

# WEST DEVON OVERVIEW AND SCRUTINY COMMITTEE



West Devon  
Borough  
Council

**Minutes** of a meeting of the **West Devon Overview and Scrutiny Committee** held on **Tuesday, 6th November, 2018** at **2.00 pm** at the **Chamber - Kilworthy Park**

Present: **Councillors:**

**Chairman** Cllr Yelland  
**Vice Chairman** Cllr Cheadle

Cllr Baldwin	Cllr Cloke
Cllr Evans	Cllr Kimber
Cllr Moody	Cllr Moyse
Cllr Musgrave	Cllr Parker
Cllr Pearce	Cllr Ridgers
Cllr Sellis	Cllr Sheldon

## **In attendance:**

Councillors:

Cllr Cann OBE	Cllr Davies
Cllr Edmonds	Cllr Lamb
Cllr Leech	Cllr Mott
Cllr Roberts	Cllr Sampson
Cllr Sanders	

Officers:

Group Manager – Customer Services & Support Services  
Group Manager – Business Development  
Deputy Monitoring Officer  
Section 151 Officer  
Commissioning Manager  
CoP Lead – Environment Services  
Case Management Manager  
Localities Team Leader

## 58. **Apologies for Absence**

\* O&S 58

An apology for absence for this meeting was received from Cllr J R McInnes.

59. **Confirmation of Minutes**

\* O&S 59

The minutes of the Meeting of the Overview and Scrutiny Committee held on 2 October 2018 were confirmed and signed by the Chairman as a true and correct record.

60. **Declarations of Interest**

\* O&S 60

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

Cllr T G Pearce declared a personal interest in agenda item 6: 'Scrutiny Call-in: Minute HC 39 – Public Conveniences: Clarification for Parishes' (Minute \* O&S 62 below refers) by virtue of being the Acting Chairman of Brentor Parish Council and remained in the meeting and took part in the debate and vote thereon.

61. **Public Forum**

\*O&S 61

There were no issues raised during the Public Forum session.

62. **Scrutiny Call-in: Minute "HC39 - Public Conveniences: Clarification for Parishes'**

\* O&S 62

The Chairman introduced this agenda item and highlighted that, in accordance with the Overview and Scrutiny Procedure Rules, three Members of the Committee had invoked a Call-in on Hub Committee Minute HC 39 'Public Conveniences: Clarification for Parishes'.

Upon the conclusion of the debate on the Call-in, the Chairman advised that there would be three options available to the Committee. These were:

1. that the Committee was content with the original Hub Committee resolution and the decision would therefore take immediate effect;
2. that the Committee refer the decision back to the next Hub Committee meeting (on 20 November 2018) for further consideration; and
3. that the Committee opt to refer the decision to the next full Council meeting (on 4 December 2018).

At this point, the Chairman invited the three signatories of the Call-in to explain their reasoning behind this decision. In so doing, the key focus of their concerns related to the belief that the process that had been undertaken to reach this Hub Committee decision had been deeply flawed and had been handled really poorly. In expanding upon their process related concerns, particular reference was made to:-

- (a) non-Hub Committee Members having effectively been bypassed throughout the decision-making process. For such a key issue, the Members felt that this decision should have been referenced up to the full Council for an ultimate decision;
- (b) the justification for the speed of the decision being to enable town and parish councils to set their annual precepts accordingly being a weak argument. Furthermore, this speed had been to the detriment of an open and transparent decision-making process;
- (c) clarification being sought over exactly when the decision was taken to bring the report forward from the Hub Committee meeting on 20 November 2018 to the meeting on 16 October 2018;
- (d) recommendation 2 (i.e. that the 75% contribution from town and parish councils be increased over three years to the point where full costs were covered by them). In citing Brentor Parish Council as an example, the local Ward Member highlighted that consultation meetings had been carried out prior to the Hub Committee meeting. However, neither he nor the local Parish Council had been made aware of this proposal during these meetings or before the report had been published with the Hub Committee meeting agenda. The Member advised that this had created a great deal of ill-feeling and resentment amongst the Parish Council;
- (e) the lack of reference in the Hub Committee agenda report to the impact of Discretionary Business Rate Relief; and
- (f) the lack of any mention of these proposals at the all Member Budget Workshop that had been held on 8 October 2018.

The Chairman then proceeded to invite the lead Hub Committee Member for Commercial Services to respond to the concerns raised. During which, the lead Member informed that:-

- the speed of the decision had been largely determined by the town and parish councils themselves seeking clarification at the earliest opportunity;
- there was absolutely no intention to bypass the wider membership;
- there had been a number of Member meetings during which the principle of this matter had been discussed, including an opportunity at the full Council meeting on 25 September 2018 during consideration of the Medium Term Financial Strategy (Minute CM 33 refers);
- the feedback from the town and parish councils had been generally understanding. In reply to a question, the lead Member did inform that, since the Hub Committee had taken its decision, one parish council had formally declined the offer;
- the proposals had been generated as a means to achieve the necessary £50,000 savings that had been approved by the Council at its Budget meeting on 20 February 2018 (Minute CM 57 refers).

The Section 151 Officer was also invited to respond and confirmed that Public Conveniences had been part of the documentation for the Budget Workshop that had been sent to all Members.

During the ensuing debate, the following points were raised:-

- (a) For clarity, the Committee noted that these proposals only related to rural parishes;
- (b) In agreement with the experiences of Brentor Parish Council, another Member highlighted the consultation meetings held with representatives of Buckland Monachorum Parish Council. The Member stated that it was his understanding that further dialogue would take place between the two councils before any decision was taken. However, no further dialogue had been undertaken prior to the Hub Committee making its decision;
- (c) Notwithstanding the decision of the Council to obtain £50,000 of savings, a Member retained the view that any public conveniences closures would be to the detriment of the local economy and the tourism industry;
- (d) A Member expressed the view that there were instances of locally managed public conveniences that were run both effectively and efficiently;
- (e) To improve communication links between the Hub Committee and the wider membership, a Member again made the request for lead Members to provide (and circulate) regular brief written update reports from their portfolio areas to all Members;
- (f) A number of Members expressed sympathy with the process concerns that had been highlighted. That being said, these Members also stressed the extent of the ongoing budgetary pressures being faced by the Council and, whilst the Council had already set a target of £50,000 savings to be made in the service, unfortunately, there had been no alternative suggestions made to deliver these savings. As a consequence, these Members each expressed their support for the original Hub Committee decision and the following motion was then **PROPOSED** and **SECONDED**:-

*'That the Committee expresses its concern and dissatisfaction over the process adhered to yet does endorse the decision arising from Hub Committee Minute HC 39: 'Public Conveniences: Clarification for Parishes'.*

Such were the extent of his governance concerns, that a Member **PROPOSED** an alternative recommendation as follows:-

*'That the 75% contribution be increased annually in line with inflation.'*

However, this alternative recommendation was not seconded.

Prior to the vote on the motion, some Members requested that a recorded vote be undertaken in accordance with Council Procedure Rule 19. However, when expressions of interest were sought, there was an insufficient number of Members who supported a recorded vote.

It was then:

**RESOLVED**

That the Committee expresses its concern and dissatisfaction over the process adhered to yet does endorse the decision arising from Hub Committee Minute HC 39: 'Public Conveniences: Clarification for Parishes'.

**63. Hub Committee Forward Plan**

\* O&S 63

Members considered the latest version of the Hub Committee Forward Plan. In so doing, the following points were made:-

- (a) Officers advised that two additional items had been added to the Plan for consideration at the next Hub Committee meeting on 20 November 2018. These items were: 'Heart of the South West Joint Committee Update' and 'Supporting the Formation of South West Mutual' and it was confirmed that both would also be presented as standalone agenda items to the Council meeting on 4 December 2018;
- (b) The Panel noted that the agenda item titled: 'Council Tax Reduction New Scheme' had been deferred to the Hub Committee meeting on 4 December 2018;
- (c) To avoid any future confusion, a Member asked that the column titled 'Service' be re-named 'Portfolio Area' on the published Plan.

**64. Customer Satisfaction Survey**

O&S 64

The Committee considered a report that presented the outcome of the recent Customer Satisfaction Survey that had been undertaken by the Council and recommended next steps to improve the Council's performance.

In her introduction, the lead Hub Committee Member advised that, once approved, it was her hope that the Customer Satisfaction Action Plan would become a standing agenda item at future meetings of the Hub Committee. In addition, the lead Member also informed that the ambition would be to over achieve on the proposed targets and she highlighted the opportunity for the Committee to undertake detailed reviews into individual and collective elements of the Action Plan.

In the ensuing discussion, particular reference was made to:-

- (a) the cost of the recent staff away days that focused on Customer Satisfaction. Having been informed that the recent all staff away days had cost a combined £7,500 for both councils, some Members felt that, given the current financial pressures being faced by the Council, this was excessive. However, other Members were of the view that the spend was justifiable if it resulted in improvements in the Council's Customer Service performance. A Member did question the need to facilitate a staff training event off-site and requested that, in the future, consideration be given to using Kilworthy Park for such sessions;
- (b) the draft Customer Service Standards. To ensure that these Standards were reflected in the Council's Performance Indicators, it was agreed that this would be discussed at the meeting of the Task and Finish Group that was to be held on 7 November 2018;
- (c) reviewing the Standards. In light of some concerns over the proposed Standards, the Committee recognised that they would evolve and be subject to regular review;
- (d) the impressions of Members. Based upon their current caseload, it was the impression of some Members that the Survey was accurate and the Council had significant strides to make in terms of its Customer Satisfaction levels. As a consequence, these Members were of the view that this impression was not sufficiently borne out in the published agenda report. In response to a specific question, officers gave a categorical assurance that the results of the survey were consistent across both the Council and South Hams District Council;

In conclusion, the majority of Members welcomed the direction of travel outlined in the presented agenda report and recognised the corporate commitment and emphasis that was being given to improving Customer Satisfaction.

It was then:

### **RECOMMENDED**

That the Hub Committee be **RECOMMENDED** that:-

1. the results from the Council's recent Customer Satisfaction Survey be noted and the proposed actions (as detailed in Section 5 of the presented agenda report) be endorsed;
2. the proposed Customer Service Standards (as detailed in Appendix D of the presented agenda report) be supported; and

3. the Forward Plan be amended to include 'Progress Against the Customer Service Action Plan' as a standing agenda item for consideration at every meeting of the Hub Committee.

65.

### **Localities Team Update**

\* O&S 65

The Committee considered a progress report that outlined how the Localities Service had been operating in the previous twelve months. The report also set out how the Service had evolved from its initial inception in 2015.

In discussion, the following points were raised:-

- (a) By way of an update, officers confirmed that the new mobile technology had been successfully trialled and, whilst there still remained a few black spots in the Borough, overall coverage was much improved;
- (b) A number of Members expressed their support for the Service and some questioned whether it was adequately resourced to be able to meet increased demands. In reply, the Localities Team Leader reported that the Service had dealt with 400% more issues in comparison to the previous year and, whilst the Team was very busy, he was confident that the Service was appropriately resourced. Despite these reassurances, some Members still wished to express their concerns over the work demands on the Team;
- (c) With regard to the support provided by the Development Management service, it was confirmed that the Service had affixed 1,550 planning notices and continued to take on-site photographs;
- (d) The Committee was informed that, as a reactive service, the Team was always open to Member suggestions over its work priorities. In response to this point, some Members were of the view that there was a need for consideration to be given to an increased visibility and presence in those areas that were seeing repeated instances of dog fouling.

It was then:

### **RESOLVED**

That, pending ongoing monitoring, the progress of the Locality Team be noted, with a further update report being presented to the Committee in twelve months.

66.

### **Ombudsman Annual Review Letter 2018**

\* O&S 66

The Committee was presented with a report that sought to review the Annual Letter 2018 from the Ombudsman. In addition, the report asked for consideration to be given to any corporate lessons that have been learnt (or could be learnt) from the outcome of the complaints and whether further service improvements could be made.

In discussion, a number of Members welcomed the performance improvements in complaint handling that were felt to reflect the increased corporate emphasis that had been given to complaint management. In addition, Members were also assured that the Council was reviewing (and taking learning points) from each complaint received.

It was then:

### **RESOLVED**

That the Ombudsman Annual Review Letter for 2018, as presented at Appendix A, be reviewed, corporate lessons learnt and whether service improvements are required had been considered.

## 67. **General Data Protection Regulation (GDPR) and Data Protection Policy Update**

O&S 67

Members considered a report that sought to approve an amended Data Protection Policy.

During discussion, the following points were raised:-

- (a) The Committee acknowledged the excellent work that was being undertaken by the Council's Information Governance Group;
- (b) In respect of occasions when forwarding emails that had been received from a resident, officers advised that it would be good practice for Members to obtain consent from their constituents before they share their details with Council officers and that Members should not share information about constituents (including their personal details) with fellow Members without obtaining consent;
- (c) A Member expressed his concern that the Committee should not be tasked with reviewing Policy and that this had been reflected in the most recently adopted revisions to the Overview and Scrutiny Committee Terms of Reference. In response, this point was acknowledged, but it was also confirmed that this agenda item had been scheduled for consideration (and was ultimately approved) by the Committee when it had adopted its most recent Work Programme.

It was then:

### **RESOLVED**

That the Committee **RECOMMEND** to Council to:

1. approve the amended Data Protection Policy (as detailed in Appendix A of the presented agenda report);



2. delegate approval of the related Codes of Practice and Protocol documents (as summarised in Section 3 of the presented agenda report) to the Council's Data Protection Officer; and
3. note and support the approach and progress made towards GDPR readiness by the Information Governance Group.

68. **Regulation of Investigatory Powers Act 2000 (RIPA) Policy and Update**

O&S 68

A report was considered that sought to:

- review and approve the Council's RIPA Policy;
- provided an update on the use of RIPA; and
- report on training for Officers.

In discussion, the previously raised points relating to the appropriateness of this Policy report being presented to the Committee for consideration were noted. In taking this view a step further, a Member asked that, for next year, this matter be presented to the Hub Committee for its consideration as opposed to this Committee.

It was then:

**RESOLVED**

That the Committee **RECOMMEND** to Council that:

1. the IPCO (Investigatory Powers Commissioner's Office) report and recommendations (as attached at Appendix A) be noted;
2. the updated policy (as attached at Appendix B) be approved;
3. it be noted that there have been no RIPA Authorisations since the annual update to the Committee in September 2017; and
4. the amendments to the RIPA Act 2000 (effective from 1 November 2018) be noted.

69. **Quarter 2 Performance Measures**

O&S 69

The Lead Member for Support Services presented a report that set out the performance levels against target as communicated in the Balanced Scorecard and the performance figures supplied in the presented background and the exception report.

In conjunction with the presented agenda report, the Specialist – Performance and Intelligence conducted a presentation that outlined to the Committee the proposed revisions to the performance dashboards. In so doing, the officer asked that, in the event of any Members

experiencing access difficulties, he be made aware of these problems outside of this meeting.

During discussion, reference was made to:-

- (a) the general positivity of the measures. Members highlighted the customer satisfaction survey results (which had been considered earlier in this meeting) and felt that these suggested a disconnect between the perception of customers and the performance information being reported. In accepting the point, it was noted that this would be a key consideration for the Corporate Strategy Performance Measures Task and Finish Group review that was about to commence;
- (b) access to performance information. Some Members stated that, in comparison to when they were first elected in May 2015, it was now much easier for Members to obtain and access performance information. As a result, these Members wished to put on record their thanks to the lead officer and lead Hub Committee Member for their work to reach this point.

## **RESOLVED**

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.

### 70. **Financial Stability Working Group Update: Standing Agenda Item**

#### **O&S 70**

At the invitation of the Chairman, the Section 151 Officer provided the following statement on behalf of the Chairman of the Working Group:

*'Two very informative and useful budget workshops have been organised recently. These have been both well received and productive.*

*The Group met on 16 October 2018 to discuss the implications and to pull together projections and forecasts following those meetings.*

*The current assumption of the Working Group is that, assuming:*

- 1. All of the potential income and savings identified to date and, added to during the workshop, can be delivered; and*
- 2. No major unforeseen cost pressures develop.*

*The Council should be in a position to contribute to Reserves (£50,000) in the current financial year and should be able to produce at least a balanced Budget in 2019/20.*

*The position following that is less clear, but is manageable with good financial control and continued emphasis on adopting a commercial approach and generating income.*

*One key aspect of the future position is the Government's view about the negative Revenue Support Grant. This element constitutes a major cost to the Council in the period from 2020 onwards and its removal would go a long way towards balancing the books in 2020/21. The Council, and all Members, should maintain pressure on the Government and our MPs in this respect.*

*The next piece of the jigsaw that we await is the settlement figures due in December 2018 and the position will become much clearer once they are known. In the meantime, the FSG will concentrate on ensuring that savings and income identified to date are monitored and secured.'*

71. **Joint Local Plan: Standing Agenda Item**

\* O&S 71

By way of an update, the lead Hub Committee Member advised that:

- the Council was in the midst of the consultation exercise on the modifications to the Joint Local Plan (JLP);
- 16 Members had attended the recent Workshop held on 31 October 2018. In addition, the Committee was reminded that a further JLP Workshop had been scheduled to take place on 13 November 2018 and all Members were encouraged to attend this session;
- the drafting of a Development Planning Document on Settlement Boundaries was making good progress and Members were asked to keep a close watching brief over how this evolved.

72. **Task and Finish Group Updates:**

\* O&S 72

**(a) Northern Link Area Outreach Services**

By way of an update, it was noted that the first Group meeting would be taking place on the rising of this Committee meeting.

**(b) Corporate Strategy Performance Measures**

It was noted that the Group would be holding its inaugural meeting on 7 November 2018.

73. **Annual Work Programme 2018/19**

\* O&S 73

The Chairman introduced the latest version of the Work Programme for the next 12 months and noted its content without any further debate.

74.

**Member Learning and Development Opportunities Arising from this Meeting**

\* O&S 74

In discussion, the Committee requested that:

- there was a number of lessons that should be learned from the earlier Call-in (\* O&S 62 above refers);
- a Member Drop-in Session should be set up for the General Data Protection Regulations;
- as good practice, officers who were intending to undertake presentations to Member meetings should test the equipment before the meeting started.

The Meeting concluded at 4.55 pm

**Signed by:**

**Chairman**

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