

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Scrutiny Committee held at Knowle, Sidmouth on 7 July 2016

Attendance list at end of document

The meeting started at 6.00pm and ended at 8.11pm.

Prior to the business of the meeting, the Chairman spoke about the sad loss of David Chapman, and of his thoughts with David's wife Maddy at such a difficult time. He spoke about the diligent and constructive work he had achieved, whilst always acting as a gentleman even in the face of passionate debate. Cherry Nicholas also spoke about David's work and the friendships that had grown out of his dedication; his passion for sport and his willingness to pass on his skills to others. As a mark of respect, the committee stood for a period of silence to reflect and remember David.

***7 Public speaking**

There was no public speaking at this part of the meeting.

***8 Minutes**

The minutes of the Scrutiny Committee held on the 9 June 2016 were confirmed as a true record.

9 Matters of urgency – LGBCE Electoral Review Programme 2015 – 2019 report to Cabinet for 13 July 2016

The Chairman raised this item as a matter of urgency, the reason being that the debate at Overview Committee on 28 June 2016 took place after the publication of the agenda for this meeting and the submission to the LGBCE is due to be submitted in the week commencing 18 July 2016. The Chairman apologised for the late addition of the item.

The discussion paper put to the Overview Committee, and being presented to Cabinet on 13 July 2016, suggested that the total number of members on a Scrutiny Committee could be 10. The Chairman disagreed with this suggestion.

Other committee members discussed research they had made into the number at neighbouring authorities and felt that the present number of 15 was at the correct level. A question was also raised about the consideration of appropriate skill sets of elected members before appointment to committees. It was not felt necessary to have a reduced membership in order to be effective.

The committee were reminded that the report by the Chief Executive was purely to stimulate debate and proposed, for the purposes of debate, that the minimum number of councillors required for the Council was 45. No decision had been made on the final submission.

RECOMMENDED that Cabinet retain a membership of 15 for the Scrutiny Committee in the submission to the LGBCE; and to note that the committee does not concur with the statement in the report that the committee "is at its most effective when it can reflect the level of the expertise and competence that is expected of Cabinet".

10 **Scoping specific examples of public engagement and consultation identified by the committee**

The committee received a report from the Democratic Services Officer on four examples of consultation identified by the committee for further scoping. The report set out the timeline for each example and suggested where the committee might recommend to Cabinet any additional elements to future consultation.

The four examples were:

1. Exmouth masterplan consultation of 2011
2. Exmouth "Splash" and associated area, excluding current pre-planning application work
3. Beach hut consultation prior to hire charge changes, particularly on the timing of public meetings in relation to wider consultation
4. Inclusion of land at Sidford in the production process of the local plan.

The Chairman heard from local Ward Members on each of the examples before hearing from the committee members and undertaking debate on each issue.

Exmouth masterplan

Points made included:

- The regeneration board for Exmouth should be a public forum that all members can attend;
- Any future survey relating to the masterplan must include seeking visitor, business and resident opinion;
- Suggestion that the adopted consultation guide was not owned by the council;
- That questions in original consultations were biased and leading;
- That the LDA, commissioned to undertake the consultation, were not independent;
- That the Council was not trusted by the public;
- Could a councillor operate their own consultation that has not been commissioned by the Council or would that confuse the public, who may assume that the consultation was on behalf of the Council? In response, legal advice was that any such exercise undertaken by a councillor would have to be done with caution; be mindful of the code of conduct; and making clear to the public what role the councillor is taking in carrying out such an exercise;
- Consultation on Exmouth had been undertaken over a long period prior to the masterplan consultation; so taken as a whole, extensive consultation had been carried out to date;
- The Masterplan needing more than just a refresh, as it had been many years since it had been drawn up and consulted on; many constituents may have forgotten about the original consultation;
- Incorrect press statements, although subsequently corrected, did not make a good impression to the public and was damaging to the relationship Ward Members had with their constituents

The Deputy Chief Executive responded that:

- Regeneration Boards were hugely valuable because they did not facilitate as a formal committee, allowing representatives from a wider area than just councils to freely discuss matters. Representation included from the local community and local business. The minutes of the regeneration boards are published and presented to Cabinet. Overall the boards have a good balance and have democratic links back to the Council;
- In revisiting the Masterplan, consultation will engage with the sectors raised by

- councillors and will be extensive;
- Correspondence sent in referred to by Cllr Armstrong had been previously raised at Council on 24 Feb 2016 and responded to by the Deputy Leader, as set out in the minutes of that meeting. The latest correspondence will be checked and a response to the individual concerns made if new issues have been raised;
 - There was no reason to conclude that the original consultations were biased; consultation was undertaken by qualified officers and the diversity of responses to the consultation suggested that people felt free to express their views fully. Consultation was undertaken, not only at a practical street level asking for people's views, but with groups such as the Exmouth Community Association, Chamber of Commerce, and the College;
 - In the last year, 45 consultation exercises have been undertaken over a wide range of issues across the District, with feedback on how effective and engaging those exercises have been;
 - Understand the frustration, which was also felt by officers, in not being able to communicate some information with Ward Members because of constraints such as commercial sensitivity or ongoing litigation.

During debate, the committee discussed how the Exmouth Regeneration Board could be more open to the public, as well as the extent of consultation needed on a refreshed masterplan, with a view to making it relevant to how the town had changed since the Masterplan was first drafted. The importance of including visitors, business and local residents being involved in consultation was stressed.

Exmouth "Splash"

Many points relating in part to this consultation had already been made in relation to the Masterplan. Additional points included:

- Consider widening the membership of the Exmouth Regeneration Board to include more Exmouth Town councillors;
- Change the Board to a committee format, as has previously been undertaken with the Asset Management Forum, functioning with a "part B" private session for commercially sensitive and confidential information;
- The existing Board already had a number of Exmouth councillors, both District and Town as well as a wide spectrum of representatives from other sectors

In response, the Deputy Chief Executive re-iterated his view on the effectiveness of regeneration boards in the existing format.

Beach hut consultation

No specific debate was held on this consultation but comments were made on the adopted guide in place. Suggestions were made that this needed to be more specific, but no additions were forthcoming from the committee. Reference was made to other authorities with a consultation policy in place that could be considered.

The committee were reminded that any work on formulating a policy on consultation would be in the remit of the Overview Committee.

Ward Member inclusion was also discussed as needed at the earliest opportunity for any consultation project.

Inclusion of land at Sidford

Comments were made briefly on the inclusion and Cllr Rixson outlined, as at previous meetings, her dismay at the inclusion in the Plan. The Vice Chairman reminded the committee that the Plan was now adopted following independent examination by the Inspector and there were no options open to the committee to pursue it further.

RECOMMENDED to Cabinet

1. that consideration be given to refreshing the Exmouth Masterplan, with a view to a proposal for that work being put before them in the autumn of 2016;
2. that consideration be given, for the purposes of greater transparency, to the Exmouth Regeneration Board being constituted in a similar format to the current Asset Management Forum, whereby the Board meetings are held in public with a private session for dealing with confidential/commercially sensitive information as required; and that new Regeneration Boards be constituted in the same format;
3. that consideration be given to the issue of press statements on the meetings of the Exmouth Regeneration Board for circulation to appropriate bodies such as Exmouth Town Council;
4. that consideration be given to the creation of a consultation policy to replace the existing guide;
5. that planned service and/or fees and charges changes must include relevant Ward members and town and parish councils at the earliest opportunity.

RESOLVED that no further action be taken by the committee on the consultation undertaken on the Local Plan, specifically in relation to the site allocation at Sidford.

***11 Scrutiny forward plan**

Next scheduled meetings of 4 August and 1 September were not expected to be required unless an urgent matter came to light. Update reports from Portfolio Holders were being sought to be provided to the committee.

The committee were reminded of the date of the next website tour for Members – 13 July 2016 at 3pm in the Council Chamber. The Vice Chairman had made note of some areas difficult to access on the website and would follow up with web editors.

Suggestions for scoping put forward were:

- Mortgage companies approaching tenants to help them purchase the property under the Right to Buy scheme – this area could be vulnerable to such fraud because of the value of property in the District and the pending extension of Right to Buy to Housing Associations;
- Raising the profile of the Scrutiny Committee through publicity

The suggestion of due diligence on partners for the Council was advised as falling to the remit of the Audit and Governance Committee.

Attendance list (present for all or part of the meeting):

Scrutiny Members present:

Roger Giles
Alan Dent
Dean Barrow
Colin Brown
Cathy Gardner
Simon Grundy
Douglas Hull
Bill Nash
Cherry Nicholas
Val Ranger
Marianne Rixson

Other Members

Megan Armstrong
Ben Ingham
Geoff Jung
Jill Elson
Pauline Stott
Rob Longhurst

Officers present:

Richard Cohen, Deputy Chief Executive
Anita Williams, Principal Solicitor and Deputy Monitoring Officer
Debbie Meakin, Democratic Services Officer

Scrutiny Member apologies:

Peter Burrows
Maddy Chapman
Marcus Hartnell

Other Member apologies:

John Dyson
Peter Bowden
Dawn Manley

Chairman

Date.....