

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Overview and Scrutiny Co-ordinating Committee held at Knowle, Sidmouth on 27 January 2010

Present:

Councillors:

Ray Bloxham (Chairman)
Bob Peachey (Vice-Chairman)

Peter Bowden
Iain Chubb
Chris Gibbings
Roger Giles
Graham Godbeer
Steve Hall

David Key
Jim Knight
Frances Newth
Marion Olive
Helen Parr
Ken Potter
Graham Troman

Officers:

Simon Davey – Head of Finance
John Golding – Head of Housing
Karime Hassan – Corporate Director
Peter Jeffs – Corporate Director
Karen Jenkins – Head of Organisational Development
Debbie Meakin – Democratic Services Officer
Andrew Seddon – Senior Solicitor
Mark Williams – Chief Executive

Also Present

Councillors:

Vivienne Ash
David Atkins
Graham Brown
Geoff Chamberlain
Paul Diviani
Jill Elson
Stuart Hughes
Douglas Hull

Ann Liverton
Graham Liverton
Andrew Moulding
Sara Randall-Johnson
Tony Reed
Phillip Skinner
Pauline Stott
Tim Wood

Apologies:

Christine Drew
Stephanie Jones
Eileen Wragg
Steve Wragg

Diccon Pearse – Corporate Director

The meeting started at 6.30pm and ended at 8.57pm.

***29 Public question time**

There were no questions from the public raised at this point of the meeting.

***30 Minutes**

The minutes of the meeting of the Overview and Scrutiny Co-ordinating Committee on 18 November 2009 were confirmed and signed as a true record.

***31 Declarations of Interest**

Councillor/ Officer	Agenda Item	Type of interest	Nature of interest
Councillor Jill Elson	8. Draft Service Plans and Budget 2010/11	Personal	Chairman of the Exmouth & District Community Transport Group (Ring and Ride)
Councillor Bob Peachey	8. Draft Service Plans and Budget 2010/11	Personal	Representative on the Exe Estuary Project
Councillor Jim Knight	8. Draft Service Plans and Budget 2010/11	Personal	Member of Seaton Town Council running the TIC
Councillor Steve Hall	8. Draft Service Plans and Budget 2010/11	Personal	Member of Budleigh Salterton group running the TIC
Councillor Vivienne Ash	8. Draft Service Plans and Budget 2010/11	Personal	Council representative on TRIP
Councillor Douglas Hull	8. Draft Service Plans and Budget 2010/11	Personal	Wife is representative on Ring and Ride Scheme
Councillor Graham Brown	8. Draft Service Plans and Budget 2010/11	Personal	Chairman of East Devon Business Forum
Councillor Andrew Moulding	8. Draft Service Plans and Budget 2010/11	Personal	Representative on "Making it Local"
Councillor Paul Diviani	8. Draft Service Plans and Budget 2010/11	Personal	Chairman of "Making it Local"
Councillor Chris Gibbings	8. Draft Service Plans and Budget 2010/11	Personal	Council representative on CAB

32 Draft Service Plans for 2010/2013 and Budget for 2010/2011

The Leader took the opportunity to circulate amongst Members a draft Executive Board report which was due to be issued on Monday 1 February. The report outlined the proposal to share services with South Somerset in order to achieve savings. She outlined the advantages of sharing services with South Somerset in terms of the similarities with East Devon, which included that both areas comprised of market towns; both Councils were politically stable; and both shared common corporate priorities. She emphasised that the proposals were concerned with sharing services and therefore saving money, whilst each Council would retain its sovereignty. She urged Members, in their duty to manage the public purse, to consider the potential savings that could be made in order to help retain funds for front line services.

32 **Draft Service Plans for 2010/2013 and Budget for 2010/2011 (cont.)**

Mark Williams, Chief Executive, reminded Members that even if they were in agreement with sharing services, and assuming that there would be an increase in Council Tax higher than 2%, the budget would still need to be supplemented by £600,000 from reserves. Reserves were being depleted to the level that urgent action needed to be taken, and any savings indentified, as in those presented to the Committee, would help.

At this point in the meeting, Mr John Dyson of Sidmouth outlined the use of the Ham and Manor Road car parks in Sidmouth, voicing his concern about proposed car park charge increases proposed despite his earlier consultation with the Portfolio Holder for Economy. He urged the Committee to give the Towns and Parishes another opportunity to discuss a way forward to help increase revenue for underused car parks rather than accepting a flat increase on all charges.

The Chairman referred Members to the recent meeting of the Economy Overview and Scrutiny Committee, where several Chamber of Commerce representatives had raised concern about the increase in car park charges. He also outlined the savings to the public in purchasing season tickets. Many Members also added their support to the recommendation of the Economy Overview and Scrutiny Committee for the Portfolio Holder of Economy to speak directly with the Chambers of Commerce; and to increase publicity on the value to the public of season tickets.

The Chairman gave a brief synopsis of the work of the Task and Finish Forum on 18 January 2010 and the recommendations made as a result.

In response to a question about the remit of investigating sharing services, the Chief Executive outlined to Members the agreement in principle at both Executive Board and Council to sharing services with another authority. The authority with which to share was debated, including Mid Devon District Council, Exeter City Council and West Dorset District Council as well as South Somerset District Council. He advised Members that further options could be explored if they wished, but said that the other authorities had already been approached and due to barriers and difficulties there was no imminent likelihood of another viable option for the Council other than sharing services with South Somerset. If no sharing of services was undertaken, much more drastic action would need to be taken in a major management restructure to achieve savings, which would adversely impact on service delivery.

In response to a question about sharing services with Teignbridge District Council, the Leader outlined the long history of considering linking with Exeter back when David Milliband brought the unitary concept to the fore. She also outlined the unit costs that the County Council had proposed for taking on some shared services, such as audit and payroll, but the unit costs were too high, and could be delivered in house at less cost. The Chief Executive also reminded Members of the performance record of South Somerset, and how that could help the Council to improve its services.

The Members reserved further debate on the issue of sharing services to the next meeting of the Executive Board on 10 February.

32 **Draft Service Plans for 2010/2013 and Budget for 2010/2011 (cont.)**

Members then considered the recommendations made by the Task and Finish Forum.

Streetscene

- RECOMMENDED**
1. that the increase in 15 pence and the other changes as per the circulated variance in car park charges be adopted;
 2. that a meeting be held with East Devon business organisations and the Economy Portfolio Holder to discuss the car parking charges in East Devon for future years;
 3. that the savings possible to regular car park users by purchasing season tickets be publicised;
 4. that £50,000 be removed from budget for car parks maintenance;
 5. that £50,000 be removed from budget for parks and pleasure grounds seasonal staff;
 6. that £82,210 be removed from budget for parks and pleasure grounds bedding/planting displays;
 7. that £8,570 be removed from budget for play equipment;
 8. that £18,080 proposed saving be kept in budget for public conveniences;
 9. that £81,940 proposed saving be kept in budget for street cleansing;
 10. that £3,000 be removed from budget for street nameplates.

Environmental Health: Out of Hours Noise Nuisance

- RECOMMENDED**
11. that half of the proposed £48,140 saving be kept in the budget for out of hours noise complaint service;

32 **Draft Service Plans for 2010/2013 and Budget for 2010/2011 (cont.)**

Proposed savings on contributions

- RECOMMENDED**
12. that £4,390 proposed saving be kept in budget for contribution to TRIP running costs;
 13. that £1,640 proposed saving be kept in budget for contribution to the Devon Racial Equality;
 14. that £23,030 be removed from budget for the grant to the EDVSA; future funding would be subject to a negotiated Service Level Agreement;
 15. that £7,140 proposed saving be kept in budget for the grant to the Community Council of Devon;
 16. that £10,000 proposed saving be kept in budget for the grant to Villages in Action;
 17. that £500 proposed saving be kept in budget for the sand sculpting competition;
 18. that £1,500 proposed saving be kept in budget for the contribution to Museums Officer;
 19. that £10,300 proposed saving be amended by 10% to £9,270 kept in budget for the contribution to the Exmouth Exe Estuary Project, subject to support from other partner agencies;
 20. that £58,820 proposed saving be kept in budget for the grant to the Citizens Advice Bureau.

Economy and Development

- RECOMMENDED**
21. that £10,000 be removed from budget for carbon management programme initiatives;
 22. that £6,780 be removed from budget for East Devon Business Centre phase 1 RDA workspace rental;
 23. that £24,070 proposed saving be kept in budget for TIC support. Portfolio Holder for Economy to offer an alternative saving to the same value;
 24. that £17,000 be removed from budget for funding to the Blackdown Hills AONB;
 25. that £5,000 proposed saving be kept in budget for practical support to the East Devon Business Forum;
 26. that £5,000 be removed from budget for contribution to Exeter & Heart of Devon.

32 **Draft Service Plans for 2010/2013 and Budget for 2010/2011 (cont.)**

Electoral Registration

- RECOMMENDED** 27. that £70 be removed from budget for electoral registration update costs with an amended increased figure to be reported to the Overview and Scrutiny Co-ordinating Committee for inclusion of electronic updates to Towns and Parishes.

Legal, Licensing and Democratic Services

- RECOMMENDED** 28. that £1,500 be removed from budget for Local Democracy Week;
29. that £8,400 be removed from budget for increase in Members' Allowances.

Organisational Development

- RECOMMENDED** 30. that £17,640 production costs for East Devon Talk and £3,000 photography for East Devon Talk be reduced to £6,000 in total for the overall production of the publication;
31. that £3,060 be removed from budget for PR packs produced by the Communications Team;
32. that £8,000 be removed from budget for the Best Councils Survey.

Finance

- RECOMMENDED** 33. that 9,630 be removed from budget for the housing benefit training contract;
34. that £24,060 proposed saving for the Community Fund be kept in the budget, but consider the potential to reduce that figure;
35. that £14,130 proposed saving for the Ring and Ride Grants be kept in the budget, but consider the potential to reduce that figure;
36. that £13,360 proposed saving for the Local Enquiry Offices be kept in the budget, but consider the potential to reduce that figure;
37. that £22,000 proposed saving for Corporate Subscriptions be kept in the budget, but consider the potential to reduce that figure;
38. that £59,280 proposed saving for Cemetery Grants be kept in the budget, but consider the potential to reduce that figure;

32 **Draft Service Plans for 2010/2013 and Budget for 2010/2011 (cont.)**

Councillor Jim Knight asked a question regarding the contribution to Seaton's odd job man. He advised Members of the benefit of the continued partnership working with the Town Council and that as a result, maintenance matters were progressed without referral to the Streetscene service for assistance. Members agreed that in principle, the concept should remain but were concerned that bringing this back into the budget would mean that saving would need to be made elsewhere.

RECOMMENDED 39. that contribution to the Seaton "odd job" man (at £6,280 as agreed in 2009/10) be agreed in principle.

Councillor Marion Olive highlighted the difficulties both town and parish councils had been under as a result of receiving information about the proposed savings, after setting their precept. Mark Williams agreed that this could be reviewed, looking to contact the towns and parishes in March to discuss the 2011/12 budget with detail of the medium term financial plan.

33 **CAA Organisational Assessment**

The Chairman reminded Members of their previous meeting where Martin Green discussed the impact of Comprehensive Area Assessment on councils. The report had been published, and Members considered the content of the assessment.

There were mixed opinions between concern on the scoring of 2 out of 4 for all the criteria in the assessment, to comparison with many other authorities who obtained the same or lesser score. Inconsistencies were identified in the report and many Members felt that any failings were already known and being addressed.

The number of corporate priorities, and having achievable targets, was also debated.

*34 **Ward Member role on Development Management**

The Chairman outlined the current inconsistent approach adopted by Ward Members on Development Management Committee when an application in their Ward was being determined. :

- Some Members took the view that they could only act as a Ward Member and therefore did not debate or vote on an application within their ward;
- Other Members gave their view on the application and remained to debate and vote.

There was a mixed response from Members, where some recommended that the status quo be retained with the assumption that Members of the Committee were able to inform the Committee about the application in their Ward, listen to all sides of the debate and take these into account before voting.

Other Members felt that by bringing an application to Committee, there was a strong perception by the public that the Ward Member had already made up their mind on the application, and therefore by voting, could be challenged for pre-determination. Not every ward was represented on the Development Management Committee membership and therefore some felt that the system was unfair to those wards not represented if the status quo was retained.

***34 Ward Member role on Development Management (cont.)**

Andrew Seddon, Senior Solicitor, explained that Members needed to be mindful of the difference between predisposition and predetermination; the main thrust of the available guidance was that Ward Members could still pursue their local constituency role at committee, having properly declared their pre-determined position and observed the guidelines on avoiding accusations of bias. The risk of voting when predetermination had occurred was that a complaint of maladministration might follow, and legal challenge in the event of a perverse decision on the application; but the risk was small and Members were advised to review all guidance available, and follow the good practice set out in the constitution.

The advice on predisposition, predetermination or bias and the code of conduct from the Standards Board had been recently updated from that published in the agenda papers, and would be circulated to all members. The updated advice is available from <http://www.standardsforengland.gov.uk/Guidance/TheCodeofConduct/Guidance/Topicguides/PredispositionPredeterminationorBias/#d.en.26591>

RESOLVED that no recommendation for change is made to the Development Management Committee at this time, that is, retain the status quo.

***35 East and Mid Devon Crime and Disorder Scrutiny Panel Update**

The Chairman updated the Committee on the first meeting of the Panel held that morning. The protocol had been agreed in principle but clarity was sought over the issue of the joint arrangements operating as a panel as opposed to a "crime and disorder committee" under the requirements of section 19 of the Police and Justice Act. The Panel would also be reviewing previous minutes and reports of the East and Mid Devon Community Safety Partnership with a view to developing a work plan.

***36 Update from the Chairman of Economy Overview and Scrutiny Committee**

Councillor Chubb informed Members of presentations from representatives of the business community. Car parking charges had been raised as an issue for some of the representatives as detailed earlier in these minutes. The meeting had also been an excellent networking opportunity and it was hoped that his Committee would continue to hear debate from the business community as a result.

***37 Update from the Chairman of Service Delivery and Performance Overview and Scrutiny Committee**

Councillor Hall advised Members of better attendance at the Committee and outlined some of the recent topics covered including the parks and gardens survey and improvement measures from the systems thinking reviews.

***38 Update from the Chairman of Communities Overview and Scrutiny Committee**

Councillor Mrs Parr advised Members of a report on the Affordable Housing Summit that had been presented to her Committee and the progress and actions needed as a result. She also commented on the Rural Manifesto from the Rural Services Network which clearly reflected some of the views of the Council and would feed into the Local Development Framework.

***39 Overview and Scrutiny Committees Forward Plans**

The Chairman advised Members that each Committee had been allocated specific areas of the Corporate Strategy to review for their future work plans.

Councillor Potter requested that there be a review of planning protocol; Councillor Gibbings suggested that looking at the work of the Audit & Governance Committee could be a future topic. Councillor Godbeer stated he would be happy to address the Committee if required on the work of the Licensing Committee. The Chairman noted these requests and would consider, along with the other Chairmen and Vice-Chairmen, at their next informal meeting.

Chairman Date.....