

**Agenda for Scrutiny Committee
Thursday, 10 December 2015;
on the rising of the joint meeting of the
Scrutiny and Overview Committees
that begins at 6.00pm**



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[Members of the Scrutiny Committee](#)

Venue: Council Chamber, Knowle, Sidmouth, EX10 8HL

[View directions](#)

Contact: Debbie Meakin, 01395 517540 (or group number 01395 517546): Issued 1 December 2015

- 1 [Public speaking](#)
- 2 To confirm the minutes of the meeting held on 12 November 2015 (pages 3 -7)
- 3 Apologies
- 4 [Declarations of interest](#)
- 5 [Matters of urgency](#) – none identified
- 6 To agree any items to be dealt with after the public (including press) have been excluded. There are no items that officers recommend should be dealt with in this way.
- 7 Decisions made by Cabinet called in by Members for scrutiny in accordance with the Overview Procedure Rules. There are no items identified.

Matters for Debate

- 8 **Mill Street Car Park press release** (pages 8 - 10)
- 9 [Strata Joint Scrutiny minutes of 22 October 2015 and 3 December 2015](#) (to follow) **for information.** Issue flagged up relating to the roll out of Streetscene smartphones through performance management report was taken to the Strata JSC on 22 October 2015 and reported back on actions being taken at last meeting of Scrutiny on 12 November 2015.
- 10 **Scrutiny forward plan** (page 11)
Also included for information are the Overview Committee forward plan (page 12), and the [current forward plan of the Cabinet](#).

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Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive

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[Decision making and equalities](#)

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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.....

Agenda Item 8

Scrutiny Committee

Question from Scrutiny Committee Member



Councillor Gardner raised issue at the October meeting of the committee in relation to the issue of a press release on Mill Street Car Park, Sidmouth.

Specific questions were emailed in by Councilor Gardner, which are listed below along with the responses from officers involved in the press release issue:

Q1. What notice should Ward members be given before a press release is being sent out in their ward?

A1. It very much depends on the circumstances. The communications team seeks to provide as much notice as possible by copying Ward members and Portfolio Holders into press releases prior to them being sent. The timescales for press releases are extremely tight as we work to press deadlines.

Q2. How should they be consulted and what input should they have?

A2. The [Media Protocol](#) states that “the work of local councillors is recognised as an important contributor to our community leadership role. Ward councillors can be quoted in press releases and can be a contact for the media on initiatives and policies in their ward which promote the policies and services of the Council.” In this particular case, it was felt that due to the importance of the issue of affordable house, senior councillors should be quoted. A press release was considered a good platform to kick start the debate about the question of where affordable housing in Sidmouth will go.

Q3. Who decides when a matter is urgent and what criteria are applied?

A3. The communications team uses the protocol to determine what proactive communication it will do. The deadlines of local media often determine the priorities and speed at which press releases are issued. The communications team gains final approval for press releases from the Chief Executive or a Strategic or Service Lead and these senior officers are responsible for keeping the relevant Members informed which was done in this case.

Q4. What protocol is followed for drafting and issuing press releases, i.e. who has authority?

A4. This has been answered in the response to the previous question.

17 September 2015

Affordable housing could provide solution for underperforming Sidmouth car park

Council to consider social housing scheme on Mill Street parking site for local families

East Devon District Council is to commence a feasibility study into the possibility of transforming its currently underutilised Mill Street car park into much needed accommodation for local families in Sidmouth.

Despite a perceived lack of parking in Sidmouth, Mill Street car park, which has capacity for a total of 46 cars (available on three year reserved parking leases), has not proved a popular choice with either local residents or business users.

Council officers are disappointed that to date – despite a proactive marketing and advertising campaign carried out during the summer -only 25 of the spaces have found customers willing to pay the annual fee of £1,500 plus vat (and business rates for business users) in return for their exclusive use.

In view of this current lack of viability, the council is actively considering alternative uses for the site, which is ideally placed to access Sidmouth's popular town centre amenities. Investing in social housing provision is a potentially interesting proposition, particularly as the site is opposite the Holmdale housing development - a highly successful affordable homes scheme, which recently provided 12 families with much needed new affordable homes in Sidmouth.

Councillor Paul Diviani, Leader of East Devon District Council, said: "We will have access to substantial Section 106 funding, so it would seem an ideal opportunity to invest this money in further social housing provision in Sidmouth town itself. We will presently be talking to our partners and looking into the feasibility of a new social housing scheme on this site. However, it is still our intention to continue to offer sufficient reserved car parking spaces at both Holmdale (which has 12 vacant spaces) and Mill Street to meet the needs of our existing customers.

"A full analysis of the viability of Mill Street as a housing development will of course be carried out, with further reports going to Cabinet and consultation with interested parties will take place if the housing scheme that is being considered proceeds to planning application. If the housing scheme isn't feasible, other options will be presented to councillors."

Councillor Iain Chubb, Portfolio holder for the environment at East Devon, said: “While we are exploring the feasibility of a housing development, we are very aware that 33 unoccupied car parking spaces in Sidmouth town centre is not to anyone’s benefit. We are therefore considering creating 33 temporary parking spaces to be made available to the public on a pay and display tariff in partnership with a private sector provider. This joint venture arrangement with a preferred partner would utilise automatic number plate recognition camera technology to manage the use of these spaces.”

Councillor Jill Elson, Portfolio holder for sustainable housing and communities at East Devon, said: “Sidmouth is in acute need of more affordable housing for local families. The regeneration of this car park would help towards meeting this need. This is an opportunity that cannot be overlooked, particularly as we will have sufficient funding from 106 contributions with which to execute the works.”

Contact details below are for media only and not for publication

For more information, contact:

Richenda Oldham, Communications Officer 01395 517559, ROldham@eastdevon.gov.uk

(Ref: 9226)

Agenda Item 10**Scrutiny Committee****Scrutiny Committee Forward Plan 2015/16**

Date of Committee	Report	Lead
13 Jan 2016 9am start	Draft service plans and budget 2016/17 jointly with Overview Committee	Simon Davey
18 Feb 2016	Sustainable Homes and Communities Portfolio Holder Update STRATA Joint Scrutiny minutes of 4 February 2016 for information	Councillor Jill Elson
17 Mar 2016	Performance monitoring report Quarter 3 2015/16 Beach Hut update	Donna Best
14 Apr 2016	Draft Scrutiny Annual Report STRATA Joint Scrutiny minutes of 7 April 2016 if available, for information	Debbie Meakin

Work for scoping and allocation to the Forward Plan:

Proposed date	Topic
	Portfolio Holder updates as required
tbc	Dunkeswell & Chardstock inclusion in list of settlements to receive a Built-up Area Boundary decision process
tbc	Review of the production process of the Local Plan

For information

Overview Committee



Overview Committee Forward Plan 2015/16

Date of Committee	Report	Lead
13 Jan 2016	Draft service plans and budget 2016/17 jointly with Scrutiny Committee	Simon Davey
26 Jan 2016	Option for revised committee remit, specifically the Overview Committee as it stands, and strategic planning overview Economic Development service update	Henry Gordon Lennox Rob Murray
22 Mar 2016	Sustainability	

Work for scoping and allocation to the Forward Plan:

Proposed date	Topic
26 Jan 2016 tbc	Update on Flood Risk Management and Shoreline Management Plan from Devon County Council as lead authority