

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Scrutiny Committee held at Knowle, Sidmouth on 19 October 2017

Attendance list at end of document

The meeting started at 6.00pm and ended at 7.45pm.

***19 Public speaking**

There were no questions from the public.

***20 Minutes**

The minutes of the Scrutiny Committee held on the 21 September 2017 were confirmed and signed as a true record.

As an update to the minutes, the Chairman advised that the Communities and Local Government Committee's inquiry in to local authority overview and scrutiny was now underway. Information on this would be circulated to the committee.

In reference to minute 16, the Portfolio Holder Environment had advised that he was taking the issue of increasing costs at recycling facilities, and the impact that has on the authority in dealing with increasing fly tipping, to the Devon board meeting on the 1 November 2017. The outcome of that meeting will be reported to the committee.

21 Complaints and Freedom of Information requests 2016/17

The Strategic Lead, Governance and Licensing, and Monitoring Officer, presented his report covering the number of complaints and requests for information dealt with for the last financial year.

He updated the committee with statistics as at the end of September 2017. Average response times continued to be within the timescale set, and the statutory requirement under the FOI Act and EIR.

There continued to be an increase in requests made under the Freedom of Information Act (FOI) and Environmental Information Regulations (EIR); 658 requests in 2016/17, up from 588 in the previous year. A large proportion of these were requests under EIR for land charges information.

Discussion by the committee included:

- Welcoming the excellent response times, particularly for responding to FOI and EIR requests, with the Council being one of only 5 councils, from a 92 council sample, with a 100% record of responses within the statutory deadline;
- Concern of increasing impact in cost to the Council as the number of requests under FOI and EIR increased, and if commercial and press requests could therefore be charged. The legislation was clear on what had to be provided free of charge, with the only opportunity to charge if the request would take over 18 hours to provide – the charge only applicable to work undertaken beyond the 18 hours;
- Staff time covered a dedicated team of two, plus the time of individual services in providing the information, and an element of time of the Strategic Lead and his PA;
- Case law had resulted in the information normally handled through a chargeable land charges service to be accessed for free under the EIR. The committee were concerned that this was only going to increase, and debated means of lobbying Government to review the existing EIR to stop commercial exploitation;

- There was no discretion on how such requests under EIR for land charges information could be dealt with, including considering any delay in responding. This went against the intention of the regulations and would be frowned upon by the Information Commissioner;
- Introducing any tiered fee approach at different levels, such as 5 or 10 hours of work, would only increase administration in calculating the time a request would take, as well as being contrary to the intention of the legislation.

RESOLVED

1. To note the report;
2. To congratulate the service for the continued excellent performance in responding to complaints and requests for information within the agreed timescales.

RECOMMENDED to Cabinet that petition is made through the Local Government Association to Government, to either exclude land charge requests from the Environmental Information Regulations, or the Environmental Information Regulations are scrapped as part of the exit from the European Union.

***22 Scoping topics suggested by the committee**

Two topics put forward by the committee had been scoped:

- a) Why the Community Engagement Guide is not a Policy
- b) How sites are put forward for the Local Plan or for future plans, such as the GESP

Community Engagement guide

Councillor Ranger, who had raised the issue, wished to see a policy in place instead of a guide, in order to help ensure that it was adhered to for any consultation exercise. She quoted the recent example of the proposal of pay and display for the Manor Pavilion car park in Sidmouth.

The Chairman reminded the committee of recommendations previously made to Cabinet following discussion on specific consultation exercises, including a recommendation on making changes to the Exmouth Regeneration Board, which were noted by Cabinet on 14 September 2016. This prompted some negative remarks about how that Board continued to operate and how members felt it was not representative of the views of the town. The committee were reminded that the minutes from that Board were published online and reported to Cabinet; and that the Board could only recommend to Cabinet, not make decisions.

Other authorities were quoted as having policies in place for consultation, and other means of established regular contact with local communities. The committee agreed that other examples of policies could be reviewed, with an outcome of a recommendation on amendments to the existing guide as an expanded policy.

RESOLVED to review existing community engagement policies from other authorities at a future meeting, with a view to recommending to Cabinet amendments to the existing guide as an amended policy.

How sites are put forward on the Local Plan or for future plans, such as the Greater Exeter Strategic Plan (GESP)

The scoping report presented to the committee set out the process of sites coming forward under the Housing and Employment Land Availability Assessment (HELAA). The

committee were reminded that the HELAA process does not afford any land in question any planning policy status. The HELAA provides a database of site options that the GESP councils can look to and draw upon when choosing sites to allocate.

Debate covered:

- Concern that the methodology adopted for assessment had no mention of assessing agricultural land – how could it be guaranteed that high grade land will be protected?
- The HELAA panel was a stakeholder/officer group. The HELAA provided an evidence base which informs the development of the GESP. The membership of the HELAA panel would be circulated;
- Producing a strategic plan is a two-way process that needs the involvement of landowners and other interested parties in seeing what land is available for assessment of viability.

The Chairman reminded Members that the Service Lead for Planning Strategy and Development Management will be attending the next meeting of the committee to report back on performance management. Any specific technical queries on the methodology of the HELAA could be provided to him in advance of the meeting.

RESOLVED to circulate the scoping report on the HELAA process and the membership of the HELAA panel to all councillors for information.

***18 Scrutiny Forward Plan**

The committee would await a report back from the Portfolio Holder Environment, following his attendance at a Devon board meeting on recycling and refuse, before determining if work on fly tipping should be added to the forward plan.

A request was made to seek a fresh update on Broadband delivery. A further request was made to ask how the communications team operate.

RESOLVED to request a summary information report from the communications team, which will be circulated to the committee for consideration, to determine if there is an element of communications work that they wish to scrutinise.

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

Scrutiny Members present:

Roger Giles
Bruce de Saram
Alan Dent
Bill Nash
Val Ranger
Marianne Rixson
Eleanor Rylance
Douglas Hull

Other Members

Ben Ingham
Peter Faithfull
David Barratt
Brian Bailey
Iain Chubb

Officers present:

Henry Gordon Lennox, Strategic Lead, Governance and Licensing, and Monitoring Officer
Debbie Meakin, Democratic Services Officer

Apologies from Scrutiny Members:

Cathy Gardner
Dean Barrow
Cherry Nicholas
Maddy Chapman
Simon Grundy
John O’Leary
Darryl Nicholas

Apologies

Jill Elson
Tom Wright
Pauline Stott

Chairman Date.....