

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **SCRUTINY COMMITTEE** held on 10 October 2016  
at 2.15 pm

### **Present**

#### **Councillors**

F J Rosamond (Chairman)  
Mrs C P Daw, Mrs G Doe, R Evans,  
Mrs B M Hull, Mrs J Roach, J L Smith,  
T W Snow and N A Way

### **Apologies**

#### **Councillor(s)**

Mrs H Bainbridge, Mrs S Griggs, T G Hughes,  
Mrs A R Berry and S G Flaws

### **Also Present**

#### **Councillor(s)**

C J Eginton, P H D Hare-Scott and R Wright

### **Also Present**

#### **Officer(s):**

Stephen Walford (Chief Executive), Andrew Jarrett (Director of Finance, Assets and Resources), Amy Tregellas (Head of Communities and Governance and Monitoring Officer), Nick Sanderson (Head of Housing and Property Services), Tina Maryan (Area Planning Officer) and Julia Stuckey (Member Services Officer)

## **58 APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr Mrs H Bainbridge, Cllr Mrs S Griggs who was substituted by Cllr R Evans, Cllr T G Hughes, Cllr Mrs A R Berry and Cllr S G Flaws who was substituted by Cllr Mrs B M Hull.

## **59 PUBLIC QUESTION TIME**

Cllr B Warren, Chairman of Willand Parish Council, I referring to item 8 on the agenda said that within the report it is recommended by the officer that the Committee 'note the progress as outlined in this report'. There are some areas of the report which show limited progress or conclusions have not been reached. It could also be argued that there is a need to resolve the question of confidentiality and the questionable use of the data protection act as a reason to withhold information from Members, Town and Parish Councils and members of the public who have raised planning enforcement issues.

Would Members feel it helpful and expedient to have more information on performance indicators and the results of 'bench marking exercises' before bringing forward the Local Enforcement Plan to Cabinet in November? Paragraph 2.9.1 states 'This is in progress with exploration undertaken of how performance in planning enforcement is measured in other authorities. Draft performance indicators have been produced and will be taken to the Planning Committee for their consideration.'

Although it may be helpful to know what others are doing is not MDDC capable of setting its own policy which could then be a leader in setting robust performance indicators.

Are the responses from the other authorities available for inspection?

Knowing how sensitive Planning Enforcement – or the perceived lack of it – is in the District would it not be wise for the stated proposed performance indicators to be available for consultation or discussion before being placed before the Planning Committee? Without this it could be noted that the only view the Planning Committee will have is that of the officer.

Paragraph 2.12 states 'Officers investigate the possibility of finding a way of updating residents and town/parish councils in relation to complaints regarding enforcement and reporting back to this Committee within 4 months.'

Paragraph 2.12.1 states 'A benchmarking exercise has been undertaken in order to understand how other authorities deal with this issue and has found that little information on live enforcement cases is regularly disseminated to Town and Parish Councils. Whilst MDDC Members can be briefed with a legal expectation of confidentiality, when information goes to Towns and Parishes, we cannot work on the same presumption of confidentiality.'

Are Members content with this explanation which appears to infer a slight on the integrity of Town and Parish Councillors who invariably raised the issue in the first place? Why does this need to be delayed by 4 months?

The Chief Executive in front of this Committee and at our Parish Council meeting has emphasised his wish to see more opened with appropriate communication. The comment in paragraph 2.12.1 could go against this commendable statement of intent and allow the Head of Planning and Regeneration to go back to the earlier position that anything to do with planning enforcement is confidential. We have sufficient examples of this being the case where 'confidentiality' has been used to try and hide activity or failures by certain officers.

May I please end on a positive note in that our current Enforcement Officer has been a breath of fresh air? She responds promptly and positively when issues are raised. She responds with appropriate updates as to actions taken or reasons for not taking any action which are understood and appreciated by the Parish Councillors. No mention of Data Protection Act or breaches of trust and anything mentioned which could be sensitive is responsibly dealt with without any problems to date. We feel that her approach is in tune with the intentions of the Chief Executive in relation to communication. Long may it continue.

My final question is will you please thoroughly scrutinise this report and ensure that the improvement in communication which we are currently experiencing is maintained thus restoring confidence in the system?

Mr Keith Grantham, referring to item 8 on the agenda said that this question relates to the Local Enforcement Plan put forward by the Head of Planning and Regeneration paragraphs 2.12, 2.12.1. At various meetings I have attended the theme the Chief Executive has taken is MDDC must be more open and accountable.

This is happening, with a lot more information being put on the Council's website and many of the officers being helpful. This is why I cannot understand the Head of Planning and Regeneration wanting to take a retrograde step and move back to the old days by proposing not to inform Town and Parish Councils on enforcement matters. This suggests that Towns and Parishes cannot be given and trusted with information. This is a smear on the integrity and trustworthiness of Parish Councillors. All Councillors are elected in the same way, as far as I am aware, no District Councillor signs any form on confidentiality. If they do then this could be rolled out to Parishes too. The Head of Planning appears to choose to hide behind confidentiality. Why? She states in her report a benchmarking exercise has been undertaken and in a sweeping statement says other councils do not pass on information to Towns and Parishes, but there is no definitive information to back up this statement. At this moment in time, we have a very good relationship with the enforcement officer who covers the east area and hope this will not change. Will the Planning and Regeneration department follow the Chief Executives instructions and be more open and accountable?

The Chairman indicated that answers to the questions raised would be answered at the agenda item.

#### 60 **MEMBER FORUM**

There were no issues raised under this item.

#### 61 **MINUTES OF THE PREVIOUS MEETING**

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

#### 62 **DECISIONS OF THE CABINET**

The Chairman informed the Committee that there had been a Call In regarding the Aids and Adaptations Policy which had been approved by Cabinet on 29<sup>th</sup> September 2016.

The Monitoring Officer outlined the Call In process, explaining that in correspondence with Councillor Mrs Roach she had explained that in this instance the correct decision making process had been followed and that in her opinion she did not consider there to be a valid reason for Call In, however the Constitution permitted Members to Call In against her advice.

Cllr Mrs J Roach had called in the matter and was supported by Cllrs R M Deed, J L Smith, N A Way and R Wright.

Cllr Roach gave the grounds for Call In as:

- The Council does not appear to have considered the option of seeking to make all bungalows (whenever possible) in the council's ownership accessible for future tenants or their visitors who use wheelchairs or mobility aids. This could be part of a programme of works when the council has a void.

- The council has shown a lack of vision in preparing for the challenges that will happen as the population lives longer than any previous generations.
- Para 12, the Council does not appear to have considered the possibility that some people might not be able to cope with the requirements of this section, either because they do not feel able to cope with the actual filling in of forms etc. or do not have the money to fund the requirements.

Cllr Mrs Roach explained that her concerns were with regard to the policy not being very visionary. She considered that with an aging population more and more people would require mobility scooters and that properties would need adaptation to accommodate them. Cllr Roach would like the Authority to look at this matter in a more positive manner and when dealing with void properties, or undertaking modifications consider installing wider doorways or hard standings.

Cllr J L Smith had supported the Call In and he suggested that when developing property it would be financially viable to undertake works when properties were empty rather than undertaking retrospective adaptations on occupied properties. He suggested that it would cost more in the long run and that adapting each void as it occurred would be cost effective.

Cllr N A Way, who supported the Call In, suggested that it, would be short-sighted not to adapt bungalows as and when they became vacant.

Cllr B Wright, in support of the Call In, suggested that adopting suitable properties such as bungalows could mean someone being mobile and not suffering from isolation in the future.

The Head of Housing and Property Services explained that the Aids and Adaptions Policy did not say that adaptations would not be undertaken but that they would only be done for free if there was an Occupational Therapist report confirming need. He informed the Committee that the Housing Service spent in the region of £300k per annum on adapting its housing stock. He further explained that works with a cost of over £1000 needed to be approved by an Occupational Therapist and that work would be carried out within three months of the agreement. The Occupational Therapist's report would need to indicate that the use of a mobility scooter was a necessity and not just a preference. He explained that housing stock was upgraded when it became empty but it was not practical to provide facilities in properties where they may not be required.

Cllr Mrs Roach said that there were visions to make the country accessible to everyone, even those in wheelchairs. The adaptations would help if a disabled person visited the property and that every property should be able to accommodate a mobility scooter even if the householders did not meet the criteria. She suggested looking at access points to a property when it was a void as this would cost less in the long run.

Discussion took place regarding the possibility of a tenant moving to a suitable property should one become available, the fact that some properties could not be adapted and the need to consider budgets.

It was **RECOMMENDED** that Council accept the Aids and Adaptations Policy with the exception of 12.5 which should be looked at in greater detail by the Homes Policy Development Group

(Proposed by Cllr Mrs J Roach and seconded by Cllr J L Smith)

Note: - The Chairman informed the Committee that he considered Call In should be used for exceptional circumstances only and that on this occasion he did not consider the matter to be appropriate for Call In as the correct decision making process had been carried out.

### 63 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman stated that at the last meeting of the Committee concerns had been raised regarding a staircase in a property at St Andrews Street, Tiverton which did not meet current Building Control Regulations and read the following statement from the Head of Housing and Property Services:

The staircase at St Andrews Street was an original feature that was restored as part of the refurbishment in consultation with the Council's Conservation Officer. The Conservation Officer had a duty to retain as much of the original features of the properties as possible that was reviewed at the time of Listed Building Consent being granted, this also formed part of the Planning Conditions for the development and which was detailed on a schedule of works.

The staircase was restored and additional measures were put in place to ensure that the residents had hand rails fitted where possible, this was also reviewed by a Building Control Officer from Mid Devon.

It is appreciated that the staircase is not to a modern standard but it remains an historic feature of a listed building and is not dangerous – thousands of houses have similar steep staircases. When viewing, prospective tenants are advised of this by the Housing Officers.

The Chairman also reminded Members that the CCG would be attending the December meeting of the Committee and that an email containing a document 'Your Future Care' had been sent to them. The Chairman asked that Members look at this consultation with a view to questions for the CCG.

### 64 **CAR PARKING 6 MONTH UPDATE (0.38)**

The Committee had before it a report \* from the Director of Finance, Assets and Resources providing an update on the new car parking charging strategy 6 months after implementation.

The Director outlined the contents of the report, providing updated figures for September which were not available at the time the agenda was published. Figures so far were reasonably close to the 2016/17 budget that was set £141k higher than in the previous year, but members should still exercise caution when making predictions/observations based on limited vend and income data.

A Member Working Group was looking into statistical information that had been compiled to try to drill down vend patterns, to see if demand and supply were compatible and to put forward recommendations to the Policy Development Group regarding any changes that might need to be made from April 2017.

Discussion took place regarding:

- The removal of the £1 tariff and perceived drop in footfall in the town centres;
- Customers sharing £2 day tickets and the need for vending machines that provided a vehicle registration system;
- Trader information being anecdotal and the difficulties in establishing the impact of parking charges on the towns;
- The increase in on road parking and the problems that this can cause;
- The need to make difficult choices and the fact that the increased charges have generated higher income;
- Free parking was being utilised but this could be reducing dwell time.

Members were invited to join the Car Parking Working Group should they wish.

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

## 65 **PLANNING ENFORCEMENT UPDATE (1:03)**

The Committee had before it a report \* from the Head of Planning and Regeneration regarding Planning Enforcement.

The Area Planning Officer outlined the contents of the report which updated Members on progress made since a report from May 2016 which had detailed various measures for improvement within the service.

The officer explained that since the initial review, progress had been made in many areas, although it was recognised that this improvement journey was not yet complete and that the service would wish to continue to address the actions on the list as well as identifying new areas for continual improvement.

Discussion took place regarding Data Protection training that had been undertaken by officers. This had been arranged following concerns raised by Members that officers were using Data Protection as a way to justify non-sharing of information. The training had been put in place in order that officers could be certain what information could not be shared to allow them to be confident to share anything else.

Members were informed that a new Enforcement Officer had been appointed recently and that another part time officer was due to start shortly. This would bring the current structure to 2.5 FTE, although a restructure was being considered in order to allow the Planning Service to respond to the requirements placed upon it.

Measures had been put in place to speed up the process for Section 106 Agreements.

Benchmarking had been undertaken and officers had looked into what performance indicators were used by other authorities. Most English authorities did not have them but Welsh authorities did and these were being looked into.

Officers would investigate how performance indicators and performance reports could be extracted to update Members and then be disseminated on to Town and Parish Councils.

The Chief Executive indicated that he would like to see the restructure of the Planning Service in place for the new financial year.

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

## 66 **CABINET MEMBER FOR FINANCE (1.35)**

The Committee had before it a position statement \* from the Cabinet Member for Finance. The Cabinet Member outlined the contents of the report, informing the Committee that most services had been under budget at the year end and that the authority had been one of the first in the country to submit its accounts. He stated that he considered the Finance team to be extremely well run and thanked the Director for Finance, Assets and Resources for this.

The report highlighted items of interest in the last year such as the acquisition of Market Walk, the successful depot move for Waste Services, increased income to car parking, joint working with other authorities and areas of challenge such as changes to Business Rates, Universal Credits and uncertain times following Brexit.

Discussion took place regarding;

- Changes to Council house rents;
- New Homes Bonus;
- Statutory and non-statutory services;
- Lobbying that District Councils can do to be stronger together;
- The four year funding programme.

The Chairman thanked the Cabinet Member for his report.

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

## 67 FLOOD PREVENTION (2.01)

At the request of Members the Committee had before it a report \* from the Head of Housing and Property Services informing it of the Council's responsibility for flood prevention.

The Officer outlined the contents of the report highlighting the responsibilities of the authority in time of flood and what help the public could expect to receive. He informed the Committee that sandbags were provided to protect the Council's own housing stock and buildings and that the public were helped to ensure that they had their own flood prevention in place.

Discussion took place regarding:

- The difficulty the public have in knowing which authority to contact in time of flood;
- Private landowners and their responsibilities in flood prevention;
- Resources available to deal with flood issues;
- Planning responsibilities regarding Sustainable Urban Drainage;
- Leaf clearance to prevent drains blocking.

Note: - i) \* Report previously circulated and attached to Minutes

ii) Cllr N A Way declared a personal interest as he was a Member of Devon County Council.

## 68 CHANGES TO THE MANAGEMENT STRUCTURE (2.22.30)

At the request of the Chairman the Chief Executive updated Members on his Management Restructure and the role of the Director of Operations.

The Chief Executive reminded the Committee that he had taken a report to Cabinet in July setting out his plans. He had considered that the current structure required reorganisation in order to move forward with a strategic officer resource in order to affect a programme of change.

He had taken the decision to restructure into three areas, Finance Assets and Resources, Corporate Affairs and Business Transformation and for forwarding facing services a Director of Operations. These posts had been ring fenced internally, but he had not recruited at this stage and advertisements were now out to the market for this post. Members would be involved as part of the recruitment process.

The Chief Executive explained that it was his intention that the Director of Operations post would provide the kind of leadership to Operations that was now in place for the other service areas.



69 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING**

Control of Feral Pigeons  
Performance and Risk  
Section 106 Monies  
Questions for the CCG  
Member Development Annual Update  
Safeguarding update

(The meeting ended at 4.53 pm)

**CHAIRMAN**