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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 30 November 2015 at 2.00 pm

Present

Councillors

F J Rosamond (Chairman)
Mrs H Bainbridge, Mrs J B Binks,
Mrs C P Daw, Mrs S Griggs, T G Hughes,
B A Moore, Mrs J Roach, Mrs E J Slade,
T W Snow, N A Way and Mrs N Woollatt

Also Present

Councillor(s)

R Evans

Also Present

Officer(s):

Liz Reeves (Head of Customer Services), Jenny Clifford (Head of Planning and Regeneration), Simon Johnson (Legal Services Manager), Jill May (Head of HR and Development), Simon Newcombe (Public Health and Professional Services Manager), Amy Tregellas (Head of Communities and Governance and Monitoring Officer) and Julia Stuckey (Member Services Officer)

85 **APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies.

86 **PUBLIC QUESTION TIME**

There were no members of the public present.

87 **MINUTES OF THE PREVIOUS MEETING**

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

88 **MEMBER FORUM**

There were no issues raised under this item.

89 **DECISIONS OF THE CABINET**

The Committee **NOTED** that none of the decisions made by the Cabinet at their last meeting had been called in.

90 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman informed the Committee that he had received several requests from Members that meetings be shorter in length than had been the case of late and that written papers be issued with the agenda rather than officers providing verbal updates. He appreciated that verbal updates could sometimes be useful but he considered it better that Members received written reports in advance of the meeting.

91 RIPA (0.03.33)

Councillor Mrs J Roach had requested that the Committee consider the RIPA report in terms of effective scrutiny. The Committee had before it a report * from the Office of Surveillance Commissioners which detailed their observations from the inspection and provided recommendations.

The Legal Services Manager explained that changes had been implemented following receipt of the report and that RIPA was no longer used other than in exceptional circumstances.

Cllr J Roach informed the Committee that she had asked that this item be on the agenda as the report had been received whilst she was Chair of Scrutiny. She did not consider that full scrutiny had taken place and felt that there were issues that had not been addressed and questions that had not been asked. She suggested that this was used as a learning curve to help improve future scrutiny. Scrutiny Committees elsewhere in the country had failed by taking reports at face value and not questioning them and she did not want that to happen in this authority.

Cllr Roach expressed a concern that officers putting together reports regarding services were also the officers responsible for the service, which led to Members having a willingness to accept what was put in front of them. She had requested training for the Committee in the previous year to help with questioning skills.

Discussion took place regarding;

- Lack of staff resource to support the Committee;
- The minimal use of RIPA within Mid Devon due to the restrictions on the type of surveillance that could be undertaken;
- A recommendations from the 2012 report that had not been discharged;
- The RIPA Policy had been reviewed by the Community Well Being PDG and the Cabinet in October 2015;
- Training was being arranged for key officers;
- All recommendations within the 2015 report had, or were in the process, of being completed.

It was **RESOLVED** that:

- a) It be ensured that any reports to the Committee contain full details, be presented at the appropriate time and that Members be equipped to undertake any forensic examination required;

- b) That the RIPA report be reviewed in three months' time to monitor recommendations within it;
- c) That RIPA be a standing six monthly agenda item.

(Proposed by the Chairman)

Note: - Report previously circulated and attached to Minutes.

92 ANAEROBIC DIGESTERS

At a meeting of the Committee on 10th September 2015 public concerns over operational anaerobic digester (AD) schemes in respect of noise, smell, pollution and traffic were discussed. It was resolved that a report be prepared to address issues raised in connection with anaerobic digesters.

The Committee therefore had before it a report * from the Head of Planning and Regeneration and the Head of Human Resources and Development detailing how the Authority would address resident's concerns over the impact on them of existing operational schemes within parts of the district, how such concerns were investigated, liaison between different organisations with a regulatory role and what lessons could be learnt as a result.

The Head of Planning and Regeneration explained that the report contained an introduction to anaerobic digestion, details of current schemes within Mid Devon, roles and responsibilities of the Local Planning Authority, Environmental Health Service, Devon County Council, the Environment Agency, Public Health England and the Driver Vehicle Standards Agency (DVSA). She also explained that a majority of complaints to Planning Enforcement, regarding activities associated with AD Plants, had turned out to be activities taking place on agricultural land away from the actual site and which could take place, in planning terms, quite lawfully.

The Public Health Manager further explained that another agency, the Animal and Plant Health Agency (with enforcement through Trading Standards), had been identified since the issue of the report, with a responsibility for animal health such as the use of bi-products from AD, for example the spreading of digestate on land or use as litter in poultry houses.

Discussion took place regarding:

- The benefits to the public in knowing where to report issues;
- The need to undertake stronger enforcement;
- The need to look at other planning applications, such as those for poultry sheds, if they were connected to the AD plants;
- The need to liaise with neighbouring authorities when appropriate;
- A recent AD case in Ramsbottom which had been called in by the Secretary of State;

- Whether there was potential for enforcement if AD plants were operating on a different basis to that set out at application stage.

It was **RECOMMENDED** to Cabinet that:

- a) A request be made to the Environment Agency for the opportunity for MDDC to feed into the environmental permitting regime and that a copy of the approved permit be given to this authority.
- b) That where enforcement issues were raised with an AD plant, that related to more than one agency, coordination take place between relevant agencies and that MDDC take a lead role in that coordination.
- c) That a review of the scope of planning conditions to control AD plants be undertaken in order to develop best practice for future applications.

(Proposed by the Chairman, seconded by Cllr Mrs J Roach)

Note: - Report * previously circulated and attached to Minutes.

93 **PARTNERSHIP WORKING (0.51.36)**

The Head of Communities and Governance informed the Committee that at a Programming Panel meeting on the 14th September 2015 it was agreed that the subject of partnership working be discussed by the Scrutiny Committee to see if members felt it appropriate to set up a working group to consider this topic in more detail.

The Officer explained that as the Council's funding from Government became less and less partnership working could be an area that the Council would wish to consider further in order to make savings and enable the setting of a balanced budget in future years.

There were many Councils that were already working in partnership with others and the models used and services being shared could vary from partnership to partnership.

The Officer suggested that in order for the Council to gain more of an understanding in terms of the types of partnership models available, including the costs, benefits and risks, that a Working Group be set up.

Discussion took place regarding:

- a) Partnerships in place with North Devon District Council for IT Services and Building Control and with Exeter, East Devon and Teignbridge for Economic Development;
- b) The problems encountered in the past in finding other authorities to work with;
- c) The need for benchmarking;

- d) A report of a previous working group that had looked at Shared Services;
- e) The possibility of working with the private sector.

It was **RESOLVED** that a Working Group be put in place to look at partnership working and that the Members of the Group be Cllrs Mrs H Bainbridge, Mrs J Binks, F J Rosamond and N A Way.

(Proposed by the Chairman)

94 **CULLOMPTON AND CREDITON TOWN CENTRE IMPROVEMENTS (1.05.00)**

The Committee had before it and **NOTED** a briefing paper * from the Head of Communities and Governance outlining plans for the improvement of Cullompton and Crediton Town Centres.

The Officer outlined the contents of the report, adding that funding from the High Street Innovation Fund has been awarded to Cullompton Farmers Market, to enable them to set up a community shop and to the Crediton Town Team to fund projects.

Discussion took place regarding:

- Events such as the Food Festival in Cullompton which had brought a lot of people into the town;
- The ownership of the Town Square in Crediton;
- The Tiverton Town Centre Manager was working with Crediton and Cullompton to share good practice;
- Officers were working well with the Town Councils and local groups to promote the towns;
- Shop front improvement grants;
- The risk to existing businesses if community shops sold the same products with lower overheads.

Notes: - i) Briefing paper * previously circulated and attached to Minutes.

ii) Cllr Mrs N Woollatt declared a personal interest as she was involved with the Devon Kitchen.

ii) Cllr N A Way declared a personal interest as he was a Crediton Town Councillor

95 **TIVERTON PANNIER MARKET (1.20.50)**

The Committee had before it a briefing paper * from the Head of Communities and Governance providing an update regarding the Tiverton Pannier Market. The paper outlined some of the work that had taken place since the last update and some of the plans for 2016.

Discussion took place regarding:

Electric Nights events which had proved very successful and would resume next year;

- Disappointment that the Pannier Market had not been open for the Christmas Lights event and plans already being put in place for Christmas 2016;
- A review of the Pannier Market that was currently part way through, delays had been caused by the level of work undertaken by the team running Electric Nights and the appointment of the Town Centre Manager;
- An action plan which was being worked on by the Town Centre Manager, which would be presented to Cabinet in the New Year, the Chairman requested that this report be reviewed by the Scrutiny Committee prior to going to Cabinet. The Head of Communities and Governance explained that it was also being reviewed by local traders and local interested groups;
- Whether or not Electric Nights increased footfall in the town centre and plans to extend the events to include the shops next year;
- A Food Festival being planned for 4th June 2016 titled 'Around the World in 80 Flavours'.
- The need for an Events Manager to co-ordinate events in the District;
- Whether or not the roof project would go ahead, which depended on the Masterplan;
- The Sci-Fi event and publicity for it;
- The Market accounts and the need for them to be split to identify key areas.

It was **AGREED** that a six-monthly update on the Pannier Market be added to the agenda as a standing item.

- Notes: - i) Briefing paper * previously circulated and attached to Minutes.
ii) Cllr Mrs S Griggs declared a personal interest as she was the Chairman of the Portas Group and the Christmas Lights Committee.

96 **PERFORMANCE AND RISK (1.40.22)**

The Committee had before it a report * from the Head of Communities and Governance providing Members with an update on performance against the corporate plan and local service targets for 2015/16 as well as providing an update on the key business risks.

The Officer outlined the contents of the report and Members worked through the document on a page by page basis. The Officer highlighted performance from the Waste Service, which had not been available at the time of issue, for missed collections and fixed penalty notices.

Discussion took place regarding:

- Right to Buy figures, which the Authority had no influence over but would impact on future budgets;
- Housing Repair performance was recorded as a percentage but Members would also like to see the actual number of repairs completed;
- Empty shops and whether there was anything that could be done to find out why shops were closing;
- Leisure membership retention was performing well in comparison to national bench marking;
- Performance for building control was below target which was a concern when it was an area of joint working;
- The Planning report indicated the number of enforcement cases closed but members requested further information to state why;
- Members requested information regarding the cost to the authority for failed performance;
- Staffing levels in the Planning Service;
- Enforcement issues, some of which had been outstanding for a considerable amount of time:
- The drop in the value of recycle materials.

It was **AGREED** that the Head of Planning and Regeneration report to the Committee regarding the Enforcement Service, delays in enforcement taking place and plans to rectify this.

Note: - Report previously circulated and attached to the Minutes.

97 **UPDATE ON ACTIONS TAKEN BY NEIL PARISH MP (2.04.31)**

The Committee had before it updates * regarding actions taken by the MP for Tiverton and Honiton Constituency, Mr N Parish, following his attendance at a meeting of the Committee in August 2015.

The MP had been asked his views regarding the cost to local authorities of removing travellers from their land. It was **AGREED** that a report detailing Policy for the removal of Gypsies and Travellers be an agenda item for the next meeting of the Committee.

Note: - Updates * previously circulated and attached to Minutes.

98 **IDENTIFICATION OF ITEMS FOR FUTURE MEETINGS**

Cabinet Member for Housing and Property Services
Whistleblowing Update
Safeguarding update
Closure of Hospital Wards
Rural Broadband
Digitalisation for Members
Town Hall Development Site
St Andrews Street Project
Policy for the removal of Gypsies and Travellers from Council owned land
Planning Enforcement Performance

(The meeting ended at 4.10 pm)

CHAIRMAN