

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 15 June 2015 at 2.15 pm

**Present
Councillors**

F R Rosamond (Chairman)
Mrs C P Daw, Mrs S Griggs, T G Hughes,
B A Moore, Mrs J Roach, Mrs E J Slade,
T W Snow, Mrs N Woollatt, Mrs R Berry and
R Wright

**Apologies
Councillor(s)**

Mrs H Bainbridge, Mrs J B Binks and N A Way

**Also Present
Councillor(s)**

N V Davey, C J Eginton and R L Stanley

**Also Present
Officer(s):**

Liz Reeves (Head of Customer Services), Andrew Jarrett (Head of Finance), Jill May (Head of HR and Development), Amy Tregellas (Head of Communities and Governance and Monitoring Officer) and Sally Gabriel (Principal Member Services Officer)

1 ELECTION OF VICE CHAIRMAN

RESOLVED that Cllr T G Hughes be elected Vice-Chairman of the Committee for the municipal year 2015/16.

2 APOLOGIES AND SUBSTITUTE MEMBERS (00-04-17)

Apologies were received from Cllr Mrs H Bainbridge, Cllr Mrs J B Binks who was substituted by Cllr Mrs A R Berry and Cllr N A Way who was substituted by Cllr R Wright.

3 PUBLIC QUESTION TIME (00-04-27)

The Chairman read an email from Mr and Mrs D Speirs referring to Item 11 (Legal Services Update) on the agenda which stated that:

We note that Legal Services are giving an update under Item 11.

Below is an extract of the Minutes of the Planning Committee meeting in June 2014, when it was resolved to take action as shown. Since nothing appears to have happened and we are unable to get information on progress, if any, please could this be brought to the attention of the Scrutiny Committee when considering Legal Services performance?

MINUTES of the MEETING OF THE PLANNING COMMITTEE held on 18 June 2014 at 2.15pm

No. 1 in the Enforcement List (Enforcement Case ENF/13/00060/LIS- unauthorised works namely the removal of ground floor front door and window at Grade II listed building contrary to Section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990 - 22 A Fore Street, Cullompton).

RESOLVED that delegated authority be given to the Legal Services Manager to take the appropriate legal action to include the service of a Listed Building Enforcement Notice or Notices, the Notice to require that the ground floor door and ground floor window on the northern elevation situated in New Cut, Cullompton be replaced to a specification provided by the Local Planning Authority. In the event of a failure to comply with the Listed Building Enforcement Notice the consideration of prosecution proceedings, the issue of injunction proceedings or direct action.

The Head of Communities and Governance stated that correspondence had passed between the Private Sector Housing Service, Planning Enforcement and the Conservation Officers in April of this year, the Legal Team were now awaiting specifications for the new door and window, and following this a notice would be served. She also stated that this issue had now been logged as a complaint; there were lessons to be learnt and a procedure needed to be put in place so that decisions of committee were dealt with in a timely manner.

4 MEMBER FORUM (00-10-58)

There were no issues raised under this item.

5 MINUTES OF THE PREVIOUS MEETING (00-11-08)

Subject to the following amendments:

(i) Minute 175 to state that:

a) The Scrutiny Committee expressed disappointment that the report of the Planning Policy Working Group had not been seen by this Committee prior to the election and that Minute 76 has not been actioned

(Proposed by the Chairman and seconded by Cllr Mrs H Bainbridge)

b) the above recommendation be passed to Council for consideration.

(Proposed by the Chairman)

((b) Vote 5 for 4 against – Chairman's Casting Vote)

(ii) Minute 176 remove the word “Renovation” and replace with “Innovation”

The minutes of the last meeting were approved as a correct record and **SIGNED** by the Chairman.

6 DECISIONS OF THE CABINET

The Committee **NOTED** that none of the decisions made by the Cabinet on 4 June 2015 had been called in.

7 CHAIRMAN'S ANNOUNCEMENTS (00-15-00)

The Chairman had the following announcements to make:

- a) He commended the work of the previous Scrutiny Committee chaired by Cllr Mrs J Roach.
- b) He apologised for not being able to attend the scrutiny training that had taken place the previous week, but he noted that comprehensive notes had been circulated to all members of the Committee.
- c) He stated that Members of the Committee had undergone a major public consultation during their election campaigns and therefore asked that themes that had been identified be noted on "post its" so that the issues could be collated and possibly followed up by the Committee.

8 START TIME OF MEETINGS (00-19-24)

Discussion took place regarding the start time for meetings for the following year.

RESOLVED that meetings of the Scrutiny Committee be held at 2.00pm on Monday's for the remainder of the municipal year.

(Proposed Cllr Mrs N Woollatt and seconded by Cllr Mrs J Roach).

9 LEADERS ANNUAL REPORT (00-21-17)

In accordance with the Constitution the Committee had before it a report * from the Leader of the Council outlining the Council's achievements over the past 12 months and the priorities for the coming year.

Discussion and questioning took place under each of the headings in the report:

Customer Services

- The new website and the amount of savings that would be made through the digital transformation programme; the savings to date in respect of clean mail had been £20k, continued work with all services would lead to further savings on paper, printing and postage. Part of the digital project included Members working with tablets.

ICT

- Digital Transformation and what it means for the Council in terms of facilities available: text messaging alerts, the upgrade of the Uniform planning system, mobile working and savings in paper and postage were identified. Each service was considering how they could work more digitally.

- The issue of claiming expenses on line was raised, it was reported that there were compatibility issues between citrix and the payroll system and therefore the current system would have to be used for the foreseeable future.

Environment

- Overnight car parking charges and the knock on effect of on street parking which was causing problems for residents: the Car Parking Working Group were looking into such issues and would make recommendation to the Managing the Environment Policy Development Group. It was reported that strict enforcement was taking place, the signage in the car parks had been improved and feedback from local residents via their local Members was encouraged.

Finance

- How Members would be involved in plans to reduce the budget as they may have some suggestions that would be helpful. Members were informed that an away day had been scheduled for 24 July 2015 where the Corporate Plan and budget issues would be discussed. At the present time staff were being consulted on the Corporate Plan priorities and this information would be available to Members on 24 July for consideration. The Head of Finance also stated that he would provide briefings as discussions progressed with regard to preparing the budget for 2016/17.

Leisure

- It was reported that there were capacity issues at Exe Valley Leisure Centre which were being addressed.

Community Development

- How was the authority empowering the people of the district using community development as a tool: it was reported that there was a direct relationship with the Town Teams and business groups, grant support was given to local organisations, with the Grants and Funding Officer working with many organisations to source external grant funding. It was proposed that the website be used to signpost organisations to external funding sources. Those organisations who received grant funding from the local authority were expected to attend the Community Well-Being Policy Development Group to make a presentation on the work of their organisation so that outcomes of the funding could be identified. The issue of the shopmobility service in Tiverton being closed over the Christmas period was raised and that shoppers were looking to use their facilities.

HR

- The details of the WRAP programme were explained.

Housing

- Concern was raised with regard to the types of housing being built and that there was a need to put in place housing for the older generation. It was reported that 25% of properties being built were built to a lifetime standard.

Property

- The purchase of Market Walk which was already raising income and negotiations were taking place with regard to the Multi-Storey Car Park and a Premier Inn.

Planning

- Local transport issues and the possible funding by developers.
- Staff shortages in the Planning Department.
- Timescales following decisions being made by the Planning Committee and the any action to be taken.
- The delay in the review of the Article 4 Direction in Cullompton
- The new Government Initiative (out to consultation) of selling affordable housing and the effect of this on the building programme for affordable homes.
- The effect of new housing developments on local school capacity.

The Leader was thanked for his attendance at the meeting.

Note: * Report previously circulated; copy attached to the signed Minutes.

10 CABINET MEMBER FOR ENVIRONMENT (1-03-17)

The Committee had before it a position statement * from the Cabinet Member for the Environment summarising the key issues in each of the areas within his portfolio.

Discussion took place regarding the following areas:

- Street cleaning and the possible use of route optimisation; concerns were raised following the problems that had arisen when the system had been used for waste collection.
- Educating children with regard to littering and litter picking schemes taking place in towns and parishes.
- Dog fouling and the need for enforcement to take place and that this be publicised. The use of the “Paint it Pink” scheme which could be reintroduced across the district.
- Grounds maintenance issues being passed to Town and Parish Councils
- The need to invest in grounds maintenance to improve the appearance of the local towns and whether any underspend from the Economic Regeneration budget could be used.
- The involvement of Members in any consideration regarding amenity car parks.
- A report to the next meeting of the Committee identifying improvements that would be made to areas covered under the environment umbrella. (**Note: update - a report regarding this matter will initially go to the Managing the Environment Policy Development Group**)

The Cabinet Member for the Environment was thanked for his attendance.

Note: * Position statement previously circulated; copy attached to the Minutes.

11 **LEGAL SERVICES SIX MONTHLY UPDATE (1-32-07)**

The Committee had before it and **NOTED** a paper * from the Head of Communities and Governance updating the Group on the Legal Service, following the report to this Committee in April 2014 when it was agreed that an interim progress report be brought to the Committee in September 2014 with a six monthly update.

Discussion took place regarding:

- Digital transformation within the service.
- Officers having the tools to do the job

Note: * Report previously circulated; copy attached to the Minutes.

12 **STAFF SURVEYS (1-42-26)**

Cllr Mrs J Roach had requested that the Committee discuss staff surveys.

The Chairman invited Cllr Mrs Roach to address the Committee. She highlighted the Good Scrutiny Awards 2013* which highlighted the work of Maldon District Council with regard to the staff survey process and her concerns about the current economic climate and its impact on staff.

The Head of HR and Development reported that a staff survey was being progressed and that it would be available to officers by the end of the month.

Discussion followed with regard to:

- How to identify which members of staff were under stress if the survey was anonymous.
- The use of the staff appraisal system.
- The confidence of officers to come forward and report issues.
- The possible involvement of the Scrutiny Committee

It was therefore:

RESOLVED that the outcomes of the staff survey be reported to the Scrutiny Committee.

(Proposed by Cllr Mrs J Roach and seconded by Cllr Mrs N Woollatt)

Note: *Document previously circulated, copy attached to minutes.

13 **POLITICAL BALANCE OF COMMITTEES (1-54-21)**

Cllr Mrs J Roach had asked that the Committee consider whether the swapping of seats, Conservative to Independent and visa versa was allowed under the political balance regulations.

Cllr Mrs Roach introduced the item stating that the allocation was agreed by Council at its Annual meeting on 20 May 2015, since then Group Leaders had chosen to swap committee seats on Scrutiny and Managing the Environment Policy Development Group which was not in line with what was agreed at Council. She outlined the contents of the Widdicombe Report 1986 which had highlighted the need for political balance and that if the seats in question had remained vacant, the Council may make such appointment as it sees fit. She felt that the Council were acting illegally by the actions that had taken place.

It was further reported that Local Government Association, Independent Group also stated that the allocation of seats and committees should be apportioned in line with the political allocation.

The Monitoring Officer reported that she had discussed the issue with Legal Services and stated that she did not believe that the Council had acted illegally or unconstitutionally, she felt that the gifting of seats did not change the overall political allocation. She highlighted part of Minute 10 of the Council Meeting 20 May 2015:

“(d) that the Chief Executive be authorised to make changes to membership of Committees, Working Groups and other Internal Bodies as may be notified to him from time to time by the relevant Political Group to which those seats have been allocated by the Council”.

She also highlighted the political rules as defined in the Local Government and Housing Act 1989 and how the law could be interpreted in different ways.

The Chairman stated that consideration of the above issues take place at the next Annual Council Meeting.

14 MEMBERSHIP OF THE JOINT EAST AND MID DEVON CRIME AND DISORDER SCRUTINY PANEL FOR THE FOLLOWING MUNICIPAL YEAR. (2-07-00)

Consideration was given to the appointment of three Members to the East and Mid Devon Crime and Disorder Scrutiny Panel for the municipal year.

RESOLVED that: Cllrs T G Hughes, Mrs N Woollatt and F J Rosamond (as Scrutiny Chair) become the representatives from Mid Devon District Council on the Joint Scrutiny Panel and that Councillor B A Moore be the substitute.

15 UPDATES AND ITEMS TO NOTE REGARDING OUTSTANDING ITEMS (2-10-00)

The Head of Communities and Governance gave a six monthly update on whistle blowing scheme: she informed the Committee that there had been no cases in 2014/15 but that two issues had been raised with her in the current financial year which she was addressing.

16 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (2-11-24)

The following items were identified for the following meeting:

- Report of the Cabinet Member for Community Well Being
- Performance and Risk
- Scrutiny Work Programme

The following items were highlighted as possible areas of interest for the future:-

- CCG Plans for Crediton Hospital
- Delay in actions following decisions of the Planning Committee.

(The meeting ended at 4.30 pm)

CHAIRMAN