

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Scrutiny Committee held at Knowle, Sidmouth on 22 November 2018

Attendance list at end of document

The meeting started at 6.00pm and ended at 8.32pm.

***29 Public speaking**

There were no members of the public present.

***30 Minutes**

The minutes of the Scrutiny Committee held on the 4 October 2018 were confirmed and signed as a true record.

Cllr Gardner indicated by email that she wanted to ask when members would get an update for the items outstanding from minute 25 on 4 October, the Electoral Services update. The Returning Officer, Mark Williams, was present and provided an update verbally at the meeting on the recommendations requiring his input as follows;

1. That consideration be given to offering training to agents and candidates of political parties in line with Electoral Commission guidelines – training will be offered but attendance cannot be mandated, and a short document will be produced highlighting key points for candidates at the point of their confirmation of acceptance and nomination. Mark pointed out that the legal status of agents and candidates was such that candidates were responsible for actions taken by their agents.
2. That the Committee endorse the increase in staffing resource when necessary to secure the effective running of elections – this is duly noted and there are four members of staff employed presently.
3. That a documented proofing procedure for the printing of election materials is developed – this is duly noted. At present the emphasis is getting the register sorted out before 1 December, but immediately following that procedure notes will be put in place.

***31 Apologies**

The Chair announced that it was his sad duty to recognise the loss of a good friend and valued colleague in Councillor Bill Nash who is no longer with us. He invited colleagues to make comments. Councillor De Saram shared his memories of Councillor Nash. Members stood for a moment in his memory.

***32 Declarations of interest**

Councillor Roger Giles – Minute *36, Update report on Street Trading

Type of interest – Personal interest

Reason – Member of Plastic Free Ottery

Councillor Mike Howe – Minute *34, Resolution by Cabinet of 31 October to refer a recommendation back to Scrutiny Committee

Type of interest – Personal interest

Reason – Owns a local business

***33 Matters of urgency**

The Chair referred to a letter he had received in relation to St John's Court, Exmouth, the future of which had been debated at a meeting of the Scrutiny Committee in October 2016 and resulted in several recommendations. He read out the letter of 1 November, which was from the Secretary of State for Health & Social Care to Mrs Dot Taylor, confirming that the Devon Partnership NHS Trust had no plans to dispose of the site.

***34 Resolution by Cabinet of 31 October to refer a recommendation back to Scrutiny Committee for further explanation:**

On 4 October the Scrutiny Committee made a recommendation to Cabinet on 31 October relating to Minute 26 Review of Economy & Regeneration Services and the Growth Point Team service plans 2018/19, as follows;

“that the Council should aim to boost resilience of the local economy and develop a self-sufficient economy as much as possible, whilst maintaining an international focus”.

At Cabinet, clarification was sought which the Chair was unable to provide at the time and the recommendation was referred back. Following communication with Councillor Rylance who had proposed the recommendation, the intention had been to provide support for indigenous businesses in East Devon. Mark Williams clarified that Cabinet wanted to focus resources where they could have maximum impact and whilst support for boosting the local economy was understood, the introduction of an international focus created two aims which would be difficult to resource. The important element of this issue was to encourage businesses to start, stay and grow, and there should be reference to the Enterprise Zone. The Chair proposed the following recommendation back to Cabinet.

RECOMMENDED to Cabinet

“That the Council should aim to build a resilient local economy which is as self-sufficient as possible, at the same time as encouraging exports from local businesses and foreign direct investment which benefits the local economy and with particular reference to the Enterprise Zone.”

***35 Update on Enforcement issues in relation to trees**

Following the Scrutiny Committee meeting on 6th September, the Chairman formally made a request for Karen Jenkins to raise at the next Senior Management Team (SMT) meeting on 19th September, in relation to issues debated by Scrutiny members.

SMT was asked to consider the introduction of a Key Performance Indicator (KPI) relating to damage/removal of trees and initiation of legal proceedings. In response to this, the Service Lead for Planning provided a list of the tree related enforcement cases recorded on the system since the start of 2017, with a brief summary of the case and the outcome.

Mark Williams clarified that from the information it can be seen that action is taken when necessary, but also that it is not feasible to take action in a lot of cases. With KPIs it is necessary to check if they focus on the right things, and what the key issue is in relation to trees. Whether there are enough trees and whether more should be planted across the district, rather than focussing on the reactionary issues such as complaints which are being dealt with. Mark Williams confirmed that at the meeting of the Senior Management team, it had been suggested that the team which was responsible for this area of work, the Tree Team, should be invited to identify which measures might be effective in dealing with these issues. He suggested that members wait for officers to report back on measures they considered would be helpful.

Councillor Howe confirmed that the Countryside Team were engaged in a Systems Thinking Review and the Planning Team was putting a new IT system in place, so they needed time to consider options before reporting back to committee.

The Chair proposed that a performance measure in relation to trees was desirable and officers would be asked to explore this and report back to Scrutiny Committee.

RECOMMENDED to the Service Leads for Countryside & Arts, and the Planning Service

“That officers consider key issues in relation to trees across the District, particularly whether there should be more planting, with a view to proposing a new Key Performance Measure and reporting back to Committee in six months time.”

***36 Update report on Street Trading**

This report provides an update for the Scrutiny Committee on the implementation and delivery of Street Trading since changing to a Consent designation on 2 October 2017.

Comments and questions included the following;

Question relating to paragraph 3.3. Has this led to an increase in street cleansing due to litter? The response was that 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, which is checked.

Question relating to paragraph 4.3. Has anything resulted from Street Trading which has had an adverse impact on established businesses? The response was that this has not been noticed at present. The team are mindful of possible impacts and it is a policy to review applications which conflict with local businesses.

Question relating to paragraph 5.2. There are groups such as Plastic Warriors which operate in Sidmouth effectively, so how can we encourage such groups to develop across the district?

The response was that there are 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 Chair confirmed that the clean up after Tar Barrels was a spectacular and comprehensive success through initiatives such as the £1 deposit scheme on plastic mugs.

Question relating to situations if traders were not willing to address the issues. Steve Saunders confirmed that legislation allowed the team to create conditions on the application. This issue could be factored into license conditions and was an area of work to be developed further in 2019.

Question relating to Cranbrook. Cranbrook is designated a healthy town according to NHS regulations, so why was it allowed to have another take-away license approved? Steve Saunders confirmed that it appeared to be an emerging trend of traders from elsewhere to try to operate in Cranbrook. On this particular issue, the Town Council did not object to the street trader but a resolution was subsequently passed on whether to object or not. The licensing team are currently awaiting a view from the Town Council.

Question. Will there be a review of commercial charges for businesses in spring 2019, which would increase resources and enable greater control? Can food hygiene certificates be displayed? The response was that a report was taken to the Licensing & Enforcement Committee this week on this matter and a further report would be prepared for February identifying a fee structure for commercial premises. There are businesses reacting to changes in licence applications, and there is an option to review existing licences. This will be developed further in 2019.

Question relating to staffing in the Licensing team. Has an extra full time post been created in the team? The response is that a post was factored into the budget for 2015/16 and is now in place.

Question relating to comparative statistics. Are any statistics available to compare the situation before and after the changes to street trading? Steve Saunders confirmed that there were no comparative figures because it was a prohibited scheme prior to October 2017. Since then, they had processed 175 applications which represented between 2-3,000 individual traders.

Question relating to the impact of an increased workload due to street trading changes, on other areas of work. Steve Saunders confirmed that there had been an increased workload but the team had been able to deal with this over the year. The team have two performance indicators relating to the number of licensed premises inspections and number of taxi inspections, and since the team has been fully staffed, there have been no backlogs or missed deadlines. Proactive work has taken a back seat but all statutory work has been completed.

Question relating to other events such as the 'Gate to Plate' event in Honiton. The response was that the Licensing team are regulators and not events organisers, so ensure that all events are safely regulated.

Question relating to work between the Licensing Team and Streetscene. The response was that progress has been positive with the Events Manager recruited by Streetscene working closely with the Licensing Team's Street Trading officer. There is streamlining of the application process to be done which requires the input of Strata, but coordination is much improved since 10 months ago.

Councillor Steve Hall, Chairman of the Licensing Committee, commented that the team had been aware of the increased workload over the last year but there had been no complaints from the police or public. The regularisation of matters had put a much stricter regime in place, fees will be received and issues can be progressed on some very complicated events which take place in the district.

The Chair wanted to record the thanks of the Committee to Steve Saunders and Councillor Hall for attending, and proposed a recommendation which was agreed unanimously.

RECOMMENDED to Cabinet

"That Cabinet endorse the Street Trading Policy of using biodegradable materials wherever possible and not relying on single use plastics as indicated in their report to Scrutiny Committee (Item 10, paragraph 4.1) and support a reduction in plastic waste."

***37 Review of the Planning & Planning Policy Service Plan**

At its meeting on 5 July, 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. The review continues with consideration of the current service plans for the [Planning & Planning Policy Service](#).

The Chairman stressed that questions and comments should be about the service plan, and should not go into planning and strategic planning issues where the remit rests outside the Scrutiny Committee.

Comments and questions included the following;

Question relating to Item 9 of the Service Plan. Are there lessons to be learnt about appeals which are lost? Ed Freeman confirmed that there are always lessons to be learnt about appeals and there is a monthly report to Development Management Committee (DMC) and an Annual Report on the issue. The performance of EDDC is on a par with other Local Authorities, with approximately two thirds of appeals being dismissed and one third being upheld.

Question relating to Item 15 of the Service Plan. Where can the Brownfield Land Register be accessed? Response, on the website.

Question relating to Items on page 10 of the Service Plan – building control and high quality homes. Which of the big developers use their own building control services, and does quality suffer as a result? Ed Freeman confirmed that the Council do not have building control in every development across the District but do have a good market share. In some developments,

inspections are not as thorough or as frequent when private companies inspect, compared to when the Council do. However, all developers have to comply with legislation and standards. In the case of unhappy customers, following Grenfell, there has been a review of Building Standards and inspections, so changes to legislation are anticipated.

Question relating to Items on page 11 of the Service Plan – District Design Guide. Is there a move to ensure minimum home space standards are adopted? The response was that the Design Guide cannot deal with this issue which must be addressed through the Local Development Plan, which will be reviewed next year, and through similar documents like the Cranbrook Development Plan.

Question relating to whether the Design Guide will be completed by late 2018. The response was that the Design Guide has been delayed due to the officer resource being committed to the production of the Heritage Strategy, which has been completed on time. The Design Guide should be ready before March 2019 and ready to send out for consultation.

Question relating to flood mitigation measures. Exmouth continue to have problems including sewerage entering people's homes. With heavy rainfall and high tides, water cannot run off to the Exe and so flooding the streets, hence the reason for a Tidal Defence Scheme which will cost £13m. The system was constructed in Victorian times and cannot keep up with new developments, but 700+ houses are planned for the area. A conversation is required with South West Water (SWW) involving Planning. Ed Freeman confirmed that he would be happy to attend a meeting with SWW. He had recently attended a meeting of Lympstone's Flood Resilience Group with the Environment Agency and SWW where it was explained that there was no action they could take. SWW are required to connect developments and create the necessary infrastructure for this, but not to challenge or comment on applications, so they also end up picking up the consequences.

Question on what would be different between the existing Service Plan and the one in development for 2019/20. Ed Freeman confirmed that they will continue to deal with business as usual, but also undertake a number of policy and service improvements. This will include a Local Plan Review and progress on the Greater Exeter Strategic Plan (GESp) mid to late 2019. The Service is also hoping to encourage diversity in housing delivery. The government is encouraging more housebuilding and EDDC wants to encourage more self-build and small to medium house builders who are more likely to diversify and produce high quality properties. The District needs a mix of housing stock and additional care places, and homes for young people and older people with mobility difficulties. Alongside this will be a proactive approach to unlocking sites and bringing them forward for such developments.

The service had attempted to recruit a Development Delivery Manager unsuccessfully but are now planning to use specialist agents to do so.

In terms of service improvements, there are planned improvements to the website and increasing public access through better software, and improving the quality of plans available to view, and generally improve planning business online.

The National Planning Policy Framework has changed and the Design Guides need to catch up.

The chair asked whether there would be additional funding bids for staffing next year. Ed Freeman confirmed that there would be no new bids but with a caveat that resources were put aside for two officers to support the GESp team two years ago and since this arrangement was coming to an end, a request had been made to extend this for a further two years to complete the work of the GESp.

Questions relating to gaps in services. Ed Freeman stated that efforts to resolve access to the S106 officer and information on monies for Parish Councils would be addressed by the setting up of a public portal. The portal needs further work by Strata presently, but it is hoped that

Parish Councils will be able to log onto the portal and bring up a table which will calculate how much money is involved in their area. This will reduce the demand on the officer's time so that they can work with local councils more closely, and it is anticipated that this will be in operation next spring. The transfer of data into the new back office system that will feed information to the portal should be completed before the end of the year. In the meantime, the Section 106 officer is trying to balance her time between completing this work and engaging with the town and parish councils when she can. There are two officers currently working respectively on S106 monies and on Community Infrastructure Levy (CiL).

Question relating to the length of time to download planning documents. This is a technical issue which will depend both on EDDC systems but also the Broadband download speeds available to the user.

Question relating to S106 monies. Can it be lost if it is not used within a certain period of time? Ed Freeman confirmed that this indicated the importance of making the data as accurate as possible. Whilst timeframes vary in agreements, the risk is that money disappears if it is not used after five years, but this is dependent upon developers asking for the money back. Ed could not recall a developer doing so.

The Chair asked if Ed Freeman considered the KPIs to be appropriate for the service. Ed said that they were largely set by government and the KPIs reflect what is required, and are, therefore, appropriate.

The Chair wanted to record the thanks of the Committee to Ed Freeman and Mark Williams for attending the meeting and discussing the Service plan.

RECOMMENDED to the Service Lead for Planning

1. That the Service Plan for 2019/20 will make reference to appropriate actions in relation to trees.
2. That there will be an end date recorded for inputting data onto the system in relation to S106 monies.
3. That the Service Lead will take an action to explore the risk of losing unused S106 funds with a view to identifying blockages and speeding up the processes involved, and preventing long delays in future.

***38 Review of the [Streetscene Service Plan](#).**

Andrew Hancock introduced this item and made the following points;

- Streetscene is EDDC's largest frontline service area, accounting for over half the total general fund budget at around £9m.
- Streetscene is one of the council's services that affects every resident and visitor through the broad range of service areas it covers.
- It covers Beaches (visitor economy, seaside awards, tourist draw), Grounds Maintenance, Parks and Gardens, with 2 award winning Green Flags at Connaught and Manor. Public toilets and public realm maintenance, Engineers who look after all of the built infrastructure outside such as bridges, coastal defence schemes and flood alleviation. Street cleansing helping to maintain the outstanding environment and making the landscape an area people want to live in, visit and enjoy.
- The largest single area of spend is the Recycling & Waste contract with a net cost of £3.5mil (all figures rounded). This achieves an income of around £1.5 mil through recycling sales and credits. Green Waste is set to achieve almost £100k in income in 2019/20.
- There is a large staff base with 107 FTEs, 80 of these are frontline service operatives.

- StreetScene services underpin many of the council's aims and objectives. This is done directly by delivering, promoting and protecting the outstanding environment through keeping things clean and green, providing award winning beaches and parks; or by supporting other objectives such as outstanding communities and economies by providing opportunities for health and wellbeing activities, great beaches and public spaces that help to support the visitor economy and the ability to support corporate projects such as Queens Drive Space to make them a success.
- When the work goes well, it goes largely unnoticed, and this is the case most of the time.
- It is known that residents are largely satisfied with the services provided; the recent Viewpoint survey feedback has scores around 70% and above for the services EDDC provides. Some headlines are:
 - o 90% satisfaction with the recycling green box collection
 - o 83% satisfaction with the rubbish bin collection service, after moving to 3 weekly. This really shows the success of leading with the improved recycling service, meaning residents can cope with their rubbish being collected every 3 weeks, as so much waste is now able to be recycled.
 - o 75% satisfied with parks and gardens.
 - o 85% satisfaction with beaches.
 - o 71% think litter is not a big problem.
- Full viewpoint feedback is available on the website.

Comments and questions included the following;

Question relating to the replacement of litter bins. Bins are not in the current plan but will be in the next plan for 2019/20. E.g There will be metal bins for Barbecues and more public information signs.

Question relating to Seaside and Blue Flag awards. The response was that a Seaside award will be sought for Sidmouth and a Blue Flag award will be sought for Exmouth. The latter does not just rely on water quality, but infrastructure issues such as lifeguards being available and so the bid will be taken forward carefully.

Question relating to district-wide public toilet provision. Has consideration been given to the implications for charging for their use, given the tourist population and age profile of residents?

The response from Councillor Tom Wright was that public toilets cost a lot to maintain but there will be no changes until all relevant considerations have been taken into account. The review may take longer than April 2019 but will be included in the forthcoming service plan.

The Chair asked what will be different in the next service plan. Andrew Hancock stated that business as usual will continue despite the financial constraints. Engineering projects will continue, there will be a pro-active tree planting objective and nature corridors. The plan will formalise a schedule of tree planting in more areas. Section 3b of the current service plan refers to managing the current tree stock.

John Golding stated that it is intended to expand the green waste scheme and review the recycling facilities at Greendale so that more items can be separated, which will increase income generation. The Parks offer will also be improved and the potential to run more events. Andrew Hancock is keen to trial the use of robotic mowers.

There is also work being undertaken in relation to the Health & Safety of Streetscene staff, because the nature of activities such as litter picking and tree cutting are inherently dangerous.

Councillor Bailey asked about the possibility of producing a video on the recycling process. Andrew Hancock confirmed that there was already a video on recycling and its end products on the website, with further plans to produce clips on the Woodbury trial; how the food waste

process works and the green waste process. This will be included in the draft service plan and covered in the section on digital communications.

Question relating to keeping the public informed on a regular basis. Cllr Wright stated that recycling rates are included in reports to Cabinet every month and are published on the website. In terms of where the waste goes, it is dependent upon cost. There are about eight different locations for recycling by EDDC and SUEZ will determine the location based on ongoing commercial pressures.

Question relating to the contributions of Town or Parish Councils to grounds maintenance works, such as grass cutting and weeding. Andrew Hancock stated that any Town or Parish Council could enter a contract with EDDC to undertake additional works, but the issues in Exmouth, for example, relate to contracts which Devon County Council (DCC) had withdrawn from during the austerity measures in 2010. EDDC is unable to work on land they do not own or pick up the work previously done by DCC within its existing resources.

John Golding referred to the Nature Recovery Corridor which was about allowing things to grow back in places which have not been allowed to previously. This is a new development which will be included in the forthcoming Service Plans for the Countryside and Streetscene teams, and will be undertaken in partnership with organisations such as the Devon Wildlife Trust and developers amenable to such an approach.

Question relating to SUEZ waste trucks depositing waste on the roads as a result of speeding and keeping their doors open instead of closing them. John confirmed that this spillage had been discussed with SUEZ as an issue, and they were trying to incentivise their staff to alter their practices accordingly. Cllr Wright suggested encouraging people to make complaints and take photos when they see this happening because SUEZ take it very seriously.

Question relating to the training of HGV drivers – are provisions in place to redeem the costs of training if drivers leave their jobs? The response was that training arrangements are put in place with penalties attached if an individual leaves within a certain period of time. Cllr Wright confirmed that SUEZ employ drivers who are contracted to work for at least two years after being trained.

The Chair asked if Performance Measures were appropriate to the service. John Golding responded that the majority of measures were appropriate but could always be refined. Some were defined by legislation whilst others were enshrined in contracts. Andrew Hancock confirmed that the measures were good, but were not likely to change very much.

In terms of gaps in services, Andrew stated that there were predictable pressure points and challenges in the future.

With increasing property growth, increased visitor economy and staycations, rising expectations and a longer season length due to climate change, EDDC resources are under continuing and increasing pressure. The challenge is to maintain standards set against financial constraints. The service continuously looks at technology to help (for example an autonomous mowers trail and new sweepers) to get more for less, but it is considered that soon there will be a need to increase the staff resource. The Medium Term Financial Plan includes items for this set against property growth in key towns such as Exmouth, Axminster, Seaton and Cranbrook.

In relation to the Recycling & Waste service, the biggest single service area, collecting from over 69,000 properties and projecting to reach 70,000 properties by June 2019. This will trigger the contract tipping point, increasing the amount EDDC pay to Suez to operate the service.

EDDC are now making over 525,000 collections a month.

EDDC has a recycling rate of 57%, but reaching 60% for the last 3 months.

There is a lot of work for a very small officer team of four to keep participation high, keep pushing education to increase our recycling rate. £1.5m of income is tied to recycling performance, and a 1% increase or drop equates to roughly £20k of income.

Recycling income is extremely volatile, tied to global markets and is currently depressed and not forecast to increase next year.

In relation to recruitment, especially agency/seasonal., there is a buoyant employment market making it difficult to recruit, especially to lower paid role and seasonal vacancies. EDDC relies on agency and seasonal workers to bolster teams in the summer when visitor numbers are high. Due to 10 years of budget pressure Streetscene are very finely resourced, so that if there is long term sickness (operations or injury), as occurred this summer and then an inability to recruit agency workers to back fill, it has a direct impact on the standards of cleanliness EDDC is able to provide. This is an area which may be further impacted by Brexit, although the proportion of non-UK nationals in the workforce is low.

The Chair asked about preparations for Brexit. John Golding referred to a variety of issues which may be affected including Emergency Planning, fuel shortages, the impact on Environment Agency monies available for coastal defence work.

The Chair wished to record the thanks of the committee to Andrew Hancock, John Golding and Cllr Tom Wright for attending and discussing the future service plan.

Recommended to Cabinet

1. that this committee seeks endorsement for the new approach in developing Nature Recovery Corridors across the District.
2. that this committee seeks the continuing support of Cabinet to expanding the Green Waste Service.

***39 Quarterly monitoring of performance – 2nd quarter 2018/19 July to September 2018**

The Chair asked members for any pressing issues with this report. None were raised, so it was duly noted.

***40 Scrutiny forward plan**

The Chair raised the issue of the referral from DMC on 30 October involving SW Water, and extending an invite from the Scrutiny Committee to a representatives to attend a future meeting. This was agreed and they would be asked to attend one of the meetings in early 2019, as soon as possible.

In relation to Broadband, and given the highly critical email circulated recently about Gigaclear, it was agreed to discuss the issues earlier than in six months' time as suggested at the last meeting.

Cllr De Saram had circulated a Scrutiny Flow Chart from Devon County Council which he suggested that members read with a view to using it in the drafting of the Annual Report from the Chairman on the work of the Committee. This was agreed.

Members agreed to consider a review of how the system of S106 and CiL monies was operating.

Cllr Rixson suggested that there was a review on the health of our High streets. The Chair requested that Cllr Rixson draft a scoping paper on the issues and circulate it to members.

The Chairman closed the meeting at 8.32pm.

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

Scrutiny Members present:

Brian Bailey
Bruce De Saram
Maddy Chapman
Roger Giles
Simon Grundy
Stuart Hughes
Cherry Nicholas

Val Ranger
Marianne Rixson
Eileen Wragg

Other Members

Megan Armstrong
Susie Bond
Paul Carter
Jill Elson
Peter Faithfull
Steve Hall
Mike Howe
Tom Wright

Officers present:

Mark Williams - Chief Executive, Strategic Lead for Planning
John Golding – Strategic Lead – Health, Housing and Environment
Andrew Hancock – Service Lead - Streetscene
Ed Freeman – Service Lead - Planning Strategy and Development Management
Simon Davey – Strategic Lead - Finance
Steve Saunders – Licensing Manager
Anita Williams - Principal Solicitor & Deputy Monitoring Officer
Sue Howl - Democratic Services Manager

Apologies from Scrutiny Members:

Cathy Gardner
Graham Godbeer
Darryl Nicholas
Eleanor Rylance

Apologies from Non – Scrutiny Members:

Geoff Jung
Pauline Stott

Chairman Date.....