

# South Hams Council



<b>Title:</b>	<b>Agenda</b>																																													
<b>Date:</b>	<b>Thursday, 26th July, 2018</b>																																													
<b>Time:</b>	<b>2.00 pm</b>																																													
<b>Venue:</b>	<b>Council Chamber - Follaton House</b>																																													
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b> Cllr Holway <b>Vice Chairman</b> Cllr Rowe</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Cllr Baldry</td> <td style="width: 33%;">Cllr Hodgson</td> <td style="width: 33%;"></td> </tr> <tr> <td>Cllr Bastone</td> <td>Cllr Hopwood</td> <td></td> </tr> <tr> <td>Cllr Birch</td> <td>Cllr Huntley</td> <td></td> </tr> <tr> <td>Cllr Blackler</td> <td>Cllr May</td> <td></td> </tr> <tr> <td>Cllr Bramble</td> <td>Cllr Pearce</td> <td></td> </tr> <tr> <td>Cllr Brazil</td> <td>Cllr Pennington</td> <td></td> </tr> <tr> <td>Cllr Brown</td> <td>Cllr Pringle</td> <td></td> </tr> <tr> <td>Cllr Cane</td> <td>Cllr Saltern</td> <td></td> </tr> <tr> <td>Cllr Cuthbert</td> <td>Cllr Smerdon</td> <td></td> </tr> <tr> <td>Cllr Foss</td> <td>Cllr Steer</td> <td></td> </tr> <tr> <td>Cllr Gilbert</td> <td>Cllr Tucker</td> <td></td> </tr> <tr> <td>Cllr Green</td> <td>Cllr Vint</td> <td></td> </tr> <tr> <td>Cllr Hawkins</td> <td>Cllr Wingate</td> <td></td> </tr> <tr> <td>Cllr Hicks</td> <td>Cllr Wright</td> <td></td> </tr> <tr> <td>Cllr Hitchins</td> <td></td> <td></td> </tr> </table>	Cllr Baldry	Cllr Hodgson		Cllr Bastone	Cllr Hopwood		Cllr Birch	Cllr Huntley		Cllr Blackler	Cllr May		Cllr Bramble	Cllr Pearce		Cllr Brazil	Cllr Pennington		Cllr Brown	Cllr Pringle		Cllr Cane	Cllr Saltern		Cllr Cuthbert	Cllr Smerdon		Cllr Foss	Cllr Steer		Cllr Gilbert	Cllr Tucker		Cllr Green	Cllr Vint		Cllr Hawkins	Cllr Wingate		Cllr Hicks	Cllr Wright		Cllr Hitchins		
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<b>Interests – Declaration and Restriction on Participation:</b>	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.																																													
<b>Committee administrator:</b>	Member.Services@swdevon.gov.uk																																													

**1. Urgent Business**

the Chairman to announce if any item not on the agenda should be considered on the basis that he considers it as a matter of urgency (any such item to be dealt with under 'Business Brought forward by the Chairman');

**2. Exempt Information**

to consider whether the consideration of any item of business would be likely to disclose exempt information and if so the category of such exempt information;

**3. Declarations of Interest**

Members are invited to declare any personal; or disclosable pecuniary interests, including the nature and extent of such interests they may have in any items to be considered at this meeting;

**4. Frontline Services (Waste & Cleansing Procurement)**

**1 - 26**

**5. Reports of Bodies**

To receive and as may be necessary approve the minutes and recommendations of the under-mentioned Bodies:

\* Indicates minutes containing recommendations to Council

- |   |                |
|---|----------------|
| <b>(a) Development Management Committee - 2 May 2018</b>  | <b>27 - 32</b> |
| <b>(b) Overview &amp; Scrutiny Panel - 3 May 2018</b>     | <b>33 - 44</b> |
| <b>(c) Development Management Committee - 6 June 2018</b> | <b>45 - 60</b> |
| <b>(d) Executive* 14 June 2018</b>                        | <b>61 - 70</b> |
| <b>(e) Audit Committee - 21 June 2018</b>                 | <b>71 - 76</b> |
| <b>(f) Overview &amp; Scrutiny Panel* - 28 June 2018</b>  | <b>77 - 90</b> |
| <b>(g) Executive* - 19 July 2018</b>                      |                |

To follow

# Agenda Item 4

Appendices 1, 2, 3, 4, & 6 to this report are considered exempt under paragraph 3 of schedule 12A of the Local Government Act 1972 in that it concerns the financial or business affairs of the Council. The public interest has been assessed and it is considered that, the public interest is better served by non-disclosure to the press and public.

Report to: **Council**  
Date: **26<sup>th</sup> July 2018**  
Title: **Frontline Services (Waste & Cleansing Procurement)**  
Portfolio Area: **Commercial Services**  
Wards Affected: **All**  
Relevant Scrutiny Committee: **Overview and Scrutiny Panel**  
Urgent Decision: **N** Approval and clearance obtained:  
Date next steps can be taken: Council

Author: **Helen Dobby & Jane Savage on behalf of the Waste Board** Role: **Group Leader (Commercial Services) & Commissioning Manager (Waste)**  
Contact: **[helen.dobby@swdevon.gov.uk](mailto:helen.dobby@swdevon.gov.uk)**  
**[jane.savage@swdevon.gov.uk](mailto:jane.savage@swdevon.gov.uk)**

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## Recommendations:

**It is RECOMMENDED that Council:-**

- 1. note the progress of the project and endorses the recommendation of the Frontline Services (Waste Procurement) Project Board to continue to the next stage of the competitive dialogue process for waste collection, recycling and cleansing services; and**
- 2. approve that any changes necessary to harmonise the recycling collection services with the 'aligned waste service', as detailed in the Waste and Resource Strategy for Devon, are introduced on 28<sup>th</sup> September 2020.**

## 1. **Executive summary**

- 1.1. Members requested that key decisions during the procurement process be brought before Executive and Council. The procurement process goes through a number of stages – Outline Solutions, Detailed Solutions and Final Solutions. Bids are submitted and evaluated at each of these stages. After each evaluation, bidders are given feedback on the quality and prices submitted and further dialogue takes place to refine the contract documents. This report has come to Council as evaluation is now complete for the Detailed Solutions Stage and Members requested a recommendation from the Board on the way forward.
- 1.2. Bids have been received and evaluated for the Detailed Solution Stage and proposals have been assessed as offering added value to the Council both in terms of resilience and cost against current service provision.
- 1.3. The appendices contain further information including a summary of any potential savings, and service improvements/benefits contained within the bids.
- 1.4. It should be noted that if the Council approve Recommendation 1, the procurement process will continue to the Final Solutions Stage and a further report will be brought before Council in December 2018.

## 2 **Background**

- 2.1 Members requested that key decisions during the procurement process for recycling and waste collection, street cleansing and public toilet cleaning services be brought before Council.
- 2.2 Recommendation 1 has come from the Frontline Services (Waste Procurement) Project Board who have been involved in the procurement process.
- 2.3 This report details the Detailed Solutions Stage of the process. The Board have based their recommendations on whether the detailed solutions offer added value to the Council both in terms of future resilience and future costs. Recommendations have been prepared following full scrutiny of the evaluation process at this procurement stage.
- 2.4 If Recommendation 1 is approved, the procurement process will continue to the Final Solutions Stage and a further Award Report will be brought before Council in December 2018.
- 2.5 It is important to recognise from this report that we have reached a key milestone in the project that allows us to conduct a detailed assessment of:

- The full scope of our current service for waste and cleansing services
  - The need for change and the Devon aligned service
  - The quality of our current services
  - The added value through proposed procurement
  - Partnership arrangements and service flexibility
  - Financial summary
- 2.6 The process itself has enabled us to gain comprehensive information on the current performance and costings of the full range of services in-scope.

### **3 The need for change and the Devon aligned service**

- 3.1 South Hams has enjoyed a high recycling rate for some years, however the position is now rapidly changing as other councils have adapted to meet budget constraints and legislative changes. Costs for providing waste and cleansing services have risen steeply in recent years, due to legislative changes such as the introduction of the National Living Wage, the reduction in the price of recyclate sales on global markets and a national shortage of HGV drivers.
- 3.2 Previously there was funding available from DEFRA (Department for the Environment, Fishing & Rural Affairs) to support councils in adapting services to meet these changes. South Hams benefitted from around £1,000,000 in grants for this purpose in the past. This was significant funding which at the time supported the capital and revenue costs of the service change to the twin wheeled bin system. This funding drove recycling performance at a specific point in time and is no longer available. Councils are expected to self-fund service changes to reduce waste collected, increase recycling and charge for discretionary service elements.
- 3.3 The Special Council report presented in October 2017 set out the key objectives for the services as well as defining red lines for service delivery in the South Hams. This included recognition of the need to work towards the 'Devon aligned service'. This is in line with the Waste and Resource Management Strategy for Devon to which we committed in January 2005, and which is one of the formal partnerships of the Council.
- 3.4 The Devon aligned service was agreed as a result of research from the Executive Waste Board which considered waste services across Devon as a whole. This work recognised that a uniform Devon wide collection system was not suitable and did not provide large economies of scale. It agreed however that a service design which delivered the optimum cost efficiencies, environmental benefits and improvements for residents whilst responding to changing legislation and retaining individual councils' identities could be achieved through an aligned service.

3.5 The aligned service will bring the following benefits:

**Improvements for residents**

- Increased number of materials collected from the kerbside, notably glass, textiles and plastic pots, tubs and trays
- Greater harmonisation of waste collection services across Devon – evidence shows that residents are confused by the different services offered by councils

**Recycling rate and income**

- Increasing the number of materials that can be collected on the kerbside, along with the associated publicity, will increase our recycling rate and thus increase the income gained
- By splitting garden from food waste collection there is potential for future charged garden waste collections if required

**Opportunities for partnership working and economies of scale**

- Other Devon Authorities already benefit from joint glass and paper contracts which deliver high income and resilience against fluctuating markets
- Potential for further joint procurements such as containers and when purchasing/maintaining collection vehicles

3.6 It should be noted that changes to collection services should be viewed in terms of whole service costs. Whilst collection costs for the aligned service may be higher, disposal costs are lower. The savings from disposal costs are then shared with the Council via the Shared Savings Scheme. (As these costs are not firm until point of delivery this saving is NOT included in the future savings predicted at this stage.)

3.7 Table 1. Progress of Devon Districts towards the Devon Aligned Service

## Progress toward the Devon Aligned Service



Weekly Food Waste	Charged Garden Waste	Weekly Dry Recycling	Fortnightly Residual Waste
East Devon	East Devon	East Devon	East Devon (3w)
Exeter	Exeter	Exeter	Exeter
Mid Devon	Mid Devon	Mid Devon	Mid Devon
North Devon	North Devon	North Devon	North Devon
South Hams (m)	South Hams	South Hams	South Hams
Teignbridge	Teignbridge	Teignbridge	Teignbridge
Torridge	Torridge	Torridge	Torridge
West Devon	West Devon	West Devon	West Devon

GREEN = ALIGNED OPTION  
 m = mixed garden & food mixed  
 3w = 3 weekly



3.8 All Devon districts have committed to move towards the Devon aligned service and Table 1 shows that South Hams is now out of line with the other Devon districts.

3.9 It has been identified that the optimum time for moving to the aligned service would be 28<sup>th</sup> September 2020. Should the procurement continue, this date allows sufficient time for any contract to bed-in. In addition, whether the procurement continues or not, this timeframe will allow a detailed mobilisation and communication plan to be drawn up. **The contract documents therefore specify a move to the aligned service within the contract term. The bids were prepared based on the optimum date for change.**

3.10 Any delay in changing the service may incur additional costs and the Council would miss out on opportunities that the aligned service could provide. Attached at Appendix 1 is a recent letter from Devon County Council regarding future plans for collection of organic wastes.

#### 4 The quality of our current services

4.1 Members will be aware that as cost pressures have impacted on our front line services, it has been difficult to maintain quality consistently in all areas.

- 4.2 A particular challenge for an in-house service is how it ensures performance is competitive with the private sector. The South Hams has a workforce with a high average age which has been protected from austerity measures for a considerable period. Whilst cultural change can be made, it does require investment and the cost of this is indicated at Appendix 2. This is a substantial investment which should not be undervalued otherwise capacity will be strained in other areas to support the programme of change (similar to the T18 transitional programme).
- 4.3 For example, currently over 120 refuse bins are missed per 100,000 potential collections in the South Hams. This compares with a national average of 61. Performance issues such as this, within contracted services, can be remedied through a binding rectification process which assures targets are met. This means that if services are not conducted to the standards specified, the contractor has to put the problem right within strict time frames and with a financial consequence.
- 4.4 South Hams has enjoyed a relatively high recycling rate for some years, however the position is now changing as other councils have adapted to meet legislative changes and budgetary pressures. The Council is currently second in the Devon ratings but this position will change dramatically this year as other Devon Authorities such as East and North Devon have moved over to the aligned service.
- 4.5 Recycling markets have become very volatile since China imposed restrictions on imports of waste earlier this year. The result has meant a flooding of European markets which are now insisting on higher quality materials. Due to the market downturn, which is unlikely to change in the near future, the collection of recyclables in sacks has become unsustainable. Collection in sacks poses additional costs for re-processors as well as allowing contamination of the contents. Both these issues reduce the number of re-processors available to accept the materials, making it more difficult to find outlets and significantly lowering any income or even generating a gate-fee for re-processing.

## **5 Added value through proposed procurement**

- 5.1 It is worth noting that bidders are encouraged through the process to add value to the basic service scope. Appendix 3 details the areas of added value which have been included in the bids. These provide the Council greater resilience and increased capacity in other areas of the organisation going forwards and include Human Resources, Fleet, Health & Safety, Engineering, Procurement and Materials Marketing. This release of capacity should allow for service performance improvements beyond those services in scope.



## **6 Partnership arrangements and service flexibility**

- 6.1 The contract documents have been written to specifically protect the services to the customer and to reflect a flexible partnership arrangement between the Council and the contractor. This has been carefully considered to ensure that risks and rewards are shared on a 50/50 basis and that the Council is not disadvantaged during a contract term if there is a requirement to alter the service. Business continuity, quality, innovation and legislative change all form part of this consideration.

## **7 Financial summary**

- 7.1 At the Council meeting of September 2017, Members resolved NOT to prepare a shadow bid by our in-house team. This was recognised as crucial in encouraging the market to compete for the work following soft market testing during the summer of 2017. This testing informed the Council that private companies were unlikely to compete against in-house bids as they felt their significant investment in the bidding process was potentially wasted.
- 7.2 There have been recent challenges from the private sector against in-house awards where they have felt them to be anti-competitive. The guidance from our legal advisor is that there is no obligation on the Council to enter into a contract. However when making a decision, the Council must take into account the reputational and financial risk of any challenge and the risk to future procurement activity in this area.
- 7.3 Appendix 4 is a statement on our current service costs prepared to ensure a robust service test as requested at the Council meeting of the 29<sup>th</sup> March 2018. It has been provided by Chris West, an independent advisor, and offers an objective financial view on our process and looks at our own costs outside of the procurement process.
- 7.4 Appendix 5 shows the current service costs benchmarked against other Local Authorities.
- 7.5 Appendix 6 shows the financial summary and key benefits to the Council which support Recommendation 1. To ensure commercial confidentiality of the bids and to maintain, for legal purposes, the integrity of the procurement process, actual costings cannot be disclosed in this report however the Project Board have been presented with background information to support their decisions.

## **8 Evaluation of Outline Solutions**

- 8.1 In compiling its recommendation, the Evaluation Team have considered both the cost, and the quality, of service offered by the bidders. The evaluation at this stage is based on 60% cost and 40% quality. Quality is an important factor as it includes the provision for health and safety, service guarantees, and monitoring and management of the contract.
- 8.2 The evaluation team is made up of a range of specialists from waste and cleansing, finance, human resources, assets, and health and safety. Specialists evaluating the quality of the bids, were not privy to any of the financial information until after the quality evaluation was complete to ensure objectivity. The Internal Audit Manager from the Devon Audit Partnership was present and recorded the moderation sessions.
- 8.3 As set out the evaluation criteria, the responses were sufficiently detailed to meet the Councils' requirements and offer elements of added value. All areas of both bids were scored as relevant and provide confidence that the bidders could provide the services.
- 8.4 To ensure a like for like comparison, proposals have been evaluated against current service costs taking into account considerations, such as depot usage, income from recyclables and customer support. There is a further dialogue stage which will refine exact specification of services and therefore whilst the comparison of pricing against existing costings cannot be absolutely finalised at this stage, an indication of current delivery costs against the solutions proposed are provided.
- 8.5 The next stage of the procurement involves a final round of dialogue with bidders to discuss optimum solutions for each Council after which invitations to submit Final Tenders will be issued.

## **9 Options available and consideration of risk**

- 9.1 There is no material risk to the Council of continuing to the next stage of the procurement process. A further report will come before Council in December.
- 9.2 All Devon districts have committed to move towards the Devon aligned service. Any delay may incur additional costs and the Council would miss out on opportunities that the aligned service could provide such as improvements to the customer, increase in recycling rate and income, increased opportunities for partnership working and cost reductions, and positive environmental impacts.
- 9.3 The Council has made it clear in the procurement documents that its intention is to award a Contract for these Services provided a more economical solution which offers better quality, arises from the procurement. A decision not to award on reasons other than the above, is likely to place the council at risk of a procurement challenge.

## 10 Proposed Way Forward

- 10.1 It is proposed that Council endorses the recommendation of the Board to continue to the next stage of the competitive dialogue process for waste collection, recycling and cleansing services.
- 10.2 It is also proposed that Council approve that any changes necessary to harmonise the recycling collection services with the 'aligned waste service', as detailed in the Waste and Resource Strategy for Devon, are introduced on 28<sup>th</sup> September 2020.
- 10.3 Should Recommendation 1 be approved, a further report will be submitted by the Board to Executive and Council on 22<sup>nd</sup> November 2018 and 6<sup>th</sup> December 2018 respectively which will recommend whether the Council proceeds to award a contract. It is important to note that at the final stage, if the Council receives a commercially competitive tender (based on both price and quality) and chooses not to award without valid reason, then it is at risk of challenge as detailed in 9.3.
- 10.4 This recommendation fits with the corporate themes of Environment, Council and Communities.

## 11 Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Council has a duty to arrange for collection and disposal of household waste. The legislative framework is to be found in the Environmental Protection Act 1990, Waste Framework Directive 2008, and Controlled Waste Regulations 2012. The procurement process is compliant with the Public Contract Regulations 2015. Any change in policy will need to be communicated to bidders so that they can consider the impact on their pricing strategy.
Financial	Y	Financial implications are set out in Appendix 6.
Risk	Y	The risks are set out at section 9 of this report.
Comprehensive Impact Assessment Implications		
Equality and Diversity	N	Not applicable
Safeguarding	N	Not applicable

Community Safety, Crime and Disorder	N	Not applicable
Health, Safety and Wellbeing	N	Not applicable
Other implications	N	None

### **Supporting Information**

#### **Appendices:**

Appendix 1: Devon County Council Organics Letter - **Exempt**

Appendix 2: WYG note - **Exempt**

Appendix 3: Added Value - **Exempt**

Appendix 4: Chris West Statement - **Exempt**

Appendix 5: Benchmarking on current costs

Appendix 6: Financial Summary - **Exempt**

#### **Background Papers:**

Council Reports of 28 September 2017, 31 October 2017 and 29 March 2018.

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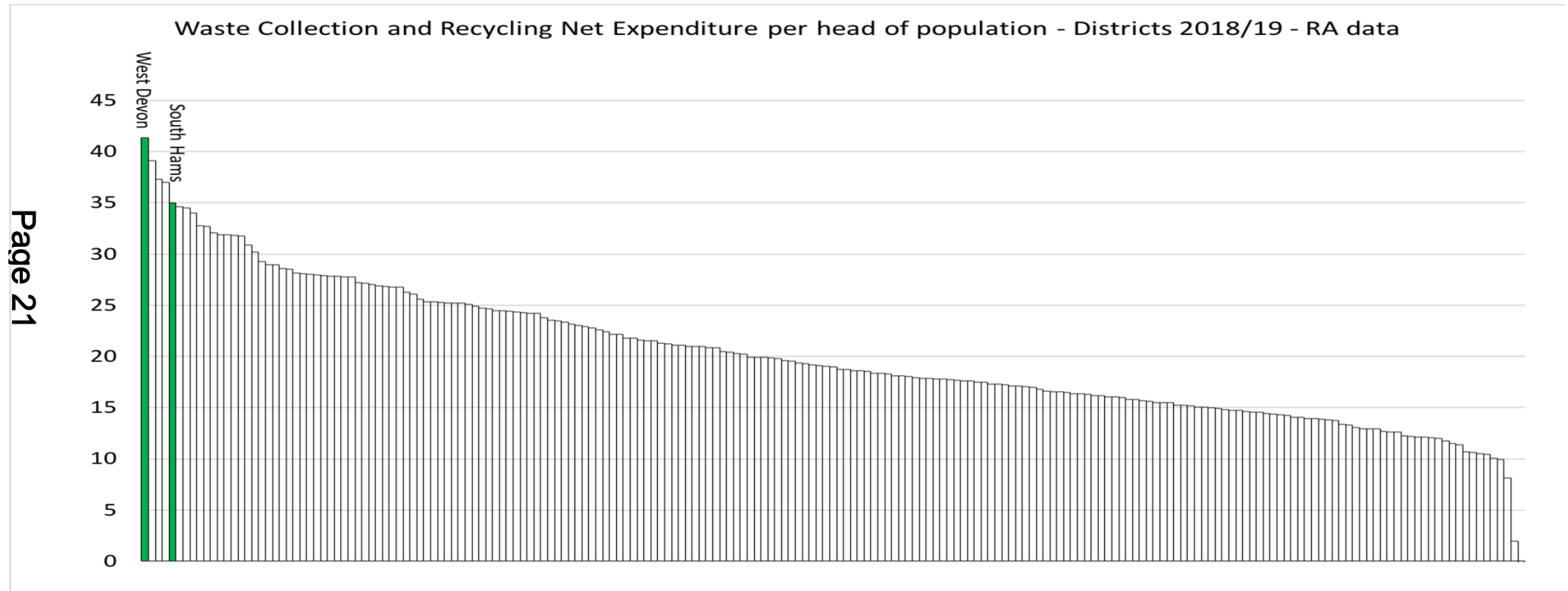
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## Frontline Services Appendix 5

### Revenue Expenditure Analysis of Waste Collection and Recycling Costs for 2018/19

The graph below shows an analysis of waste collection and recycling costs which is taken from the revenue expenditure dataset published by the Government in July 2018. The data is collected by all 201 district authorities and reflects budgets for waste management set in 2018/19. The graph shows waste collection and recycling expenditure per head of population.



The graph shows that West Devon has the highest budgeted spend per head on waste management in 2018/19 and that South Hams has the fifth highest of 201 district authorities. Costs at both authorities are higher than average due to the rural nature of both districts as well as the quality of service which is reflected in significantly higher than average recycling rates at both authorities. It should be noted that in terms of rural sparsity, West Devon is 3<sup>rd</sup> and South Hams 21<sup>st</sup> in the country.

The West Devon cost is particularly high due to the contract being a two year managed service contract prior to the agreement of a longer term contract.

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**MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY, 2 MAY 2018**

<b>Members in attendance</b>			
* Denotes attendance			
∅ Denotes apologies			
*	Cllr I Bramble	*	Cllr J M Hodgson
*	Cllr J Brazil	∅	Cllr T R Holway
*	Cllr D Brown	*	Cllr J A Pearce
*	Cllr P K Cuthbert	*	Cllr R Rowe
*	Cllr R J Foss (Vice Chairman)	*	Cllr R C Steer (Chairman)
*	Cllr P W Hitchins	*	Cllr R J Vint

**Other Members also in attendance:**

Cllrs Birch, Green and Wright

**Officers in attendance and participating:**

Item No:	Application No:	Officers:
All agenda items		COP Lead Development Management, Planning Specialists, Deputy Monitoring Officer, Specialist – Democratic Services

**DM.58/17 MINUTES**

The minutes of the meeting of the Committee held on 4 April 2018 were confirmed as a correct record and signed by the Chairman.

**DM.59/17 DECLARATIONS OF INTEREST**

Members and officers were invited to declare any interests in the items of business to be considered and the following were made:

Cllr P K Cuthbert declared a personal interest in application 3807/17/HHO: Householder application (retrospective) regularise changes to previously approved planning application reference 0691/17/NMM for proposed two storey extension to existing dwelling involving amendments to front access steps and formation of a parking space – 8 Waltacre, Yealmpton, by virtue of the agent being known to her and she remained in the meeting and took part in the debate and vote thereon;

Cllr D Brown declared a personal interest in the following planning applications that were sited within the South Devon AONB by virtue of being a Member of the South Devon AONB Partnership Committee and remained in the meeting and took part in the debate and vote thereon:

- 0145/18/HHO** Householder application for rear single storey extension and loft conversion – 21 Pound Field, Stoke Gabriel; and
- 0421/18/HHO** Householder application for proposed alterations and extension (resubmission of 3075/17/HHO) – 21 Court Park, Thurlestone.

DM.60/17 **PUBLIC PARTICIPATION**

The Chairman announced that a list of members of the public and town and parish council representatives, who had registered their wish to speak at the meeting, had been circulated.

DM.61/17 **PLANNING APPLICATIONS**

The Committee considered the details of the planning applications prepared by the Planning Case Officers as presented in the agenda papers, and considered also the comments of Town and Parish Councils together with other representations received, which were listed within the presented agenda reports, and **RESOLVED** that:

**4165/17/FUL**                      **Development site at SX809597, Steamer Quay Road, Totnes**

**Parish: Totnes**

**Application for erection of a 68 bed Care Home (use class C2) with associated car parking, refuse and external landscaping**

Case Officer Update:                      condition no. 11 amended and additional condition seeking detail of bird and bat boxes. A condition was added re a LEMP plus an informative to say the LEMP should reflect the LEMP in outline application for the wider Riverside Development

Speakers included:                      Supporter – Mr Neil Rutland: local Ward Members – Cllrs Birch, Green and Vint

**Recommendation:**                      Conditional Approval

**Committee Decision:**                      Conditional Approval

Conditions (summarised below from report):

1. Time
2. Accords with plans
3. Universal condition for contamination
4. Verification Report
5. Unsuspected contamination
6. Acoustic protection
7. Fume extraction
8. CEMP
9. Electric charging points to be provided
10. Implementation of travel plan
11. Material samples to be agreed

12. Parking and turning to be provided and retained
13. Emergency rear pedestrian access to be provided prior to occupation
14. Lighting strategy to be adhered to
15. Details of hard and soft landscaping to be agreed
16. Details of boundary treatments
17. Drainage – percolation testing
18. Drainage – groundwater monitoring
19. Drainage – surface water detailed design
20. Drainage – foul
21. Drainage – maintenance
22. Construction phase drainage
23. Condition detailed bird and bat boxes added
24. Condition re LEMP added

**4238/17/FUL            Hidden Valley, Lavender Farm, Land at Hole Hill,  
Cornworthy**

**Parish: Cornworthy**

**Proposed new timber framed barn to be used for drying, processing  
and storing lavender with farm office and rest room (resubmission of  
1270/17/FUL)**

Case Officer Update:            N/A

Speakers included:            Objector – Mr Howard Quartly: Supporter – Ms  
Gill Baker: local Ward Member – Cllr Tucker  
(statement read)

**Recommendation:**            Conditional Approval

**Committee Decision:**        Conditional Approval

Conditions:

- i. Commencement within three years
- ii. Accord with plans
- iii. Agricultural or Horticultural use only
- iv. Removal if approved use ceases
- v. Removal of existing structures
- vi. Drainage details to be submitted and approved

**0145/18/HHO            21 Pound Field, Stoke Gabriel**

**Parish: Stoke Gabriel**

**Householder application for rear single storey extension and loft  
conversion**

Case Officer Update: Recommendation of Conditional Approval not included in report

Speakers included: Objector – Mr Ian Hancock: Supporter – Mr Andrew Horton: local Ward Member – Cllr Rowe

**Recommendation:** Conditional Approval

**Committee Decision:** Conditional Approval

Conditions (summarised below):

1. Commencement within three years
2. Accord with plans
3. Details of materials prior to installation
4. Flat roof area shall not be used as a terrace or balcony and Juliette balcony to be fitted with fixed balustrade
5. Recommendations of Ecological report to be adhered to

**0421/18/HHO      21 Court Park, Thurlestone**

**Parish: Thurlestone**

**Householder application for proposed alterations and extension (resubmission of 3075/17/HHO)**

Case Officer Update: The number of letters of objection was updated to 6 not 10. In the Analysis section the previous application was supported by Officers but refused by Development Management Committee and therefore the report should read ***This application seeks to remove the previously refused balconies and therefore overcomes Committee Members previous concerns of overlooking***.

There have been late comments by the Parish Council that state:

‘This proposal is still over bearing to the neighbours on the south and west side, with a loss of privacy and light and added noise due to the size of the balcony’.

It should be noted that in the officers report the wall to the terraced area is not necessary to ensure the privacy to neighbouring property due to the existing boundary screening, however, concerns are still raised by neighbours and therefore a condition for the 1.8m high wall should be conditioned to be retained and maintained. This is a decision for members to consider whether they wish for this condition to be retained or removed.

Speakers included: Local Ward Members – Cllrs Pearce and Wright

**Recommendation:** Conditional Approval

During discussion, Members acknowledged that the proposal removed the first floor balcony that had resulted in refusal of the previous application, however they noted that a Juliette balcony was proposed instead. The majority of Members felt that a full length Juliette balcony still had the potential for overlooking, and therefore a resulting loss of amenity for neighbours.

**Committee Decision:** Refusal

**Reason:** The application should be refused as being contrary to policies DP3, DEV1 and TP1 in the Neighbourhood Plan.

DM.62/17 **PLANNING APPEALS UPDATE**

Members noted the list of appeals as outlined in the presented agenda report. The COP Lead Development Management presented further detail on specific cases.

DM.63/17 **PLANNING PERFORMANCE INDICATORS**

The COP Lead Development Management introduced the latest set of performance indicators related to the Development Management service. Members requested that the various graphs use the same scale.

It was then:

**RESOLVED**

That the latest set of performance indicators be noted.

(Meeting commenced at 2.00 pm and concluded at 5.00 pm)

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Chairman

## Voting Analysis for Planning Applications – DM Committee 2 May 2018

<b>Application No:</b>	<b>Site Address</b>	<b>Vote</b>	<b>Councillors who Voted Yes</b>	<b>Councillors who Voted No</b>	<b>Councillors who Voted Abstain</b>	<b>Absent</b>
4165/17/FUL	Development site at SX809597, Steamer Quay Road, Totnes	Conditional Approval	Cllrs Brown, Vint, Steer, Brazil, Pearce, Bramble, Cuthbert, Foss, Rowe, Hitchins (10)	Cllr Hodgson (1)	(0)	Cllr Holway (1)
4238/17/FUL	Hidden Valley, Lavender Farm, Land at Hole Hill, Cornworthy	Conditional Approval	Cllrs Steer, Brown, Vint, Bramble, Brazil, Hodgson, Cuthbert, Hitchins (8)	Cllrs Pearce, Rowe (2)	Cllr Foss (1)	Cllr Holway (1)
0145/18/HHO	21 Pound Field, Stoke Gabriel	Conditional Approval	Cllrs Brown, Vint, Steer, Brazil, Pearce, Bramble, Cuthbert, Foss, Rowe, Hitchins, Hodgson (11)	(0)	(0)	Cllr Holway (1)
0121/18/HHO	21 Court Park, Thurlestone	Refusal	Cllrs Hodgson, Brazil, Vint, Rowe, Pearce, Hitchins, Brown (7)	Cllrs Cuthbert, Bramble, Foss (3)	Cllr Steer (by virtue of declaring an interest) (1)	Cllr Holway (1)

**MINUTES OF THE MEETING OF THE  
OVERVIEW & SCRUTINY PANEL  
HELD AT FOLLATON HOUSE, TOTNES ON  
THURSDAY, 3 MAY 2018**

<b>Panel Members in attendance:</b>			
* Denotes attendance		∅ Denotes apology for absence	
*	Cllr K J Baldry	*	Cllr E D Huntley
*	Cllr J P Birch	*	Cllr D W May
*	Cllr J I G Blackler	*	Cllr J T Pennington
*	Cllr B F Cane	∅	Cllr K Pringle
*	Cllr J P Green	*	Cllr M F Saltern (Chairman)
*	Cllr J D Hawkins	*	Cllr P C Smerdon (Vice Chairman)
*	Cllr M J Hicks		

<b>Other Members also in attendance:</b>
Cllrs H D Bastone, I Bramble, J Brazil, P K Cuthbert, R D Gilbert, N A Hopwood, J A Pearce, R Rowe R C Steer, K R H Wingate and S A E Wright

Item No	Minute Ref No below refers	Officers in attendance and participating
All		Group Manager – Commercial Services; and Senior Specialist – Democratic Services
3	O&S.110/17	IT Community Of Practice Lead
7(a)	O&S.112/17(a)	Assets Community Of Practice Lead
7(c)	O&S.112/17(c)	Section 151 Officer
8	O&S.113/17	Urban Fringe Delivery Team Leader and Planning Senior Specialist
9	O&S.114/17	Assets Community Of Practice Lead
10	O&S.115/17	Specialist – Performance and Intelligence
11	O&S.116/17	Group Manager – Business Development and Principal Consultant, Altair

**O&S.108/17 MINUTES**

The minutes of the meeting of the Overview and Scrutiny Panel held on 22 March 2018 were confirmed as a correct record and signed by the Chairman.

**O&S.109/17 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 M F Saltern declared a personal interest in Item 8: '*Update on the Urban Fringe Delivery Team and Sherford Strategic Review*' (Minute O&S.113/17 below refers) by virtue of being a Director of the Westcountry Schools Trust and remained in the meeting and took part in the debate on this matter.

**O&S.110/17 URGENT BUSINESS**

The Chairman informed that he had agreed for one item of urgent business to be raised at this meeting. The item related to the recent IT issues that had been experienced by the Council and the IT Community Of Practice Lead was in attendance to provide an update.

**(a) Recent IT Issues**

The Panel was informed that the first issue had been attributed to a domain name failing. Whilst the Council had paid (and received an acknowledgement of payment) to renew its licence on 31 March 2018, officers had noticed on 19 April 2018 that it had still expired. Despite many attempts to contact the host company, these had proven to be unsuccessful. To mitigate against this issue, the Council had now moved its host to a different organisation.

With regard to the email outage on the weekend of 28 and 29 April, officers had wished to undertake some systems maintenance. However, these works did not materialise as intended and had resulted in there being a need to restore the original systems.

In the ensuing discussion, the following points were raised:-

- (i) The Panel wished to record its thanks to those officers who had worked throughout the weekend to restore the email systems;
- (ii) A Member was of the view that such IT issues appeared to be occurring more frequently. As a consequence, the Panel requested that a more detailed update (entitled: 'IT Resilience and Continuity') be presented to its next meeting on 28 June 2018;
- (iii) The lead Executive Member highlighted the upcoming IT Procurement Process and reminded those present that the Panel had requested consideration of this matter at its meeting on 2 August 2018 before its onward presentation to the Executive.

It was then:

**RESOLVED**

That the Panel Work Programme for 2018/19 be updated to include an item entitled: 'IT Resilience and Continuity' to be considered at the next Panel meeting on 28 June 2018.

**O&S.111/17 PUBLIC FORUM**

In accordance with the Public Forum Procedure Rules, there were no issues received for consideration.



**O&S.112/17 EXECUTIVE FORWARD PLAN**

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

In accordance with Overview and Scrutiny Procedure Rules, a Member had given the required notice for updates to be considered at this meeting on the following future Executive agenda items: '*Follaton HQ Review*' and '*Medium Term Financial Strategy for 2019/20 Onwards*'.

**(a) Follaton HQ Review**

A local Ward Member expressed his concerns over the newly installed barriers at Follaton House Car Park, Totnes and questioned whether steps were to be taken to enable access to the Follaton Park at weekends.

In response, the Assets Community Of Practice Lead recognised that there was a fine balance between access provision for the public open space and the ability to control the use of the private car park. Whilst it would be kept under close and regular review, the officer confirmed that the decision had now been taken for the barriers to be left up. This response was welcomed by the local Ward Member.

**(b) Medium Term Financial Strategy**

In setting the context behind the request to consider this matter, the Member highlighted the assurances given by the Leader of Council at the full Council meeting held on 22 February 2018 (Minute 62/17 refers) regarding the proposal to impose a 'pay on entry' charge at the Steamer Quay, Totnes. In particular, the Member highlighted the assurance that was given at this meeting whereby '*consultation would be undertaken with relevant tenants, stakeholders and local Ward Members*'.

By way of an update, it was noted that a meeting had been held between officers, tenants and other affected stakeholders during which various options had been discussed. Prior to any final decisions being made, it was intended that consultation would then take place with the local Ward Members.

As a general point, the importance of keeping local Ward Members informed was raised by the Panel and it was felt that each of those local Members who would be affected by these charging proposals should also be consulted as part of the decision-making process.

**(c) Transformation Programme (T18) Closedown Report**

A report was considered that sought endorsement of the contents of the T18 Transformation Programme Closedown report and the benefits realised from this project.

In discussion, reference was made to:-

- (i) the financial performance of the project being a success, with the final spend being £58,000 less than the Budget of £4.614 million and total annual savings of £2.93 million being realised. It was noted that the IT technology spend was over budgeted by £40,000 (which represented 6.5% of the Budget of £615,000) and Members were of the view that this element had been disappointing. However, when considering the size and scale of the Programme, Members endorsed the fact that it had been a financial success and commended officers for achieving this outcome;
- (ii) some of the lessons learned from the project. In citing the example of allowing the Councils' IT staffing resources to be reduced at the start of the Programme (prior to the IT systems being in place), a Member felt that this should have received greater prominence and reference in the presented agenda report. As a consequence, the Panel requested that this be highlighted in the report that was to be presented to the Executive at its meeting on 12 June 2018 alongside the other consequent lessons that had been learned;
- (iii) the ability for staff to work from anywhere. A Member particularly wished to highlight the success of the agile working aspect of the Programme and felt that the performance and resilience of the Council during the recent inclement weather was testament to this provision;
- (iv) the anticipated IT software cost savings of £47,000 not being realised. Officers confirmed that this additional cost pressure had been built into the 2018/19 Budget setting proposals.

It was then:

### **RESOLVED**

1. That the Panel endorse the contents of the T18 Transformation Programme Closedown report and the benefits realised (as set out in Section 8 of the presented agenda report);
2. That the Panel endorse the fact that the T18 project had been a financial success; and
3. That, as part of its deliberations at its meeting on 14 June 2018, the Executive give particular consideration to the impact during the transition period and the project lessons to be learned.

### **O&S.113/17 UPDATE ON THE URBAN FRINGE DELIVERY TEAM AND SHERFORD STRATEGIC REVIEW**

A report was presented that provided an update on both the Urban Fringe Delivery Team and the Sherford Strategic Review.

Alongside this report, the Urban Fringe Delivery Team Leader conducted a Presentation and, by way of a progress update on Sherford, Members particularly noted that:-

- 240 dwellings had been constructed;
- The foundations for a further 200 dwellings had been established;
- 148 dwellings were occupied; and
- The first Primary School was currently under construction and it was intended to be officially opened in time for the September 2018 term.

Upon the conclusion of the presentation, it was agreed that copies would be circulated to all Members.

In the ensuing discussion, reference was made to:-

- (a) the current Sherford Road closure. In light of the temporary closure, some Members highlighted the impact that this was having and the roads from Brixton to the A38 were frequently gridlocked. In light of the impact, these Members asked that all measures be taken to ensure that the five weeks that had been scheduled for this temporary closure be adhered to. In reply, the Head of Paid Service informed that the Sherford Project Board was scheduled to meet on 9 May 2018 and she would emphasise the importance of this point at this meeting and provide an update to Members accordingly;
- (b) the Members Steering Board. Members expressed some confusion over the status of the Steering Board (as referred to in paragraph 2.2 of the presented agenda report), the Joint Steering Group and the Sherford Project Board. As a consequence, the Panel requested that these matters be clarified in time for the Annual Council meeting on 17 May 2018;
- (c) the first Primary School. It was confirmed that, whilst further details would emerge in due course, 24 children had been enrolled to start at the School in September 2018 and some staff members had already been recruited;
- (d) the Transport Specialist role vacancy. Whilst interim measures had been in place to cover aspects of this role, officers advised that it was intended to start the formal recruitment process to fill this vacancy in the upcoming weeks;
- (e) skills shortages in the construction industry. In recognising that these skills shortages were a national trend, the Panel was informed that an onsite Skills Centre had recently opened and, whilst still very much in its infancy, it was already attracting some levels of interest;
- (f) the role of Devon Wildlife Trust. In reply to concerns that had recently been raised by the Trust, officers countered that the organisation had been consulted as part of the Section 73 planning application process. However, the Council had not received any response from the Trust during this process;

- (g) park and community space. Officers agreed to provide interested Members with a plan that outlined where the onsite park and community space would be located.

It was then:

### **RESOLVED**

1. That the set up and function of the new Urban Fringe Delivery Team be noted and supported;
2. That officers clarify the status of the 'Members Steering Board'; the 'Joint Steering Group' and the 'Sherford Project Board' in time for the Annual Council meeting to be held on 17 May 2018; and
4. That the latest update on the Sherford Strategic Review be welcomed.

### **O&S.114/17 FEASIBILITY OF INSTALLING ELECTRIC CAR CHARGING POINTS IN THE COUNCIL'S PUBLIC CAR PARKS**

In line with the resolution arising from the Council meeting held on 14 December 2017 (Minute 52/17(b) refers), the Panel considered a report that presented a proposed strategy for the installation of an electric vehicle charging network in Council Car Parks.

In discussion, the following points were raised:-

- (a) Although a number of Members expressed their support for the proposed strategy, some concerns were raised over the indicative installation date of late 2019 and it was hoped that efforts could be made to bring this date forward. As a result, an addition to the recommendation (shown in italics) was **PROPOSED** and **SECONDED** as follows:

'That the Panel **RECOMMEND** that the Executive **RECOMMEND** to Council that the proposed Strategy for the installation of an electric vehicle charging network in Council Car Parks be endorsed, *subject to steps being taken to advance the proposed installation date as outlined in paragraph 2.6 of the presented agenda report (late 2019).*'

When put to the vote, this addition was declared **CARRIED**.

- (b) With regard to the Nursery Car Park, Totnes, officers gave an assurance that re-surfacing works would be undertaken prior to any charging points being installed;

- (c) In disagreement with those Members who were supportive, other Members expressed specific concerns relating to the proposed strategy. These concerns primarily related to this matter being a non-statutory function for the Council and the loss of revenue arising from a reduction in fee paying car parking spaces. In response, these Members were reminded that Air Quality Management was a statutory duty for the Council and the loss of revenue would be included in the Business Case;
- (d) In the event of the funding provision that was referred to in the presented agenda report no longer being available, the lead Executive Member confirmed that the matter would be presented back to the Panel for further consideration.

It was then:

### **RECOMMENDED**

That the Panel **RECOMMEND** that the Executive **RECOMMEND** to Council that the proposed Strategy for the installation of an electric vehicle charging network in Council Car Parks be endorsed, subject to steps being taken to advance the proposed installation date as outlined in paragraph 2.6 of the presented agenda report (late 2019).

## **O&S.115/17 Q4 2017/18 PERFORMANCE REPORT**

Members considered a report that presented the 2017/18 Quarter 4 Performance Indicators.

In discussion, reference was made to:-

- (a) planning appeal decisions. The Panel felt that it would be beneficial to include the total number of planning appeals that had been determined as opposed to the total number of planning applications. In response, it was noted that the Development Management Committee had expressed the same view when it last considered the performance information;
- (b) the planning enforcement statistics. A Member reiterated his previously raised concerns relating to the number of planning enforcement cases being such that the funding and capacity allocated to the service were still wholly insufficient. In reply, officers accepted that the number of reported cases remained extensive and, in the event of Members being of the view that the service still required further improvements, then this would need to be brought back through the budget setting process. Furthermore, some Members emphasised the important role that had to be played by Legal support to ensure an effective and efficient planning enforcement service.

The view was expressed that all Members also had a key role to play in planning enforcement cases. In particular, Members needed to be in regular contact with Enforcement Officers and be firm when considering (and dealing with) those cases that were merely neighbour disputes;

- (c) the downward trend in overall waste recycling rate %. When questioned, officers stated that the actual reduction was less than 1% and was attributed to the missed collections that had resulted from the inclement winter weather in the South Hams. Given the bad weather that had occurred in the South Hams, Members felt that only a 1% reduction was a commendable result and the thanks of the Council should therefore be passed on to the waste and recycling crews;
- (d) the % of benefits change of circumstances online. It was acknowledged that the overall take up for the online change of circumstance had been, to date, disappointing;
- (e) a potential new performance indicator. A Member remained of the view that a new indicator should be developed in connection to caseload per planning officer and asked that this be given consideration as part of any pending review into the performance measures that were reported.

It was then:

### **RESOLVED**

1. That the performance levels against target communicated in the Balanced Scorecard and the performance figures supplied in the Background and the Exception report be noted; and
2. That the thanks of the Panel be passed on to the waste and recycling crews for their hard work and efforts during the recent period of bad weather.

### **O&S.116/17 ENABLING HOMES TO MEET THE NEEDS FOR ALL**

Members considered a report that presented a range of options for the purpose of delivering social/affordable housing in order to meet the needs of those in the South Hams who were finding it difficult to purchase their own property and/or find suitable rented accommodation.

The Chairman proceeded to introduce the Principal Consultant from an organisation called Altair, who delivered a presentation to those in attendance. Upon the conclusion of the presentation, it was agreed that the presentation would be circulated to all Members for their information and reference.

In the ensuing discussion, reference was made to:-

- (a) inclusion of social rented housing. When questioned, the Principal Consultant expressed the view that, for the purposes of this project, inclusion of social rented housing would not be a sustainable option. In light of this comment, some Members felt that the heading of the agenda item (i.e. Enabling Homes to '*Meet the Needs for All*') was somewhat misleading and should be revisited as the project progressed;
- (b) governance supporting the establishment of a Board / Executive arrangement. Whilst acknowledging the likely appetite of the Council to maintain close control of any vehicle that underpinned the governance arrangements, the Principal Consultant also highlighted the need for any Board / Executive to have representatives that were appointed on a 'fit for purpose' basis;
- (c) an amendment to the report recommendation. In **PROPOSING** a series of amendments to the recommendation, a Member was of the view that the principles (as outlined in Section 4 of the presented agenda report) gave too much emphasis on a Wholly Owned Company (WOC) being a solely commercial entity rather than a commercial and social entity. Furthermore, it was the view of the proposer that any profits generated by a WOC should be reinvested for further development. These amendments were each **SECONDED** as follows:

- i. That section 4.1.1 be amended to read:

*'The delivery of affordable housing by the Wholly Owned Company (WOC) should be financially viable and not dependent on funding from the Council to cover any possible financial losses.'*

When put to the vote, this amendment was declared **CARRIED**.

- ii. That section 4.1.8 be amended whereby reference throughout to the term '*will*' be replaced with the term '*may*'.

A number of Members did not support this amendment and, when put to the vote, it was declared **LOST**.

- iii. That section 4.1.8 include an additional (final) sentence that read:

*'In any event, the focus of the WOC is to provide affordable housing for sale or rent at below market rates.'*

When put to the vote, this amendment was declared **CARRIED**.

- iv. That section 4.1.9 be deleted.

Whilst the proposer felt that this section did not add anything to the principles, the majority of Members disagreed and, when put to the vote, this amendment was declared **LOST**.

- v. That section 4.1.9 be amended to read:

‘Affordable Housing rents will be set in order to meet the objectives *in the Business Case*. This does not mean that social rents will be made available.’

When put to the vote, this amendment was declared **CARRIED**.

- vi. That sections 4.10 and 4.11 be deleted.

When put to the vote, this amendment was declared **CARRIED**.

- vii. An additional recommendation 4 to read:

‘That, before a business case is presented to the Panel and the Executive, arrangements be made for the relevant officers to meet with Members on a ward by ward basis so as to investigate and ascertain possible opportunities that may be available (or become available) to the WOC in their area for the development of affordable housing. During these meetings, particular attention is to be given to possible ‘exception’ sites in planning terms. The outcome of these meetings will then be presented to the Panel and the Executive alongside the business case proposal.’

When put to the vote, this addition was declared **CARRIED**.

In concluding the agenda item, the Chairman thanked the Principal Consultant for his informative presentation and, on behalf of the wider membership, looked forward to developing the working relationship with his organisation as the project evolved.

## **RESOLVED**

1. That the good work carried out already to support the Council’s strategic aim of enabling homes to meet the needs for all (as outlined in Section 3 of the presented agenda report) be acknowledged;
2. That the principles (as outlined in Section 4 of the presented agenda report) be agreed and supported subject to:-

- (a) Section 4.1.1 being amended to read:

*‘The delivery of affordable housing by the Wholly Owned Company (WOC) should be financially viable and not dependent on funding from the Council to cover any possible financial losses.’*

- (b) Section 4.1.8 being amended to include a final sentence that reads:

*‘In any event, the focus of the WOC is to provide affordable housing for sale or rent at below market rates.’*



(c) Section 4.1.9 be amended to read:

‘Affordable Housing rents will be set in order to meet the objectives *in the Business Case*. This does not mean that social rents will be made available.’

(d) Sections 4.1.10 and 4.1.11 being deleted.

3. That the Panel consider (before its presentation to the Executive) a detailed business case for the formation of a South Hams District Council WOC that will increase the Council’s capability to enable homes to meet the needs for all; and
4. That, before a business case is presented to the Panel and the Executive, arrangements be made for the relevant officers to meet with Members on a ward by ward basis so as to investigate and ascertain possible opportunities that may be available (or become available) to the WOC in their area for the development of affordable housing. During these meetings, particular attention is to be given to possible ‘exception’ sites in planning terms. The outcome of these meetings will then be presented to the Panel and the Executive alongside the business case proposal.

## O&S.117/17 **TASK AND FINISH GROUP UPDATES**

### **(a) Drug and Alcohol Abuse**

As part of his update, the Chairman of the Task and Finish Group advised that:

- the next Group meeting was due to take place on the rising of this Panel meeting; and
- a questionnaire was being circulated around local secondary schools in the South Hams. It was noted that one of the key intentions of the survey was to ascertain the depth of the recreational drug use issue.

## O&S.118/17 **ACTIONS ARISING / DECISIONS LOG**

The contents of the latest version of the Log was presented for consideration. In so doing, the Group Manager – Commercial Services gave a commitment to look at the information contained on the promotional board in the Follaton House Car Park (Minute O&S.73/17 refers).

## O&S.119/17 **DRAFT ANNUAL WORK PROGRAMME**

In consideration of its Annual Work Programme, the following comments, additions and amendments were made by the Panel:-

- (a) In accordance with the earlier request made under the urgent item (Minute O&S.110/17(a) refers), Members noted the decision to schedule an item entitled: 'IT Resilience and Continuity' on to the next Panel meeting agenda on 28 June 2018;
- (b) Having made the request to consider the 'Wholly Owned Company Business Case' before its presentation to the Executive (Minute O&S.116/17 above refers), it was noted that this item would be added to the Work Programme for the Panel meeting on 6 September 2018.

(Meeting started at 10.00 am and concluded at 1.15 pm)

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Chairman

**MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY, 6 JUNE 2018**

<b>Members in attendance</b>			
* Denotes attendance			
∅ Denotes apologies			
*	Cllr I Bramble	*	Cllr J M Hodgson (pm only)
*	Cllr J Brazil	*	Cllr T R Holway
*	Cllr D Brown	*	Cllr J A Pearce
*	Cllr P K Cuthbert	∅	Cllr R Rowe
*	Cllr R J Foss (Vice Chairman)	*	Cllr R C Steer (Chairman)
*	Cllr P W Hitchins	*	Cllr R J Vint

**Other Members also in attendance:**  
Cllrs Pennington, Smerdon and Tucker

**Officers in attendance and participating:**

Item No:	Application No:	Officers:
All agenda items		COP Lead Development Management, Planning Senior Specialist, Planning Specialists, Deputy Monitoring Officer, Specialist – Democratic Services

**DM.01/18 MINUTES**  
The minutes of the meeting of the Committee held on 2 May 2018 were confirmed as a correct record and signed by the Chairman.

**DM.02/18 URGENT BUSINESS**  
The Chairman confirmed that the following applications had been withdrawn from the published agenda:

**3078/17/FUL:** Construction of a new Quay to improve access – 1 Old Coastguard Cottages, Wembury

**1360/17/AGR:** Variation of condition number 2 following grant of planning permission 2829/15/FUL to allow changes to approved plans – Harleston Farm, Harleston

**DM.03/18 DECLARATIONS OF INTEREST**  
Members and officers were invited to declare any interests in the items of business to be considered and the following were made:

Cllr R Vint declared a disclosable pecuniary interest in application **3631/17/OPA**: Outline application for the erection of a mix of B1, B2 & B8 employment spaces, together with access, parking, landscaping and other associated works with an extended time to commence development – Beacon Park, Dartington, by virtue of being a customer of the applicant and he left the room for the duration of the debate and vote on this item;

Cllr R Vint declared a disclosable pecuniary interest in application **1607/18/AGR**: Application for prior notification of agricultural building to provide storage of animal feeds, straw, hay and farm equipment (resubmission of 1114/18/AGR) – Ackrells Field, Littlehempston by virtue of being a close associate and personal friend of the applicant and he left the room for the duration of the debate and vote on this item;

Cllr R Foss declared a personal interest in application **3880/17/OPA**: Outline application (with all matters reserved) for the erection of 8 dwellings (including affordable housing), access and associated landscaping – proposed development site at SX 775 424, East of Creek Close, Frogmore by virtue of knowing the applicant's family and he remained in the room and took part in the debate and vote thereon:

Cllr J Brazil declared a personal interest on behalf of the Council's Opposition Group Members on the Development Management Committee in application **1607/18/AGR**: Application for prior notification of agricultural building to provide storage of animal feeds, straw, hay and farm equipment (resubmission of 1114/18/AGR) – Ackrells Field, Littlehempston by virtue of the applicant being a Members of the Council's Opposition Group and Opposition Group Members remained in the room and took part in the debate and vote thereon. (NB. The applicant, Cllr J Hodgson, left the room for the duration of the debate and vote on this item and Cllr R Vint also left the room (as outlined above));

Cllr J Brazil declared a personal interest in application **3967/17/VAR**: Variation of condition number 3 following grant of planning permission 20/0785/12/F to allow the roundhouse to be granted permanent permission – The High Nature Centre, East Portlemouth by virtue of knowing the applicant and objectors and having visited The High Nature Centre and he remained in the meeting and took part in the debate and vote thereon;

Cllr D Brown declared a personal interest in the following planning applications that were sited within the South Devon AONB by virtue of being a Member of the South Devon AONB Partnership Committee and remained in the meeting and took part in the debate and vote thereon:

- 3967/17/VAR**: Variation of condition number 3 following grant of planning permission 20/0785/12/F to allow the roundhouse to be granted permanent permission – The High Nature Centre, East Portlemouth
- 3880/17/OPA**: Outline application (with all matters reserved) for the erection of 8 dwellings (including affordable housing), access and associated landscaping – Proposed development site at SX 775 424, East of Creek Close, Frogmore

- 3545/17/FUL:** Demolition of existing building and outbuildings and erection of 2no. replacement dwellings including creation of new access off Marine Drive – Seafront, Marine Drive, Bigbury on Sea
- 3741/17/FUL:** New detached two bedroom bungalow to the rear of the plot (resubmission of 2615/17/FUL) – Crofters Cottage, Raddicombe Lane, Hillhead
- 2748/17/FUL:** The demolition of all existing buildings on site while retaining the southern stone boundary wall and concrete quay, erection of a 60 sq m commercial unit at ground floor and a 6 bedroom dwelling with guest suite complete with existing access and the creation of five associated parking spaces – Brewery Quay, Island Street, Salcombe
- 1958/17/FUL:** Retrospective application for change of use of land to A3 (café and seating area) – The Wardroom, Fore Street, Salcombe
- 1291/18/FUL:** Proposed installation of replacement fenders and pontoon with new pontoon access footbridge – Salcombe Fish Quay, Gould Road, Salcombe

DM.04/18

**PUBLIC PARTICIPATION**

The Chairman announced that a list of members of the public and town and parish council representatives, who had registered their wish to speak at the meeting, had been circulated.

DM.05/18

**PLANNING APPLICATIONS**

The Committee considered the details of the planning applications prepared by the Planning Case Officers as presented in the agenda papers, and considered also the comments of Town and Parish Councils together with other representations received, which were listed within the presented agenda reports, and **RESOLVED** that:

**2062/17/FUL**                      **Styles Garden Leisure Centre, Moles Lane, Marldon**

**Parish: Marldon**

**Expansion and redevelopment of existing established garden centre and nursery incorporating the removal of existing polytunnels/greenhouses, construction of new garden centre building, retention of existing buildings for nursery/horticultural use, associated car parking and landscaping**

Case Officer Update:                      Amendment to the financial contribution for highways works, sub to be agreed by the COP Lead in consultation with the Chairman

Speakers included:                      local Ward Member – Cllr Pennington

**Recommendation:** Authority delegated to COP Lead DM, in consultation with the Chairman, to grant conditional approval subject to completion of a s106 legal agreement

However in the event that the s106 legal agreement remains unsigned six months after this resolution, that the application is reviewed by the COP Lead DM in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the COP Lead to refuse the application in the absence of an agreed s106 legal agreement

**Committee Decision:** Authority delegated to COP Lead DM, in consultation with the Chairman, to grant conditional approval subject to completion of a s106 legal agreement

However in the event that the s106 legal agreement remains unsigned six months after this resolution, that the application is reviewed by the COP Lead DM in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the COP Lead to refuse the application in the absence of an agreed s106 legal agreement

Conditions (summarised below from report):

1. Time
2. Accords with plans
3. Materials to be agreed
4. Detailed hard and soft landscaping plan including cross sections
5. Implementation of recommendations set out in AIA and tree protection and planting implementation plan.
6. Details of levels
7. Universal condition for land affected by contamination
8. Verification report
9. Unsuspected contamination
10. CEMP
11. Travel Plan
12. Road widening on Moles Lane to be implemented in accordance with details to be approved by LPA
13. Provision of new access prior to use
14. Provision, laying out and surfacing of car park and turning areas prior to use
15. Program of Archaeological work to be secured and implemented
16. Development in accordance with recommendations of ecology report
17. External lighting details to be agreed
18. Percolation testing
19. Detailed design of surface water management scheme plus details of maintenance and exceedance
20. Construction phase drainage scheme to be agreed and implemented
21. Electrical charging facilities
22. Restriction on range of goods to be sold
23. Floorspace limits on retail and types of retail
24. Existing nursery building not be used for retail purposes
25. Site to be operated as a single business with subdivision of the retail area(s) nor independent access points provided

26. Any concessions shall not have independent access and shall only operate in conjunction with the wider garden centre use.
27. Maximum floor area for café which shall only operate in conjunction with the wider garden centre use
28. Delivery hours restricted 07.00 to 22.00 hours
29. Details of ventilation and extraction

**3631/17/OPA            Beacon Park, Dartington**

**Parish: Dartington**

**Outline application for the erection of a mix of B1, B2 and B8 employment spaces, together with access, parking, landscaping and other associated works with an extended time to commence development**

Case Officer Update:            The application had been re-advertised as the description could have been misunderstood, so the recommendation amended to allow for this; the Environment Agency objection had now been withdrawn subject to two additional conditions; pre-commencement conditions may be re-worded in consultation with consultees

Speakers included:            Objector – Mrs Pam Starkey: Supporter – Mr Peter Swallow: Parish Council – (statement read): local Ward Member – Cllr Hodgson (statement read)

**Recommendation:**

Authority delegated to COP Lead DM, in consultation with the Chairman, to grant conditional approval subject to completion of a s106 legal agreement, and subject to no new issues being raised as a result of the re-advertisement

However in the event that the s106 legal agreement remains unsigned six months after this resolution, that the application is reviewed by the COP Lead DM in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the COP Lead to refuse the application in the absence of an agreed s106 legal agreement

**Committee Decision:**        Authority delegated to COP Lead DM, in consultation with the Chairman, to grant conditional approval subject to completion of a s106 legal agreement, and subject to no new issues being raised as a result of the re-advertisement

However in the event that the s106 legal agreement remains unsigned six months after this resolution, that the application is reviewed by the COP Lead DM in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the COP Lead to refuse the application in the absence of an agreed s106 legal agreement

Conditions:

1. Time limit for submission of reserved matters (5 years after approval of outline) and Time limit for commencement (5 years or 2 years after approval of last reserved matter)
2. Development to be carried out in accordance with approved drawings
3. Reserved matters to include appearance, landscaping, layout and scale
4. Reserved Matters Application to include: -
  - Noise assessment in accordance with BS4142:2014 where an external plant affixed to buildings is proposed
  - Lighting plan (showing lux contours/isoclines) to demonstrate that the proposal will not exceed light levels of 0.5lux within the 20m southern habitat corridor.
5. Percolating testing
6. Details of proposed permanent surface water drainage management system
7. Groundwater monitoring programme to be undertaken over a period of 12 months
8. Details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system
9. Details of proposed surface water drainage management system to serve development site for the full period of its construction to be submitted.
10. Scheme to deal with the risks of contamination prior to the development of each phase
11. Verification report
12. Unsuspected land contamination
13. Bus stop scheme
14. Details of road infrastructure to be submitted
15. Works within vicinity of hedgerow restricted until LPA has copy of licence for Dormice
16. Site preparation or vegetation clearance restricted until LPA has copy of licence for Great Crested Newts
17. LEMP to be submitted detailing habitat maintenance measures
18. CEMP to be submitted detailing timings and work methodologies
19. Provision of electric charging points
20. Provision of a travel plan
21. Construction Management Plan
22. Full hard and soft landscaping details
23. Full tree protection measures
24. Arboricultural method statement
25. Full cut/fill soil volume calculations and details of removal of surplus spoil to a licenced disposal facility
26. lighting scheme and lighting unit details
27. Use restricted to B1, B2 and B8
28. No lorries to be delivered or despatched from site between 23.00 and 07.00
29. No refrigeration units to operate on lorries between 23.00 and 07.00
30. Additional condition re finished floor levels
31. Additional condition re no development within the floodplain



**3967/17/VAR            The High Nature Centre, East Portlemouth**

**Parish: East Portlemouth**

**Variation of condition number 3 following grant of planning permission 20/0785/12/F to allow the roundhouse to be granted permanent permission**

**Case Officer Update:**            The original application description was to vary condition 3, during the life of the application revised drawings were submitted and a request was made to vary condition 2, so the decision today is to vary conditions 2 and 3, the application will need to be re-advertised so the recommendation is amended to one of delegated authority subject to no new issues being raised

**Speakers included:**            Objector – Ms Ruth Froud: Supporter – Ms Catherine Middleditch: Parish Council – Cllr Mike Harris: local Ward Member – Cllr Brazil

**Recommendation:**            Refusal

The local Ward Member spoke in support of the application, and outlined how, in his view, the environmental, social and economic benefits outweighed the harm. Biodiversity had increased on site, the business now had cashflow status and he quoted from a recent newspaper article that had reported the activities available on the site. Another Member was mindful of the need to protect the AONB but felt that the site offered the opportunity for outside space to be enjoyed which was important.

**Committee Decision:**            Conditional Approval

**Reason:**            The social, economic and environmental benefits of the proposal outweigh any harm to the AONB. The proposal supports Policy DP12.

Conditions:

In order to ensure that the conditions applying to this permission were correct, Members agreed that the COP Lead Development Management be given delegated authority to compile the list of conditions outside of the Committee meeting, in consultation with the Chairman and Vice Chairman for approval.

**3880/17/OPA            Proposed development site at SX 775 424, East of Creek Close, Frogmore**

**Parish: Frogmore**

**Outline application (with all matters reserved) for the erection of 8 dwellings (including affordable housing), access and associated landscaping**

Case Officer Update: A further letter of representation had been received but no new issues had been raised

Speakers included: Objector – Ms Sue Beswick: Supporter – Mr Alex Perraton: Parish Council – Cllr Peter Hadley: Local Ward Member – Cllr Foss

**Recommendation:** Authority delegated to COP Lead DM, in consultation with the Chairman, to conditionally approve the application subject to completion of a s106 legal agreement

During discussion, Members noted that the site was within the AONB, and also took account of the parish council comments that there was strong opposition to development on this site.

**Committee Decision:** Refusal

**Reasons:**

1. The site is located within the South Devon Area of Outstanding Natural Beauty, where great weight should be given to conserving landscape and scenic beauty. It has not been demonstrated that there is an overriding need for the development proposed which would outweigh the harm to local landscape character in this sensitive landscape. The proposal does not therefore satisfy the aims of the National Planning Policy Framework (notably but not limited to paragraphs 14 and 115); Policies CS9, DP2 and DP15 of the South Hams Local Development Framework; and Policies TTV31, DEV24 and DEV27 of the emerging Plymouth and South West Devon Joint Local Plan.
2. A final Section 106 Agreement to secure planning obligations appropriate to the scale of development proposed has not been completed and signed. The proposal is therefore contrary to the LDF Planning Obligations SPD; Policy DEL1 of the emerging Plymouth and South West Devon Joint Local Plan; and the National Planning Policy Framework.

**3545/17/FUL                      Seafront, Marine Drive, Bigbury on Sea**

**Parish: Bigbury**

**Demolition of existing building and outbuildings and erection of 2no. replacement dwellings including creation of new access off Marine Drive**

Case Officer Update: None

**Speakers included:** Objector – Mr Norman Botton: Supporter – Mr Andrew Lethbridge: Parish Council – Cllr Bryan Carson: local Ward Member – Cllr Baldry (on behalf of Cllr Huntley who had declared a disclosable pecuniary interest)

**Recommendation:** Conditional Approval

**Committee Decision:** Conditional Approval

Conditions:

1. Time
2. Accord with Plans
3. Roof specification, including solar panels, prior to installation
4. Materials samples prior to installation
5. Landscape plan prior to commencement
6. Accord with Japanese Knotweed mitigation, updated report prior to commencement
7. Accord with recommendations of ecological report
8. Retain garage for parking, plot two
9. Unsuspected contamination

**3741/17/FUL Crofters Cottage, Raddicombe Lane, Hillhead**

**Parish: Kingswear**

**New detached two bedroom bungalow to the rear of the plot (resubmission of 2615/17/FUL)**

**Case Officer Update:** Following comments made at the site inspection it was confirmed that revised plans had not been submitted

**Speakers included:** Objector – Mrs Tina Clifford: Supporter – Mr Simon French: local Ward Member – Cllr Rowe (statement read) and Cllr Hawkins

**Recommendation:** Conditional Approval

During discussion, Members referred to the site visit and the majority of Members noted how the public amenity of the neighbouring properties would be negatively affected by the proposal.

**Committee Decision:** Refusal

**Reason:** The proposed dwelling and new driveway, by reason of their close proximity to the neighbouring property boundaries and rear gardens would result in a cramped and unneighbourly development causing a harmful change in outlook to no. 27 that

would create a sense of enclosure and introduce additional noise and disturbance contrary to policies DP1 and DP3 of the Development Management Policies Document 2010 and emerging policies DEV1 of the Emerging Joint Local Plan.

**4017/17/FUL            Cott House, Cott Lane, Dartington**

**Parish: Dartington**

**Relocation of detached garage and erection of two detached dwellings**

Case Officer Update:            None

Speakers included:            Objector – Ms Helen Tune (statement read):  
Supporter – Mr Richard Boyt: local Ward  
Member – Cllr Hodgson

**Recommendation:**            Conditional Approval

**Committee Decision:**        Conditional Approval

Conditions:

1. Time limit
2. Accord with plans
3. Approval of external materials
4. Landscaping
5. Drainage - surface water
6. Drainage - foul
7. Accord with the Preliminary Ecological Appraisal
8. Development in accordance with AIA
9. Tree protection measures
10. Provision of new access road prior to occupation
11. Construction and delivery hours
12. Removal of PD – extensions, outbuildings, means of enclosure and hardstandings
13. No external lighting on or beyond the west elevations of the dwelling houses unless agreed by LPA.

**2748/17/FUL            Brewery Quay, Island Street, Salcombe**

**Parish: Salcombe**

**The demolition of all existing buildings on site while retaining the southern stone boundary wall and concrete quay, erection of a 60sq m commercial unit at ground floor and a 6 bedroom dwelling with guest suite complete with existing access and the creation of five associated parking spaces**

**Case Officer Update:** Description amended to 266 sq m commercial floor space and four parking spaces; amendments to conditions 12 and 13 and further conditions regarding use of commercial space being B1, A2 and B8 with the exception of the front retail unit being A1; condition stating commercial floor space to be complete and available for use prior to residential space; further condition from Environment Agency; omission of policy reference in report which should include DP14 employment floor space; two later letters of representation, from Pebbles to which the applicant had responded and from Chamber of Commerce for Kingsbridge, Salcombe and Malborough

**Speakers included:** Objector – Mr David Greening: Supporter – Mr David Farrell: Town Council – Cllr Mike Fice: local Ward Members – Cllr Wright (statement read) and Cllr Pearce

**Recommendation:** Conditional Approval

During discussion, a number of Members raised concerns regarding the inclusion of a residential element in the proposal. The siting of the proposal was in a commercial area. One Member stated that the emerging Neighbourhood Plan should be respected. Another Member stated that commercial areas being taken over by residential areas and higher value commercial businesses was inevitable, as it was happening in other areas. One Member stated that the proposal site was viable for the right business, and another Member added that allowing housing on this site was sending a dangerous message and coastal communities had to be protected.

**Committee Decision:** Refusal

**Reason:**

1. The proposed development will result in the loss of viable, locally important employment land of which there is limited supply and without suitable replacement and has not demonstrated that the same number of jobs will be provided for, to the detriment of the local economy and contrary to Policy DP14 of the South Hams Local Development Framework, Policy DEV14 of the Plymouth and South West Devon Joint Local Plan. Policy SALC EM2 of the Draft Salcombe Neighbourhood Plan and the National Planning Policy Framework in particular paragraphs 18, 19 and 21.

2. The proposed replacement employment floorspace is sited within Flood Zones 2 and 3 where it will be liable to flooding but where the building is not designed to encourage marine based employment use. As such the employment floorspace within Flood Zones 2 and 3 is likely be unattractive to the market and thus unviable as employment space. This will lead to further loss of employment land contrary to Policy DP14 of the South Hams Local Development Framework, Policy DEV14 of the Plymouth and South West Devon Joint Local Plan. Policy SALC EM2 of the Salcombe Neighbourhood Plan (draft) and the National Planning Policy Framework in particular paragraphs 18, 19 and 21.
3. The proposed dwelling would be located within an established employment area and will sit immediately adjacent to Shadycombe Creek in close proximity to the working Fish Quay. These surrounding employment uses can give rise to significant levels of noise and disturbance. A dwelling in this location could result in unreasonable restrictions being put on the existing employment uses if it can be demonstrated in the future that the uses will have adverse impacts on the health and quality of life of occupiers of the new dwelling. As such the proposed development is contrary to Policy DEV 1 of the Plymouth and South West Devon Joint Local plan and the National Planning Policy Framework in particular paragraph 123.
4. Having regard to the scale, massing and design resulting from the projecting lift shaft within the scheme the proposed development will be out of character with the area presenting an incongruous feature in the street scene. As such it will fail to conserve or enhance the character of the Conservation Area and will fail to conserve the scenic beauty of this part of the South Devon Area of Outstanding Natural Beauty contrary to Policies DP1, DP2, DP6 of the South Hams Local Development Framework, Policies DEV 20, DEV 22, DEV 24 and DEV 27 of the Plymouth and South West Devon Joint Local Plan and Policies SALC Env1 and SALC B1 of the Draft Salcombe Neighbourhood Plan and the National Planning Policy Framework in particular paragraphs 56, 115 and 134.

**1607/17/VAR**

**Ackrells Field, Littlehempston**

**Parish: Littlehempston**

**Application for prior notification of agricultural building to provide storage of animal feeds, straw, hay and farm equipment (resubmission of 1114/18/AGR)**

Case Officer Update: Revised plans had been received, along with elevational sketches and further details of the nature of the agricultural use; further letters of representation received, including a letter of representation from the Parish Council which was quoted

Speakers included: Objector – Mr Keith Taylor

**Recommendation:** Agricultural determination, details not required

During discussion, a number of Members accepted the need for a building of the size proposed in relation to the size of the field, but there were concerns over the precise siting of the building and whether moving the building would negate the need for a track.

**Committee Decision:** Prior Approval Needed

**1958/17/FUL The Wardroom, Fore Street, Salcombe**

**Parish: Salcombe**

**Retrospective application for change of use of land to A3 (Café and seating area)**

Case Officer Update: None

**Recommendation:** Conditional Approval

**Committee Decision:** Conditional Approval

Conditions:

1. Accord with Plans
2. No external lighting unless otherwise agreed in writing
3. Tie use to the Wardroom Café

**1291/18/FUL Salcombe Fish Quay, Gould Road, Salcombe**

**Parish: Salcombe**

**Proposed installation of replacement fenders and pontoon with new pontoon access footbridge**

Case Officer Update: None

**Recommendation:** Authority delegated to the COP Lead DM, in consultation with the Chairman, to conditionally approve the application subject to resolution of the comments received from Natural England

**Committee Decision:** Authority delegated to the COP Lead DM, in consultation with the Chairman, to conditionally approve the application subject to resolution of the comments received from Natural England

Conditions:

1. Standard time limit
2. Accord with plans
3. Pontoon lighting details – prior to installation
4. Any conditions requested or relating to issues raised by Natural England/Environment Agency

DM.06/18     **0555/18/TPO**                     **The Cedars, Jubilee Road, Totnes**

Case Officer Update:             None

**Recommendation:**             Conditional Approval

**Committee Decision:**         Conditional Approval

DM.07/18     **1025/18/TPO**                     **19 Nether Meadow, Marldon**

Case Officer Update:             None

**Recommendation:**             Conditional Approval

**Committee Decision:**         Conditional Approval

DM.08/18     **PLANNING APPEALS UPDATE**

Members noted the list of appeals as outlined in the presented agenda report. The COP Lead Development Management presented further detail on specific cases.

DM.09/18     **PLANNING ENFORCEMENT INDICATORS**

In view of the length of the meeting the Chairman asked that this item be deferred, to be re-presented at the next meeting scheduled to take place on 4 July, 2018.

(Meeting commenced at 9.30am and concluded at 6.40 pm)

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Chairman



## Voting Analysis for Planning Applications – DM Committee 6 June 2018

<b>Application No:</b>	<b>Site Address</b>	<b>Vote</b>	<b>Councillors who Voted Yes</b>	<b>Councillors who Voted No</b>	<b>Councillors who Voted Abstain</b>	<b>Absent</b>
2062/17/FUL	Styles Garden Centre, Moles Lane, Marlton	Conditional Approval	Cllrs Brown, Vint, Steer, Brazil, Pearce, Bramble, Cuthbert, Foss, Hitchins, Holway (10)	(0)	(0)	Cllrs Rowe and Hodgson (2)
3631/17/OPA	Beacon Park, Dartington	Conditional Approval	Cllrs Brown, Steer, Pearce, Bramble, Cuthbert, Foss, Hitchins, Holway (8)	(0)	Cllr Brazil and Cllr Vint by virtue of declaring a DPI (2)	Cllrs Rowe and Hodgson (2)
3967/17/VAR	The High Nature Centre, East Portlemouth	Conditional Approval	Cllrs Brown, Vint, Brazil, Holway, Cuthbert, (5)	Cllrs Steer, Bramble (2)	Cllrs Hitchins, Foss and Pearce (3)	Cllrs Rowe and Hodgson (2)
3880/17/OPA	Proposed development site at SX 775 424, East of Creek Close, Frogmore	Conditional Approval	Cllrs Hitchins, Holway, Bramble, Steer (4)	Cllrs Foss, Brazil, Vint, Pearce, Brown (5)	Cllr Cuthbert (1)	Cllrs Rowe and Hodgson (2)
3880/17/OPA	Proposed development site at SX 775 424, East of Creek Close, Frogmore	Refusal	Cllrs Foss, Brazil, Vint, Pearce, Brown (5)	Cllrs Hitchins, Holway, Bramble, Steer (4)	Cllr Cuthbert (1)	Cllrs Rowe and Hodgson (2)
3545/17/FUL	Seafront, Marine Drive, Bigbury on Sea	Conditional Approval	Cllrs Brown, Steer, Pearce, Bramble, Cuthbert, Foss, Hitchins, Holway (8)	Cllrs Vint, Brazil (2)	(0)	Cllrs Rowe and Hodgson (2)
3741/17/FUL	Crofters Cottage, Raddicombe Lane, Hillhead	Refusal	Cllrs Brown, Pearce, Bramble, Cuthbert, Hitchins, Vint, Brazil (7)	Cllrs Foss, Steer, Holway (3)	(0)	Cllrs Rowe and Hodgson (2)
4017/17/FUL	Cott House, Cott Lane, Dartington	Conditional Approval	Cllrs Brown, Pearce, Bramble, Cuthbert, Hitchins, Holway, Foss, Steer (8)	Cllrs Brazil, Vint (2)	Cllr Hodgson by virtue of not being present for the whole debate (1)	Cllr Rowe (1)

2748/17/FUL	Brewery Quay, Island Street, Salcombe	Refusal	Cllrs Brown, Pearce, Bramble, Cuthbert, Hitchins, Foss, Brazil, Vint, Hodgson (9)	Cllrs Steer, Holway (2)	(0)	Cllr Rowe (1)
1607/18/AGR	Ackrells Field, Littlehempston	Prior Approval Needed	Cllrs Brown, Foss, Steer, Bramble, Pearce, Hitchins, Pearce (7)	Cllr Cuthbert (1)	Cllr Brazil, and Cllrs Hodgson and Vint both by virtue of declaring a DPI (3)	Cllr Rowe (1)
1958/17/FUL	The Wardroom, Fore Street, Salcombe	Conditional Approval	Cllrs Brown, Vint, Steer, Brazil, Pearce, Bramble, Cuthbert, Hitchins, Holway, Hodgson (10)	(0)	(0)	Cllrs Rowe, Foss (2)
1991/18/FUL	Salcombe Fish Quay, Gould Road, Salcombe	Conditional Approval	Cllrs Brown, Vint, Steer, Brazil, Pearce, Bramble, Cuthbert, Hitchins, Holway, Hodgson (10)	(0)	(0)	Cllrs Rowe, Foss (2)
1005/18/TPO	The Cedars, Jubilee Road, Totnes	Approval	Cllrs Brown, Vint, Steer, Brazil, Pearce, Bramble, Cuthbert, Hitchins, Holway, Hodgson (10)	(0)	(0)	Cllrs Rowe, Foss (2)
1025/18/TPO	19 Nether Meadow, Marldon	Approval	Cllrs Brown, Vint, Steer, Brazil, Pearce, Bramble, Cuthbert, Hitchins, Holway, Hodgson (10)	(0)	(0)	Cllrs Rowe, Foss (2)

**MINUTES OF A MEETING OF  
THE EXECUTIVE  
HELD AT FOLLATON HOUSE ON THURSDAY 14 JUNE 2018**

<b>Members in attendance:</b>			
<b>* Denotes attendance</b>			
<b>∅ Denotes apologies for absence</b>			
*	Cllr H D Bastone	*	Cllr R J Tucker (Chairman)
*	Cllr R D Gilbert	*	Cllr S A E Wright (Vice Chairman)
*	Cllr N A Hopwood	*	Cllr K R H Wingate

<b>Also in attendance and participating</b>		
Item 6	E.04/18	Cllrs K J Baldry, J P Birch, I Bramble, P K Cuthbert, J Green, J M Hodgson, D W May, J A Pearce, J T Pennington, R J Vint
Item 7	E.05/18	Cllrs I Bramble, J Green, R Rowe and M F Saltern
Item 8	E.06/18	Cllrs J A Pearce and J T Pennington
Item 9	E.09/18	Cllrs K J Baldry, J P Birch, J M Hodgson, D W May, J A Pearce, J T Pennington, R C Steer and R J Vint
Item 10	E.08/18	Cllrs K J Baldry, J Birch, I Bramble, P K Cuthbert, J Green, J M Hodgson, J T Pennington and M F Saltern
Item 12	E.11/18	Cllrs K J Baldry, J P Birch and J A Pearce
<b>Also in attendance and not participating</b>		
Cllrs Brown and Hicks		

<b>Officers in attendance and participating</b>		
All items		Executive Director Service Delivery and Commercial Development, Group Manager Customer First and Support Services and Senior Specialist – Democratic Services
Item 6	E.04/18	Specialist (Place Making)
Item 7	E.05/18	Section 151 Officer
Item 8	E.06/18	Group Manager – Commercial Services; and Senior Specialist (Waste Strategy and Commissioning)
Item 9	E.07/18	Monitoring Officer
Item 10	E.08/18	Assets Community Of Practice Lead and Section 151 Officer
Item 12	E.10/18	Senior Specialist - Environmental Health

**E.01/18      MINUTES**

The minutes of the Executive meeting held on 26 April 2018 were confirmed as a true and correct record and signed off by the Chairman.

## E.02/18      **DECLARATIONS OF INTEREST**

Members and officers were invited to declare any interests in the items of business to be considered during the course of this meeting and the following were made:

Cllr N A Hopwood declared a Disclosable Pecuniary Interest in Item 12(a): '*Reports of Bodies: Overview and Scrutiny Panel – 3 May 2018*' (Minute E.10/18 below refers) and specifically the recommendation arising from Minute O&S.114/17 ('*Feasibility of Installing Electric Car Charging Points in the Council's Public Car Parks*') by virtue of her business interests and left the meeting during the debate and vote on this recommendation.

## E.03/18      **PUBLIC QUESTION TIME**

It was noted that no public questions had been received for consideration at this meeting.

## E.04/18      **RELEASE OF S106 FUNDS FOR AFFORDABLE HOUSING PROJECTS**

Members were presented with a report that requested the release and allocation of Section 106 funds over £30,000 for affordable housing projects with Transition Homes Community Land Trust (CLT).

The Lead Member for Customer First introduced the report and reminded the meeting on a number of occasions that the Council's top Corporate Priority was affordable housing.

In the ensuing debate, reference was made to:-

(a) a motion to defer the recommendation. A motion to defer the recommendation to the next Executive meeting on 19 July 2018 was **PROPOSED** and **SECONDED**. In support of the motion to defer, the proposer and seconder made the following points:

- It was felt that a five week delay would not unduly affect the project and would enable for consultation to be undertaken in the meantime with Totnes Town Council and East Allington Parish Council;
- In light of concerns over the seemingly high build costs associated with the project, a deferral would also enable for more information and clarification to be sought in this respect.

In contrast, other Members did not support the motion and made the following points:

- The proposals presented an opportunity to progress a good quality affordable housing scheme (70% of which affordable housing) that had the support of the local Members from both Totnes and Dartington;
- With regard to the Fallapit House, East Allington development monies, these had been available since 2010 and no appropriate schemes had come forward yet from either the Parish Council or the local Ward Member. As a consequence, if these went unspent there was a risk that these could ultimately be lost by the Council.

When put to the vote, the motion was (by virtue of the Chairman's Casting Vote) declared **LOST**.

- (b) the principle of Section 106 deposits being spent elsewhere in the South Hams. It was acknowledged that the process for spending Section 106 Deposits for Affordable Housing was last reviewed by the Overview and Scrutiny Panel at its meeting on 6 July 2017 (Minute O&S.16/17 refers). That being said, some Members were uncomfortable that the process now enabled for monies that had been received for a development in one town/parish to be spent elsewhere in the district. However, other Members were content with the current process and stressed the importance of the wider membership taking the view that such monies were required to facilitate affordable housing provision across the whole of the South Hams.

Such was the extent and length of the debate on this point, that the following motion was **PROPOSED** and **SECONDED**:

*'That the Overview and Scrutiny Panel be asked to undertake a review into the process for Spending Section 106 Deposits for Affordable Housing.'*

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

- (c) fuel poverty. A Member highlighted the associated difficulties experienced by low income families regarding fuel poverty and the cost of heating a home. As a consequence, it was noted that one of the reasons for the seemingly high build costs for this development were the measures being put in place to help to prevent fuel poverty;
- (d) the proposed use of the Fallapit House, East Allington monies. As a way forward and, in light of the concerns expressed over the proposal to use these monies, an alternative proposal was **PROPOSED** and **SECONDED** as follows:

*'£87,124.50 – from the Riverside, Totnes development to spend on an affordable housing scheme at Clay Park, Dartington with Transition Homes Community Land Trust.'*

When put to the vote, this alternative proposal was considered to be more appropriate and was declared **CARRIED**.

- (e) shared learning opportunities. The local Ward Member advised that the CLT was fully prepared and committed to sharing its knowledge and experiences with other parties who were considering setting up a CLT.

It was then:

### **RESOLVED**

1. That the release or allocation of s106 funds for Affordable Housing projects as set out below be approved:
  - (a) £87,124.50 – from the Riverside, Totnes development to spend on an affordable housing scheme at Clay Park, Dartington with Transition Homes CLT;
  - (b) £11,704.00 from Elwell House, Totnes to spend on an affordable housing scheme at Clay Park, Dartington with Transition Homes CLT; and
  - (c) £9,025.00 – from the Warlands Garage, Totnes to spend on an affordable housing scheme at Clay Park, Dartington with Transition Homes CLT; and
2. That the Overview and Scrutiny Panel be asked to undertake a review into the process for Spending Section 106 Deposits for Affordable Housing.

## **E.05/18 TRANSFORMATION PROGRAMME (T18) CLOSEDOWN REPORT**

Members were presented with a report that set out the detail of the Transformation Programme (T18) project, which was a radical transformation that led to the most significant change in the way that the Council worked for more than 40 years. The workforce had been reduced by 30% with all staff roles changed to be flexible and responsive to the needs of the customer. The report set out the details of the different workstreams within the overall Transformation Programme.

The Leader introduced the report and, in the ensuing discussion, the following points were raised:-

- (a) The Executive recognised that the report had been considered at length by the Overview and Scrutiny Panel at its meeting on 3 May 2018 (Minute O&S.112/17 refers) and was happy to accept each of its recommendations;

- (b) A number of Members wished to pay tribute to the work of officers during what had been some very difficult times and it was to the great credit of staff that the Council had reached this point. Furthermore, praise was also extended to the Members themselves, who had equally experienced some difficult times and particular credit was given to the Leader of the Council for the way that he had managed the membership through the Programme;
- (c) With regard to the total shared services savings of £3.9 million, the Section 151 Officer confirmed that she would provide a breakdown of these figures to interested Members.

It was then:

**RESOLVED**

- 1) That the recommendations of the Overview and Scrutiny Panel meeting of 3 May 2018 (Minute O&S.112/17) as set out in section 2.9 of the presented agenda report be accepted; and
- 2) That the contents of the T18 Transformation Programme Closedown report and the benefits realised (as set out in Section 8 of the presented agenda report) be endorsed.

E.06/18

**WASTE AND RECYCLING HAULAGE CONTRACT AWARD**

Members were presented with a report that sought approval to award the contract for Municipal Waste Haulage to the highest scoring bidder following a competitive open procurement process.

The Lead Member for Commercial Services introduced the report and, in discussion, reference was made to:

- (i) the scoring mechanism. Officers confirmed that, during the scoring process, consideration was given to the geographical location of bidders;
- (ii) the garden waste contract. It was clarified that the current garden waste contract was covered by the separate Devon County Council contractual arrangements;
- (iii) the additional financial costs. Following further analysis, officers confirmed that it was anticipated that the actual additional financial costs of awarding the new contract would be closer to £25,000 than the figure quoted in the presented agenda report (£45,000).

It was then:

**RESOLVED**

- 1. That the decision to award the contract for Municipal Waste Haulage to the highest scoring bidder ('Bidder A') as outlined in exempt Appendix A be approved; and

2. That any minor changes considered necessary to the terms as highlighted be delegated to the Commissioning Manager (Waste), in consultation with the Lead Executive Member for Commercial Services.

## E.07/18 **EXCLUSION OF PUBLIC AND PRESS**

Having been **PROPOSED** and **SECONDED**, some Members felt that it was wholly inappropriate for the agenda item entitled: '*Council Owned Asset Investment and Development*' to be considered in exempt session. In taking the point a step further, the Members felt that it was in fact in the public interest for this agenda item to be debated in public session and therefore disclosed to the general public.

In response, other Members recognised the importance of early consultation in such matters, but agreed with the comments of the Monitoring Officer whereby it was also essential for the Council to protect its commercial interests.

The Leader also gave notice of his intention to propose (at the appropriate time) an amendment to the agenda report that would help to allay a number of the concerns being raised.

Some Members expressed their deep frustrations that some of the contents of the exempt report had seemingly already been disclosed to members of the public and such actions were felt to cast a shadow over the entire membership.

It was then:

### **RESOLVED**

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item of business as the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A to the Act is involved.

## E.08/18 **COUNCIL OWNED ASSET INVESTMENT & DEVELOPMENT**

Members were presented with an exempt report that set out opportunities arising from meetings of the Investment Member Group.

The Leader introduced the report and **PROPOSED** an alternative recommendation as follows:



1. That Council be **RECOMMENDED** to approve the expenditure of up to a maximum of £150,000 in order to prepare a detailed business case for each of the proposed Council-owned asset investment and development opportunities (as detailed in Section 3 and Appendix 1 of the presented agenda report), subject to prior engagement with relevant Town and Parish Councils and local Ward Member(s) on their aspirations for their communities having taken place before the Special Council meeting on 26 July 2018;
2. That the Executive receive a verbal update on the outcome of this prior engagement at its next meeting on 19 July 2018, with the Executive Forward Plan being updated accordingly; and
3. That Council be **RECOMMENDED** to agree that officers conclude an appropriate procurement process to commission the work required to produce individual business cases for the identified Asset Investment and Development opportunities.

This recommendation was subsequently **SECONDED** and debated. During which, there was widespread support for the alternative recommendations.

It was then:

#### **RESOLVED**

1. That Council be **RECOMMENDED** to approve the expenditure of up to a maximum of £150,000 in order to prepare a detailed business case for each of the proposed Council-owned asset investment and development opportunities (as detailed in Section 3 and Appendix 1 of the presented agenda report), subject to prior engagement with relevant Town and Parish Councils and local Ward Member(s) on their aspirations for their communities having taken place before the Special Council meeting on 26 July 2018;
2. That the Executive receive a verbal update on the outcome of this prior engagement at its next meeting on 19 July 2018, with the Executive Forward Plan being updated accordingly; and
3. That Council be **RECOMMENDED** to agree that officers conclude an appropriate procurement process to commission the work required to produce individual business cases for the identified Asset Investment and Development opportunities.

## E.09/18 READMITTANCE OF THE PRESS AND PUBLIC

It was then:

### **RESOLVED**

That the press and public be readmitted to the meeting.

## E.10/18 72 SECONDS OF SILENCE

At 12 noon, the meeting proceeded to stand and observe the national 72 seconds of silence for the victims of the Grenfell Tower Fire Tragedy, which occurred on 14 June 2017.

## E.11/18 REPORTS OF OTHER BODIES

### (a) Overview and Scrutiny Panel – 22 March 2018

#### **O&S.113/17 Update on the Urban Fringe Delivery Team and Sherford Strategic Review**

Despite the concerns that had been raised by the Panel, a Member expressed his deep frustration that the Sherford Road closure had now been delayed further.

#### **O&S.114/17 Feasibility of Installing Electric Car Charging Points in the Council's Public Car Parks**

For clarity, the Panel recommendation was **PROPOSED** and **SECONDED** with the addition whereby the proposed strategy should only be endorsed *on the understanding that the EU funding is obtained.*'

In discussion, officers gave an assurance that, if the proposal sought expenditure of more than £20,000, then a further report would be presented back to Members.

Another Member made the point that this initiative was already being well received in the Totnes community and was sending a very positive message.

It was then:

### **RECOMMENDED**

That Council be **RECOMMENDED** that the proposed Strategy for the installation of an electric vehicle charging network in Council Car Parks be endorsed, subject to steps being taken to advance the proposed installation date as outlined in paragraph 2.6 of the presented agenda report (late 2019) and only on the understanding that the EU funding is obtained.

**(NOTE: THESE DECISIONS, WITH THE EXCEPTION OF E.08/18 PARTS 1 AND 3 AND E.11/18(a), WHICH ARE RECOMMENDATIONS TO THE SPECIAL COUNCIL MEETING TO BE HELD ON 26 JULY 2018, WILL BECOME EFFECTIVE FROM 5.00PM ON MONDAY 25 JUNE 2018 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).**

(Meeting commenced at 10.00 am and concluded at 12.15 pm)

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Chairman

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**MINUTES OF A MEETING OF THE AUDIT COMMITTEE  
HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 21 JUNE 2018**

<b>Members in attendance</b>			
* Denotes attendance			
∅ Denotes apology for absence			
*	Cllr I Bramble	*	Cllr J A Pearce (Chairman)
*	Cllr J Brazil	*	Cllr J T Pennington (Vice-Chairman)
*	Cllr T R Holway		

<b>Members also in attendance:</b>
Cllrs N A Hopwood and S A E Wright

Item No	Minute Ref No below refers	Officers and Visitors in attendance
All Items		Section 151 Officer; Finance Community Of Practice Lead; Case Management Manager; Internal Audit Manager and Senior Specialist – Democratic Services

**A.1/18 MINUTES**

The minutes of the meeting held on 22 March 2018 were confirmed as a correct record and signed by the Chairman.

**A.2/18 URGENT BUSINESS**

The Chairman advised that she had agreed for one urgent item to be raised at this meeting. The item related to recent Financial Reporting Council reports about the performance of KPMG and the Section 151 Officer was invited to provide a summary statement that had been received from KPMG representatives that read as follows:

*'The recent Financial Reporting Council (FRC) reports (including the outcome of their review of our work at Quindell) are clearly disappointing for the firm and highlight that there are areas where we are not meeting regulatory expectations. We take this matter very seriously and are committed to rectifying those areas of under performance (as has been noted by the FRC in their report).*

*There are two points that we would particularly like to highlight:*

1. *The FRC report is based upon audits for years ending in 2016 and pre-date significant changes that we began to implement in October of last year (our Audit Quality Transformation Programme) which were specifically designed to improve quality around these areas which have been identified as 'problematic';*

2. *The FRC report is based on their review of our work at large listed entities. Our work over local government clients is reviewed separately by the FRC under an arrangement with Public Sector Audit Appointments (PSAA). The reports produced on this work, including the most recent report, have consistently found that we are meeting the expected standards through our delivery of local government audits. This does not mean that we are relaxed in this area however and the changes arising from our Audit Quality Transformation Programme are also being implemented on your audit this year.'*

#### A.3/18 **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, but none were made.

#### A.4/18 **DRAFT STATEMENT OF ACCOUNTS 2017/18**

The Committee considered a report that presented the draft Statement of Accounts and the draft Annual Governance Statement for the financial year ended 31 March 2018.

In discussion, the following points were raised:-

- (a) Those Members in attendance paid tribute to the achievements of the Finance Community Of Practice in meeting the requirement to publish the Council's Accounts a month earlier than in 2016/17;
- (b) With regard to the main budget variations identified in 2017/18, Members recognised that some of the % differentials were very significant. In particular, a Member identified the 60% shortfall in anticipated trade waste income and asked for a further explanation. In so doing, it was requested that greater explanation of the significant variations be given outside of this meeting and it was therefore agreed that a Briefing Paper would be produced and circulated to the Committee;
- (c) For clarity, officers confirmed that the reduction in 'long-term revenue grant receipts in advance (Section 106 Deposits)' reflected the fact that the Council had exercised its right to take a one-off 5% admin fee from this source;
- (d) A Member commented that the mortality assumptions seemed to be very high, which would have a consequent impact upon pension liabilities. In reply, it was noted that clarity had been sought on this point from Barnett Waddingham (an independent firm of actuaries), who had advised that the assumptions reflected the fact that people in the Devon Local Government Pensions Scheme statistically lived longer than the rest of the country;

- (e) In noting that the 'Business Rates Receivable' had fallen by £1 million in comparison to the previous year, a Member questioned whether this was part of a worrying trend whereby a number of local businesses were closing. In reply, officers informed that this was due to 2017/18 being a re-evaluation year for Business Rates, with the outcome of this review being that an increased number of small businesses were entitled to receive rate relief;
- (f) A Member expressed his surprise at the general lack of reference in the documents to the 'One Council' decisions. Whilst noting its reference in the narrative statement, such were the intrinsic links between the Council and West Devon Borough Council (WDBC) that the financial standing and performance of WDBC were a direct risk to the Council that should not be underestimated. As a result, the Committee requested that this point be incorporated into the Council's Risk Register. Furthermore, the Chairman advised the Committee that WDBC was currently at risk of its planning service being designated by the Government and this was felt to be an example of why the Committee needed to closely monitor the performance of WDBC;
- (g) For clarity, the Committee asked that the Annual Governance Statement be amended to clarify that the detailed delivery plans that sit beneath the Corporate Strategy themes were still to be developed.

It was then:

#### **RESOLVED**

1. That the Draft Statement of Accounts and the Draft Annual Governance Statement for the financial year ended 31 March 2018 be noted;
2. That the Council notify the Department for Work and Pensions that it will appoint KPMG as their appointed Reporting Accountant for 2018-19 for the Housing Benefit Subsidy Claim (as set out in Section 4 of the presented agenda report);
3. That officers produce a Briefing Paper for Members that provides a greater explanation of those significant main variations to the Budget in 2017/18.

A.5/18

#### **INTERNAL AUDIT ANNUAL REPORT 2017/18**

A report was considered that summarised the work undertaken by the Council's Internal Audit team during 2017/18. In addition, the report also reviewed the performance of the Internal Audit service and provided an audit opinion on the adequacy of internal control.

In discussion, the following points were raised:-

- (a) The Committee wished to thank the Internal Audit Team for all the work it undertook to ensure that the Council obtained a 'significant assurance' on the adequacy and effectiveness of its Internal Control Framework. By way of an update, the Committee noted that the member of the team who had suffered a serious accident had now returned to work. Whilst elements of the absence had been backfilled by the Devon Audit Partnership, Members were advised that the Audit Plan for 2017/18 had not been fully completed;
- (b) With regard to the fundamental weaknesses that had been identified during a recent Section 106 Agreements audit, the Committee was informed that progress had since been made. However, there did remain a number of issues to be followed up to ensure that this audit assignment achieved a good standard. When questioned, the Internal Audit Manager confirmed that these included: the need to build in some additional officer resilience and the need for all relevant information to be contained in one place;
- (c) In respect of Business Continuity, the lead Executive Member informed the Committee that an IT Resilience report was on the agenda for consideration at the next Overview and Scrutiny Panel meeting on 28 June 2018;
- (d) The Internal Audit Manager confirmed that counter fraud arrangements remained a high priority for the Council and it was acknowledged by Members that these assisted in the protection of public funds and accountability.

It was then:

### **RESOLVED**

1. That, overall and based on work performed during 2017/18 and that of our experience from previous year's audit, approval be given to the Head of Internal Audit's Opinion is of 'significant assurance' on the adequacy and effectiveness of the Authority's internal control framework; and
2. That approval be given to the satisfactory performance and achievements of the Internal Audit Team during 2017/18.

A.6/18

### **ANNUAL REPORT OF THE STATUTORY OFFICERS' PANEL**

The Committee was presented with a report that sought to inform Members of the work that the Statutory Officers' Panel had carried out over the last Financial Year.



In discussion, the following points were raised:-

- (a) Further to his previous comments (Minute A.4/18 above refers), a Member again reiterated his concerns in relation to the risks associated with the medium to long-term financial future of West Devon Borough Council. As a consequence, it was **PROPOSED** and **SECONDED** and when put to the vote declared **CARRIED** that:

*'The risks to South Hams District Council associated with the potential failure of West Devon Borough Council are explicitly added to the Council's Risk Register, with an accompanying Mitigating Strategy also included.'*

- (b) Whilst accepting that this was the first report of the Panel, the Committee requested that future reports include additional information relating to the role that had been played by the Panel during key corporate projects over the course of that year.

It was then:

**RESOLVED**

1. That the report be noted; and
2. That the risks to South Hams District Council associated with the potential failure of West Devon Borough Council are explicitly added to the Council's Risk Register, with an accompanying Mitigating Strategy also included.

**A.7/18 GRANT THORNTON EXTERNAL AUDIT FEE LETTER**

The Committee considered the planned audit fee letter for 2018/19 from Grant Thornton and welcomed the news that the Council would be paying, in comparison to the previous year, 23% less in its External Audit Fees for 2018/19.

It was then:

**RESOLVED**

That the contents of the External Audit Fee Letter be noted.

**A.8/18 AUDIT COMMITTEE WORKPLAN PROGRAMME 2018/19**

Members considered a report that sought approval of the Workplan Programme for the financial year 2018/19.

In discussion, reference was made to the pay on entry proposals for public conveniences. A Member expressed his disappointment that, despite making numerous requests, he had yet to receive a Business Plan that underpinned the recent Executive decision to implement a pay on entry system for some Council owned Public Conveniences. Indeed, such were the extent of these concerns, that Members requested that lead officers be invited to attend a future Committee meeting to outline the governance arrangements that were being proposed to underpin this project.

It was then:

**RESOLVED**

1. That the Workplan Programme for the financial year 2018-19 be approved; and
2. That lead officers be invited to attend a future Committee meeting to outline the governance arrangements that were being proposed to underpin the Pay on Entry Proposals for Public Conveniences.

(Meeting commenced at 10.00 am and finished at 12.05 pm)

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Chairman

**MINUTES OF THE MEETING OF THE  
OVERVIEW & SCRUTINY PANEL  
HELD AT FOLLATON HOUSE, TOTNES ON  
THURSDAY, 28 JUNE 2018**

<b>Panel Members in attendance:</b>			
* Denotes attendance		∅ Denotes apology for absence	
*	Cllr K J Baldry	∅	Cllr E D Huntley
*	Cllr J P Birch	*	Cllr D W May
∅	Cllr J I G Blackler	*	Cllr J T Pennington
*	Cllr B F Cane	∅	Cllr K Pringle
*	Cllr J P Green	*	Cllr M F Saltern (Chairman)
*	Cllr J D Hawkins	*	Cllr P C Smerdon (Vice Chairman)
*	Cllr M J Hicks		

<b>Other Members also in attendance:</b>
Cllrs H D Bastone, I Bramble, J Brazil, P K Cuthbert, R D Gilbert, N A Hopwood, J A Pearce, R C Steer, R J Tucker, R J Vint and S A E Wright

Item No	Minute Ref No below refers	Officers in attendance and participating
All		Group Manager – Commercial Services; and Senior Specialist – Democratic Services
7(b)	O&S.5/18(b)	Housing, Revenue and Benefits Community Of Practice Lead; and Housing Specialist
8	O&S.6/18	Group Manager – Customer First and Support Services
9	O&S.7/18	IT Community Of Practice Lead
10	O&S.8/18	Specialist Manager; Place Making Community Of Practice Lead; and Neighbourhood Planning Specialist
11	O&S.9/18	Operational Manager (Environment Services)
12	O&S.10/18	Environmental Health Community Of Practice Lead
14(a)	O&S.12/18(a)	Environmental Health Officer and Specialist – Community Safety; Safeguarding; and Partnerships
15	O&S.13/18	Operational Manager (Environment Services)

**O&S.1/18 MINUTES**

The minutes of the meeting of the Overview and Scrutiny Panel held on 3 May 2018 were confirmed as a correct record and signed by the Chairman.

**O&S.2/18 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, but there were none made.

**O&S.3/18 URGENT BUSINESS**

The Chairman informed that he had no items of urgent business to be raised at this meeting.

**O&S.4/18 PUBLIC FORUM**

In accordance with the Public Forum Procedure Rules, there were one question that had been received for consideration during this agenda item:

**(a) Question from Dr Richard Szczepura:**

*'Can the Council immediately publish a list of the sites being considered for development by SHDC, as referred to by Cllr Tucker in an article in the Totnes Times, 15 June 2018?'*

In response, the Deputy Leader advised that the Council's entire Asset Register was currently under review and would be publicly available on the Council website before the end of this week.

**O&S.5/18 EXECUTIVE FORWARD PLAN**

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

In accordance with Overview and Scrutiny Procedure Rules, Panel Members had given the required notice for updates to be considered at this meeting on the following future Executive agenda items: *'Commercial Investment to Support Economic Activity'* and *'Homelessness Strategy Action Plan 2018/19'*.

**(a) Commercial Investment to Support Economic Activity**

A Member made reference to the decision of the Executive in respect of the 'Council Owned Asset Investment and Development' agenda item considered on 14 June 2018 (Minute E.08/18 refers). In particular, the Member highlighted the commitment for prior engagement with relevant Town and Parish Councils and local Ward Member(s) on their aspirations for their communities to have taken place before the Special Council meeting on 26 July 2018.

Having already met with the Leader, the Member found the meeting he had attended to be particularly useful. However, to maximise the value of the meetings with the Town Councils, the Member asked that consideration be given to disclosing the information that was currently classified as being exempt.

In reply, the Deputy Leader informed that, whilst he was happy for the classification of this information to be given further consideration, it must remain as exempt until Members were advised differently.

For clarification, the Panel was advised that this item on the Executive Forward Plan in fact referred to a report that was being prepared with a recommendation that would seek approval for a Governance Framework that would underpin any future investment decisions. When asked, the Deputy Leader was content for this matter to be deferred by the Executive to the Panel for further consideration prior to a final decision being taken by the Council. In light of this information, the Member highlighted a possible freehold opportunity that had just arisen in Totnes and queried whether the feasibility of purchasing this site could be included within the Executive report.

The Deputy Leader replied that initial consideration had been given to this opportunity and it had been concluded that it would not be appropriate for the Council to pursue this opportunity any further at this time.

The Member proceeded to express his deep frustration at this decision seemingly being taken without reference to any written paper or consultation with local Ward Members. Whilst it was agreed that discussions would be held outside the meeting between the Deputy Leader and the Member, other Panel Members did feel that there was a need for both increased openness and transparency and engagement with local Ward Members in such matters.

#### **(b) Homelessness Strategy Action Plan 2018/19**

The Panel considered a report that sought to recommend approval of the Homelessness Strategy Action Plan for 2018/19.

During discussion, the following points were raised:-

- (i) A number of Members wished to thank the lead officers for their tireless work on the homelessness prevention agenda;
- (ii) The Panel noted that there were two significant actions that had not been achieved in 2017/18 and officers were therefore suggesting that these be rolled over to 2018/19. These actions were: *'Vulnerable Customer Charter to be finalised'* and *'Work with schools to be expanded to include all major secondary schools'* and the Panel requested that these be progressed as soon as was practically possible. To reinforce the point, a motion to this effect was **PROPOSED** and **SECONDED** and on being put to the vote was declared **CARRIED**;
- (iii) In response to some specific requests and, in some instances, concerns, it was **PROPOSED** and **SECONDED** and on being put to the vote was declared **CARRIED** that:

*'All Members be in receipt of updates on the following subject matters:*

- *A copy of the Citizens' Advice Bureau report on the Social Prescribing Pilot;*

- *The membership of the Health and Wellbeing Board; and*
  - *A Briefing Note on those properties that we own within the South Hams that are currently leased to South Devon Rural Housing Association.'*
- (iv) In light of recent media coverage over the rising numbers of elderly residents who were being made homeless, a Member questioned the extent of the issue in the South Hams. Officers replied by stating that elderly housing provision in the South Hams was comparatively healthy and they would provide Members with the latest set of figures for the South Hams, in comparison to national trends, outside of this meeting;
- (v) Whilst some concerns were expressed over the number of nights that were being spent in temporary Bed and Breakfast accommodation, it was acknowledged that some nights were unfortunately unavoidable. However, officers did confirm that the Council had never exceeded the maximum six week period for families to be residing in Bed and Breakfast accommodation;
- (vi) Members were of the view that future Annual reports that were presented to the Panel should include reference to actual Case Studies. This suggestion was subsequently **PROPOSED** and **SECONDED** and on being put to the vote declared **CARRIED**;
- (vii) To increase awareness amongst the wider membership, Members **PROPOSED** and **SECONDED** that an interactive Briefing Session on the Homelessness agenda be convened in the upcoming months. When put to the vote, this proposal was also declared **CARRIED**;
- (viii) A Member sought an update on the action whereby the Locality Team be trained to support vulnerable customers with accessing housing options, housing benefits, universal credit and the housing register. In response, the Panel was advised that the training had been completed and some early successes had already been realised;
- (ix) The Panel welcomed the 2017/18 achievement whereby there had been a 50% success rate on securing long-term housing for rough sleepers across the South Hams following the severe weather interventions during the recent winter months. As a further point, officers confirmed that they did not currently undertake outreach work on skin protection (e.g. provision of sun cream in very hot weather) and it was agreed that this would be raised with the local GP surgery to ascertain whether there was any such existing provision.

It was then:

### **RESOLVED**

1. That the Executive be **RECOMMENDED** to adopt the Homelessness Strategy Action Plan for 2018/19 (as outlined at Appendix 2 of the presented agenda report) with immediate effect;
2. That those actions that were identified as being incomplete and therefore rolled over to the 2018/19 Action Plan (namely: 'Vulnerable Customer Charter to be finalised' and 'Work with schools to be expanded to include all major secondary schools') be progressed as soon as practically possible;
3. That all Members be in receipt of updates on the following subject matters:
  - a. A copy of the Citizens' Advice Bureau report on the Social Prescribing pilot;
  - b. The membership of the Health and Wellbeing Board; and
  - c. A Briefing Note on those properties that we own within the South Hams that are currently leased to South Devon Rural Housing Association;
4. An interactive Member Briefing Session on the Homelessness agenda be convened in the upcoming months; and
5. That future Annual reports include reference to actual Case Studies.

### **O&S.6/18 CIVICA / IT: LESSONS LEARNT**

The Panel considered a report that sought endorsement of the conclusions of the lessons learnt exercise and the proposed actions that were set out.

Following the introduction, a number of Members welcomed the report and felt it accurately reflected the apportionment of responsibility that had led to the problems encountered. It was also confirmed that the actions and conclusions had been shared with Civica, who had accepted them in good spirit.

In discussion, reference was made to:-

- (a) reimbursement from Civica. Some Members highlighted the length of time that had passed since the Panel had initially raised its concerns in this respect and the Panel queried to what extent the Council had been recompensed. In reply, officers estimated that the Council had received a package from Civica that had amounted to slightly less than £120,000.

In light of the extent of losses and damages incurred by the Council, the Panel felt that the Audit Committee should be asked to review the levels of assurance that had been outlined in paragraph 2.6 of the presented agenda report. A motion to the effect was subsequently **PROPOSED** and **SECONDED** and when put to the vote was declared **CARRIED**;

- (b) the graph as outlined at Appendix A of the presented agenda report. In light of concerns that the graph was not particularly clear on the published agenda, officers gave a commitment to circulate the information on an Excel Spreadsheet outside of this meeting;
- (c) the reputational damage to the Council. Whilst recognising that it was now time to look forward, some Members still felt that the reputational damage to the Council from residents, town and parish councils and our own staff had been significant as a direct consequence of this issue during the roll out of the Programme;
- (d) the waste procurement project. The Panel was advised that a number of the identified lessons learnt had already been applied during the current waste procurement project. In particular, the employment of a full-time project officer was already reaping benefits to the Council;
- (e) the market now being more competitive. At the time of its launch, it was noted that Civica was the only company that was purporting to offer the IT solution that would underpin the Programme. As technological advancements had now improved, there were now more competitors in the market. That being said, officers still remained unconvinced that, at this time, there was a single system available that could deliver an effective customer interface (with workflow) to provide a suitable back office solution;
- (f) deficiencies in the procurement process. As had been previously reported, officers advised that the original contract had not included any obligations for Civica to pay a fee to the Council in the event of the solution being purchased by other local authorities. It was acknowledged that this had been a Council error during the procurement process (and specifically the drafting of the contract) which had been regrettable. To reinforce the point, it was **PROPOSED** and **SECONDED** and when put to the vote declared **CARRIED** that:-

*‘in the future for key projects:*

- a. adequate procurement processes and frameworks be put in place (including, if deemed appropriate, the creation of a Member Board) that ensures that the Council maximises the advantages to the Council and its residents; and*
- b. Members and relevant stakeholders be more involved as the project evolves.’*



It was then:

### **RESOLVED**

1. That the conclusions of the lessons learnt exercise (as set out in section 3 of the presented agenda report) and the proposed actions (as detailed in section 4 of the presented agenda report) be endorsed; and
2. That, in the future for key projects:
  - a. adequate procurement processes and frameworks be put in place (including, if deemed appropriate, the creation of a Member Board) that ensures that the Council maximises the advantages to the Council and its residents; and
  - b. Members and relevant stakeholders be more involved as the project evolves; and
3. That the Audit Committee be asked to examine whether the Council has maximised all the potential avenues as outlined in paragraph 2.6 of the presented agenda report.

### **O&S.7/18 ICT RESILIENCE UPDATE**

A report was considered that outlined the programme of work being undertaken by the ICT Community Of Practice to continuously improve the Council's IT systems availability and uptime and also to meet the expected Business Continuity requirements of the organisation.

In discussion, the following points were raised:-

- (a) The Panel requested that the Council's Business Continuity Plan be presented to a future meeting for detailed consideration;
- (b) The completion of the work to commission a faster connection between Follaton House and Kilworthy Park to ensure that daily system backups were fully transferred overnight was recognised by the Panel as being an important achievement.
- (c) When questioned, it was confirmed that a backup generator was located at the entrance of the Follaton House Car Park that would have the ability to power the Council's Server Room;
- (d) A Member requested that consideration be given to a Mobile Phone signal booster being erected within the Follaton House site.

It was then:

**RESOLVED**

1. That the work undertaken to improve IT resilience be noted;  
and
2. That a further update be presented to the Panel in twelve months' time.

O&amp;S.8/18

**NEIGHBOURHOOD PLANNING: SUPPORT TO GROUPS – VERBAL UPDATE**

Members received a verbal update during which specific reference was made to:-

- an experienced officer having recently been appointed (on an initial six-month period) to provide specialist support to the Neighbourhood Planning process;
- progress being made on Neighbourhood Plans. Whilst admittedly it was largely due to the tenacity of the Groups themselves, quite good progress was being made with the development of Neighbourhood Plans. In addition, officers acknowledged that there was still more progress to be made in this regard and the importance of the Council supporting the process was recognised;
- referendums were currently taking place on the Newton and Noss and Thurlestone Neighbourhood Plans;
- Neighbourhood Planning Workshops convened by the Council. The value of these Workshops was highlighted and the Panel endorsed the suggestion whereby Groups (and other potentially interested parties) should be encouraged to attend future Workshops that were convened by the Council; and
- previous single points of failure. With the support of the Locality Team, upskilling steps were being taken to ensure that there were no longer single points of failure within the process. Furthermore, it was hoped that the role of the Team could be expanded further to provide even more support.

In discussion, reference was made to:-

- (a) support to those parishes who were considering starting a Neighbourhood Plan. It was confirmed that, as part of his role, the newly appointed specialist officer would be able to provide support to any such parishes;
- (b) the intention to re-launch the Council's offer to the Neighbourhood Planning Groups. Members welcomed the intention to re-launch the offer and it was **PROPOSED** and **SECONDED** and on being put to the vote declared **CARRIED** that:-

*'The Panel welcome the re-launching of the Council's offer to Neighbourhood Planning Groups and asks that it include reference to the Council's statutory responsibilities and funding streams that were potentially available; and*

*That the re-launched version of the offer be circulated to Members and Town and Parish Councils as soon as is practically possible.'*

A further debate on the offer and support that the Council could provide ensued and the view was expressed that the Council should be careful to be realistic and to not over promise the levels of support that it can provide to Neighbourhood Planning Groups. A motion to that effect was subsequently **PROPOSED** and **SECONDED** and when put to the vote was also declared **CARRIED**;

- (c) the levels of work and commitment involved in developing a Neighbourhood Plan. Some Members were of the view that the amount of work that was carried out to develop a Plan should not be underestimated. As a consequence, a number of the smaller parishes in the South Hams did not have sufficient numbers of volunteers with the time and expertise to drive the process. In response, the point was made that such areas should look at alternative means of working, with the ability for Town and Parish Councils to work together with neighbouring parishes to develop and progress a Plan being emphasised. To strengthen this point, it was **PROPOSED** and **SECONDED** and on being put to the vote declared **CARRIED** that:

*'Town and Parish Councils be informed about the benefits of working together with neighbouring parishes to develop and progress a Neighbourhood Plan.'*

- (d) production of a Toolkit to support the process. In support of the production of a Toolkit, the Panel requested that it be produced and finalised before the end of August 2018.

It was then:

### **RESOLVED**

1. That the Panel welcome the re-launching of the Council's offer to Neighbourhood Planning Groups and asks that it include reference to the Council's statutory responsibilities and funding streams that were potentially available;
2. That the re-launched version of the offer be circulated to Members and Town and Parish Councils as soon as is practically possible;
3. That Town and Parish Councils be informed about the benefits of working together with neighbouring parishes to develop and progress a Neighbourhood Plan;
4. That all Members encourage Groups (and other potentially interested parties) to attend future Neighbourhood Planning Workshops convened by the Council;

5. That the Council is careful that it is realistic and does not over promise the support that it can provide to Neighbourhood Planning Groups; and
6. That the Toolkit be produced and finalised before the end of August 2018.

O&S.9/18 **REVIEW AND EFFECTIVENESS OF CAR PARKING EQUIPMENT – VERBAL UPDATE**

Members considered a verbal update that had arisen in response to it becoming apparent recently that parking machines had been broken (and remained unfixed) for a period of time in Ivybridge.

In his update, the lead Executive Member highlighted that this matter had raised a number of consequent issues including:-

- The need for Mobile Locality Officers to be in receipt of basic training in repairing parking machines akin to that received by Civil Enforcement Officers;
- There being a current deficiency in ensuring that the contractor was complying with its requirements to both respond to a call-out within 12 hours and service the machines twice yearly;
- The contractor realising that they have had an insufficient number of employed engineers in the South West region. As a result, the Panel noted that the contractor was in the process of recruiting an additional engineer; and
- There seemingly being no financial penalties within the contractual arrangements.

In the ensuing discussion, reference was made to:-

- (a) contract management. A number of Members expressed their deep concerns over the contract management in this respect and seriously questioned whether the arrangements remained fit for purpose. The Panel also expressed further disappointment over the apparent shortcomings related to equipment maintenance. Such was the significance of this issue, that the Panel also approved a suggestion whereby a full report be presented to the Panel meeting on 6 September 2018 that both addressed each of these concerns and proposals in relation to future service provision for Council Car Parks;
- (b) the interactive signage for Council Car Parks. In citing the Mayors Avenue Car Park, Dartmouth as an example, a Member advised that the interactive signage for this car park had not been working for a period of time and it was requested that this issue be resolved as soon as was practically possible;
- (c) the scale of the problem. In trying to gauge the scale of the problem with other rolling contracts, the Panel also resolved that:

*'Senior officers be asked to review other rolling contracts managed by the Council to ensure that they each remain fit for purpose.'*

It was then:

### **RESOLVED**

1. That the Panel expresses its deep concerns over:
  - a. whether the current contract is still fit for purpose; and
  - b. the apparent shortcomings in: contract management; inconsistencies in maintenance of equipment; and inadequacy of spare parts held;
2. That a full report be presented to the Panel meeting on 6 September 2018 that addresses each of the concerns raised at resolution 1 above and the direction of travel in relation to future service provision for Council Car Parks;
3. That senior officers be asked to review other rolling contracts managed by the Council to ensure that they each remain fit for purpose.

### **O&S.10/18 UPDATE REPORT ON FOOD SAFETY AUDIT ACTION PLAN**

Members considered a report that provided an update on the Food Safety Audit Action Plan and gave an opportunity for the Panel to comment upon the Food Safety Service Plan for 2018/19.

In the ensuing discussion, the following points were made:-

- (a) The Panel and lead Executive Member paid tribute to the achievement whereby 100% of due food safety inspections had been completed during 2017/18;
- (b) When questioned, it was confirmed that resources had been reallocated from External Health and Safety activities to Food Safety work. The Panel was also informed that resources would need to be reappraised upon the conclusion of the twelve month temporary specialist post that had been referred to in the presented agenda report;
- (c) It was noted that Village Hall inspections were categorised depending upon the assessed level of risk.

It was then:

### **RESOLVED**

That the Panel welcomes the update on the Food Safety Audit Action Plan and has been given the opportunity to comment upon the Food Safety Service Plan 2018/19.

## O&S.11/18 **OVERVIEW AND SCRUTINY: DRAFT ANNUAL REPORT 2017/18**

Members considered a report that presented the Panel's draft Annual Report for 2017/18.

In discussion, reference was made to:-

- (a) the 'One Council' proposal. Such was the significance of the issue to the Council during 2017/18, that a Member was of the view that the draft Annual Report should have included greater reference to the 'One Council' proposal. In reply, the Chairman reminded the Panel that the Overview and Scrutiny role in the proposal had only focused on whether or not the consultation process had been conducted in an open and transparent manner;
- (b) the format of the Annual Report in the future. It was agreed that, since the Council had adopted a revised Corporate Strategy, it would be timely next year to review the format of the Annual Report;
- (c) the key principles of Overview and Scrutiny. In particular, emphasis was made to the principle whereby Overview and Scrutiny was 'carried out by *independent minded Members* who lead and own the Scrutiny role'.

In conclusion, a number of Members thanked the officer who had drafted the Annual Report for putting together such an extensive paper.

### **RECOMMENDED**

That the Council be **RECOMMENDED** to approve the draft Annual Report for 2017/18 (as outlined at Appendix A of the presented agenda report).

## O&S.12/18 **TASK AND FINISH GROUP UPDATES**

### **(a) Drug and Alcohol Abuse**

As part of their update, officers and the Chairman of the Task and Finish Group advised that:

- a survey had been created for distribution at local schools;
- a number of scenarios and options would be included in the final report to be presented to the Panel;
- discussion were ongoing with representatives from Fusion Leisure;
- a meeting was to be held imminently with Sarah Wollaston MP;
- the Group was unlikely to be in a position to report its final recommendations until the Panel meeting on 4 October 2018.

In thanking them for their comprehensive update, Panel Members were supportive of the suggestion for the final recommendations to be considered on 4 October 2018.

**(b) Community Funding**

The Chairman introduced this proposal and advised of the intention for this Review to consider the subject of future Community Funding with it being concluded in a timely manner.

In the event of the Panel endorsing the proposal, the Chairman was also suggesting that the Group comprise of: Cllrs Baldry, Hicks, Hopwood and himself and it was intended that the first meeting would be held on Monday, 9 July 2018. Having sought assurances (and making the point that this was the third review of its kind in recent years), the Chairman emphasised that the proposal was not a fait accompli at this time and, if the Panel did not support the request, then no further work would take place in this regard.

It was then:

**RESOLVED**

That the Task and Finish Group be established, with the Group comprising of: Cllrs Baldry, Hicks, Hopwood and Saltern.

**O&S.13/18 ACTIONS ARISING / DECISIONS LOG**

The contents of the latest version of the Log was presented for consideration. In discussion, reference was made to:-

- the meetings to be held between relevant officers and Members on a ward by ward possible to investigate and ascertain possible opportunities to the Wholly Owned Company. Having sought an update, it was agreed that the lead officer would provide a briefing paper to Members upon his return from annual leave;
- the Public Conveniences charging proposals. Once again, it was questioned exactly when local Ward Members (who would be affected by the Public Conveniences charging proposals) would be consulted with as part of the decision-making process. In reply, officers advised that it was intended that this consultation would take place once the tender process had been concluded. A number of Members expressed their deep unhappiness with this response, particularly given the repeated assurances by the Leader and Deputy Leader at previous meetings. Whilst officers advised that the tender documentation made it clear that not all of those sites listed may end up with a 'Pay on Entry' system, Members proceeded to reiterate the assurances and commitments that they had previously received. For information, a Member also advised that the Audit Committee had expressed similar reservations and had also requested greater consideration of this matter at a future meeting.

**O&S.14/18 DRAFT ANNUAL WORK PROGRAMME**

In consideration of its Annual Work Programme, the following comments, additions and amendments were made by the Panel to the most recently published version:-

- (a) It was agreed that the Peer Review should be brought forward to the Panel meeting on 4 October 2018 for consideration;
- (b) The request for a pre-scrutiny exercise to be undertaken on the Medium Term Financial Position at the Panel meeting on 6 September 2018 was noted;
- (c) Members endorsed the suggestion that the Business Continuity Plan be considered at the Panel meeting on 4 October 2018;
- (d) The Panel was reminded of the request for the final report of the senior officers be asked to review other rolling contracts managed by the Council to ensure that they each remain fit for purpose Drug and Alcohol Task and Finish Group to be considered by the Panel at its meeting on 4 October 2018.

(Meeting started at 10.00 am and concluded at 1.15 pm)

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Chairman