

Agenda for Scrutiny Committee

Thursday, 6 September 2018, 6.00pm



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[Members of the Scrutiny Committee](#)

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Contact: Sue Howl, 01395 517541 (or group number 01395 517546): Issued 28 August 2018

- 1 [Public speaking](#)
- 2 To confirm the minutes of the meeting held on 5 July 2018 (pages 4 - 9)
- 3 Apologies:
- 4 Declarations of interest
Guidance is available online to Councillors and co-opted members on making [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 **Update from the Service Lead for Planning Strategy & Development Management following the Scrutiny Committee meeting of 7 June**
Scrutiny Committee requested an update from Planning relating to Minute 49; Tree Team Update, from the meeting of 7 June, about how outstanding recommendations agreed by the Tree Task and Finish Forum (TAFF) in 2015, will be implemented.
- 9 **Resolution by Cabinet of 11 July to refer recommendations back to Scrutiny Committee**
On 7 June the Scrutiny Committee made two recommendations to Cabinet on 11 July relating to Minute 49; Tree Team Update, as follows;
 1. That greater liaison is encouraged between the Development Management Team, Legal Team and the Tree Team in order to implement improvements through the systems thinking process, including pre application processes and enforcement actions.
 2. That the Development Management and Legal Teams (with technical support from the Tree Team) investigate effective ways to monitor the future

protection of trees when sites are developed, including the securing of landscape and tree protection bonds, to secure compliance and ensure enforcement actions are implemented.

The Scrutiny Committee also made two recommendations to Cabinet on 11 July relating to Minute 50; Effectiveness of local authority overview and scrutiny committees, as follows;

1. That the constitution should be amended to the effect that recommendations would be referred from Scrutiny Committee to Full Council unless there is a matter of such urgency that the Scrutiny Committee decides that the next meeting of Cabinet is more appropriate.
2. That the constitution be amended to the effect that members of Cabinet should only participate by invitation of the committee, making the distinction between participation and attendance.

Cabinet “Considered that the quality of reports to Scrutiny would need to follow the same rigour as those to Cabinet and other committees as it was important that if recommendations were to go direct to Council, Cabinet would need to assess the considerations Scrutiny had had regard to, and whether it had been advised about all the relevant legal, financial and other organisational implications.

The recommendations were therefore sent back to Scrutiny to further consider the implications of recommending to Full Council, specifically in terms of ensuring that they have full and objective reports with input from relevant officers including legal and finance. They used the example of the tree recommendations in terms of only hearing Countryside’s view and not having the view of planning but also not having a full report on the implications of increasing staff complement in budget terms etc.”

This item is for Members to consider whether a further response is required.

10 **Review of Environmental Health & Car Parks Service Plan 2018/19**

Scrutiny Committee agreed to review existing service plans ahead of the formal budget setting process, and specifically to receive presentations on existing service plans at its forthcoming meetings prior to February 2019. It was further agreed to commence this new review with the current [Environmental Health & Car Parks Plan](#), inviting the Portfolio Holder for the Environment, Strategic Lead and Service Lead to attend.

This item is the first of a series of reviews of existing Service Plans which may result in recommendations from members related to service planning in the future.

11 **Scrutiny forward plan** (pages 10-11)

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If you are recording the meeting, you are asked to act in a reasonable manner and not disrupt the conduct of meetings for example by using intrusive lighting, flash photography or asking people to repeat statements for the benefit of the recording. You may not make an oral commentary during the meeting. The Chairman has the power to control public recording and/or reporting so it does not disrupt the meeting.

[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 5 July 2018

Attendance list at end of document

The meeting started at 6.00pm and ended at 8.28pm.

***8 Public speaking**

There were no members of the public present.

***9 Minutes**

The minutes of the Scrutiny Committee held on the 7 June 2018 were confirmed and signed as a true record.

***10 Declarations of interest**

Councillor Graham Godbeer, Minute 13; personal interest – Chairman of Overview Committee

Councillor Maddy Chapman, Minute 11; personal interest – Lead Councillor, Environmental Health

***11 Information Paper on the food safety service provided by the Commercial Premises Team of Environmental Health**

The Chairman welcomed Allison Ferrero and Andrew Ennis who introduced the report. They spoke about the Commercial Premises Team and the work it is engaged in. Andrew referred to the Food Hygiene Rating Scheme as being the game changer to bring to the attention of the Committee. 800 local businesses have a score of 5, the top score, and work hard to keep it. Consumers should always expect to see scores of 5 and question why an establishment does not, before using it.

Cllr Gardner outlined her specific reasons for requesting this item, and referred to an article in the Guardian newspaper in February about meat. Accordingly, she was interested in the food businesses further back in the supply chain rather than just frontline establishments such as restaurants, and also in the numbers of producers who were sampled.

Officers confirmed that elements of the food chain such as abattoirs and cutting plants were covered by the Food Standards Agency. Sampling of approved premises including producers took place every month and there were few problems locally. EDDC staff visited most businesses to assess for risk every 12-18 months and there had been no reduction in the volume of sampling over recent months. Officers were aware of needing to have a greater focus on higher risk establishments, such as in businesses dealing with picked crab, for example.

Discussion arising from the report included the following;

- There were issues about products which were pre-packed in supermarkets, such as lobster.
- Whether EDDC officers had contact with urban farms where children were encouraged to touch animals – most of these have eating establishments attached, so there were issues of contact and controls.
- In response EDDC do have contact with such establishments eg Crealy and Farm Open Days locally, all of which fell under the Food Standards Agency umbrella of Animal Handling and Visitor Attractions. EDDC contact these establishments and work with farms.
- Whether it was compulsory to test food establishments, to which the response was that all food establishments need to be inspected, but it does not cost EDDC to do so based on the current system of sample credits which is in operation.

- Whether it should be a legal requirement to display Food Hygiene Ratings rather than be a voluntary choice. The response was that in the officers' view it should be a legal requirement and this is the case across the UK with the exception of England currently.
- What are the available powers of redress against businesses who perform really badly, to which the response was that there are a number of actions which can be taken, including education, voluntary closure, seizing food, forced closures, serving of improvement notices. Reasons for closure can include active rat infestations in a kitchen; sewerage in a kitchen; staff being inadequately trained and a number of structural reasons. A closure will need to go through a magistrates court and be reported in the press.
- The last forced closure was two years ago and is rare. Temporary voluntary closures have occurred within the last six months but most businesses close, clean up and invite Environmental Health Officers back within two days to inspect them again so that they are able to re-open quickly.
- Whether EDDC is adequately resourced to do this work. The team spend more time with bad businesses.
- The recent hot weather does not affect the work of the team because food premises are required to be clean at all times, and there is also a short inspection cycle for bad businesses.
- There are no charges for inspections as part of the routine cycle. Establishments are charged for a re-inspection visit following a bad scoring. Establishments are keen to increase their scores and need to pay the re-rating charge.
- Training courses are targeted at establishments with low scores, in expectation of increasing their score and being able to publish it.
- Whether there was under reporting of food poisoning. Officers considered that there was a lot of under reporting of infectious diseases, but the majority of food poisoning incidents appear to be home generated rather than originating in establishments open to the public.
- The Food Standards Agency do a lot to tackle food poisoning at home, via such mechanisms as specific campaigns during the barbecue season. EDDC officers will also visit community groups to discuss these issues if asked.
- In relation to liaison with Health Authorities (HAs), there is an agreement that some infectious diseases will automatically be reported to Local Authorities by the HAs, and those reporting to GPs will be recorded and translated into statistical trends. EDDC work closely with Health Protection England.
- In terms of businesses which pose the most risk to the public, officers confirmed that it depended upon the size of the business (volume of customers, types of food handled) and levels of compliance relating to the management of the business.
- Establishments are not notified in advance of inspections and they are unannounced. Officers have power of entry.
- In terms of the EDDC team, two officers retired and were not replaced, so the team could not operate as it does currently with any fewer staff. More technical or sampling officers would enable them to visit the poorer establishments and possibly offer training to food businesses on a fee charged basis.
- Compared to other Devon District Authorities, EDDC has managed to keep most of its staff whilst others are not in this position and are unable to visit as many lower risk establishments as a result.
- Officers confirmed that it was hard to recruit young adequately qualified people for Environmental Health roles.

- It was noted that one of the most popular elements of the 'Takeover Challenge Day' run by EDDC for primary schools was the role play in a dirty kitchen hosted by Environmental Health.

RECOMMENDED to Cabinet

1. That Cabinet raise the issue through the LGA to press government for it to be a legal requirement for food businesses and eating establishments to display certificates and food hygiene rating scores.
2. That;
 - a) the current staffing levels of the Commercial Premises Team are maintained in order to protect residents and visitors, and
 - b) in recognition that the team could carry out more beneficial work with increased staffing, give consideration to whether the staffing establishment should be increased.
3. That the Commercial Premises Team be encouraged to continue their educational work with food businesses involved in high risk areas such as the handling of crab products, in order to protect the public.

RESOLVED that

4. The Scrutiny Committee encourage the Commercial Premises Team to request that the rolling screens at GP surgeries include messages about health and food hygiene at home, at their regular meetings with Public Health England.
5. The Scrutiny Committee wish to thank Allison Ferrero, Andrew Ennis and John Golding for their attendance and acknowledge the excellent work carried out by the team.

***12 Quarterly monitoring of performance – 4th quarter 2017/18 January to March 2018**

This item had been deferred from the last meeting when Karen Jenkins, Strategic Lead for Organisational Development and Transformation had given a [presentation](#) for this item.

Cllr Cherry Nicholas had raised a question following the meeting relating to the Performance Monitoring report, specifically Council priority 2 – Developing an outstanding local economy, and had received a response from the Income and Payments team which indicated the high amounts of money involved and reasons why 100% targets were difficult to achieve.

Henry Gordon-Lennox, Strategic Lead for Governance & Licensing, confirmed that there were a variety of reasons behind this, such as failure of delivery by suppliers which was difficult to control, as well as internal control issues, and regular reports and reminders are published to assist officers in ensuring they act promptly. The Senior Management Team (SMT) were given full details on areas causing concern.

Cllr Ranger asked for clarification about the situation with the Beach Safety Officer, which will be provided outside the meeting.

Cllr Ranger also asked about the reason for an increase in the number of level 2 complaints. Henry Gordon-Lennox explained that Cabinet received a report every year about complaints to the Ombudsman, and were due to report soon for the last year. He had instigated a management report about causes for concern which could be presented to Scrutiny and Cabinet, but pointed out that the number of complaints were a reflection of what happened in a particular year and didn't necessarily reflect a trend in more complaints generally.

Cllr Rylance asked where she could find the information about missed bin collections and John Golding, Strategic Lead for Housing, Health & Environment, confirmed that it is available data collected by Suez and would be provided outside the meeting.

Cllr Rylance asked about FOI requests made to the council and if an analysis had been done in relation to the types of request and how much officer time was utilised in responding.

Henry Gordon-Lennox confirmed that there were many repeat requests for information about issues such as car parking, burials, which officers were trying to respond to by putting information on the website in order to reduce this demand. There was also potential abuse of the system by people using this process for commercial purposes, the main increase being in relation to land charge requests.

Cllr De Saram and Cllr Chapman asked about vehicle checks and the recruitment of another officer within the Licensing Team. Henry Gordon-Lennox confirmed that an officer had been recruited and commenced work on Monday 2 July, but that the Street Trading work was bedding in well.

Cllr Gardner expressed concern in the rise in numbers of homeless people. Cllr Elson stated that Housing were about to employ an officer to deal with this, and John Golding confirmed that this situation had been reported to both Cabinet and Housing Review Board recently.

In relation to the Feniton Flood Alleviation Scheme, John Golding confirmed that they were still awaiting for permission to proceed and that EDDC had no control over this matter.

***13 Review of Service Plans and associated budgets (part of the Forward Plan)**

At the request of the last committee meeting, the Democratic Services Manager had drafted a paper with proposals for facilitating a review of current EDDC service plans by both Scrutiny and Overview Committees, separately at meetings throughout the year but in parallel to reflect their respective perspectives on the same functional areas, in advance of the Joint Budget meeting in January 2019. She introduced the paper containing options for a way forward and reference to the discussion which took place at the Budget Working Group which met on 28 June.

The Chairman brought the committee's attention to the section on options, and discussion included the following points;

- Members were not in favour of having joint meetings. Separate meetings allowed them to be more focused and prepared in relation to their particular remit, and the committees had been separated for the reason that they had different roles and perspectives
- Daytime sessions would allow more time for debate but would mean that members who were working would be unlikely to be able to attend
- Overview committee could review the system via Portfolio Holders in their recently enhanced role in relation to council services, rather than requiring officers to attend a lot of meetings
- Reviewing Service Plans would be difficult to do without officers present and was a massive piece of work for both members and officers alike. Timing was also an issue in order to schedule a review in advance of budget setting.
- How plans get developed and what is included is critical, with objectives being defined effectively. Discussion at SMT was underway and had acknowledged the need for objectives to be smarter.
- The role for Scrutiny lies in looking at Section 3 key service objectives which have either been achieved or are on track to be delivered at the point of review to identify areas for improvement, but this has budgetary implications.
- Agreement that the Joint Overview and Scrutiny Budget meeting in January was not currently fit for purpose and members needed to understand the two processes of budget setting aligned to service planning much earlier.
- That Portfolio Holders and Service Leads should be present to support and work with Overview and Scrutiny Committees

After discussion the Chairman asked for members to refer to section 5.1 of the report and agree an order to reviewing the Service Plans, suggesting that Scrutiny commence with Environmental Health and Car Parks and prepare to trial a process which may need to be modified. This was agreed.

Henry Gordon-Lennox suggested that a meeting of the Chair of Scrutiny and Karen Jenkins prior to commencing a review would be helpful in deciding which specific aspects of service delivery they wish to scrutinise, by selecting from the Key Service Objectives section of the 2018/19 Service plans, with particular attention on those objectives that have been achieved.

The Chairman then referred members to the options outlined in section 5.5 of the report and asked them to express their preference.

Members expressed their preference for option 5.5a) but without necessarily involving Overview Committee members, and requested that further work be done on making arrangements for this to happen.

As a point of clarification, Cllr Gardner expressed a view that members would not expect to have big presentations from officers, on the basis that they would have familiarised themselves with service plans before undertaking a review and then ask officers to be available to answer questions. Portfolio Holders could also attend these sessions.

The Chairman then referred to the recommendations on agenda page 58.

RESOLVED that;

Members agree to review existing service plans ahead of the formal budget setting process, and specifically to receive presentations on existing service plans at the next four meetings of Scrutiny committee prior to February 2019.

RECOMMENDED to Cabinet

that a review of the budget setting process is carried out to reflect good practice elsewhere, enable wider member engagement and to help towards delivering a budget which meets members aspirations in future years.

Other items on the Forward Plan were then discussed.

Ed Freeman had confirmed that he would attend the next meeting on 6 September to respond to issues raised by the Tree Team.

Members asked if issues could be raised in advance of his attendance at the meeting such as contact between Health Authorities and EDDC as the Planning Authority; about complaints surrounding the impact of development works on neighbouring areas, and about the situation currently regarding a Section 106 officer.

Fly tipping was already on the Forward Plan and work would be done by officers and members on this.

Cllr Rylance requested that an item be included on STRATA service delivery which received support from other members.

The Chairman expressed disappointment in the lack of a response from Cllr Andrew Leadbetter and it was suggested that the Cabinet Member for Adult Social care & Health Services at Devon County Council be invited to attend Scrutiny Committee again. John Golding confirmed that District Councils were to have more of a role in well-being issues, particularly in relation to prevention.

Cllr Gardner requested that the Committee write to Karen Jenkins to re-iterate the previously expressed view in relation to press releases and the involvement of ward councillors beforehand. The response would be circulated to members before deciding whether further actions were required.

Cllr Gardner requested that Committee invite the Police & Crime Commissioner and Chief Constable back to give members an update on increasing anti-social behavior and vandalism, and the reducing visibility of police officers.

The Chairman reminded members that before items go on the agenda they needed to be scoped which needed the involvement of members and not just left with officers.

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

Brian Bailey
Maddy Chapman
Bruce De Saram
Cathy Gardner
Roger Giles
Graham Godbeer
Cherry Nicholas
Val Ranger
Marianne Rixson
Eleanor Rylance

Other Members

John Dyson
Jill Elson
Peter Faithfull
Ian Thomas

Officers present:

Henry Gordon-Lennox, Strategic Lead – Governance & Licensing
John Golding, Strategic Lead – Housing, Health & Environment
Allison Ferrero, Principal Environmental Health Officer
Andrew Ennis, Service Lead, Environmental Health & Car Parks
Sue Howl, Democratic Services Manager

Apologies from Scrutiny Members:

Simon Grundy
Stuart Hughes
Bill Nash
Darryl Nicholas
Eileen Wragg

Apologies from Non – Scrutiny Members:

Alan Dent
Tom Wright

Chairman Date.....

Agenda Item 11**Scrutiny Committee****Scrutiny Committee Forward Plan 2018/19**

Date of Committee	Report	Lead
4 Oct 2018	Service Plan review (Specific plan Tbc by Committee) Update on Elections Report Street Trading (Tbc by Committee)	Strategic & Service Lead Mark Williams Steve Saunders – Licensing Manager
22 Nov 2018	Service Plan Review (Specific plan Tbc)	
16 Jan 2019	Joint Budget meeting with Overview Committee	
7 Feb 2019	Service Plan Review (Specific plan Tbc)	
7 Mar 2019	Service Plan Review (Specific plan Tbc)	
4 Apr 2019	Service Plan Review (Specific plan Tbc)	

Work for allocation to the Forward Plan as appropriate:

Proposed date	Topic
tbc	Service Plans & associated budgets – rolling programme. Specific order to be confirmed.
tbc	STRATA Service delivery
tbc	Invite to the Police & Crime Commissioner to attend a meeting to discuss issues such as Anti-Social Behaviour, Vandalism and the reducing presence of Police Officers
Update report to be provided to committee for information	Update from Estates Team one year after recruitment of Property Records Officer and Business apprentice (from approved 2017/18 budget)

Topics put forward for further information or for scoping that remain outstanding are:

- Fly tipping - Charges and associated issues (Cllr Rylance)
- Broadband issues
- Street trading – put back from September meeting in the absence of the Lead Officer

- The role of the District Councillor in communication with local Town or Parish Councillor in dissemination of information from a district level (as linked to consultation on changes in service provision or charges that impact at a local level);
- Complaints relating to the impact of development works on neighbouring areas (Cllr B de Saram)
- Implications for the council following publication of the council guide on modern slavery by the LGA