

**MINUTES OF THE MEETING OF SCRUTINY
HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY, 21 FEBRUARY 2008**

MEMBERS

* Cllr C M Pannell - Chairman

* Cllr K J Baldry - Vice-Chairman

∅ Cllr J H Baverstock

* Cllr P H Cook

* Cllr G J Fielden

* Cllr R D Gilbert

* Cllr J W Squire

* Cllr J A Westacott

* Denotes attendance

∅ Denotes apology for absence

Also in attendance at the invitation of the Chairman:

Cllrs H D Bastone, T J Hewitt, P W Hitchins, J T Pennington, M F Saltern
and R J Tucker.

Also in attendance but not participating:

Cllrs J I G Blackler, B E Carson and M J Hicks.

Officers in attendance for all items: Chief Executive and Member Support Services
Manager;

Item 7 (minute SC.45/07 below refers) Head of Improvement and Improvement
Programme Manager.

SC.42/07 MINUTES

The minutes of the meeting of Scrutiny, held on 17 January 2008, were confirmed as a correct record and signed by the Chairman.

SC.43/07 DECLARATIONS OF INTEREST

Members were invited to declare any interests in the items of business to be considered during the course of the meeting, these were recorded as follows:

Cllr P H Cook declared a personal interest in item 6: 'Martin Weiler, Devon and Cornwall Area Manager for the Environment Agency' (minute SC.44/07 below refers) by virtue of her husband's association with fish farming and remained in the meeting during the debate on this item. Whilst remaining in the meeting, Cllr Cook advised that she would not ask any questions in relation to fish farming.

SC.44/07

MARTIN WEILER, DEVON AND CORNWALL AREA MANAGER FOR THE ENVIRONMENT AGENCY

Mr Weiler gave Members a brief introduction informing the Group that he welcomed the opportunity to attend this meeting. Members were informed that the Environment Agency (EA) was an independent public body which was answerable to Parliament. The EA had a wide brief and acted as a regulator through the granting of waste licences, as an advisor and an operator through the building of flood defences, and dealing with potential emergencies. Mr Weiler did however emphasize that the EA was essentially about creating a better place for people.

Some of the EA's greatest challenges were the consequences of climate change, housing growth, waste and the impacts of agriculture especially soil degradation.

During discussion, particular reference was made to:

- a) funding for the EA. Members were informed that the tax payer contributed one-third towards funding and two thirds was raised from enforcement action against polluters and EA's regulatory functions;
- b) the EA's ability to promote their work activities through the use of the media and whether that media coverage should be paid for. Mr Weiler felt that such promotion was due to an effective public relations team that was adept at generating media interest. If the EA was to pay for such coverage, the cost would inevitably be passed on to the public via the regulatory work that was undertaken;
- c) whether the EA was actually required as a number of other agencies undertook similar work, for example Natural England and Devon Wildlife Trust. Members were informed that during the previous twelve years, the EA had received positive feedback from Government and Parliament, with the aforementioned agencies also having other subsidiary roles to fulfil.
- d) the role of the EA over the next ten years to help safeguard and improve water quality in the South Hams. Mr Weiler informed Members that the coastal waters, rivers and estuaries were a valuable asset for the area with bathing water quality generally being very good. South West Water's Clean Sweep programme had transformed the water quality in the area, however small problems had arisen which were previously hidden, for example private sewer discharge into some rivers.

It was noted that the Water Framework Directive asked for all partners to identify issues affecting the water in their area. The final aim of the Directive was to have a list of objectives to be achieved by 2015;

- e) what the EA would be doing to safeguard the future quality and quantity of drinking water in the South Hams, whilst also protecting the rivers from over-abstraction. Members were informed that the

Catchment Abstraction Management System examined how much water was available and how much could be abstracted, however, such methods could not be allowed to increase without considering water conservation measures. The quality of drinking water was an issue for the Drinking Water Inspectorate to consider;

- f) development on flood plain areas. Members expressed the view that refusal of planning applications for development on flood plains was often overturned by the Planning Inspector. It was also considered that the EA had a lack of power to address such an issue. Mr Weiler informed Members that the recently published Pitt Report had recommended that a key future proposal would be that should a local planning authority permit development in a flood plain area, the decision could be referred to the Secretary of State;
- g) the anticipated impacts for the South Hams regarding the revised criteria for the Bathing Water Directive. Members were informed that the revised criteria would require higher bathing water standards, and placed a greater emphasis on informing the public about the quality of bathing water;
- h) the next round of 'Asset Management Planning' for the water company in the South Hams. Members were informed that every five years, the local water company agreed an investment programme with OFWAT. Ideally the EA would like to see some of the problems that were unmasked by the Clean Sweep Programme addressed in this programme;
- i) specific areas of flooding. A local Ward Member highlighted two incidents of repeated flooding in his local area. The Member stated that numerous attempts had been made by himself, the second Ward Member, a Devon County Council Member and the Local Member of Parliament to try and resolve the issue. All involved had become frustrated with the length of time taken to resolve such problems. In response, Mr Weiler informed the Group that this problem lay at the heart of the Pitt Report as previously it was not clear who was responsible for surface flooding incidents. The Pitt Report appeared to suggest that the strategic responsibility for surface water should be within the remit of the EA;
- j) whether the EA had a policy on wind turbines. The Group was informed that wind turbines were not part of the EA's mainstream work activity. However, the EA was broadly supportive and recognised the need for renewable energy;
- k) the river Yealm being polluted by industrial estates located further up stream. In response, Mr Weiler informed the Group that the EA could pursue any polluters through the Criminal Justice System. Increasingly, it was noted that the courts were taking environmental crimes more seriously and had been granted greater sentencing powers;

- l) the considered primary failing in the South Hams of the EA. In response, Mr Weiler felt that the EA had failed to adequately encourage the community to recognise their responsibility for environmental stewardship. The culture was such that people had not yet realised that the environment was the areas greatest asset and that it was in their own interest to maintain and protect it;
- m) possible cost implications to the local authority arising from the recommendations of the Pitt report. Members were informed that Sir Michael Pitt had issued an interim report and any concerns regarding possible funding implications should be submitted by the local authority to Sir Michael Pitt's team during this consultation stage;
- n) Dartmouth flood plain. A local Ward Member questioned whether the Dartmouth flood plain would be included in the EA's future plans. Mr Weiler informed the Members that Dartmouth was on the list of future work projects alongside a number of other areas. However, a scheme to upgrade the flood defences was programmed to start the design stage in 2011, but this was a constantly changing date. Mr Weiler confirmed that he would establish who had responsibility for the current emergency planning arrangements for Dartmouth and, ensure that the answer was fed back to the Group;
- o) the role of the EA in the planning process. It was noted that the EA tried to submit its recommendations relating to planning applications as soon as possible to ensure that its views could be fully considered prior to determination at the Development Control Committee.

In closing the debate the Chairman thanked Mr Weiler for his informative presentation and taking the time to respond to Members questions.

SC.45/07 **PERFORMANCE INDICATORS – PROGRESS REPORT**

Members considered a report which informed them of the Council's achievement against selected Performance Indicators (PIs) for quarter 3 within 2007/08. Members were informed that the layout of the PIs had changed in an effort to save paper. Officers drew Members attention to indicator BV12 of the presented report, and informed them that the 'Total to Date Target' should in fact be '8' working days lost due to sickness absence and not '27' as stated in the report.

During discussion, particular reference was made to:

- a) the difference in the number of calls answered and the actual number of calls made to the Council. The lead Executive Member explained that at times the volume of calls was very high and were being answered by a limited number of people. However, performance in this area had significantly improved due to a decrease in the number of calls related to waste issues;

- b) the purpose of the directional arrows in relation to ABC11 (No. of households on housing register) as it was a data only PI and the arrows were therefore irrelevant. In response, officers agreed to remove the arrows from the next report;
- c) an explanation of the 25.0% figure of the 'Total to Date Target' of BV199a (local street and environmental cleanliness – litter and detritus) in the presented report. In light of a number of Members expressing confusion regarding this PI, officers advised that they would try and provide a summary explanation to clarify how this PI was calculated;
- d) BV78b (speed of processing – changes of circumstances for housing benefit/council tax benefit claims). Having identified the problem in relation to BV78b, Members questioned what would be done to rectify the situation. Officers informed the Group that they would ascertain the answer to the question and feedback a response. As a general point, Members also felt that when a variant had not been met, it would be useful to have noted what measures were being taken to rectify the problem;
- e) Members expressed their disappointment that some of the figures for quarter 3 had not been submitted in time for the agenda to be published. Members strongly requested that the Executive ensure that the data within their areas of responsibility be provided on time for its inclusion into the report;
- f) Officer updates since agenda publication. Members were advised that PIs FS20 (Gershon on target with milestones: cash), FS21 (Gershon on target with milestones: non-cash), FS22 (total income on target) and OT30 (cost of street cleaning) had been updated since the publication of the report and continued to demonstrate a good performance;
- g) BV89 (satisfaction with the cleanliness of streets). In acknowledging that these results were obtained from the Satisfaction Survey, Members felt that the presented figures contradicted what was being expressed by parishioners and Town and Parish Councils.

RESOLVED

That Part A and Part B on the performance against the national and local indicators which form the Council's Balanced Scorecard, as set out in Appendix A of the presented report, for the 2007/08 performance indicator year be noted.

SC.46/07 **SCRUTINY SHADOWING ROLES**

Members confirmed that they were kept fully briefed by their Executive counterparts, and continued to meet frequently.

SC.47/07 **AGENDA ITEMS FOR FUTURE MEETINGS OF SCRUTINY**

Tone Leisure

Members noted that the meeting with Tone Leisure was no longer a joint meeting with the Audit Committee.

Standards Board

The Chairman informed the Group that an invite to the Standards Board had not yet been made due to content of the letter still being finalised.

Highways Agency

Members requested that a representative from the Highways Agency be invited to attend a meeting of Scrutiny to discuss junctions on the A38 amongst other issues.

Devon County Council Highways Authority

Scrutiny also wished for a representative from the Highways Authority to be invited to attend a future meeting.

Primary Care Trust (PCT)

At the Council meeting on 7 February 2008, a Member noted that they had been informed that the Kingsbridge Minor Injuries Unit would only operate extended opening hours during peak season (minute reference 85/07(f) refers). This was in contradiction to that stated at the Scrutiny meeting of 19 December 2007 (minute reference SC.31/07 refers). The Chairman informed the Group that following the meeting of Full Council a letter had been sent to Colin Pincombe, Non-Executive member of the PCT requesting that the situation be clarified.

Section 106 Progress Update

A Group Member requested that Gill Till Children and Young People Officer be asked to brief Members on the allocation of recently awarded lottery money, as well as informing Members how S106 monies was spent on children's facilities.

(Meeting commenced at 10.00 am and concluded at 12.30 pm).

Chairman