

Agenda for Scrutiny Committee

Thursday, 30 March 2017, 6.00pm



[Members of the Scrutiny Committee](#)

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

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- 1 [Public speaking](#)
- 2 To confirm the minutes of the meeting held on 2 March 2017 (pages 3 - 8)
- 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 **Mental Health Services in East Devon** (page 9)

To agree that this topic will be considered at a future meeting, at the earliest opportunity. Background information contained in the agenda papers.

9 **Modern Day Slavery**

A presentation from Chief Inspector Sarah Johns and Inspector Julian Pezzani

10 **Report from East Devon District Council's Community Safety and Anti Social Behaviour Officer** (pages 10 - 12)

Update from Gerry Moore. The Committee also need to discuss future scrutiny of community safety, which has been undertaken to date by an East and Mid Devon Crime and Disorder Scrutiny Panel.

11 **Scrutiny forward plan** (page 13)

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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.

45 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.

***46 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

***47 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

***48 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.....

1 **Mental Health Services in East Devon**

To agree that this topic will be considered at a future meeting, at the earliest opportunity.

Originally, Heather Penwarden, Chairman of the Honiton Hospital league of friends and the Honiton Dementia Action Alliance asked the committee to consider the current state of services in the District, following the imminent closure of “The Haven”, Honiton, run by MIND; and the transfer of the East Devon Community Mental Health Team from Honiton to Exeter.

Devon Partnership NHS Trust and Devon County Council representatives had been asked to attend; the response was that at this time no officers would be fielded to attend. The response to date has been:

- On issues of adult social care, if the committee wish to explore them the Chairman should write to the Portfolio Holder Stuart Barker at DCC to advise they wish to debate the issue and ask him and officers to attend, giving him the chance to respond;
- On issues of allocation of resources for health services of any kind, the Chairman should write to the Chairman of the Health and Wellbeing Scrutiny Committee to advise and ask as above;
- This does not negate the right of the committee to debate any concerns they have for their local area as a committee in their own right.

The intention, dependent on responses from the Portfolio Holder and the Health and Wellbeing Scrutiny Committee, is to debate the issue at the next meeting of the committee on the 9 May 2017.

The East and Mid Devon Community Safety Partnership

A Partnership between East & Mid Devon District Councils, Devon & Cornwall Police, Devon County Council, Northern, Eastern & Western Devon Clinical Commissioning Group, Devon & Somerset Fire & Rescue Service, Dorset, Devon and Cornwall Community Rehabilitation Company



Report from East Devon District Council's Community Safety and Anti Social Behaviour Officer

The priorities of the East and Mid Devon Community Safety Partnership for 2016/2017 are as follows:

Current Priorities

- Anti Social Behaviour
- Domestic and Sexual Violence and Abuse
- Scams and Online Safety
- Substance Misuse
- Crime Prevention
- Child Sexual Exploitation
- Modern Day Slavery
- Preventing Violent Extremism

Additional Priorities for 2017/2018

- Hate Crime
- Communications Strategy
- Local Priorities

The Partnership has a Steering Group which meets four times a year and is chaired by Chief Inspector Sarah Johns. In East and Mid Devon we have a number of local multi agency action groups (LAGs). In Mid Devon there are three and these meet every two months and in East Devon there are four which meet every six weeks.

In addition to the LAGs there is an East and Mid Devon Domestic and Sexual Violence and Abuse Forum which meets quarterly. Although attendance at all these groups including the Steering Group can be patchy, in the main it is good despite the severe financial constraints on all agencies which impacts on staffing levels.

Partnership Projects/Initiatives 2016/2017

- Funded mediation again this year meaning that together with the Police I can refer any number of cases to Devon Mediation at no extra cost. Such

interventions can be a good way of dealing with neighbour type disputes if all parties agree to mediate.

- In terms of vehicle related anti social behaviour (boy racers) a lot of work has taken place in the 'hot spot' areas namely Exmouth Seafront and the Underfleet at Seaton. An application is going to be made by Police to EDDC requesting that they consider introducing a Public Spaces Protection Order (PSPO) in those areas but also Lime Kiln Car Park at Budleigh Salterton. A PSPO would assist the Police in dealing with the offending drivers.
- Funded a reprint of the Healthy Relationship Quiz leaflets which takes people through a series of 10 questions at the end of which it will give an indication as to whether or not they are in a healthy and safe relationship.
- Assisted in funding a Pattern Changes Course at Exmouth Children's Centre which is designed to help, support and empower women who are survivors of domestic abuse.
- Separate 'bite size' workshops for practitioners were held in East and Mid Devon concerning child sexual exploitation and internet safety. A similar workshop took place at Honiton in respect of modern day slavery.
- Funded a play called 'Last Orders' in 7 of our East Devon secondary schools. It is a hard hitting production about the dangers of alcohol misuse and some 1400 Year group 9 (aged 14 to 15) students saw the performance. I am also funding this production in the next financial year.
- The Police in Axminster identified that there are a number of persons living in the town who have drug and or alcohol addictions and decided to do something about it. As a result sufficient money was raised to fund a RISE Hub in the town. RISE is the agency who currently are contracted to provide support across Devon for persons with addictions.

This funding means that on one day a week for 12 months a dedicated worker and trained volunteers from RISE will offer additional help and support to those persons who have addiction problems. I assisted in obtaining some of the funding and I also chair the Steering Group.

- The Partnership held an Annual Conference at Broadclyst Victory Hall in April 2016 which was attended by about 100 people comprising elected members, representatives from a variety of agencies and members of the public. This was an all day conference and the topics included violent extremism, child sexual exploitation and modern day slavery.

This years conference is taking place at the same venue on 5th April and to date some 120 people are due to attend. Alison Hernandez the Police and Crime Commissioner will be speaking at the event.

Projects for 2017/2018

- I am Hoping to obtain funding for a play called Chelsea's Choice to be performed in all 8 of our secondary schools. This is also a very hard hitting play about child sexual exploitation.
- The Partnership together with the Exeter Community Safety Partnership is to fund adverts to go on to the back of till receipts in the main Argos stores. The adverts give help line contact numbers about where to access help and support regarding domestic abuse issues. In East Devon the Argos store is the Honiton one. The initiative will take place for 14 weeks over the Autumn and Winter period including Christmas 2017 and means that several thousand customers will get a till receipt with this vital information on.

Partnership Funding

This year the Community Safety Partnership received £19,000 from the Office of the Police and Crime Commissioner via the Safer Devon Partnership. This was split equally between East and Mid Devon meaning that I got £9,500. Most of the money has been spent on the initiatives/projects listed above and some for room hire for various meetings.

It appears that funding for Community Safety Partnerships will be increased to £24,000 for the next financial year with £4000 being ring- fenced to tackle issues of violent extremism, modern day slavery and child sexual exploitation.

Gerry Moore

Community Safety and Anti Social Behaviour Officer

Agenda Item 11**Scrutiny Committee****Scrutiny Committee Forward Plan 2016/17**

Date of Committee	Report	Lead
9 May 2017	Mental health services in East Devon tbc Agreement on annual report to Council	Debbie Meakin

Scrutiny Committee Forward Plan 2017/18

Date of Committee	Report	Lead
22 June 2017	Complaints and FOI report tbc 4 th quarter performance management report	
20 July 2017	Citizens Advice Bureau tbc	
24 Aug 2017 (if required)	Service Lead Planning Strategy and Development Management report back on performance indicator queries and new working practices 1 st quarter performance management report	Ed Freeman
21 Sept 2017	Update on implementation of new Recycling and Waste Contract	Andrew Hancock
19 Oct 2017		
16 Nov 2017	2 nd quarter performance management report	
17 Jan 2018	Draft budget and service plans with Overview	
22 Feb 2018	3 rd quarter performance management report	
22 March 2018		
19 April 2018	Agreement on annual report to Council	Debbie Meakin

Work for allocation to the Forward Plan as appropriate:

Proposed date	Topic
tbc	Portfolio Holder update reports being sought; committee can then subsequently ask the PH to attend committee on specific aspects of their portfolio. These will be programmed in once PH posts are confirmed at Annual Council