potable water supplies, but in terms of collation of information, digestion and understanding that information, MDDC haven't undertaken that because they do not have the resource or skill set. However, MDDC would be looking at it through the new Local Plan and would procure some specialist resource and skill in terms of undertaking a Water Cycle strategy, in the hope that that would give the council the capability and the capacity to work with South West Water and the Environment Agency, in order to give us an insight into the network as it exists, the shortfalls or failings that currently exist and the steps that MDDC through planned maintenance or future development can take in order to address this issue at source. The work will take place as MDDC

progress the new Local Plan but in terms of what we can do at present we are extremely limited.

- The Director of Place had not yet heard anything back from SWWA about the Consultation relating to drainage and wastewater management plans, but he is seeking from SWW whether there is a summary report which he will request to see.
- Invite Environment Agency and Natural England to appear before this Scrutiny committee
- The Cabinet have oversight of the Emergency Plan Policy alongside the Community PDG
- OFWAT's unwillingness to help
- Water Companies' increases to Service Charges
- Inviting SWWA back to the Scrutiny Committee
- The Voracity and Integrity of Data supplied by SWWA is questionable
- Phosphates and Nitrates breakdown of lump sizes – marker for sewage – the Bacterial count also is helpful as a marker.
- Would it be possible to get data about discharges at a Ward level so that Councillors could see what was happening at a local level against local anecdotal information
- Friends of the River Exe had produced a report working with communities and NGO's about the Pollution of the River Exe and it was encouraged that MDDC collaborate with the West Country Rivers Trust so that we can hone better our questions for South West Water Authority
- Employment of a Specialist
- Suggestion that MDDC works with the Friends of the River Exe
- In Planning Applications – if SWWA are asked if there are connections, they answer yes, even though they know that that development would be likely to cause storm overflows.
- Environment Agency Enforcement – they only have 0.8 of an Enforcement Officer across the whole of Devon and Cornwall meaning that offenders thought it unlikely that any action would be taken against them
- Floodwise, a scheme of the Environment Agency, set up to work in Partnership with local agencies and are passionate about people working together in partnership
- Unhappiness with the tangibility of answers the SWWA had given the last time that they were before this committee.
- West Country Rivers Trust
- Difficulties with getting hold of anyone from the Environment Agency or Southwest Water to ask questions about important casework.

The Director of Place said that he would look to join this work up across the various agencies and other authorities and look to learn from best practice.

The Chairman said that we should encourage both agencies to make themselves available to the Scrutiny Committee. The Chairman also thought that MP's across Devon should put together a motion to Parliament calling on the Government to put more money into the Environment Agency to fully fund Environmental Enforcement across Devon, or to ask the Chairman of the Environment agency to look at this matter himself.

There was agreement that this matter should come back to the Scrutiny Committee in four month's time.

(The meeting ended at 6.40 pm)

**CHAIRMAN**