

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 8 December 2014 at 2.15 pm

Present

Councillors

Mrs J Roach (Chairman)
E J Berry, Mrs J Rendle, T W Snow, Mrs M E Turner,
A V G Griffiths, Mrs S Griggs, T G Hughes, M R Lee and
P F Williams

Apologies

Councillors

N A Way

Also Present

Councillors

R M Deed, Mrs B M Hull, D F Pugsley and K D Wilson

Present

Officers:

Kevin Finan (Chief Executive), Nick Sanderson (Head of Housing and Property Services), Catherine Yandle (Internal Audit Team Leader), Jill May (Head of HR and Development), Liz Reeves (Head of Customer Services) and Julia Stuckey (Member Services Officer)

Member	Minute No	Type of Interest
P F Williams	111	Pecuniary

101 **APOLOGIES AND SUBSTITUTE MEMBERS**

Councillor N A Way was substituted by Councillor P F Williams.

102 **PUBLIC QUESTION TIME**

Mrs Amanda Walker, referring to item 7 on the agenda, asked the Chairman of the Committee if she intended to invite Councillor Barker to another meeting to answer questions for which a response had not yet been received.

The Chairman informed Mrs Walker that her question would be answered during item 7 on the agenda.

103 **MEMBER FORUM**

There were no issues raised under this item.

104 **MINUTES OF THE PREVIOUS MEETING**

Subject to the addition of the wording 'and the appropriate Officer that had knowledge about this particular issue be in attendance at the meeting' being added to minute 97, the minutes of the last meeting were approved as a correct record and **signed** by the Chairman.

105 **DECISIONS OF THE CABINET**

The Committee **NOTED** that none of the decisions of the Cabinet meeting held on 27 November 2014 had been called in.

106 CHAIRMAN'S ANNOUNCEMENTS

The Chairman informed the Committee that the Harlequin Valet would be discussed at the next meeting of this Committee.

She also informed the Committee that no replies had been received from Devon County Council, the Clinical Commissioning Group or the local MP's following the letter that she had sent on behalf of the Committee regarding working together and using care beds more imaginatively. It was **AGREED** that another letter be sent, asking for a response.

107 DEVON COUNTY COUNCIL - CLOSURE OF CARE HOMES

The Committee had before it a response from Devon County Council to questions raised by this Committee regarding the closure of care homes and a letter that the Chairman had sent in response to this *.

Discussion took place regarding the fact that the Chairman had written to Councillor Barker but had not as yet received a response. In his written answers Councillor Barker had offered to attend a meeting of the Committee once a decision had been made regarding the Judicial Review. It had now been confirmed that there would be no Judicial Review.

It was **RESOLVED** to invite Councillor Barker, who had already agreed that he would, to attend a meeting of the Committee to answer as yet un-answered questions regarding the closure of care homes in Devon.

(Proposed by Cllr T G Hughes and seconded by Cllr T W Snow)

Note: * Report previously circulated, attached to the minutes.

108 PERFORMANCE AND RISK (00.19.03)

The Committee had before it and **NOTED** a report * of the Head of Communities and Governance providing Members with an update on performance against the corporate plan and local service targets for the second quarter of 2014/15 as well as providing an update on the key business risks.

Discussion took place regarding the use of colour to indicate red, amber and green in the report for the chart showing risks. It was **AGREED** that this chart would be shown on the white board at future meetings of this Committee and that a colour key be added to the report.

The Head of Customer Services informed the Committee that the method for recording missed collections was being explored by the Head of Finance and may be recorded differently in the future. The Committee discussed the difficulties of keeping accurate records when only those households that telephoned to report their collection being missed were logged. It was also difficult to know whether the collection had actually been missed by the staff or whether the refuse had been put out too late.

Discussion took place regarding targets for housing repair times, numbers of calls made to Customer First, risk levels for chemicals and asbestos and document retention.

Note: * Report previously circulated, attached to the minutes.

109 COUNCILLOR D F PUGSLEY HAD REQUESTED THAT THE FOLLOWING BE DISCUSSED BY THE COMMITTEE; (00.56.25)

Exclusion of Press and Public. The minutes of Scrutiny Committee on 11 March 2013 and Cabinet on 28 March 2013 are relevant.*

Councillor Pugsley explained to the Committee that in his opinion the resolution shown on the agenda had been agreed in March 2013 and then forgotten for 18 months.

It was confirmed that training had taken place in December 2013 and that this would be repeated annually.

The Councillor requested that an additional paragraph, as stated on the agenda, be added to the Constitution:

It was **RECOMMENDED** to the Standards Committee that Procedure Rule 21 have the following text added as a second paragraph referring to 12.02.d.

Whenever there is a possibility that an item may need to be discussed in part two the agenda should include a brief explanation as to why this might be the case, in plain English, and make reference to the Constitution, Article 12, which mentions a presumption in favour of openness and transparency.

(Proposed by Cllr Mrs M Turner and seconded by Cllr Mrs J R Rendle)

Note: Paperwork previously circulated, copy attached to minutes.

110 **STAFF RECRUITMENT (01.11.00)**

The Committee had before it a briefing paper* from the Head of Human Resources, Learning and Development, giving an overview of recruitment, both internal and external, to the Authority.

The Officer tabled information regarding the use of consultants. Discussion took place regarding this and the Officer explained that the money spent had not been additional and that funding had been allocated in budgets for this, particularly in Planning. The use of Consultants was necessary for some planning applications and for some legal work. In one instance the secondment of a member of staff from Devon County Council had been used, which had proved beneficial to both Councils concerned. It was the responsibility of each Service Manager to ensure that the use of consultants was cost effective.

Discussion took place regarding:

- The recruitment process;
- Sharing of staff with another authority;
- The use of scenarios and assessment in addition to traditional interview methods;
- Making best use of and developing current staff;
- The use of Human Resources staff in the interview process;
- The removal of the compulsory retirement age.

Note: * Briefing paper previously circulated, attached to the minutes.

111 **ASBESTOS (01.59.05)**

The Committee had before it a report* from the Head of Housing and Property Services providing Members with an update on the Health and Safety Executive (HSE) investigation into the alleged Asbestos Insulating Board (AIB) asbestos soffit removal by an unlicensed contractor at Brays Close, Crediton.

The Ward Member for Brays Close, Crediton had been unable to attend the meeting but had submitted questions which were answered by the Head of Housing and Property Services.

A main concern was that the work at these properties to mitigate the problem had been carried out correctly. Also that the authority had learnt from this situation and that no stone had been left unturned in order that Members could be satisfied it would not happen again. The Member also asked if other properties in the District had been checked for asbestos.

The Head of Housing and Property Services explained that works were ongoing and that an appropriate contractor was being used to carry out the work. Testing would take place to ensure that the area was clear of any fibres of asbestos.

With regard to the Health and Safety Executive (HSE) investigation the Officer confirmed that although the Authority had felt it was acting in a satisfactory manner the HSE found that procedures had been 'loose' in some areas and needed to be more concise. The HSE were not carrying out any enforcement; they considered that the authority had learnt from what had happened and now had practices in place to ensure there was no reoccurrence.

Discussion took place regarding the contractor that had been employed by the Authority at the time of the incident. The officer confirmed that this contractor was still being used for painting work but would not be involved in other types of work. The HSE were satisfied with the measures the contractor had put in place to ensure that such an incident would not occur again and method statements had been signed off by the HSE. In the previous incident the authority had not been clear and concise when instructing them.

The Officer went on to explain that there was a possibility that asbestos material could be found in any property and that testing took place to establish the risk. If not damaged the material was safe. 75% of properties in Mid Devon had been surveyed for asbestos with the remaining 25% being 'clone' surveyed. A full survey was carried out on any property scheduled for work.

It was confirmed that ex-authority houses that were now in private ownership were no longer the responsibility of the Council. They had been sold and it was the responsibility of the purchaser to get a survey, prior to purchase.

- Notes: i) * Previously circulated, attached to the minutes.
ii) Cllr P F Williams declared a Pecuniary Interest and left the meeting during the decision thereon as he was the owner of an ex-local authority property.

112 UPDATES AND ITEMS TO NOTE REGARDING OUTSTANDING ISSUES: (02.40.05)

The updates were noted.

113 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING

The following items were agreed for inclusion on the agenda for the next meeting:

Review draft budget review for 2015-16
Cabinet Member for Working Environment and Support Services
Reorganisation/Redundancies within the Council
Harlequin Valet update
Procurement Working Group Report

(The meeting ended at 1700)

CHAIRMAN