

WEST DEVON OVERVIEW AND SCRUTINY COMMITTEE



Minutes of a meeting of the **West Devon Overview and Scrutiny Committee** held on **Tuesday, 16th January, 2018 at 2.00 pm** at the **Chamber - Kilworthy Park**

Present: **Councillors:**

Chairman Cllr Yelland
Vice Chairman Cllr Cheadle

Cllr Baldwin
Cllr Evans
Cllr Leech
Cllr Musgrave
Cllr Roberts
Cllr Sheldon

Cllr Cloke
Cllr Kimber
Cllr Moyse
Cllr Ridgers
Cllr Sellis

In attendance:

Councillors:

Cllr Cann OBE
Cllr Lamb
Cllr Mott
Cllr Sampson

Cllr Edmonds
Cllr Moody
Cllr Parker
Cllr Sanders

Officers:

Head of Paid Service
Group Manager – Support Services and Customer First
Group Manager – Business Development
Section 151 Officer
Commissioning Manager
Senior Specialist – Place and Strategy
Specialist – Planning Enforcement

61. **Apologies for Absence**

***O&S 61**

Apologies for absence for this meeting were received from Cllrs J R McInnes and T G Pearce.

62. **Confirmation of Minutes**

***O&S 62**

The minutes of the Meeting of the Overview and Scrutiny Committee held on 7 November 2017 were confirmed and signed by the Chairman as a true and correct record.

63. **Declarations of Interest**

***O&S 63**

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

Cllrs A F Leech and J Yelland declared a personal interest in Item 7: 'Medium Term Financial Position 2018/19 Onwards' (Minute *O&S 66 below refers) and specifically the proposal to close the Okehampton Office by virtue of being local ward Members and members of Okehampton Town Council and remained in the meeting during the debate, but abstained from the vote on this proposal;

Cllr J Yelland declared a personal interest in Item 7: 'Medium Term Financial Position 2018/19 Onwards' (Minute *O&S 66 below refers) and specifically the recommendation of the Partnership Task and Finish Group to reduce the funding allocated to West Devon CVS. Cllr Yelland declared this interest by virtue of her being a volunteer for this organisation and remained in the meeting during the debate, but abstained from the vote on this matter;

Cllr J Evans declared a personal interest in Item 14: 'Residential Property Purchase Due Diligence' (Minute *O&S 73 below refers) by virtue of attending a Parish Council meeting for which she was a Member. In declaring this interest, Cllr Evans emphasised that she had also declared a personal interest at the Parish Council meeting and had expressed no opinions or voted on any decisions at this meeting. Whilst remaining in the meeting during consideration of this agenda item, Cllr Evans abstained from the vote on this matter; and

Cllr R E Baldwin declared a personal interest in Item 14: 'Residential Property Purchase Due Diligence' (Minute *O&S 73 below refers) by virtue of being the local Ward Member and remained in the meeting during consideration of this agenda item, but abstained from the vote on this matter.

64. **Public Forum**

***O&S 64**

There were no issues raised during the Public Forum session at this meeting.

65. **Hub Committee Forward Plan**

***O&S 65**

There were no issues raised during consideration of the most recently published Hub Committee Forward Plan.

66.

Medium Term Financial Position 2018/19 Onwards

***O&S 66**

Members were presented with a report that asked for consideration of the draft Budget proposals for 2018-19.

In discussion, the following points were raised:-

- (a) Some Members expressed their disappointment that the findings of the Financial Stability Member Working Group were not ready in time for consideration at this meeting. In accepting the point, some Members of the Working Group advised that the Group recommendations were likely to have a greater impact on the Budget setting process for 2019/20 and beyond;
- (b) A Member expressed her wish that, as part of its review into car parking charges for 2018/19, the Car Parking Strategy Group give serious consideration to all fee paying car parks. The Member also requested that this review include an investigation into the merits of whether or not Kilworthy Park Car Park should be added to the list of fee paying car parks. Another Member was of the view that the additional income target for car parking was too ambitious, particularly in light of the suggestion that an increase in parking fees would have no impact on usage;
- (c) In response to some queries relating to Housing Benefit recoveries of overpayments, it was noted that a detailed report on this matter would be presented to the Audit Committee meeting on 20 March 2018. Similarly, in reply to a question regarding the Council's current Treasury Management performance, officers also informed that the latest Strategy would be considered by the Hub Committee at its meeting on 13 March 2018;
- (d) Having been assured that there would be a number of alternative options (e.g. the ability to pay by cash or cheques via Paypoint or at a local Post Office), it was **PROPOSED** and **SECONDED** and when put to the vote declared **CARRIED** that:

'The Committee support the proposal to remove the facility for accepting cash and cheques at Council premises (excluding Car Parks) from 1 April 2018.'

- (e) Such were the severe budgetary pressures facing the Council that the Committee was supportive of the proposal to close the Okehampton office. Indeed, it was **PROPOSED** and **SECONDED** and when put to the vote declared **CARRIED** that:

'Subject to a Communication Plan being produced in consultation with local ward Members and an alternative service provision being available, the Okehampton office should be closed with effect from 1 April 2018, resulting in a saving of £82,000.'

- (f) Due to its unpredictable nature, a Member of the Invest to Earn Working Group warned that the income target of £100,000 that was proposed to be built into the Council's Base Budget from investments in commercial property was by no means guaranteed;
- (g) A number of Members expressed their serious reservations at the proposal to implement a practice whereby Committee agendas are not printed and posted out to Members. As a result, it was **PROPOSED** and **SECONDED** and when put to the vote declared **CARRIED** that:

'The Hub Committee be advised that the Overview and Scrutiny Committee has serious concerns at the proposal to no longer print and post out Committee agendas to Members.'

- (h) With regard to the recommendations of the Partnership Task and Finish Group (as outlined at Appendix F of the presented agenda report), a detailed debate ensued.

In support of the recommendations, some Members highlighted that the Council had entrusted a Task and Finish Group to undertake a review and their views should be supported. In addition, other Members stated that, in light of the budgetary pressures facing the Council, it was absolutely necessary for such difficult (and unpopular) decisions to be taken.

In contrast, other Members emphasised the reputational damage arising from these recommendations and particular concerns were highlighted over the proposed reductions to the CVS, CAB and the Tavistock and Okehampton Ring and Ride Schemes. As a result, the following motion was **PROPOSED** and **SECONDED** as follows:

'That the Partnership Task and Finish Group recommendations be supported, with the exception of those related to the CVS, CAB and the Tavistock and Okehampton Ring and Ride Schemes. In respect of those four Partnerships, their funding levels for 2018/19 should be retained at the 2017/18 level to enable for the success of the Community Lottery Scheme to be evaluated next year.'

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

It was then **PROPOSED** and **SECONDED** and when put to the vote declared **CARRIED** that:-

'The Committee support each of the recommendations of the Partnership Task and Finish Group (as outlined at Appendix F of the presented agenda report).'

- (i) With regard to the proposed increase in Council Tax for 2018/19, the meeting was of the view that, whilst it was again regrettable, the Council had no choice other than to increase Council Tax for

2018/19 by 2.99% and a motion was **PROPOSED** and **SECONDED** and when put to the vote declared **CARRIED** to that effect.

It was then:

RESOLVED

That, as part of the 2018/19 Budget Setting process, the Hub Committee take into account the views of the Overview and Scrutiny Committee (as detailed in the minutes above).

67.

Planning Enforcement Service Review

***O&S 67**

Members considered a report that sought to recommend the adoption of a Local Enforcement Plan and a Planning Enforcement Member Engagement Protocol. In addition, the report also sought Member endorsement of a series of proposed actions.

In discussion, the following points were raised:-

- (a) Such was the importance of the Planning Enforcement function that the Committee requested that the Plan, Protocol and Actions be reviewed a further six-months after their adoption;
- (b) In terms of general service performance, Members recognised that progress had been made, but also emphasised the importance of maintaining this upward trend to ensure that trust and confidence were regained amongst town and parish councils and local residents;
- (c) A minor amendment was made to the Plan (Appendix A, paragraph 5.13 refers) to include reference to a planning application being invited 'within a timeframe to be agreed between the applicant(s) and the Council';
- (d) Some Members requested receipt of statistics related to how many Enforcement Notices had been served by the Council (and the average time taken to determine these) in the last twelve months. In making this request, the importance of the legal function giving priority to the serving of Notices was also stated;
- (e) The production of the Enforcement Case lists by Ward (and not by Parish) was welcomed;
- (f) In light of there being some very minor numerical and typographical errors identified, it was suggested that Delegated Authority be given to the Community Of Practice Lead, in consultation with the lead Hub Committee Member for Customer First, to make any necessary minor amendments prior to the Plan, Protocol and Actions being finally adopted.

It was then:

RESOLVED

That the Hub Committee be **RECOMMENDED** to-

1. adopt the Local Enforcement Plan (as outlined at Appendix 1 of the presented agenda report);
2. adopt the Planning Engagement Member Engagement Protocol (as outlined at Appendix 2 of the presented agenda report);
3. endorse the proposed Actions (as set out in Section 4 of the presented agenda report);
4. delegate authority to the Community Of Practice Lead Development Management, in consultation with the lead Hub Committee Member for Customer First, to make any minor amendments to the Plan, Protocol and Actions prior to their adoption;
5. note that the Overview and Scrutiny Committee has requested inclusion in its Future Work Programme of a review within the next six months of this Plan, Protocol and Actions being adopted.

68.

Join Local Plan: Standing Agenda Item

***O&S 68**

The Lead Member for Strategic Planning and Housing gave a verbal update on progress with the Joint Local Plan (JLP).

In so doing, reference was made to:

- (a) the timetable for the Examination of the Plan currently indicating that issues solely relating to West Devon were to be considered on Thursday, 1 March 2018;
- (b) the tremendous amount of work being undertaken by officers;
- (c) a recent appeal decision that had seen the Inspector give the JLP significant weight when making his/her decision. Both the Committee and the lead Member recognised this to be an important step;
- (d) the five year land supply. The lead Member informed that the matter of whether or not the Council currently had a five year land supply was a confused picture that would not be wholly resolved until the JLP was formally adopted. Unfortunately, the Member proceeded to inform that this was inevitable when moving away from an out of date Local Plan to a new version.

69.

Task and Finish Group Updates (if any):

***O&S 69**

(a) Partnership Grant Funding Review

The Chairman confirmed that this Group would be retained with the primary focus being to make recommendations for partnership funding contributions for 2019/20 and beyond.

(b) Performance Measure

The Committee was of the view that contact should be made with South Hams District Council to ask if their Members now wished to restart this joint Review.

70. **Rural Broadband Working Group Update (if any)**

***O&S 70**

By way of an update, the Chairman of the Working Group advised that, at its last meeting in December 2017, a request had been made for representatives from Connecting Devon and Somerset to be invited to attend a future Committee meeting. At the time of this meeting, a response to this invite was still awaited.

71. **Annual Working Programme 2017/18**

***O&S 71**

The Chairman introduced the latest version of the Work Programme for the next 12 months. The Chairman advised that, assuming that the Ambulance Service representatives confirmed their ability to attend the next Committee meeting, then she would be requesting receipt of questions in advance.

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

***O&S 72**

The Chairman highlighted the success of the recent Overview and Scrutiny training and thanked officers for arranging this session.

In addition, the Committee noted that IT Drop-in sessions had now been arranged to take place during the afternoons of Monday, 5 February and Tuesday, 6 February 2018.

73. **Residential Property Purchase Due Diligence**

***O&S 73**

(Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information))

A report was presented in light of Council, at its meeting on 5 December 2017, making the following decision (Minute CM 43(d) and HC 53 refers):

'That the Scheme be supported in principle to formally agree to acquire up to 18 residential units (as outlined in Appendix 3 of the presented agenda report to the Hub Committee), subject to both the Overview and Scrutiny Committee first undertaking a review and specialist external legal and treasury management advice being obtained.'

A detailed debate took place on the proposal during which some reservations were raised. However, the majority of Members were of the view that, in principle, the proposal was an excellent one and the financial risk to the Council was fairly small when considering the potential rewards that the scheme could generate.

It was then **PROPOSED** and **SECONDED** and when put to the vote declared **CARRIED** that:

RESOLVED

That the Committee has reviewed the due diligence proposed and completed (as outlined in the presented agenda report) and is suitably assured that the decision taken by the Council at its meeting on 5 December 2017 (Minute CM 43(d) refers) can take immediate effect.

74.

Re-admittance of Public and Press

***O&S 74**

Having been **PROPOSED** and **SECONDED**, it was then declared **CARRIED** that the public and press be re-admitted to the meeting.

75.

Chairman's Concluding Remarks

***O&S 75**

Since this was the last scheduled Committee meeting before the Head of Paid Service left the employ of the Council, the Chairman paid tribute to the tremendous support and advice that he had given to the Committee and, on behalf of the Committee, proceeded to wish him every success for the future.

The Meeting concluded at 5.45 pm

Signed by:

Chairman

