

Date: 18 October 2011
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To: Members of the Overview and Scrutiny Committee
(Mike Allen, Peter Bowden, Graham Brown, Peter Burrows,
Derek Button, David Chapman, Deborah Custance Baker,
Vivien Duval Steer, Roger Giles, Mike Howe,
Stuart Hughes (Chairman), John Humphreys (Vice Chairman),
Sheila Kerridge, David Key, John O'Leary, Brenda Taylor,
Graham Troman, Tim Wood, Eileen Wragg, Claire Wright, Tom Wright)

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Portfolio Holders
Other Members of the Council for Information
Chief Executive
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Meeting of the Overview and Scrutiny Committee

Thursday 27 October 2011 – 6.30pm

Council Chamber, Knowle, Sidmouth

Members of the public are welcome to attend this meeting.

- A period of 15 minutes has been provided at the beginning of the meeting to allow members of the public to raise questions.
- In addition, the public may speak on items listed on the agenda. After a report has been introduced, the Chairman of the Committee will ask if any member of the public would like to speak in respect of the matter and/or ask questions.
- All individual contributions will be limited to a period of 3 minutes – where there is an interest group of objectors or supporters, a spokesperson should be appointed to speak on behalf of the group.
- The public is advised that the Chairman has the right and discretion to control questions to avoid disruption, repetition and to make best use of the meeting time.

Councillors and members of the public are reminded to switch off mobile phones during the meeting. If this is not practical due to particular circumstances, please advise the Chairman in advance of the meeting.

AGENDA

Page/s

1. **Public question time** – standard agenda item (15 minutes)
Members of the public are invited to put questions to the Committee through the Chairman. Councillors also have the opportunity to ask questions of the Leader and/or Portfolio Holders during this time slot whilst giving priority at this part of the agenda to members of the public
2. To confirm the minutes of the meeting of the Overview and Scrutiny Committee held on 29 September 2011 5 - 9

3. To receive any apologies for absence
4. To receive any declarations of interest relating to items on the agenda.
5. To consider any items which, in the opinion of the Chairman, should be dealt with as matters of urgency because of special circumstances.
(Note: Councillors please notify the Chief Executive in advance of the meeting if you wish to raise a matter under this item, who will then consult the Chairman).
6. To agree any items to be dealt with after the public (including the press) have been excluded. There are **no** items that the officers recommend should be dealt with in this way.
7. Decisions made by the Cabinet called in by Members for scrutiny in accordance with the Overview Procedure Rules under Part 4.5 of the Constitution. There are **no** items identified.
8. **Cabinet Agenda**
Members are asked to notify in advance the Chairman or the Democratic Services Officer any Cabinet items they wish to debate.
Members to debate any issues of concern on the current Cabinet agenda in order for the Chairman to feed this back to the Cabinet at its meeting on the 2 November 2011. The website link to the Cabinet agenda will be e-mailed to Members on 24 October 2011. Please refer to Cabinet agenda
9. **Update from Devon & Cornwall Constabulary on budget implications**

Inspector Antonia Weeks and Inspector Tony Comerford will update the Committee on the implications of a reduced police budget and answer questions.
10. **Update from the Portfolio Holder for Finance**
Councillor David Cox, Portfolio Holder for Finance
Councillor Cox will verbally update the Committee on his work as Portfolio Holder and his longer term aims of the role.
11. **Forward Plan** 10
Members are asked to note the Forward Plan and any suggestions for further additions are welcomed.

Members remember!

- ❑ You must declare the nature of any personal or prejudicial interests in an item whenever it becomes apparent that you have an interest in the business being considered.
- ❑ Where you have a personal interest because the business relates to or is likely to affect a body of which you are a member or manager as an EDDC nominee or appointee, then you need only disclose that interest when (and if) you speak on the item. The same rule applies if you have a personal interest in relation to a body exercising functions of a public nature.
- ❑ Make sure you say the reason for your interest as this has to be included in the minutes.
- ❑ If your interest is prejudicial you must leave the room unless
 - a) you have obtained a dispensation from the Council's Standards Committee or
 - b) where Para 12(2) of the member Code of Conduct applies. [Para 12(2) allows a Member with a prejudicial interest to stay for the purpose of making representations, answering questions or giving evidence relating to the business but only to the extent the public are allowed the same rights. If you do remain for these purposes, you must not exercise decision-making functions or seek to improperly influence the decision; you must leave the meeting room once you have made your representation, answered questions or given evidence.]
- ❑ The Code states that any member of the Executive Board or other decision-making committee or joint committee or sub-committee attending Overview and Scrutiny committees has a prejudicial interest in any business where that member was a member of the committee at the relevant time **and** present when the decision was made or other action was taken (whether or not implemented). Members with prejudicial interests should declare them and are allowed to remain in the meeting for the limited purposes set out in the Code para 12(2) – see last paragraph.
- ❑ You also need to declare when you are subject to the party whip before the matter is discussed.

Suggestions for questioning during an Overview and Scrutiny meeting

Below are some prompts which may help you to form your own questions to ask at an Overview and Scrutiny meeting. Your questioning technique is crucial in creating an atmosphere conducive to open answers. Avoid excessive interrogation and treat those being questioned with courtesy and respect; however don't be afraid to ask supplementary questions if you feel that you haven't been given a clear answer.

- ❑ **IS IT REQUIRED?** (do we have this, does it make sense to tackle it, do we really need it).
- ❑ **IS IT SYSTEMS THINKING?** (is it evidence based and designed around the customer demands)
- ❑ **IS THE INTENTION CLEAR?** (what are we actually trying to achieve)
- ❑ **ANY REAL OUTCOMES?** (are we actually achieving things for our customers).
- ❑ **WHAT IS THE COST?** (both time and money)
- ❑ **DOES IT COMPLY?** (have we checked that it meets our obligations, the law, any formal guidance, and any Council policy or resolutions).
- ❑ **OTHERS DO WHAT?** (how do other organisations tackle this, best practice)
- ❑ **EFFECTIVE AND EFFICIENT?** (how do we know we're doing things well, in a timely fashion, and at "best value")
- ❑ **WHAT IS THE RISK?** (any areas of risk for the Council)
- ❑ **ANYONE LOSE OUT?** (are there sections of the community who might be disadvantaged by this approach, or be less able to take advantage, than others)
- ❑ **DOES IT LINK?** (have we linked this to other work within or outside the Council)

Getting to the Meeting – for the benefit of visitors



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From Exeter – 52A, 52B

From Honiton – 52B

From Seaton – 52A

From Ottery St Mary – 379, 387

Please check your local timetable for times.

The Committee Suite has a separate entrance to the main building, located at the end of the visitor and Councillor car park. The rooms are at ground level and easily accessible; there is also a toilet for disabled users.

For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the
Overview and Scrutiny Committee held
at Knowle, Sidmouth on 29 September 2011

Present:

Councillors:	
Stuart Hughes (Chairman)	
John Humphreys (Vice-Chairman)	
Mike Allen	Sheila Kerridge
Peter Bowden	David Key
Peter Burrows	John O’Leary
Derek Button	Brenda Taylor
David Chapman	Graham Troman
Deborah Custance Baker	Tim Wood
Roger Giles	Eileen Wragg
	Tom Wright

Officers:
Ed Freeman – Interim Development Manager
Kate Little – Head of Economy
Debbie Meakin – Democratic Services Officer
Simon Smale – Head of Environment
Mark Williams – Chief Executive

Also Present

Councillors:	
Ray Bloxham	Jill Elson
Iain Chubb	Peter Halse
David Cox	Martin Gammell
Alan Dent	Phil Twiss
Paul Diviani	Mark Williamson
Christine Drew	

Apologies:	Committee Members:	Councillors:
	Graham Brown	Geoff Chamberlain
	Vivien Duval Steer	Steve Gazzard
	Mike Howe	Stephanie Jones
	Claire Wright	Andrew Moulding
		Peter Sullivan

The meeting started at 6.30pm and ended at 8.32pm.

***26 Public Question Time**

There were no questions from the public.

***27 Minutes**

The minutes of the Overview and Scrutiny Committee held on 1 September 2011 were confirmed as a true record.

***28 Declarations of Interest**

No interests were declared.

***29 Cabinet Agenda**

No items were notified to the Chairman or Democratic Services prior to the meeting. The Chairman reminded Members of the period of notice required.

***30 Update from Portfolio Holder for Environment**

The Chairman welcomed Councillor Iain Chubb, Portfolio Holder for Environment, to the meeting.

The Portfolio Holder outlined the services that his portfolio covered and informed the Committee of the key work in the coming months, including:

- the work on the Environment Strategy that would form part of the suite of strategies that underpin the Council Plan;
- Car Parks review currently out to consultation with Towns and Parishes;
- Pilot scheme in Beer to increase materials recycled to include cardboard and other plastics; the Refuse and Recycling Board would evaluate the pilot to consider if roll-out of an expansion of the scheme was feasible;
- Emergency planning document being revised by a shared officer with South Somerset District Council;
- Back to the floor with Andrew Hancock covering the District, including out on the harbour patrol boat with Andy Phillips;
- Microchipping plants to help deter thefts from public parks;
- Bin labels message about over-full refuse bins and the subsequent publicity.

Members questioned the Portfolio Holder for further information and debated the issues, including:

- If free parking in town car parks for one afternoon in the run up to Christmas could be extended, or should the income be maximized at a time when usage would be likely to be higher;
- Car parking income had decreased as outlined in the Financial Monitoring Report to Cabinet – many factors contributed to the decrease, including the current economic climate as well as the impact of good or poor weather on the coastal car parks;
- If flytipping had increased following the closure of some civic amenity sites and the introduction of charges for certain waste types at the remaining sites – it was confirmed that work was being undertaken to confirm the hot spots for flytipping in the District which had increased as a result of the changes at civic amenity sites;
- The role of local recycling champions was to promote and encourage recycling, working closely with their parish or town to help address local issues about recycling;
- Whilst anti-social jetskiing was still an issue at Exmouth, work was underway to tackle the problem, including dialogue with the local group of responsible jetski users. The Environment Think Tank would look at a proposed slipway as one element of reaching a solution;
- Council car park gritting and snow clearing policy would be outlined in a report to Cabinet in the near future – Devon County Council had agreed to provide a grit dump at each of the main car parks in the event of a prolonged freeze, but still difficult to keep them open if prolonged heavy snow fall as experienced last winter;

***30 Update from Portfolio Holder for Environment (continued)**

- Seaton Heights Hotel site “urban explorer” issue would be researched, but there would be difficulties and cost implications in making secure and safe a large site although the authority does have the power to board up vacant premises;
- Why the District Council was not a member of the Coastal Issues special Interest Group – the Group attracted an annual fee and the budget for such fees had been reduced in the previous budget.

The Portfolio Holder noted a number of concerns and issues raised by the Committee and would take a number of those issues to his Think Tank meetings. The Chairman thanked the Portfolio Holder for his helpful update.

RESOLVED that the update from the Portfolio Holder for Environment be noted.

***31 Final report of the Ward Member customer satisfaction with Planning Task and Finish Forum**

Councillor Peter Bowden, Chairman of the Forum, presented the final report to the Committee.

He outlined the reasons for the formation of the Forum and their work in obtaining evidence from Ward Members and officers, including Senior Officers, to establish the interaction that existed between them. He stressed that, for the vast majority of planning applications, the service was excellent and the customer satisfaction from applicants reflected that. The Forum had concentrated on the few cases where an application was complex or had a number of community concerns where better interaction may have benefitted all parties involved.

He explained the recommendations made by the Forum to the Committee and clarified a number of points that would need to be specifically detailed in the recommendations, before the report went before the Cabinet.

The Committee discussed some of the aspects of the recommendations, in particular:

- Informing Ward Members of pre-application advice given helped to keep the local Member aware and able to assist in providing local knowledge;
- Members were keen not to add additional workload to the service but felt that with the small number of contentious applications per ward member per year that the recommended changes should not significantly impact on the service, only enhance it;
- Any further request for comment from a Ward Member required the Ward Member to act promptly and this should be reflected in the recommendations;
- The planning service had a continual workload of applications and there were often logistical issues in keeping the process continuing;

*31 **Final report of the Ward Member customer satisfaction with Planning Task and Finish Forum (continued)**

- Customer care did not dominate the evidence given but was repeated enough to cause concern – training should cover what interpersonal skills were needed for both the statutory and non-statutory requirements of the roles within the service;
- Ward Members should also strive to make connections with officers and adopt an approachable manner.

Enforcement issues concerned Members but fell outside the remit of the Forum, hence the recommendation for interim and full reports to the Committee in January and July to allow the recent changes to the service to get established. Some options for aiding that element of the service were debated, including investigating if applicants could be required to provide a build start date on all applications. The Chief Executive illustrated the problems around taking enforcement action when no harm could be established to another party, by outlining an Ombudsman case involving the NHBC that could only be resolved with private litigation.

The Chairman thanked the Forum and the Ward Members and officers involved. The final report and recommendations would go before Cabinet before the end of the year, following a final meeting of the Forum and liaison with the planning service.

RESOLVED

1. that recommendations 1, 2, 4(c) and 4(d) of the Forum report be agreed in principle, with further refining (to provide clarification and cover practical implementation) being undertaken by the Forum, in liaison with the Planning Service, before the recommendations are presented to Cabinet as part of the final report;
2. that recommendation 9 of the Forum report be replaced with: The Head of Economy, along with other Senior Officers, is often required to explain the principal considerations of an argument. From a planning perspective it is acknowledged that a range of material considerations will need to be taken into account, and the Chairman of the Development Management Committee will need to ensure that the scope of such advice is clear and Members have been fully appraised of material points. It is quite possible that, when answering such requests for advice from the Chairman that Senior Officers are obliged to proffer both supporting and opposing views;
3. that recommendations 3, 4(a), 4(b), 5, 6, 7, 8 and 10 of the Forum report be agreed in full to go forward to Cabinet as part of the final report.

***32 Preventable demand and Performance in the Customer Service Centre**

Members noted the report outlining the volume of calls received by the Customer Service Centre, and their work on reducing preventable demands on the service.

RESOLVED that the report on Preventable demand and Performance in the CSC be noted.

***33 East and Mid Devon Crime and Disorder Scrutiny Panel**

Councillor Tom Ward, member of the Panel, updated the Committee on the work of the Panel, following their last meeting on the 7 September 2011.

He outlined the decision to remove the Police Authority representative from the Panel in light of the possible conflict of interest in scrutinising their own work and the proposed changes to Police Commissioners. The Committee also noted the latest crime figures for East and Mid Devon.

RESOLVED that the update from the East and Mid Devon Crime and Disorder Scrutiny Panel be noted.

***34 Forward Plan**

Members noted the additions to the forward plan for the Committee. The Chairman highlighted the special meeting on the 17 November 2011 to consider the Local Plan as part of that consultation process.

RESOLVED that the Overview and Scrutiny Forward Plan be noted.

Chairman Date

Forward Plan for Overview and Scrutiny Committee

Month	Topic
17 Nov 2011	Special meeting to consider the Local Plan as part of the consultation process
24 Nov 2011	Post Office pilot scheme (tbc) Quarterly Monitoring of Performance – 2 nd Qtr 2011/12 Localism agenda update (tbc) Customer Strategy Section 106 agreements and planning gain monies New bathing water quality directive Cost detail of shared working with South Somerset District Council follow up report (from OS meeting 7 July 2011)
5 Jan 2012	Northern Devon Healthcare NHS Trust consultation on becoming a Foundation Trust Update from Portfolio Holder for Strategic Development and Partnerships Report back from Leisure East Devon Task and Finish Forum
18 Jan 2012	All day Service Plan and Budget meeting starting at 9.00am
26 Jan 2012	Consultation on the Council Plan and supporting strategies to the Council Plan: Housing and Community; Economy and Tourism; and Environment. Update from Portfolio Holder for Sustainable Homes and Communities Update on Equalities Action Plan
1 Mar 2012	Quarterly Monitoring of Performance – 3 rd Qtr 2011/12 Update from Portfolio Holder for Corporate Services
29 Mar 2012	Flood Management Act implementation – update from Devon County Council
26 Apr 2012	

Topics for scoping and allocation to the Forward Plan:

- Changes to health administration, devolving from PCTs to local GPs;
- Transfer of assets to Towns and Parishes

Task and Finish Forums Update

- Leisure East Devon – Next meeting on 1 November 2011 at 6.00pm.
- HRB Taffs are continuing.