

# **SOUTH HAMS OVERVIEW AND SCRUTINY COMMITTEE**



**Minutes of a meeting of the South Hams Overview and Scrutiny Committee held on Thursday, 1st April, 2021 at 10.00 am Via Teams**

Present: **Councillors:**

**Chairman** Cllr Birch  
**Vice Chairman** Cllr Smerdon

Cllr Pennington	Cllr Austen
Cllr Jackson	Cllr McKay
Cllr O'Callaghan	Cllr Reeve
Cllr Rose	Cllr Spencer
Cllr Sweett	

**In attendance:**

Councillors:

Cllr Abbott	Cllr Baldry
Cllr Bastone	Cllr Hawkins
Cllr Holway	Cllr Hopwood
Cllr Kemp	Cllr Pearce
Cllr Rowe	Cllr Taylor

Officers:

Chief Executive  
Deputy Chief Executive  
Director – Strategic Finance  
Director – Governance & Assurance  
Democratic Services Manager  
Monitoring Officer  
Head of Strategy & Projects  
Business Manager – Specialists  
Business Manager – Case Management  
Senior Specialist – Parking  
Specialist – Democratic Services

46. **Minutes**  
O&S.46/20  
The minutes of the meeting of the Overview and Scrutiny Panel held on 25 February 2021 were confirmed as a correct record.
47. **Declarations of Interest**  
O&S.47/20  
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.
48. **Public Forum**  
O&S.48/20  
In accordance with the Public Forum Procedure Rules, the Chairman informed that no questions had been received for consideration.
49. **Executive Forward Plan**  
O&S.49/20  
The Panel was presented with the most recently published Executive Forward Plan. In accordance with the Overview & Scrutiny Procedure Rules, the Chairman asked for scope and intent of the following reports:
- a) **Planning and Planning Enforcement Improvement Plan**  
The Lead Executive Member proceeded to inform that a number of Members had raised concerns over the planning enforcement service and, on occasion, the planning service. The Council and the shared officer team had been stretched considerably during the last 12 months of the Pandemic and through the three lockdowns. The planning and planning enforcement team had adapted well to working from home but the pressures of additional childcare and home schooling had reduced capacity, over the same period the Council had received a 12% increase in planning applications and a 30% increase in planning enforcement cases.  
  
Following consultation with the Leader, the lead Executive Member, and the Chief Executive, officers had been asked to carry out a service review and put together an improvement plan for both services. The improvement plan would focus on delivering improvements for both services in the following key areas;  
  - Performance
  - Quality
  - Customer and member satisfaction
  - Communication  
It would also look at the services that support the functions such as legal, internal consultees and the new IT system that was planned and the benefits it may bring.  
  
It was intended that officers would present the draft Plan to the Executive and, subject to its approval, would recommend that the Overview & Scrutiny Panel scrutinise the delivery of the actions and subsequent improvements that would be delivered.

**b) Motorhome Strategy**

The lead Executive Member outlined that this report would go before the Executive at the next meeting on 22 April 2021. If the strategy was approved, it would increase use of car parks for overnight stays in the South Hams area. The report was still in draft form with consultation of Members, and would look at a maximum stay of two nights with no return within 48 hours and only those vehicles with on-board facilities, cost would be discussed at the Executive meeting, but signage was acknowledged as important. In addition, an off street parking order amendment would be required. This strategy would improve local tourism and local spend, and potentially extend the length of the tourist season. The Lead Member confirmed that the Council was consulting with other neighbouring Local Authorities to look at best practice.

**c) Electric Charging Points in Council Car Parks**

The Panel was advised that a supplier had just been appointed, which would be Scottish Power. Officers would be meeting with Scottish Power on 13<sup>th</sup> April 2021 to discuss electric charging points provision across the South Hams area. Although charges would be set by Scottish Power, South Hams District Council would recoup a small charge from Scottish Power and the cost of the parking space would be covered. A review conducted by APSE Energy would look at all options available, including solar panels, and all South Hams District Council assets, including car parks. The time frame was dependent on Devon County Council, with a schedule of works to be outlined in April's meeting with Scottish Power.

50.

**Section 106 Agreement Monitoring Update Report**

O&S.50/20

The lead Executive Member gave an update on the report, outlining that some money remained unspent and unallocated. A new officer would be starting in May 2021 who would alter current reporting and internal systems to give increased clarity for Members. There would be a detailed report presented to the Executive in the summer detailing progress on individual projects.

Following questions from several Members, the Chairman updated that he had held a meeting with officers, and, in light of his discussions, it was his intention to **PROPOSE** an additional recommendation (as outlined in part 4 below). This addition was subsequently **SECONDED** then voted on and added to the recommendations.

It was then:

**RESOLVED**

That the Overview and Scrutiny Panel note:

1. The current position on Section 106 funding (as set out in Appendix A of the presented agenda report);
2. The current processes in place for monitoring and administering Section 106 Agreements and funding;
3. That a report will be brought to an Executive meeting in the summer detailing progress against the individual projects funded by section 106 monies;

4. That in the report to the Executive, it be requested that the following be addressed:
  - i) The setting up of a register of S106 agreements that is accessible to all Members;
  - ii) The availability of S106 agreements to Members other than by reference to the planning application website;
  - iii) The register and/or list of S106 agreements be formatted on a ward-by-ward basis;
  - iv) A six monthly report to Members on the position/status of the S106 agreements relating to their wards;
  - v) The extent of the monitoring in respect of S106 agreements in those cases where developments have been completed somewhat back; and
  - vi) The need to conduct an audit upon the completion of a development to ensure that the developer has complied with all its S106 obligations.

51. **Sustainable Community Locality Fund - Update**  
O&S.51/20

The Leader then introduced a report which provided the Panel with an update on the use of the Sustainable Community Locality Fund by Members during the 2020/21 financial year. The Leader outlined that the spend was only midway through its term and that Members had just received an additional £3,000 for Climate and Biodiversity projects.

An additional recommendation was **PROPOSED** and **SECONDED** that acknowledged the unprecedented pressures currently felt by local communities and therefore an increase of £500 to the Locality Fund for the year 2021/22 was proposed. This would be the first increase since 2015/16, bringing the allocation to £2,500 per year. During the debate on the additional recommendation, some Members commented that some funds were underspent and therefore there was no need for additional funds. Some Members felt this was not a decision for the Overview and Scrutiny Panel. When put to the vote, this amendment was declared **CARRIED** on the casting vote of the Chairman.

It was then:

**RESOLVED**

That the Panel:

1. note the update on the Council's Sustainable Community Locality Fund and adopts the planned actions at Sections 5.1(a) and 5.1(b) of the presented agenda report; and
2. **RECOMMEND** to the Executive that each Member receives a further £500 in recognition of the need and the importance of the Localities Fund and the difference it can achieve. The £15,500 necessary for the 2021/22 to be funded from the New Homes Bonus Reserve.

52. **LGA Model Code of Conduct**

O&S.52/20

The Monitoring Officer presented the Panel with a report that outlined the proposed new Model Code of Conduct which had been developed by the Local Government Association (LGA).

It was then:

**RECOMMENDED**

That the Panel **RECOMMEND** to Council that the draft Code, (as set out in Appendix C of the attendant report), be adopted from the date of the Annual Council.

53. **Annual Report 2020-21**

O&S.53/20

The Monitoring Officer updated the Panel on the number of standards complaints that had been received by the Council. Since the report was written, the Council had received two more which brought the total to 21 for the year. This was similar to previous years. It was highlighted that in the past year complaints had become more complex resulting in a longer time to resolution. No standards panel had had to be called, however it was noted that there had been an increase in complaints about bullying, particularly of town and parish clerks. Therefore, the Monitoring Officer had written to all Towns and Parish Councils to outline their duty of care to their respective Clerks. There had also been an increase in the number of complaints which were identified as attempts to use the standards process as a means to challenge unpopular decisions. Legal Services would be arranging training for all Members particularly as training last year had been limited due to pandemic impacting on resources and the difficulties of arranging training under Covid regulations.

Following questions from some Members, the Monitoring Officer confirmed he intended to comply with the outstanding issues in Appendix A of the attendant report and to have increased liaison with the Overview and Scrutiny Panel. The Monitoring Officer would bring any necessary reports to the Panel for review. Further to this, an additional amendment was **PROPOSED** and **SECONDED** and when put to the vote declared **CARRIED**.

One Member asked that it be noted in the minutes that during training it had been highlighted that it was legal to verbally assault someone within Council meetings. He wished it to be noted that this Council was choosing not to follow this and that all Members would be expected to show respect to each other at formal meetings.

It was then:

**RESOLVED**

That the Overview and Scrutiny Panel note the contents of the report and adopt the recommendation in respect of training at Section 2.12 of the presented

agenda report and request the Monitoring Officer to take action in respect of items 5, 11, and 15 at Appendix A of the presented agenda report.

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

O&S.54/20

In line with the request from the Panel to report on Council's representation on outside bodies (Minute O&S.42/20 refers), Cllr Spencer (in his capacity as Chairman of the Task and Finish Group) updated on the resultant report. In so doing, he thanked the Group for its efficient and speedy actions in concluding the review on the prescribed timeline.

It was then:

**RESOLVED**

That the conclusions of the Feedback from Outside Bodies – Task and Finish Group (as set out at Sections 3.5.1 to 3.5.6 in the attendant report) be approved.

**55. 2021/22 Panel Work Programme - Initial Thoughts**

O&S.55/20

The Chair and Vice Chair had met with the Leader, the Deputy Leader, and the Chief Executive to discuss the work programme for the forthcoming municipal year. This meeting had resulted in the work programme as outlined in the attendant report. The Leader clarified that a report would be brought to Executive on the 22<sup>nd</sup> April 2021 which would set out an indicative timeline and process for the development and adoption of the Council's Corporate Strategy. This strategy would ultimately be decided by presented to a Full Council meeting for approval.

Further to the previous item, (Minute ref O&S.54/20), the Outside Bodies report would now be added to the draft work programme, with the Overview and Scrutiny Panel meeting dates for the coming year would be presented to the Annual Council meeting on 20 May 2021 for approval.

It was then:

**RESOLVED**

That the 2021/22 Programme be adopted, subject to inclusion of an Annual Report on Outside Bodies being scheduled for early in the 2022 Calendar Year.

The Meeting concluded at 11.48 am

**Signed by:**

**Chairman**

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