

At a Meeting of the **OVERVIEW & SCRUTINY COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **24th** day of **MARCH 2015** at **2.00 pm**.

Present:

Cllr M V L Ewings - Chairman
Cllr D E Moyse – Vice-Chairman
Cllr L J G Hockridge Cllr J B Moody
Cllr J Sheldon Cllr D Whitcomb

Executive Director (Service Delivery and Commercial Development)
Group Manager Customer First
Community Manager
Development Manager
Legal Specialist
Customer Services Manager
Member Services Manager

Substitute:

Cllr R E Baldwin substituted for Cllr D K A Sellis
Cllr M J R Benson substituted for Cllr C Hall

In Attendance:

Cllr W G Cann OBE and Cllr T G Pearce

***O&S 35 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr A Clish-Green, Cllr C Hall for whom Cllr M J R Benson substituted and from Cllr D K A Sellis for whom Cllr R E Baldwin acted as substitute.

***O&S 36 DECLARATIONS OF INTEREST**

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

Cllrs Benson and Sheldon declared a personal interest in Item 7 'Town and Parish (TAP) Fund' (Minute O&S 40 below refers) by virtue of being involved in their respective Link Committees where recommendations relating to TAP fund applications had been made. They remained in the meeting and took part in the debate and vote thereon.

Whilst not specifically declaring an interest, both Cllr Moyse and Cllr Hockridge declared that they were Members of the National Park Authority and that this should be noted in respect of Item 6 'New Homes Bonus Allocation to Dartmoor National Park Authority' (Minute O&S 39 below refers).

***O&S 37 CONFIRMATION OF MINUTES**

The Minutes of the meeting held on 27 January 2015 were agreed and signed by the Chairman as a correct record.

O&S 38*ATTENDANCE OF CHIEF EXECUTIVE AND CHAIRMAN OF DEVON HEALTHWATCH**

The Chairman introduced Mr Miles Sibley, the Chief Executive of Devon Healthwatch. Mr Sibley went on to give an overview of the activity of Devon Healthwatch and points made included the following:

- Devon Healthwatch was neither a complaints service nor a regulator. It did however obtain feedback, positive and negative, from users of health services on what was and was not working. Whereas complaints tended to be focussed on an individual, Healthwatch was interested in groups of service users;
- Examples were given of reports written by Healthwatch following consultation on elements of services. One such example related to access to care services by public transport. The findings were compiled into a report and would be submitted as a response to the current consultation by Devon County Council on public transport services;
- Future matters for consideration would include the ageing population, support for young people particularly in respect of mental health issues and access to GP surgeries and care services with the increasing number of housing developments;
- In response to questions, the structure of health services was explained in that there was a Health and Wellbeing Board, a Scrutiny Committee at County level, a number of regulators and inspectors who all had a distinct role. Healthwatch was funded by the County Council and worked with a number of delivery partners;
- In response to a question, Mr Sibley confirmed that Healthwatch was publicly funded but politically neutral, both locally and nationally. Their role was to take soundings and not to have specific views. In respect of privatisation, Healthwatch did not have a stance;
- One Member noted that the number of respondents to the surveys carried out by Healthwatch was not large and asked if the reports were representative. In response, Mr Sibley advised that the number of respondents may not seem large, but whilst Devon was large the number of users of health services was much smaller. Regulators needed to ensure statistical validity to their work. Healthwatch was more concerned with authenticity;
- In response to a question, it was confirmed that there were several ways to get in touch with Healthwatch, including freephone, email, website, twitter and via their roadshows.

The Chairman concluded this item by thanking Mr Sibley for his attendance.

O&S 39*NEW HOMES BONUS ALLOCATION TO DARTMOOR NATIONAL PARK**

The Community Manager presented a report that provided Members with information on the projects being funded by Dartmoor National Park Authority (DNPA) from the New Homes Bonus allocated by the Borough Council and gave Members the opportunity to comment and make suggestions on future allocation and its use.

During discussion, some Members noted their disappointment with the amount set aside for DNPA this year. The Community Manager agreed to circulate detail of how the sum had been arrived at.

It was then **RESOLVED** that:

- a. The projects being funded by Dartmoor National Park Authority from the New Homes Bonus funds allocated by West Devon Borough Council be noted; and
- b. There were no recommendations in relation to future allocations of funds and their use.

***O&S 40 TOWN AND PARISH (TAP) FUND**

The Community Manager presented a report that provided the Committee with information on projects supported through the TAP scheme.

During discussion, some Members raised concerns over the lack of clarity in respect of the criteria for a TAP Fund application. The Community Manager confirmed that the intention was for minimal criteria for the Fund being simply a requirement for collaboration.

Some Members felt it was appropriate for the Fund to be used to replace reduced services, such as employing a lengthsman. Other Members felt the Fund should not be used in this way and should in fact be for other projects.

A number of Members felt the TAP Fund was a success story and the Community Manager confirmed that West Devon Borough Council was one of the better authorities in Devon in respect of spending the available money. This was likely to be as a result of the existing Link Committees which meant a structure was in place within which the TAP Fund recommendations could be assessed.

Finally and in response to a question, the Community Manager confirmed that following an audit, Devon County Council had recommended changes to the procedure so that payments were now made retrospectively, although there was some small element of flexibility built in for exceptional circumstances.

It was then **RESOLVED** that:

- a. The projects benefitting from TAP funding in 2013/14 and 2014/15 be noted; and
- b. No changes to the scheme were recommended.

***O&S 41 UPDATE ON THE PROTOCOL BETWEEN LEGAL AND PLANNING**

The Legal Specialist presented a report that advised Members of the current working practices between Legal Services and Development Management.

During discussion, points made included the following:

- Training for officers was held at both Follaton and Kilworthy and officers from both South Hams and West Devon were able to attend the most convenient session;
- Training for Members relating to the s106 process that had been held at South Hams would be arranged for West Devon Borough Council Members early in the new Council. It would also be important to include the impact of Community Infrastructure Levy (CIL) and whether the authority should adopt this as it would impact on the method of funding projects. Officers were keeping a close eye on any government guidance that may force authorities along this route;
- A number of Members raised the importance of early and thorough training for Planning and Licensing Committee Members following the May elections. The Development Manager confirmed that planning training would be included as part of the Induction process;
- The Legal Specialist confirmed that the presented appendix related to a protocol for planning appeals that went to public enquiry. In other appeals the process would be less demanding. Members requested that the presented appendix be amended to strengthen the first paragraph, and also that a separate protocol be produced for the Judicial Review process, to be agreed by the Chairman and Vice Chairman of Overview and Scrutiny Committee;
- One Member raised an instance of an appeal that had been registered but the local Ward Member had not been notified. The Development Manager confirmed that this should not be the case and he would look into the matter;
- One Member stated that Planning Inspector decisions for dismissal of appeals should be carefully read, as often their wording was thorough and could be used for guidance;
- Members were pleased to note the improved working relationship between the Legal officers and their Planning colleagues.

It was then **RESOLVED** that the report be noted.

***O&S 42 PERFORMANCE REPORT – PERFORMANCE INDICATORS (Q3 2014/15)**

The Chairman introduced a report that provided Members with information on Key Performance Indicators at the end of quarter 3 for 2014/15. The information was set out with the Balanced Scorecard showing broad performance levels. The Chairman also drew Members attention to the updated Appendix B document circulated at the meeting which was to replace the original Appendix B, which contained incorrect figures.

During discussion, the Customer Services Manager advised that there had been an improvement in the 'call answer time' figures to December, but the last quarter was always their most difficult as there would be calls relating to annual billing of council tax. Currently the calls were busy but still manageable. Temporary staff had been employed and permission

was in place to employ further temporary staff if needed to cope with calls relating to the elections.

The Chairman asked that, as part of their induction, new members of staff should be made aware of the names of Members of West Devon Borough Council and also be given an idea of the geography and parishes of the Borough. The Customer Services Manager advised that switchboard operators did receive training and also had access to the intranet. In future, it was hoped that new technology would identify callers so it would be apparent if an incoming call was from a Member of Council.

The Executive Director advised Members of the timescales for the current phase of T18, how that would impact on staffing levels and measures being taken to mitigate potential staff shortages.

In response to a question, the Customer Services Manager advised that it was possible to monitor and track part completed on-line forms.

Members concluded the discussion relating to 'call answer time' by proposing that response 2 was the most appropriate, that Q4 was expected to show no improvement but that improvement was expected from June 2015 onwards. The Executive Director added that a full report would be presented to the relevant Overview and Scrutiny Committee during September/October in relation to customer services.

The Members then discussed the planning section of the report. The Development Manager clarified the difference between justified and non justified complaints. He also advised that the high staff turnover was not a reflection on West Devon Borough Council and it was not a poor performing authority. Part of the issue related to policy whereby affordable housing contributions were required on a greater number of planning applications. This added to the time taken to determine applications.

One Member asked if there would be a planning officer available at Kilworthy after the introduction of T18. In response, the Executive Director confirmed that there would be planning specialists who would be dedicated officers and that they would be allowed to work agilely. Once T18 had been fully implemented, the ways of working would be customer focussed and planning applications would be handled by case managers so each applicant would have one person to contact. That case manager would be responsible for the processing of the application and that would include contacting the local Ward Member(s). Members may want to discuss the application with a planning specialist. The new ways of working should improve the process and officers would be very keen to hear Members feedback.

One Member raised the importance of being able to speak to applicants, residents and officers on a face to face basis. Another Member added that Members could make an appointment to see planning specialists face to face and discuss matters with them. The Executive Director confirmed

that there was no wish to prevent those contacts from taking place and local knowledge was very important. However the issue was with the internal structure and more effective ways of working had to be explored.

Members concluded this discussion by confirming that response 2 was appropriate and the Group Manager Customer First confirmed that she would present a full report to the relevant Overview and Scrutiny Committee in September/October. She also advised that meetings were taking place to try and address the current shortage of planning officers by approaching neighbouring authorities to assess their capacity to support the Council in the short term.

It was then **RESOLVED** that:

- (i) The Key Performance Indicators for Q3 be noted and actions detailed considered to improve future performance;
- (ii) Members had considered appropriate action for Indicators at 'Red' status for two consecutive quarters and in respect of 'Average call answer time' and 'Percentage of minor applications determined within statutory time frame' Members queried the action response and expressed concerns.

***O&S 43 REGULATION OF INVESTIGATORY POWERS ACT 2000: REPORT ON INSPECTION AND AUTHORISATION**

As a standing item on the agenda, Members noted that there had been no requests to use the powers under RIPA during the last quarter.

(The meeting terminated at 4.10 pm)