

Annual Report of the Scrutiny Committee 2018/19

1. The Committee has continued to work in alignment with the Council's corporate priorities and regularly considers and comments on performance monitoring data, as well as monitoring decisions by the Cabinet and Portfolio Holders, as part of the scrutiny role as the "critical friend".
2. The last civic year started with an update to the Committee on progress since the Tree Task & Finish Forum (TAFF) report was produced in 2015. Officers reported that the TAFF had been instrumental in providing support and focus for the Tree Team, and they were now more effective in dealing with planning applications and giving advice. There have been a number of significant improvements made over the last three years driven through an ongoing systems thinking review process to deliver a more efficient front line service. The Committee questioned the impact of TAFF recommendations, such as the positive effect of greater engagement with local communities in improving the protection, understanding and management of the district's tree stock, and even more so when there were issues relating to the development of sites, when accidental breaches to Tree Protection Policy often occur. The Committee considered innovative ways to secure compliance on development sites, including use of landscape and tree protection Bonds, whereby it would be possible to retain part of the Bond to implement landscaping or mitigate for damage to trees, when a development deviates from approved plans.
The Committee thanked officers for their work on progressing the TAFF recommendations but remained concerned about the ability of the Council to pursue enforcement actions when necessary. Accordingly recommendations were put to Cabinet aimed at encouraging the investigation of ways to protect trees when sites are developed and generally to secure compliance and appropriate enforcements actions which give a strong message about the Council being prepared to take action.
3. In December 2017, the Communities and Local Government Committee (CLGC) issued its first report of session 2017-19, 'Effectiveness of local authority overview and scrutiny committees', examining the role of scrutiny in local authorities in the light of how the role has evolved since the introduction of overview and scrutiny committees in the Local Government Act 2000. The Scrutiny Committee had submitted a response to this review. Since then, the Government had responded in March 2018, and new guidance to be published by Government was awaited later in the year. The committee reviewed the recommendations by the CLGC, and subsequent Government response, in the context of the current committee arrangements of this Council.

In relation to the majority of the CLGC recommendations, the Constitution of EDDC already supports them via its current arrangements, for example, the constitution allows the committee to recommend to Full Council as well as Cabinet, and is also clear in that there is a distinction between the Scrutiny committee and the Cabinet. This distinction is carried through to Task and Finish Forums (TAFF), and whilst the view of Portfolio

Holders may be sought at both committee and a TAFF, no undue influence on the recommendations from those meetings has been observed.

There was some disagreement amongst local authorities in relation to the level and nature of support and resource to be provided for Scrutiny Committees. The government considered that this should only be determined at local level since there is no requirement for a statutory scrutiny officer in district councils. It is also important that scrutiny work is member led, not set out by a scrutiny officer; and that scrutiny members play an active role in order to deliver effective scrutiny.

Updated guidance will remind councils of the requirements set out in regulations that allow scrutiny members to access exempt or confidential documents in certain circumstances. However, at EDDC, the committee have extensively covered the new model of the CCG and continue to keep a watching brief on it; as well as with other bodies, including the Police Commissioner. It is not easy to secure representatives from external bodies to attend, as has been the case in continuing discussions on mental health provision in the district. The committee was heavily involved with the new Recycling and Waste contract, including debate following the pilot scheme and subsequent meetings as the contract was agreed, and subsequently implemented. The Committee resolved to explore ways in which the public and service users could play a bigger role in the Scrutiny process and how IT or other solutions could assist.

4. Every January, a Joint meeting with the Overview Committee considers the draft budget and service plans for the coming year. Members of the Scrutiny committee were concerned that this process was not sufficient to scrutinise fully and effectively, or early enough to influence. In this civic term, the Chairman and Vice Chairman of both Scrutiny and Overview Committees had committed to reach an agreed solution of a rolling programme of review. In June, they requested an officer report with proposals for facilitating such a review by both committees.

There were ten Service Plans in 2018/19, which provided information about what services aimed to achieve in the current financial year. They also set out service challenges for the next three years, emerging risks, staffing and training and any equalities actions to be achieved.

At the meeting of the Budget Working Group (BWG) on 28th June, there was general agreement that the current Joint Overview & Scrutiny Budget meeting in January was not fit for purpose, as a standalone event. Members needed to understand the two processes of budget setting aligned to service planning much earlier, so the objective of having early involvement of members so that they can be more informed and have the opportunity for debate well in advance of that meeting was agreed by all, and also that Members' preference was to keep the reviews by the two committees separate. Accordingly, Scrutiny Committee agreed to review existing service plans ahead of the formal budget setting process, and would receive presentations from officers at each of its meetings prior to February 2019, as well as involving Portfolio Holders who could report on the functional areas for which they have a remit.

As a result of the extensive work undertaken by Scrutiny Members, the Senior Management Team recommended including an additional Joint Overview & Scrutiny meeting in September, when Strategic and Service Leads across the Council are asked to review and update their service plans to inform the budget setting process.

5. In July, and at the specific request of members, the Committee received a presentation on the food safety service provided by the Commercial Premises Team of Environmental Health.

A key objective is simply to work with food businesses to ensure that all food produced, stored, handled and consumed in East Devon is safe, wholesome and is not a health risk to the consumer. There are 1742 registered food business premises in East Devon, mainly in the food retail and catering categories.

In the UK there is a statutory regime laid down and monitored by the Food Standards Agency for the ways in which local Councils should interact with all of these businesses. The most common "intervention" is a routine inspection, when premises are visited based on the level of risk associated with those businesses. A number of years ago, in common with most other local authorities, this Council adopted the Food Standards Agency National Food Hygiene Rating Scheme, using the various risk scores applied to registered food businesses to create a simple to understand single figure rating from "0" (urgent improvement necessary) to "5" (very good). At the end of their inspection Food Business Operators are all given an official rating score card to display prominently in the window of the business but unlike the situation in Wales, Scotland and Northern Ireland, it is not currently a legal requirement for it to be on display in premises in England.

The scheme is designed to encourage food business operators to work with regulators to improve standards and achieve the highest possible ratings, and also to give consumers an indication of the hygiene standards that existed behind the scenes in the kitchen of a food business at the time of its last inspection. This information should inform consumers' purchasing decisions.

The Committee made a number of recommendations to cabinet which were agreed, including raising 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.

6. In October the committee received a report from the Chief Executive to update members on progress made following recommendations received by the Association of Electoral Administrators in their report on the provision of electoral services at East Devon District Council in February 2018. Progress had been made in all areas and members discussed issues including the increase in staffing resource to secure the effective running of elections, a documented proofing procedure for the printing of election materials as well as the requirement for proper conduct of political parties outside polling stations.

7. Continuing a watching brief on Broadband delivery in rural areas, the Committee heard about Talaton seeking a local solution to their poor broadband speed, beginning in 2016. One of the recommendations agreed by Cabinet in May had been to ask the Diocese for their continued support by using church premises in providing the infrastructure necessary for a broadband solution for rural parishes. This was followed up by the council's Economic Development Manager, who contacted the Senior Church Buildings Adviser to discuss Diocese support for broadband provision in rural parishes. The outcome was that the Diocese are actively engaged in enabling rural broadband provision via approving use of church buildings to host equipment, and have so far permitted the use of 9 churches (including in Talaton) to host antennas. Applications from companies representing rural community beneficiaries are sent to the Diocese to carry out the initial assessment, and rollout to date has primarily been with Airband via the CDS programme.

The Committee considered this to be a very positive response by the church authorities to an approach from EDDC, and a press release to this effect was circulated at the time.

8. In November, Connecting Devon & Somerset (CDS) circulated an update about the difficulties they had experienced in delivering their programme aimed at providing access to superfast broadband coverage for rural communities. One of their contracts with Gigaclear, was to build a whole new fibre network for such communities in Devon by December 2019. Gigaclear appointed Carillion to deliver aspects of the contract but this company was then liquidated. Despite disappointment with lack of progress and poor performance, CDS have recently been given reassurances about how Gigaclear have improved sufficiently to deliver the aims of the original contract. The Scrutiny Committee invited both CDS and Gigaclear to a meeting earlier this year to hear about the remedial plans in place, and the assurances about capacity and resources required for them to go ahead across East Devon. Due to the ongoing nature of their contract negotiations, both companies gave their apologies to meetings in March and April, but want to address the Committee early in the next civic year when specific plans can be discussed in detail.
9. The Licensing Manager updated the committee on the implementation and delivery of Street Trading since changing to a Consent designation on 2 October 2017. Members asked whether this had led to an increase in street cleansing due to litter, but the Licensing team work closely with the Streetscene team, developing a strategy for all major events to coordinate activities. There is a requirement for traders to take litter away and this is checked. They also asked how to encourage groups such as Plastic Warriors which operate in Sidmouth, to develop across the district and established that there were other groups such as in Ottery St Mary, which operate deposit schemes to deal with plastics at events like Tar Barrels. The team will seek to encourage this with all large planned events.
The clean up after Tar Barrels was a spectacular and comprehensive success through initiatives such as the £1 deposit scheme on plastic mugs.

Since October 2017, the Licensing team had processed 175 applications which represented between 2-3,000 individual traders. Despite the increased workload, the team have two performance indicators relating to the number of licensed premises inspections and number of taxi inspections, and there have been no backlogs, missed deadlines or complaints.

Committee members thanked the Licensing Manager and Chairman of Licensing & Enforcement committee for their hard work and made a recommendation to Cabinet to endorse the Street Trading Policy of using biodegradable materials wherever possible rather than single use plastics, and support a reduction in plastic waste.

10. In February, Cabinet referred the East Devon Public Health Strategic Plan 2019/23 to the Scrutiny Committee to consider the evidence used to support the Plan and how the priorities in the Plan will be progressed. The Plan sets out how the Council would encourage and assist services across the Council each to support and improve health and wellbeing across the District.

After a full debate on the issues, Committee members thanked the Public Health Project Officer for the excellent work being undertaken and supported by colleagues across the Council. They then made a number of recommendations to Cabinet (subsequently agreed) to support the intention in the Plan to cover all areas of East Devon district; to encourage improvements to communications with Town and Parish Councils in disseminating public health messages, including increasing the use of social media; to encourage greater use of Social Prescribing and healthier lifestyles, via Leisure East Devon (LED) and community led initiatives and importantly to request that the MECC (Making Every Contact Count) training programme is offered to all EDDC Councillors to help disseminate key messages about Health and Wellbeing in local communities.

11. During the only session of the civic year requiring exclusion of the public and press, the Committee scrutinised the Portfolio Holder decision regarding a Discretionary Home Stay Grant repayment. Members of the Scrutiny Committee were advised of information available to the Portfolio Holder who made the decision and responses to the subsequent Councillors' queries relating to it, so that the committee could scrutinise the process and outcome of the decision. A number of recommendations were presented to cabinet in the event that similar situations re-occurred in future.

12. In March at the request of several members, an update on incidents of fly tipping across East Devon was provided. The Service Lead for Streetscene, provided a number of reports which summarised the situation in East Devon and provided comparisons to the national average, as well as enforcement action taken by EDDC. He stated that Fly tipping in East Devon is not a large-scale issue compared to the national picture, however, the Council takes pro-active steps to tackle it. Fly tipping levels are low (when compared to the national average). Between 2013 and 2017, the national average was 2700 incidents, whilst EDDC for the same period was 533.

EDDC is able to take enforcement action where evidence leads to the perpetrator. Information on waste offences showed how many FPNs (Fixed Penalty Notices) have been issued for this. EDDC has taken 75 enforcement actions since 2015, equating roughly to 5%. If caught, perpetrators are charged for the cost of removing the fly tip. Unfortunately, there is usually little evidence, since fly tips tend to occur in isolated places. Covert surveillance via RIPA (Regulation of Investigatory Powers Act 2000) is limited, and the ability of Councils to take more enforcement actions are limited legally, for example, by decriminalisation of offences such as littering.

Social media is used to seek the public's assistance with reporting fly tips, and successful prosecutions resulting in fines, result in EDDC issuing a press release. Environmental Health undertake the investigations and enforcement actions.

Members asked about abandoned vehicles which were reported to Devon County Council but required action by district councils, but the Service Lead confirmed that this was not a big issue for EDDC with approximately 200 incidents each year and that yet again, the powers for a Council to deal with them were restrictive. There was also reference to the Re-use credit scheme administered by Devon County Council (DCC), on behalf of The Devon Authorities Strategic Waste Committee (DASWAC) which had been running for 22 years. DCC were currently consulting on a number of future options, which included; scrapping the scheme altogether; continuing to run it as it is presently, or continuing to run it in a different way. Cllr Wright is the Vice Chairman of DASWAC and the Committee agreed to respond to DCC on their Consultation about the Re-use Credit Scheme, recognising the positive benefits of the scheme and supporting its continuation.

13. Following the referral of an issue from Development Management Committee involving the role and responsibilities of South West Water (SWW) in relation to Planning applications and the development of sites, senior representatives were invited to attend a Scrutiny Committee meeting, to discuss how the Council and SWW can work more closely in partnership in future, particularly in relation to future growth aspirations and planning for the estimated additional capacity required. As a result, SWW are poised to attend a Committee meeting early in the new civic year.