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Dear Councillor

## **SOUTH HAMS EXECUTIVE - THURSDAY, 1ST DECEMBER, 2016**

I refer to the agenda for the above meeting and attach papers in connection with the following item(s).

### **Agenda No    Item**

2.        **Urgent Business (Pages 1 - 12)**

brought forward at the discretion of the Chairman;

Overview and Scrutiny Panel Minutes – 6 October 2016

11.       **Reports of other Bodies; (Pages 13 - 24)**

to receive, and as may be necessary to approve, the minutes and any recommendations of the under mentioned body:

b) Overview and Scrutiny Panel – 24 November 2016

Yours sincerely

Darryl White  
Senior Specialist – Democratic Services

Encs



**MINUTES OF THE MEETING OF THE  
OVERVIEW & SCRUTINY PANEL  
HELD AT FOLLATON HOUSE, TOTNES ON  
THURSDAY, 6 OCTOBER 2016**

<b>Panel Members in attendance:</b>			
* Denotes attendance		∅ Denotes apology for absence	
*	Cllr K J Baldry	*	Cllr D W May
*	Cllr J P Birch	*	Cllr J T Pennington
*	Cllr J I G Blackler	*	Cllr K Pringle
∅	Cllr D Brown	*	Cllr M F Saltern (Chairman)
*	Cllr J P Green	*	Cllr P C Smerdon
*	Cllr J D Hawkins	*	Cllr K R H Wingate (Vice Chairman)
*	Cllr N A Hopwood		

<b>Other Members also in attendance:</b>
Cllrs H D Bastone, I Bramble, J Brazil, P K Cuthbert, R D Gilbert, M J Hicks, P W Hitchins, T R Holway, J A Pearce, R C Steer, R J Tucker, L A H Ward and S A E Wright

<b>Item No</b>	<b>Minute Ref No below refers</b>	<b>Officers in attendance and participating</b>
All		Executive Director (Service Delivery and Commercial Development) and Senior Specialist – Democratic Services.
3	O&S.24/16	IT Community Of Practice Lead and Contact Centre Manager
8	O&S.27/16	Development Management Officer
11 and 12	O&S.30/16 and O&S.31/16	Group Manager – Commercial Services

**O&S.21/16 WELCOME**

On behalf of the Panel, the Chairman welcomed Cllr J P Birch to his first Panel meeting.

**O&S.22/16 MINUTES**

The minutes of the meeting of the Overview and Scrutiny Panel held on 4 August 2016 were confirmed as a correct record and signed by the Chairman.

**O&S.23/16 DECLARATIONS OF INTEREST**

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

Cllr J D Hawkins declared a personal interest in agenda item 12(d): 'Task and Finish Group Updates – Events Policy' (Minute O&S.31/16(d) below refers) by virtue of being a member of the Dartmouth Regatta Committee but had left the meeting before the debate and vote on this agenda item;

Cllr P C Smerdon declared a personal interest in agenda item 12(b): 'Task and Finish Group Updates – Partnerships' (Minute O&S.31/16(b) below refers) by virtue of being a trustee of the South Hams Community and Voluntary Service and remained in the meeting during the debate and vote on this agenda item; and

Cllr M F Saltern declared a personal interest in Item 8: 'Sherford Development: Update on Proposals and Vision and Consideration of the Economic Benefits' (Minute O&S.27/16 below refers) by virtue of being the Vice-Chairman of the Ivybridge Academy Trust that was to include Sherford Primary School within its area.

## O&S.24/16 **URGENT BUSINESS**

The Chairman advised the Panel that he had agreed for one urgent item to be raised at this meeting that related to a verbal report from the lead Executive Member for Support Services entitled: '*Telephone System Update*'. This urgent item had been brought forward to this meeting in light of the recent (and ongoing) problems with the Council's telephone system.

### **(a) Telephone System Update**

The Executive Member for Support Services introduced this urgent item and specifically highlighted that:

- the fault was the responsibility of BT and the Council had developed a workaround solution;
- the implementation of the new fibre telephony system would lead to an increase in lines into the Council from 43 to 200, with the potential for this to increase further up to a maximum of 1,000;
- BT had now been in receipt of formal notice of the Council's intention to terminate its current contract. It was further confirmed that there was a 17 day notice period;
- in the interim, all telephone calls had been redirected to West Devon Borough Council and then forwarded on to the Council. However, the Member did acknowledge that the current automated message was unfortunate and should be revisited;
- realistically, the new telephony system would be fully operational by the second week in November;
- the new system would result in a financial saving to the Council.
- during the testing phase, officers were finding that the new system was much improved for both the user and the customer;

- despite the recent system problems, the Council had still received just over 25,000 telephone calls during September 2016. Whilst a more detailed performance report would be presented to a future Panel meeting, it was noted that performance was steadily improving.

In welcoming the update, a Member wished to thank the IT Specialist Officer who had been working over a number of weekends to rectify the problem. This view was subsequently endorsed by the Panel.

## O&S.25/16 **PUBLIC FORUM**

In accordance with the Public Forum Procedure Rules, the following questions had been received for consideration during this agenda item:

### **(a) Questions from Georgina Allen:**

- (i) *Could we please be informed of the precise steps that would need to be taken to remove T3 from the Joint Plan?*
- (ii) *Could you explain why it is necessary for an area to be in the Joint Plan for it to be enhanced? Surely it is possible to improve an area without it being in a document intended to explain where development will go?*
- (iii) *What covenants and charters cover the land in T3?*
- (iv) *Would the Council accept the outcome of a full referendum regarding whether or not T3 should be in the Joint Plan if the town council carried one out?*
- (v) *Seeing as the land in T3 is held in trust by SHDC, could the council explain how it can justify selling assets against the wishes of a community?*
- (vi) *Could the council please explain why they told a meeting of the market traders that none of the square would be built on, when they have plans for commercial units on the front and 20 houses on the back?*
- (vii) *Can T3 be taken out of the Joint Plan without it affecting the five year supply cover?*
- (viii) *How can T3 be left in the Joint Plan if it means the Neighbourhood Plan will fail its referendum if T3 is left in?*

### **(b) Question from Richard Szczepura:**

*The T3 area of Totnes in the Joint Local Plan is identified as a target for the building of some 70 houses. There are quite a number of recent and proposed developments in Totnes, such as the two new houses next to the Nursery car park, the submitted application for two affordable houses in Paige Adams Road and the proposed housing included in the outline plans for the Brunel site next to the railway station. Can account been taken of these houses, and future proposals, as an alternative to building in the T3 area?*

**(c) Question from Lyn Szczepura:**

*The T3 area of Totnes in the Joint Local Plan is identified as a target for the building of some 70 houses. If the identified car parks were to be built on, up 180 parking places would be lost in the centre of the town. A large number of residents living in central Totnes do not have private parking facilities and rely on these car parks. People in employment often need convenient access to their vehicles if they have to travel to work, without this their livelihoods could be affected. If these existing car parking facilities are removed, what plans are in place to provide essential accessible parking for residents?*

In the order that they were presented, Cllr Hicks (lead Executive Member) provided the following responses:

**Response to Question (a)(i):**

“The decision as to which proposals were included in the final plan sat with the individual Councils which made up the Joint Plan. The current plan (with a small p) was to finalise the preparation of the Plan sometime in early 2017 and we would not know until then what would, or would not, be included.”

**Response to Question (a)(ii):**

“The preparatory work which was completed before any proposal was included in the Plan, enabled a number of processes in the normal planning system to be partially completed. I believe the question included a misunderstanding about what a Local Plan was all about. It was a plan for an area for the future and included many aspects not just development. The aspiration of this Council had always been to support the furthering of the town centre amenity and operation subject to the necessary funding. Indeed, the development of the Town Centre over the last twenty years or so had been facilitated by this Council in conjunction with local organisations and the Town Council.”

**Response to Question (a)(iii):**

“I am not able to answer this question at this moment but we have our relevant legal officers working on it. As a matter of interest they have just completed a similar exercise for a site in Kingsbridge.”

**Combined Response to Questions (a)(iv), (v) and (viii):**

“The Local Plan process, which was now in its second year, was underpinned by the Neighbourhood Plan (NP) process. It was important to note (and N.P.Groups know this) that a Neighbourhood Plan had to accord with the Local Plan and this was a safeguard to limit the chance of either plan being found “unsound” by the Inspector.

There was no requirement for the Local Plan to be submitted to a referendum. This was, however, the requirement for Neighbourhood Plans. We believe the Neighbourhood Plan would not fail in Totnes.

The members of the group were responsible residents of Totnes and I am sure they would represent their findings accurately to the Town.

South Hams District Council was a legally constituted body with a formal constitution. We do not hold our assets “in trust” in the true sense of the phrase but our Constitution required that decisions about selling assets and, indeed, buying assets are made within a series of controlled processes. One important requirement was that these decisions were made in the best interests of the whole South Hams area.”

**Response to Question (a)(vi):**

“I am not aware of any meetings where such a broad ranging commitment had been made by this Council. However, we were supportive of the principal of a Market Square in the centre of Totnes i.e. within T3 and the questioner knew full well that there was a protection in force for this area. The difficulty came from defining the area exactly. This additional definition would be included in the Plan at Reg. 19. All those concerned could be assured that during the remaining process and any subsequent potential planning would be subject to a whole load of consultation, design etc. before any decisions were made and our interest would be enhancement – nothing less. Having plans (with a small p) did not mean a decision made. We were always considering new proposals.”

**Response to Question (a)(vii):**

“There was a very tenuous connection between T3 and a five year land supply. Such land supply was the result of a complicated and detailed calculation which was carried out at regular intervals throughout the life of a Local Plan and was applicable to the larger planning areas not local issues.”

**Response to Question (b):**

“It was wrong to assume that figures which were inserted in the Local Plan such as the 70 in T3 refers to houses per se. What we talk about when considering possible numbers on individual sites was dwellings. It was incorrect to refer to this as a target. It was just a possibility for consideration. One further factor. Because these were not targets they should not be used as sort of bargaining numbers.”

**Response to Question (c):**

“I would make the same comment concerning targets as in question b (above). Your question related to car parks. As the Local Planning Authority, we had given many assurances about the feared loss of car parking space in Totnes. Please accept our current assurance that car parking provision in Totnes centre would not be lost.”

In concluding this agenda item, the Chairman thanked the questioners and Cllr Hicks for his responses. Since the allocated fifteen minute time slot had expired, the Chairman advised the questioners that, if they wished to ask any supplementary questions, they should send them in writing to: [member.services@swdevon.gov.uk](mailto:member.services@swdevon.gov.uk)

**O&S.26/16 LATEST PUBLISHED EXECUTIVE FORWARD PLAN**

The Panel was presented with the most recently published Executive Forward Plan and, with no issues being raised, duly noted its contents.

**O&S.27/16 SHERFORD DEVELOPMENT: UPDATE ON PROPOSALS AND VISION AND CONSIDERATION OF THE ECONOMIC BENEFITS**

The Managing Director of Brookbanks Consulting Limited presented an update to the Panel that provided some background context, the current position of the project and the future proposals.

In the subsequent discussion, reference was made to:-

- (a) the positive feedback received from the recent Sherford Member Site Visit. A number of Members who had attended the visit wished for their thanks to be passed on to the Resident Engineer;
- (b) the ongoing developer commitment. The Managing Director confirmed that the three on-site developers each remained committed to the project;
- (c) housing build numbers being slightly below target (currently 250 per annum against the target of 360). The Panel was given assurances that there were no issues related to skills shortages at present, but this would continue to be closely monitored. In reply to a specific request, the Managing Director confirmed that he would let the Panel know after the meeting how many apprentices were working on-site;
- (d) affordable housing numbers. Members were informed that affordable homes were beginning to be constructed and, in light of planning permission having been granted for 20% within the first phase of development, this would equate to 550 affordable homes being built at this time. It was also agreed that the mix of affordable housing type for this project would be circulated to Members outside of the meeting. In quashing any rumours in this respect, the Managing Director stressed that there was absolutely no intention to transfer any affordable or market housing to any other local authority;
- (e) renewable energy. In light of technology advancements, the Panel was advised that there was every likelihood that more than the 50% target of energy demand on site would be met through renewable energy sources;
- (f) the on-site public realm. Whilst typically for such developments, the work on the public realm would commence once the first 700-1,000 properties had been sold, the Managing Director hoped that it may start at an earlier point for this project;



- (g) public transport provision. When questioned, it was confirmed that public transport provision would commence upon occupation of the 50<sup>th</sup> house;
- (h) highways issues. Some Members highlighted the detrimental impact from the project works on Deep Lane Junction, Elburton residents and the Plants Galore business. Whilst the disruption was felt to be both regrettable and inevitable, the Managing Director advised that he would nonetheless give further consideration to alleviating the problems and potential safety issues outside of the meeting;
- (i) the benefits of timber frame housing. A number of Members highlighted the benefits of using timber frame housing (e.g. off-site production, more environmentally friendly and faster construction);
- (j) phase two of the project. It was anticipated that a planning application for phase two of the project would be submitted within the next 12-18 months.

O&S.28/16 **NEW (NORTHERN, EASTERN, WESTERN) DEVON CLINICAL COMMISSIONING GROUP**

The Chairman introduced the Head of Commissioning and the Interim Director of Integrated Commissioning from NEW Devon CCG, who were in attendance to provide a presentation and respond to Member questions. In addition, the Head of Integration for South Devon and Torbay CCG was also in attendance in the event of any specific questions relating to that part of the South Hams.

The presentation included reference to the seven priorities of the NEW Devon CCG and how these were being delivered by the organisation. The Panel noted that the priorities were as follows:

- Urgent Care;
- Children and Young People;
- Elective Care;
- Individual High Cost Packages of Care;
- Health and Wellbeing Hubs;
- Mental Health; and
- Primary Care.

In discussion, the following points were raised:-

- (i) Some Members were of the view that the recent consultation exercise undertaken by the South Devon and Torbay CCG was very leading which brought into question the merits of the process. In reply, the representative advised that the questionnaire had been designed with a range of stakeholders being involved, however she did advised that the view of the Member had already been made on recent occasions. As a comfort, the Panel was advised that stakeholder meetings were ongoing and would help to form a set of proposals to be presented to the Governing Body during early 2017;

- (ii) With regard to the proposals specifically relating to Dartmouth, a local ward Member informed that the Riverview Care Home proposal was broadly supported. However, the Member urged the CCG to take account of the overwhelming majority of local residents and include provision for 8 dedicated hospital beds rather than the current proposal of 4, which was felt to be insufficient;
- (iii) A Member stated his view that the model to close Community Hospital Beds was a good concept. However, in reality, the concept did not work. In expanding upon the point, Members recognised that there were benefits to care at home, but emphasised that this was not always appropriate. In addition, a Member also highlighted the challenges arising from the rurality of the district and, as an example, made reference to the reluctance of a number of carers to be travelling on rural roads during the winter months;
- (iv) The representatives confirmed that the matter of some patients not being able to access services which were actually closer to their homes, but outside of the CCG geographical area of responsibility, was currently being reviewed across all CCGs;
- (v) In recognising the importance of Members being kept up to date with the workings of the CCGs, it was requested that the representatives be invited to provide a further update to the Panel at its meeting on 4 May 2017;
- (vi) A Member questioned how the CCGs could guarantee that older residents who lived on their own still received the appropriate level of care in their own homes. In response, the representatives advised that multi-disciplinary intermediate care teams had been established who met on a daily basis to ensure that care was in place and appropriate for an individuals needs.

## O&S.29/16 **JOINT SH/WD ECONOMY WORKING GROUP FINDINGS AND DELIVERY PLAN**

Members were presented with a report that presented a progress update on the work of the Joint Economy Working Group.

In the subsequent discussion, reference was made to:-

- (a) continuation of support for the Growth Hub. The Panel confirmed its support for the Working Group proposal whereby £3,000 of funding should be retained in the Budget to continue with the Growth Hub initiative;
- (b) the importance of the Economy priority. A Member emphasised the importance of this corporate priority and was of the view that the proposals should have sought more resource and capability to support the Economy;

- (c) the proposal to spend £8,000 to direct tailored support for up to 100 South Hams businesses from Business Information Point. If approved, it was confirmed that this proposal would be subject to a Service Level Agreement;
- (d) such were the close linkages identified between the work of the Economy Working Group and the Joint Local Plan Steering Group, that an additional recommendation was **PROPOSED** and **SECONDED** as follows:
- “That the Economy Working Group meet with the Council’s representatives on the Joint Local Plan Steering Group to progress those issues identified in the action plan that relate directly to the Joint Local Plan Policy and Allocation. “*
- (e) the statement that ‘SH had the lowest level of economic inactivity in Devon’. In expressing his surprise at this statement in Appendix 2 of the presented agenda report, a Member asked that the figures that supported this comment be circulated to the Panel.

It was then:

#### **RESOLVED**

1. That the Executive be **RECOMMENDED** that the short term Economy Delivery Plan (as attached at Appendix 1 of the presented agenda report), including using £8,000 from the Invest to Earn earmarked allocated reserve (as discussed in paragraph 5.2 below), be adopted;
2. That the work of the Joint Economy Working Group and the economy update ahead of the budget setting process be noted; and
3. That the Economy Working Group meet with the Council’s representatives on the Joint Local Plan Steering Group to progress those issues identified in the action plan that relate directly to the Joint Local Plan Policy and Allocation.

#### O&S.30/16 **PARKING ARRANGEMENTS FOR VEHICLE TAX EXEMPT MOTORISTS**

Members were presented with a report that sought to consider the recommendation to maintain the current parking charge arrangement for disabled motorists, who are also vehicle tax-exempt.

It was then:

### **RECOMMENDED**

That the Executive **RECOMMEND** to Council that the arrangements for disabled vehicle tax-exempt motorists remain unchanged, but that the public consultation in respect of this be repeated.

## **O&S.31/16 TASK AND FINISH GROUP UPDATES**

### **(a) Dartmouth Lower Ferry**

The Chairman advised that negotiations were currently ongoing with staff fully involved in the process.

### **(b) Partnerships – Update Report**

The Chairman made reference to the Task and Finish Group currently reviewing the submitted business cases for the CAB and CVS and it was still intended that an outcome report would be presented to the Panel meeting on 24 November 2016.

### **(c) Waste and Recycling**

In providing an update, the lead Executive Member for Commercial Services informed that:

- once 90% full, all recycling banks in the South Hams were now being emptied. Whilst the Group was still looking at service improvements in this respect, it was not deemed cost effective to empty banks whilst only half full;
- the round review was progressing well and it was anticipated that an outcome report would be ready during the Autumn;
- the Group was aiming to publish its findings on the recycling sack project before the end of December 2016.

### **(d) Events Policy Principles**

The Panel considered a report of the Events Task and Finish Group that presented a set of guiding principles that were proposed to be used to form the basis of the new Policy.

In introducing this agenda item, the Group Chairman advised that he had been made aware of some appetite amongst some of his colleagues for the proposed guiding principles to be published for further public consultation before a decision was taken.

In discussion, it soon became apparent that there were a strong difference of views amongst Members. As a principle, some Members expressed their support for the principle whereby events that were hosted on Council owned land (that would result in a consequent loss of income to the Council) should see the authority being reimbursed accordingly.

In contrast, other Members expressed their disquiet at the guiding principles and made particular reference to:

- the proposal being particularly contentious, mean-spirited and short sighted;
- the principle being front page news in local papers throughout the South Hams;
- the proposals being contrary to the 'Big Society' agenda, which would affect the semblance of volunteerism and the tremendous wellbeing that such events brought to local communities. As a consequence, these recommendations would bring into question the actual viability of a number of local events;
- the economic benefits arising from such events. As an example, a local Ward Member highlighted that it had been conservatively estimated that the Dartmouth Regatta event generated an additional £3.5 million to the local economy;
- the disparity whereby most of the proposed charges were set at £50 per day, whereas those events in Dartmouth were proposed to be £150 per day;
- the belief that the Council should in fact be working to preserve and support the traditions of the South Hams and its wonderful array of events.

Some Members of the Task and Finish Group proceeded to express their frustrations that a number of their colleagues had not expressed their deep frustrations at an earlier time during the review.

As a way forward, the overriding need to address the current disparity was recognised and still remained and the following motion was therefore **PROPOSED** and **SECONDED**:-

*“That the Task and Finish Group be reconvened with the purpose of focusing on the objective to ensure parity of fees and charges for events on SHDC land / premises.”*

When put to the vote, the motion was declared **CARRIED**. In addition, the lack of town based ward Member involvement on the Group was identified as a shortcoming. It was therefore agreed that Cllr P Cuthbert be added to the membership of the Group, with the lead Executive Member for Commercial Services also taking on an increased role during the review.

It was then:

### **RESOLVED**

That the Task and Finish Group be reconvened with the purpose of focusing on the objective to ensure parity of fees and charges for events on SHDC land / premises.

#### **(e) Permits Review**

The Panel noted that the first Group meeting had been held and the current list of permits had been initially considered. Furthermore, the next Group meeting had been scheduled to take place on Thursday, 20 October 2016.

#### **O&S.32/16 ACTIONS ARISING / DECISIONS LOG**

The Panel noted the latest log of Actions Arising and Decisions.

#### **O&S.33/16 DRAFT ANNUAL WORK PROGRAMME 2016/17**

In consideration of its Annual Work Programme, the following points were raised:

- (a) A further progress update on the Sherford project was requested to be added to the work programme for the Panel meeting on 6 April 2017;
- (b) Further to the request above (Minute O&S.28/16 refers), it was agreed that representatives from both of the local CCGs should be invited to attend the Panel meeting on 4 May 2017;
- (c) The Panel concluded that a briefing paper on the Street Naming and Numbering function would be useful and it was concluded that this item should be considered at a Panel meeting during early 2017;
- (d) Following a Member request for the Staff Survey Action Plan to be scheduled as a future agenda item, the majority view amongst the Panel was that this was an operational issue that was a matter for the Head of Paid Service. Officers did extend an invitation to any interested Members to meet with the Head of Paid Service and discuss the contents of the Action Plan outside of this meeting;
- (e) With regard to the 'Customer Services – Six Month Update' (scheduled for 24 November 2016 Panel meeting), Members requested that the period during which the telephony problems had arisen should be separated out from the rest of the performance data.

(Meeting started at 10.00 am and concluded at 12.40 pm)

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Chairman

**MINUTES OF THE MEETING OF THE  
OVERVIEW & SCRUTINY PANEL  
HELD AT FOLLATON HOUSE, TOTNES ON  
THURSDAY, 24 NOVEMBER 2016**

<b>Panel Members in attendance:</b>			
* Denotes attendance		∅ Denotes apology for absence	
*	Cllr K J Baldry	*	Cllr D W May
*	Cllr J P Birch	*	Cllr J T Pennington
*	Cllr J I G Blackler	*	Cllr K Pringle
*	Cllr D Brown	*	Cllr M F Saltern (Chairman)
*	Cllr J P Green	*	Cllr P C Smerdon
*	Cllr J D Hawkins	*	Cllr K R H Wingate (Vice Chairman)
*	Cllr N A Hopwood		

<b>Other Members also in attendance:</b>
Cllrs H D Bastone, I Bramble, J Brazil, R D Gilbert, M J Hicks, J M Hodgson, T R Holway, R J Tucker, R J Vint, L A H Ward and S A E Wright

<b>Item No</b>	<b>Minute Ref No below refers</b>	<b>Officers in attendance and participating</b>
All		Head of Paid Service, Executive Director (Service Delivery and Commercial Development) and Senior Specialist – Democratic Services
7	O&S.51/16	Community of Practice Lead: Housing, Revenue and Benefits
9	O&S.53/16	Group Manager – Support Services / Customer First, Contact Centre Manager and Specialist – Performance and Intelligence
10	O&S.54/16	Monitoring Officer
11(b)	O&S.55/16(b)	Community of Practice Lead – Environmental Health and Partnerships Specialist
11(e)	O&S.55/16(e)	Operational Manager (Environment Services)

**O&S.47/16 TONE LEISURE**

The Chairman reminded Members that, after ten years of managing the South Hams Leisure Centres, the Council was saying goodbye and thank you to Tone Leisure.

Both the Panel Chairman and Leader of Council proceeded to pay tribute to the excellent job undertaken by Tone Leisure and wished the organisation every success in the future. These tributes were echoed by a number of Members.

**O&S.48/16 MINUTES**

The minutes of the meeting of the Overview and Scrutiny Panel held on 3 November 2016 were confirmed as a correct record and signed by the Chairman.

**O&S.49/16 DECLARATIONS OF INTEREST**

Members and officers 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 C Smerdon declared a personal interest in agenda item 11(b): 'Task and Finish Group Updates – Partnerships' (Minute O&S.55/16(b) below refers) by virtue of being a trustee of the South Hams Community and Voluntary Service and remained in the meeting during the debate, but abstained from the vote on this matter.

**O&S.50/16 PUBLIC FORUM**

In accordance with the Public Forum Procedure Rules, no items were raised at this meeting.

**O&S.51/16 LATEST PUBLISHED EXECUTIVE FORWARD PLAN**

The Panel was presented with the most recently published Executive Forward Plan.

In the general discussion on the Plan and, in accordance with Procedure Rules, a Member had given notice of his wish to ask why those Members who did not serve on the Local Authority Controlled Company (LACC) Joint Steering Group (JSG) had been refused access to the draft legal advice from Bevan Brittan.

Having previously been made aware of this request, the Chairman advised that he had sought clarity from the Monitoring Officer on the following questions:-

1. *Do Members have an underlying right to "any" documentation held by the Authority?*  
  
*(Could you quote the relevant para in the Constitution?)*
2. *Is it within the jurisdiction of the LACC JSG to decline to issue documents requested by Members. Or is it within your remit to consider the appropriateness of requests as Monitoring Officer.*
3. *Were you consulted on this issue and if so what was your advice?*
4. *If a request was made under FOI would the Bevan Brittan report be able to be issued?*
5. *Would it be treated as Exempt and if so on what grounds?*



The Chairman had received a response from the Monitoring Officer to his questions, which he proceeded to read (and agreed to circulate to the wider membership). The statement read as follows:

*“Constitution-wise, the starting point is the Protocol on Member / Officer Relations which covers the issues surrounding ‘Access to Information’ (please see paragraphs 24 – 32 in the Protocol on the Council’s website (<http://shdcweb.swdevon.lan/article/1815/Our-Constitution>)).*

*The general principles are that the Council wishes to conduct its business as openly as possible and to give Councillors maximum access to information in order to enable them to discharge their role as Councillors and information is provided to Members on what is commonly known as a ‘need to know’ basis. Under FOI, we would not release the Bevan Brittan advice note, as it legal advice provided to the Council to enable it to make an informed decision on the LACC and the argument of legal privilege would apply.*

*In short, I was at the JSG meeting on 14 November when this was discussed, and I had previously been consulted for my views. These were reflected in the JSG’s response on the question of releasing the BB advice note at this point.*

*It is not the case that Members will not see the Bevan Brittan advice (which will be ultimately available as an exempt item) but that it is not appropriate to circulate it at this point in time. The reason that it is a timing issue, is that the Advice Note has been commissioned by the JSG in order to enable it to make informed recommendations to the Council on whether it should go ahead with the LACC and to provide responses to the issues of concern raised by Council in July 2016. The Advice Note is therefore very much a working document with currently unresolved issues (the JSG does not yet have the complete picture itself) and it is very much a question of timing rather than saying that Members are not entitled to see it at all. I do consider that the JSG is entitled to make this decision (which was unanimous across the parties at the meeting).”*

In citing the relevance of all Members receiving this advice prior to a number of upcoming Member workshops on the LACC, the following motion was then **PROPOSED** and **SECONDED**:-

*‘That the Bevan Brittan legal advice on the LACC be disclosed immediately to all Members.’*

When put to the vote, this motion was declared **LOST**.

Specifically regarding the Reserved Matters workshop on 1 December 2016, it was requested that the latest proposals relating to a Board Structure and Governance arrangements be presented to this session

At this point, the meeting proceeded to consider the remaining items on the Executive Forward Plan for which advanced notice had been given.

A report was considered that asked the Panel to consider the draft South Hams & West Devon Homeless Strategy 2017-2022 in order that it could be published for consultation with a view to Council approval and adoption from 1 April 2017.

In the ensuing discussion, reference was made to:-

- (i) praise being extended to lead officers and the Task and Finish Group. A number of Members wished to put on record their gratitude for the production of such an extensive (and excellent) Strategy document. In addition, Members also paid tribute to the Council's housing officers, who they considered to do a fantastic job in often incredibly difficult circumstances;
- (ii) central government grant funding. The Panel was advised that the Council received a grant of £83,594 towards homelessness prevention. In citing some examples, officers advised that the monies had been used to progress some creative ways of preventing persons from becoming homeless. Members noted that the 'Homelessness Prevention Bill' was likely to become statutory legislation imminently. The Bill was likely to have resource implications for the Council and it was hoped that funding would be made available by central government accordingly;
- (iii) the limitations of short-term tenancies. It was widely acknowledged that short-term tenancies were a problem and it was hoped that the announcements made in the Government's recent Autumn Statement would help in this regard;
- (iv) homeless numbers being on the increase. A Member highlighted the national upward trend on homeless numbers and called on the Council to give consideration to increasing the provision of social and genuinely affordable housing;
- (v) the recent rough sleepers count. Whilst accepting that the recent snapshot exercise had its limitations, it was noted that the Council was working pro-actively in this respect. Unfortunately, Members accepted that it was a fact that some rough sleepers simply did not want to be housed and officers were working hard to best support these individuals;
- (vi) the working relationship with Shelter. It was confirmed that working relations between the Council and Shelter were excellent and there was a very good rapport between the officers of both organisations.

It was then:

### **RESOLVED**

1. That the content of the draft Homeless Strategy 2017-22 be noted; and
2. That the Executive be **RECOMMENDED** that the Homeless Strategy 2017-22 be published for public consultation from 13 December 2016 to 13 February 2017.

### **(b) Allocations Policy and Devon Home Choice Policy Review**

The Panel considered a report that sought a recommendation to the Executive to make no changes to the Devon Home Choice Policy at this time.

In discussion, the following points were raised:-

- (a) A number of Members expressed their deep reservations regarding the Devon Home Choice (DHC) partnership. Particular concerns highlighted included: the whole arrangement being overly bureaucratic; the belief that policy rules were not being correctly applied and the perceived lack of transparency.

Such was the extent of these concerns that some Members wished for a firm steer to be given in the proposed comprehensive review whereby alternative options to leave the partnership should be actively pursued and that work should commence as soon as was practically possible. In addition, the Council had traditionally been swayed from leaving the Partnership by the potential cost implications, however it was felt that the Review should not be unduly influenced by this argument.

Similar concerns were also raised by Members in relation to the Choice Based Lettings Scheme and it was recognised that some local authorities had already opted to move away from this approach of allocating housing.

Assuming that the Executive was supportive of the Panel's recommendations, it was felt that the comprehensive review was likely to be an ideal piece of work for a Task and Finish Group to undertake and officers were encouraged to complete a Scrutiny Proposal Form for future consideration;

- (b) A Member felt that there was apparent duplication in the policy regarding armed forces personnel. In reply, the lead Executive Member gave an assurance that everything possible was done for armed forces personnel and the policy did not place them at a disadvantage;
- (c) The Panel was advised that the annual review of the housing list had been delayed this year due to a delay in the providers' renewal

software. Officers had been given assurances that this would be undertaken in January 2017.

It was then:

### **RESOLVED**

1. That the content of the report be noted;

That the Executive be **RECOMMENDED:-**

2. to remain in the Devon Home Choice partnership for the next twelve months;
3. that, within the next twelve months, a comprehensive review of alternative allocation delivery methods be completed to evaluate whether the Devon Home Choice partnership remains fit for purpose; and
4. to make no changes at this time to the South Hams Allocations Policy.

#### **O&S.52/16 FEES AND CHARGES 2017/18**

The Chairman reminded the Panel that he had agreed that this agenda item should be deferred until a future meeting to enable for the potential impact arising from the Autumn Statement and Finance Settlement to be known.

The Panel was happy to endorse the suggestion that this item be included on the agenda for the joint Budget meeting with the Development Management Committee Members on 19 January 2017.

#### **O&S.53/16 Q2 2016/17 PERFORMANCE REPORT**

Members considered a report that presented performance measures for Quarter 2. The report confirmed that performance had remained relatively consistent with the previous quarters, however there had been a marked improvement in the benefit processing speed.

Officers proceeded to give visual updates on the live performance dashboard information (particularly relating to Development Management and the Contact Centre) and the new Council website.

In discussion, reference was made to:-

- (a) the format of future performance information reports. In recognising the ability to be in receipt of 'real time' performance information, Panel Members were asked to give consideration to how they wished to see future performance information presented to their meetings;
- (b) current performance. There was a general recognition that overall performance had now stabilised and was improving in certain areas. In sharing their own experiences, a number of Members subsequently welcomed and commended this performance trend;
- (c) the T18 Performance versus Budget indicator. A Member expressed his surprise that the indicator was showing as being 'on or above' target when considering that the Council had decided to spend an additional £550,000 on transitional resources;
- (d) complaint response speed. Officers advised that the downward performance trend was attributed to the knock-on effect of the Council dealing with the backlog generated from waste complaints during this quarter;
- (e) the status of being 'narrowly off target, be aware'. A Member requested that future performance reports include more explanatory information for those indicators that have achieved this status definition;
- (f) the contact centre. Members wished to extend their continued thanks to the Contact Centre Manager and her team, who continued to work exceptionally in difficult circumstances. A Member recommended that fellow Members pay a visit to the Contact Centre to witness first hand both the work being undertaken, but to also get a sense of the nature of the issues being raised by callers;
- (g) the new website. The Panel was informed that the new website would not only be more resilient, but would also be more transaction focused. Further benefits of the new website were felt to be speed of access and ease of use. It was confirmed that Members would be asked to test the new website for themselves in the next three weeks, before it was then actually launched.

It was then:

**RESOLVED**

That the monitoring report and the progress made to date be noted.

**O&S.54/16 OMBUDSMAN ANNUAL REVIEW LETTER 2016**

A report was considered that presented the Local Government Ombudsman's Annual Review Letter 2016 regarding Ombudsman complaints received against the Council for the period 1 April 2015 to 31 March 2016.

In the ensuing debate, the Monitoring Officer was congratulated for the positivity of the Annual Review Letter. Members also welcomed the decrease in the number of Ombudsman complaints and felt that this was an example of the benefits of an increased corporate emphasis being given to complaint handling.

It was then:

**RESOLVED**

That the Ombudsman Annual Letter for 2016 (as outlined at Appendix A of the presented agenda report) has been reviewed with consideration being given to what corporate lessons may be learned and whether further service improvements be required.

**O&S.55/16 TASK AND FINISH GROUP UPDATES****(a) Dartmouth Lower Ferry**

The Chairman advised that it was still intended that an outcome report would be presented to the Panel in the New Year.

**(b) Partnerships**

The Panel considered the final recommendations arising from the Task and Finish Group in relation to South Hams Citizens Advice (CA) and South Hams Community Voluntary Sector (CVS).

In introducing the report, the Chairman advised that this project had been an immense and arduous piece of work. In thanking the hard work that had been undertaken by the Task and Finish Group and lead officers, the Chairman confirmed that this was the final strand of this review.

In discussion, reference was made to:-

- (a) closer working opportunities. Whilst some Members wised to make the point that CA and CVS were distinctly separate organisations, there were considered to be opportunities for them to work more closely together to be more efficient and avoid duplication of effort;
- (b) the community work undertaken. The Panel recognised that both organisations carried out tremendous work in the community and offered significant support to the Council;

- (c) the role of the Council. To be fair to both organisations, Members acknowledged that the Council needed to ascertain a better understanding of its own needs that could have an effect on the CA and/or CVS (e.g. the Health and Wellbeing agenda and outreach services);
- (d) the recommendations. In expressing their support, Members considered the Task and Finish Group recommendations to be fair and reasonable at this time;
- (e) residents accessing services from Plymouth CA. Having been informed that an agreement had been reached whereby residents living at the western end of the district could now use the Plymouth CA services, some frustrations were expressed that neither local ward Members nor parish councils had been made aware of this change.

It was then:

### **RESOLVED**

That the Executive be **RECOMMENDED** that:-

1. the funding levels remain the same for the South Hams Citizens Advice and South Hams Community Voluntary Service for 2017/18; and
2. approval be given to the proposed caveats with the South Hams Community Voluntary Service (as outlined at paragraph 5 of the presented agenda report).

### **(c) Waste and Recycling**

In providing an update, the lead Executive Member for Commercial Services advised of the intention for a fully detailed report to be presented to the next Panel meeting.

### **(d) Events Policy**

The Group Chairman advised the Panel that work was ongoing on this review.

### **(e) Permits Review**

Members considered a report that sought the approval of Council to make amendments to South Hams parking permits, as considered and endorsed by the Permits Task and Finish Group.

In discussion, the following points were raised:-

- (a) Members were of the view that the Task and Finish Group had completed an excellent review and the recommendations were considered to amount to a positive way forward;

- (b) A Member reiterated his previously raised view that charges should be imposed for parking at Follaton House. In reply, officers informed that this had been considered and due for reasons including: the contractual arrangements with tenants, the detrimental impact on staff morale and the knock-on effect on neighbouring roads, it had been concluded that it would not be appropriate to impose charging at Follaton House. Furthermore, the Leader felt that this issue had continually arisen over a number of years and he hoped that the Council could now move on from spending any more time and effort considering this proposal.

It was then:

### **RESOLVED**

That the Executive **RECOMMEND** to Council that, following the work undertaken by the Permits Task and Finish Group, the parking permits available in the South Hams be amended and that the Off-Street Parking Places Order be amended as follows:

- Full and Commuter permits to be eliminated and replaced with Town Centre, Peripheral and Rural permits which will be limited to specific towns / villages. The cost of permits to be reduced to reflect the new restrictions, with the exception of Business Permits;
- Permits to become 'virtual' (i.e. customers will no longer receive a paper permit), with the exception of Business Permits;
- New permits be limited to one vehicle registration number only, with the exception of Business Permits;
- The availability of permits be limited to 10% of the total number of parking bays available for each category of permit;
- Permits currently issued free of charge to various organisations be ceased;
- Other permits which are not used often will be eliminated (as outlined at Paragraph 5.6 of the presented agenda report);
- The Residents' Parking permit to be extended to allow parking from 3.00pm to 10.00am, with an increase in cost to £40, with this amendment being reviewed after one year;
- The cost of permits to be as outlined at Paragraph 5.8 of the presented agenda report; and
- All leisure-related permits will be reviewed in partnership with the new leisure contractor, with the exception of permits currently issued to Tone Leisure employees.



**O&S.56/16 ACTIONS ARISING / DECISIONS LOG**

In presenting the latest log, the Chairman made reference to two updates:

1. The meeting between representatives of the Economy Working Group and the Joint Local Plan Steering Group had been arranged to take place at Plymouth City Council offices on Wednesday, 30 November at 10.00am; and
2. With regard to the request for Members to send a list of organisations to officers who they believe should be included in the consultation exercise on the Events Policy, one Member had since provided details of additional groups who should be approached. A holding message had been sent this week to all prior respondents of the consultation advising them that the review was ongoing and that they would be contacted again to consult on detailed proposals when these were available.

**O&S.57/16 DRAFT ANNUAL WORK PROGRAMME 2016/17**

In consideration of its Annual Work Programme, the Panel noted its content with no further issues or comments being raised.

(Meeting started at 10.00 am and concluded at 12.10 pm)

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Chairman

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