

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Scrutiny Committee held at Knowle, Sidmouth on 2 March 2017

Attendance list at end of document

The meeting started at 6.00pm and ended at 8.40pm

***41 Public speaking**

Mr Bill Wrench of Otterton informed the committee about his complaint against the Council in dealing with a housing tenant who is his neighbour. He felt that there were serious shortcomings by the Council in how they had dealt with the tenant, who had breached his tenancy agreement.

The Chairman sympathised with Mr Wrench on his difficulties. He advised that he had spoken with officers but could not give any detail on the case, as it is protected by the Data Protection Act. He assured the committee that the Council was doing all it can on the issue, and that the Housing Ombudsman is actively involved in the case. Whilst the Housing Ombudsman investigation is ongoing, he could make no comment personally or on behalf of the Council in response to Mr Wrench.

Once the Housing Ombudsman has reached a conclusion, this will be reported to the Housing Review Board as the relevant overview and scrutiny committee under the constitution for this issue.

***42 Minutes**

The minutes of the Scrutiny Committee held on the 2 February 2017 were confirmed as a true record. The Chairman voiced his disappointment at the announcement of the Devon and Cornwall Police budget that showed a significant reduction of PCSOs, particularly after the plea by the Committee to the Police and Crime Commissioner.

Two of the three MPs had responded favourably to the letter from the Chairman relating to NHS Property Services.

RESOLVED that the Chairman of the Scrutiny Committee writes to the Chief Constable of Devon and Cornwall Police, and to the Police and Crime Commissioner, on the issue of PCSOs with a request to reverse that decision.

43 Broadband update

Ruth Foster, a resident from Membury, spoke about delivery issues of broadband for her local area due to the limitations of the superfast broadband provision voucher scheme. The area she represented was listed as "out of program" for the CDS roll out of superfast broadband; and the vouchers offered ran out in March, which was not sufficient time to deal with other providers, particularly as they took many weeks to respond to such requests and negotiations. She told the committee that the voucher scheme did not have enough flexibility in that it severely limited consumer choice to expensive tied contracts. She asked the committee to press the CDS on what they could do to find an efficient solution to this issue.

The Chairman welcomed:

- Phil Roberts from Connecting Devon and Somerset (CDS)
- Paul Coles from British Telecom (BT)
- Gary Day from Voneus (fixed wireless broadband provider)

- Portfolio Holder for Corporate Services, Councillor Phil Twiss

The committee were updated on:

- Significant progress towards provision of Superfast Broadband in East Devon, (defined by the Government as 24Mbps downstream) to 95% of premises by the end of 2017;
- The tender process for phase 2, aimed at delivering up to 95% of premises by the end of 2017 has been completed, with a company called Gigaclear, being awarded four of six “lots” in the tender, including the one for parts of East Devon. This will provide fibre to the premises (at higher speeds than the defined measure of 24Mbps for Superfast) with no deterioration in signal, as opposed to the solution of copper cable for the “final mile”, from a green roadside box.
- The committee were reminded that, as with a target figure of 95% of premises being able to receive superfast broadband, 5% of the district will not be able to receive it at that speed (possibly more, if the distance by copper cable to the premises from an “enabled” exchange is over 1.2km/1.4km).
- An increasing number of other technological solutions may be possible to close this gap, including fixed wireless Broadband signals from a point where it connects with the fibre, to mobile carriers using high speed 4G.

Paul Coles of BT outlined the recent purchase of EE and that they were providing a 4G service for the emergency services. This had led to an increased roll out of 4G in the area, with 21 new transmitters with 4G in the district in the last six months. BT still had an offer to assist communities outside of the CDS scheme with co-investment.

Phil Roberts updated the committee that BT were on target for the contracted delivery of coverage under the Phase 1 contract although this had gone over the original timescale, but would be completed by the end of March 2017.

Gary Day outlined the role of the company he was representing as an interim supplier who CDS and BT were aware of in the market. He outlined the level of service offered and some of the areas in the district that his company were actively engaged with. A viable project for them would be a minimum of 65 homes in a 10 kilometre radius.

In discussion and through questioning, the main points covered were:

- 5G technology was not yet a reality as the standards for it were not yet agreed;
- Maps on CDS website showing coverage were not yet updated and further work was underway linked to further funding;
- Further updates on claw back will be given, but in brief funds through claw back would be in two year incremental stages resulting in £10M over eight years;
- Discrepancy between shortfall figures for Phase 1 delivery between CDS and BT. The final estimation given was 6000 homes, requiring installation of 5 cabinets, 4 of which were on target but one still had difficulties;
- Desire of the committee to have clear figures of numbers of homes and end dates;
- 2020 was a more realistic target of achieving the government set 95% rather than 2017;
- With changes in the BT framework for delivery over the course of Phase 1 it was unclear how the allocated EU funding was being delivered where it was intended for. BT declares areas it intends to build commercially 3 year prior to the completion date, so there is the possibility that the framework will change, particularly if viability

options change – but any area not already covered as already built or to be build is classed as commercially unviable. The government target of using the funding to achieve the most amount of homes has forced this approach;

- Copper line length issues were still apparent and a local example of one was given, which totaled 8 kilometres. The delivery under the CDS scheme is dependent on speed, not just on the provision of broadband – so BT will not receive payment under the CDS scheme if the speed is too slow;
- Keen to see all sectors of the community benefit.

RECOMMENDED to Cabinet that the Council continues to work with CDS and other partners with a view to going beyond the government target of 95% to a full coverage for the whole of the District, to benefit every member of society both in their individual and business use in either rural or urban areas

RESOLVED that the Chairman will write to the three local MPs about the government failure in its target of 95% coverage linked to maximum number of properties for the funding provided, and asking that they intercede with the government for future contracts to guard against this. To include in the letter a request to recognise that in both rural and urban communities, businesses are being run from the homes; and to assure the Council that EU funding for the project has been appropriately used.

The Chairman thanked those for attending to update the committee and welcomed future updates.

***44 Communities and Local Government Committee inquiry to consider overview and scrutiny arrangements**

The Communities and Local Government Committee have launched an inquiry to consider whether overview and scrutiny arrangements in England are working effectively and whether local communities are able to contribute to and monitor the work of their councils.

Any individual councillor can of course respond directly with a written submission to the inquiry. Submissions are due by 10 March 2017.

The committee discussed the terms of reference for submission:

- Whether scrutiny committees in local authorities in England are effective in holding decision makers to account
 - Meetings publicised and open to public, with responses to Cabinet as needed. Some question as to whether these comments are heeded not just 'noted'.
- The extent to which scrutiny committees operate with political impartiality and independence from executives
 - The committee were comfortable that they are independent and impartial
- Whether scrutiny officers are independent of and separate from those being scrutinised
 - Democratic Services have high integrity
- How chairs and members are selected
 - Independent Chairman. Politically balanced committee but little attention paid to individual skills, knowledge and aptitude. Consideration could be given to further training to hone scrutiny skills.
- Whether powers to summon witnesses are adequate

- Inadequate for external organisations, with a recent example of the repeated request to NHS Property Services to attend. Some reluctance by members and officers to attend.
- The potential for local authority scrutiny to act as a voice for local service users
 - This was already being undertaken by the committee, with recent examples covering superfast broadband delivery, NHS revision of service delivery, and the Police 101 service;
- How topics for scrutiny are selected
 - Committee Members (and other councillors) invited to be involved. There may be work that the Cabinet require more detailed analysis of and a request made to the Scrutiny committee to carry out that examination – to date this has not occurred. There was often a frustration in not being able to investigate topics because of limitations of the constitution or on issues where so much time had passed that it was not deemed viable to look into;
- The support given to the scrutiny function by political leaders and senior officers, including the resources allocated (for example whether there is a designated officer team)
 - Shared service of an officer within Democratic Services, no dedicated officer
- What use is made of specialist external advisers
 - To date mostly witnesses not advisers invited to attend. A suggestion was made to approach the Local Government Association for a scrutiny advisor.
- The effectiveness and importance of local authority scrutiny of external organisations
 - Mostly a lobbying role passed to MPs and others. More relevant for scrutiny at a county level.
- The role of scrutiny in devolution deals and the scrutiny models used in combined authorities
 - Need to have scrutiny involvement throughout the process, not after the deal has been completed
- Examples where scrutiny has worked well and not so well
 - Effective internally on aspects such as the Tree TaFF and the changes to press releases; less effective on having an impact on beach hut charges. With limited powers, difficult to have an impact on other outside bodies.

RESOLVED that a response be provided by the Chairman on behalf of the Scrutiny Committee to the Communities and Local Government Committee inquiry to consider overview and scrutiny arrangements

***45 Quarterly monitoring of performance quarter three 2016/17**

The committee considered the report for the third quarter, commenting on:

- Welcomed increase in affordable housing being delivered
- Supporting the growth of greater Exeter still on track
- Percentage of invoices paid improved close to target of 95% on time
- New recycling and waste collection service successes in first phase for Exmouth
- Beach Safety Officer post now has an agreed authority to recruit
- Continued work with Strata through the joint scrutiny arrangement, including the customer portal, and the food hygiene rating scheme. Migration to the global desktop had begun for employees of the Council
- Percentage of council tax collected continued to improve
- Random vehicle licence checks will now be replaced with a focus on specific licences and the targets revised
- Planning application targets will be revised in line with government target changes

- Devolving council services and sectors work ongoing with reporting through the Asset Management Forum and the Cabinet
- Alternative delivery models for the environmental health and car park teams included looking at working with neighbouring authorities on the feasibility of establishing a structure for delivering paid for service for training, inspection, coaching and auditing of food premises. This is as a result of the possible new regime under review by the Food Standards Agency to permit private sector auditors, enabling food businesses to opt out of local authority inspection;
- Development of workspace units comes to the Cabinet for decision on 8 March 2017
- Network rail issues relating to the Feniton flood alleviation scheme needs to be kept under review
- District design guide on hold because of workload of the team
- Systems thinking review started for the Governance and Licensing Team
- New procurement strategy before Cabinet on 8 March to approve a Devon County Council arrangement
- Additional days purchased from the external auditor were to cover work following an objection to the accounts – this is fully documented in the minutes of the Audit and Governance Committee of 17 November 2016

***46 Scrutiny Forward Plan**

Additional issues from the review of the performance monitoring report for scoping included:

- Review of official complaints received (as reported to Cabinet)
- Review of Freedom of Information requests received (as reported to Cabinet)
- Food hygiene certificates for mobile catering, including how they are linked to consent street status
- Check on legal issues in making tree preservation orders relating to land ownership (including check back to work covered under the Tree TaFF)

Further updates on the implementation of superfast broadband would also be added to the plan as and when updates became available.

The Chairman requested the committee considers the proposal to change the Manor Pavilion car park to a day and display car park. The budget to cover this proposal was agreed by Council, but could not be implemented until the change to the Parking Places Order (PPO) had taken place (which includes consultation); and the decision to implement those changes to the PPO must be approved by Cabinet. The committee were advised that this presented another two opportunities for interested parties to comment on the proposals. As the decision was not yet made, the committee could not consider the issue but retained the right to exercise call-in a Cabinet decision.

A report on the proposed changes to the PPO is due to Cabinet on the 5 April 2017.

The committee also discussed the anti-social aspects of drone flying but were advised by legal that this was the responsibility of the Civil Aviation Authority.

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

Scrutiny Members present:

Roger Giles
Alan Dent
Colin Brown
Bruce de Saram
Bill Nash

Val Ranger
Maddy Chapman

Other Members

Paul Diviani
Geoff Jung
Brian Bailey
John Dyson
Pauline Stott
Tom Wright
David Barratt
Phil Twiss
Jill Elson
Peter Faithfull

Officers present:

Giles Salter, Solicitor
Debbie Meakin, Democratic Services Officer

Scrutiny Member apologies:

Cathy Gardner
Marcus Hartnell
Marianne Rixson
Simon Grundy
Darryl Nicholas
Cherry Nicholas
Dean Barrow

Chairman

Date.....