

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of a Meeting of the Scrutiny Committee held at Knowle, Sidmouth on 12 November 2015**

#### **Attendance list at end of document**

The meeting started at 6.00pm and ended at 8.35pm.

#### **\*34 Public speaking**

There were no public speakers at this point of the meeting.

#### **\*35 Minute confirmation**

The minutes of the Scrutiny Committee held on the 15 October 2015 were confirmed as a true record.

#### **\*36 Declarations of Interest**

No declarations were made.

#### **37 Broadband update**

The Chairman welcomed Councillor Phil Twiss, Portfolio Holder for Central Services, who gave a brief update from his perspective in how the District Council could influence the delivery of Broadband to the district. He outlined:

- Continued lobbying by the District Council of Connecting Devon and Somerset
- Pushing for 100% coverage for the district
- Asking for technology to be in place as best suited for rural areas
- Ongoing dialogue with other service providers in order to be prepared with other options should Phase 2 not deliver the aim of 100% coverage.

The Chairman welcomed Phil Roberts from Somerset County Council, who worked as part of the Connecting Devon and Somerset (CDS) team; and Paul Coles, British Telecommunications (BT) South West Regional Partnerships Director. To complete the debate, the Chairman welcomed Graham Long, from Upottery Parish Council and Chairman of Broadband for Rural Devon and Somerset (B4RDS), a local group.

Devon County Council's Place Scrutiny Committee had recently debated the topic of broadband delivery, and Councillor Andrew Moulding, as Chairman of the Place Scrutiny Committee, was present to highlight the findings of the County's scrutiny work. A number of recommendations were made at County level, and that committee receives a further update at their meeting on 16 September 2015.

Connecting Devon and Somerset (CDS) is a partnership of local authorities that has entered into a contract with BT for the delivery of superfast broadband procured under the national rural broadband framework commissioned by Broadband Delivery UK (BDUK) for Phase 1, to be completed by end 2016. CDS partners have provided capital investment, and secured a £32m grant from the Broadband Delivery UK (BDUK) alongside secured investment from BT giving a contract value of £94m. The technical solutions to deliver the target coverage are Fibre to the Cabinet, with a small percentage of Fibre to the Premise. Phase 2 is the second contemporaneous contract to deliver 95% by 2017 that was not awarded to BT and therefore going to open market tender.

CDS had recently issued a member briefing which outlined progress to date, including:

- Phase 1 (90% coverage) was ahead of schedule and two-thirds complete, with 217,000 premises connected. Take up of the service where the property had been connected for over a year was in excess of 30%;
- Phase 2 (95% coverage) included discussions with potential suppliers over the summer months to help shape the open market tender; and the open market review (OMR) has been launched, with a draft map of areas eligible for public funding in this phase due to be published for public consultation early in the new year.

Graham Long was keen to stress to the committee that:

- The National Audit report outlined the “advanced overage” which permits a claw back of funds from BT if the take-up rate of superfast broadband does not reach the threshold set in the contract. He wanted to check if this had been claimed;
- There was a risk that the Phase 2 contract could fail again if there was not the commitment of funds from the District Councils. He stressed that all District Councils in both Devon and Somerset needed to work together on this to bring about delivery;
- Press statement by Ed Vaizey, Minister of State for Culture, Media & Sport, and Business, Innovation & Skills on providing the final 5% coverage offered a mail out of vouchers for satellite systems. Graham stressed that satellite systems were not suitable for broadband delivery.

Questions from the committee to the invited witnesses and subsequent debate included:

- 4G mobile technology was an option for remote areas but was not a suitable technology for the speed of broadband required in the future;
- stress to the committee that there was still a second audit outstanding on the work of the CDS to be undertaken by Grant Thornton, as agreed and funded by the County Council. The first audit had been undertaken by the Devon Audit Partnership (DAP), a shared service of Devon, Plymouth and Torbay councils;
- National Audit Office report stated that delivery on Phase 1 was 6 months ahead of schedule, under budget and representing value for money;
- In response to BT profit margins, investment by BT nationally was outlined including into technologies for ultrafast broadband. Varying speeds across Europe were acknowledged but there were variances in the type of technology and the level of investment to deliver higher speeds;
- Early market engagement for Phase 2 in October 2014 attracted 26 interested parties but at that time CDS were not looking at an open market tender
- clarification on the timeframe of the open market review and tender process, as there appeared to be discrepancies between published dates in the members briefing provided by the CDS and the update report provided to the County Council. This was clarified as February 2016;
- Technology in place on the moors in Devon was working well and could be an option for some delivery in other remote areas, with good comparison costs to Fibre to the Cabinet (FTTC);
- Options for delivery were explained including the wireless technologies available. Satellite was not an option for long term delivery;
- Any customer could apply to BT as a service provider to request fibre from the cabinet to their premises directly at their own cost;
- Evaluation criteria used in open market procurement to ensure fair process to all tenders. No preference could be given by CDS as to delivery by one or by multiple providers as this would prejudice the tender process;

- Why were the CDS board members not listed in the public domain? This could not be answered as the CDS representative was not aware of where this could be obtained publically;
- Claw back value was clarified as approximately £4.9m by CDS but Graham Long disputed that figure and advised the committee that was half of what could be obtained.

### **RECOMMENDED**

1. Connecting Devon and Somerset (CDS) be encouraged to pursue an open tender exercise for providers for Phase 2 of broadband delivery;
2. CDS be asked to investigate alternative technologies, including cable less technologies for rural areas, and remain technology neutral;
3. CDS be asked to give priority to isolated and rural communities;
4. The District Council continue to investigate additional providers once the Phase 2 tendering process is completed, as necessary.

### **38 Evaluation and protection of Trees Task and Finish Forum update**

The Chairman welcomed Charlie Plowden, Service Lead for Countryside and Leisure; David Coleman, Aboricultural Officer; and John Golding, Strategic Lead Housing, Health and Environment.

The Forum was concluded in March, and reported to the committee in June, with a number of recommendations. Included in the recommendations was recognition of the systems thinking review about to be undertaken. Since the recommendations were agreed by Cabinet, the Aboricultural Team has been undergoing this lengthy process and has completed the “check” stage to identify procedures requiring modification to better meet customer demand.

Refining the processes of the team will enable work to progress on the agreed recommendations, so some of the actions requested by the Forum will not be implemented until the systems thinking review has been completed. What has been clearly identified even at “check” stage is the need for more staff resource within the team, and the draft budget will incorporate a request for resources.

The Forum recommendations would also be set out in the Service Plan for the countryside team, which the committee could monitor through its regular monitoring process.

Debate by the committee covered:

- Disappointment from the Chairman in real progress against the recommendations;
- Unrealistic expectation on timescale for delivery, in the context of lack of resources for current team;
- Enforcement of felling of protected trees needed review in order to be fully effective and act as a deterrent;
- Clear respect for the work undertaken by the team and need for Members to show support, particularly in seeking additional staff resource;
- Reminder of the sheer scale of protected trees in the District and the pressure of statutory work that has to be completed, which impacts on other work of the team including acting on the recommendations;
- Specialised field of work means that the team cannot look to using staff from the wider Countryside Team.

A learning point from this Forum for future work was for the Members to give an indication of the resources required for any recommendations they put forward, as well as a realistic timeframe for implementation, subject to agreement by Cabinet.

### **RESOLVED**

1. That the committee recognise the hard work of the Aboricultural Team and the importance of the service;
2. The intention to embed the recommendations in the service plan is noted and the committee trusts that the recommendations will be implemented in that service plan period

### **RECOMMENDED**

That significant resource allocation takes place to achieve the service requirements of the Aboricultural Team.

#### **39 Performance monitoring report for second quarter 2015/16**

The committee received the report highlighting three service objectives showing concern, and three performance indicators showing concern.

Performance relating to the number of random vehicle licence checks was expected to improve following the return to work of an employee on long-term sick leave and barring any further legislative changes by the DVLA.

The Vice Chairman requested the phrase “hoped that” to be removed from any officer comments as that could imply that the work would not be achieved.

Comments on specific indicators that could not be responded to at the meeting will be followed up and reported back to the next meeting.

The committee welcomed the improvements to the officer comments fields in terms of explaining acronyms and giving fuller explanations.

#### **40 Scrutiny forward plan**

The committee was informed of an additional meeting, to be held jointly with the Overview Committee, on the 9 February 2016 at 6pm. This meeting was to discuss the refuse and recycling contract prior to Cabinet’s consideration.

An item on the Mill Street press release, as requested by Councillor Gardner, was tabled for the 10 December meeting of the committee.

#### **Attendance list**

##### **Committee Members present:**

Roger Giles (Chairman)

Alan Dent (Vice Chairman)  
Dean Barrow  
Simon Grundy  
Marcus Hartnell  
Brenda Taylor  
Cherry Nicholas  
Val Ranger  
Marianne Rixson

**Other Members present:**

Phil Twiss  
Andrew Moulding  
Peter Bowden  
Pauline Stott  
Jill Elson  
Ben Ingham  
Dawn Manley  
Tom Wright  
John Dyson  
Peter Faithfull  
Geoff Jung  
Iain Chubb

**Officers present:**

Charlie Plowden, Service Lead for Countryside and Leisure  
David Coleman, Aboricultural Officer  
John Golding, Strategic Lead Housing, Health and Environment  
Anita Williams, Principal Solicitor and Deputy Monitoring Officer  
Debbie Meakin, Democratic Services Officer

**Committee Members apologies:**

David Chapman  
Cathy Gardner  
Alison Greenhalgh  
Bill Nash  
David Foster

**Other Members apologies:**

Susie Bond  
Mike Howe

Chairman .....

Date.....