

**MINUTES OF THE MEETING OF THE
OVERVIEW & SCRUTINY PANEL
HELD AT FOLLATON HOUSE, TOTNES ON
THURSDAY, 22 MARCH 2018**

Panel Members in attendance:			
* 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		

Other Members also in attendance:
Cllrs H D Bastone, I Bramble, J Brazil, D Brown, P K Cuthbert, J M Hodgson, T R Holway, N A Hopwood, J A Pearce, R C Steer, R J Tucker 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	O&S.101/17	Group Manager – Support Services and Customer First
8	O&S.102/17	Divisional Business Manager – Fusion; and Assets Specialist
9	O&S.103/17	Community Of Practice Lead – Development Management
11(a)	O&S.105/17(a)	Specialist – Community Safety, Safeguarding and Partnerships

O&S.97/17 MINUTES

The minutes of the meeting of the Overview and Scrutiny Panel held on 8 February 2018 were confirmed as a correct record and signed by the Chairman.

O&S.98/17 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 but there were none made.

O&S.99/17 CHAIRMAN'S ANNOUNCEMENTS

The Chairman wished to welcome the Group Manager – Commercial Services to her first Panel meeting since being appointed to the role of Scrutiny lead officer for the Council.

O&S.100/17 PUBLIC FORUM

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

O&S.101/17 EXECUTIVE FORWARD PLAN

The Panel was presented with the most recently published Executive Forward Plan. In the ensuing discussion, reference was made to:

- (a) the Transformation Programme Closedown report. In light of some concerns that this item had seemingly been overlooked for initial consideration by the Panel, it was agreed that this report would, in the first instance, be presented to the Panel at its next meeting on 3 May 2018;
- (b) the General Data Protection Regulations / Data Protection Act 2018 Compliance agenda item. The Panel was reminded that a Member Briefing on the General Data Protection Regulations was scheduled to take place on 29 March 2018. When questioned, officers confirmed that a number of town and parish councils had been in contact to ask whether the Council could put in place a support package to ensure their compliance with the new Regulations. At this present time, officers had still to evaluate whether or not offering such a package would be cost effective for the Council;
- (c) the next Panel meeting agenda. In addition to the Transformation Programme Closedown report, the Panel also requested that it receive updates on the following future Executive agenda items:
 - Homelessness Strategy Year 2; and
 - IT Procurement.

Also, in respect of the 'Sherford Opportunities' future agenda item, the Panel asked that reference to this matter be included in the 'Update on the Urban Fringe Delivery Team and Sherford Strategic Review' item that was to be presented to the next Panel meeting on 3 May 2018.

O&S.102/17 FUSION ANNUAL REVIEW PRESENTATION: JANUARY TO DECEMBER 2017

The Chairman welcomed the Divisional Business Manager – Fusion to his first Panel meeting since the Leisure Contract had been awarded and invited him to introduce his annual review presentation. In so doing, the representative made the point that, since this was the first annual presentation, there were no comparative baseline figures. That being said, both total income and total participation were slightly behind initial projections. However, the organisation was confident that this position would be rectified before the end of the Year 3 Plan.

Upon the conclusion of the presentation, reference was made to:

- (a) the Quest accreditation. The Panel noted that the organisation was awaiting its Quest score for the Dartmouth Leisure Centre. In addition, it was anticipated that the Quest review at Totnes Pavilions would be undertaken during late June / early July;
- (b) the relationships with the local Clinical Commissioning Groups (CCGs). Whilst the need to focus on good working relationships with the CCGs was recognised, the representative informed that this would not be given too much emphasis until the staff training programme and the building renovations had been completed;
- (c) Youth Leisure Nights. The representative advised that grant funding reductions had resulted in the Youth Leisure Nights being unsustainable. Furthermore, until Fusion could source alternative funding streams, it would not be possible to provide the Leisure Nights. For clarity, officers confirmed that Fusion was not contractually obliged to provide any Youth Nights provision. A Member was of the view that there was likely to be more broader opportunities beyond the traditional Youth Nights provision that may now be more appropriate;
- (d) Leisure provision throughout the whole of the South Hams. A Member stated that the Leisure contract went beyond the four market towns and emphasised the need for focus to be given to the parishes in the district. In extending this point, the Panel requested that it give greater consideration to the Sports and Community Development Annual Report 2017 at a future meeting;
- (e) the future plans for Totnes Pavilions. With regard to the future plans, Members were informed that discussions were ongoing between Fusion and Tadpool and it was anticipated that a formal announcement would be made in this respect in the next few months. On this matter, the lead Executive Member felt the latest proposals to be an excellent way forward and would be to the benefit of Totnes and its rural hinterlands.

It was then:

RESOLVED

1. That the Annual Review Presentation be received and noted;
and
2. That the Panel give greater consideration to the Sports and Community Development Annual Report 2017 at a future meeting.

O&S.103/17 DEVELOPMENT MANAGEMENT PRE-APPLICATION ADVICE

The Panel considered a report that presented a review of the planning pre-application process and a proposed draft procedure that was intended to be the subject of a public consultation exercise.

In discussion, reference was made to:-

- (a) the draft procedure being well received. A majority of Members welcomed the draft procedure and were of the view that it addressed both a number of concerns that had been previously raised and the importance of a pre-application gaining local community support. In addition, Members recognised that the intention of the procedure was to tighten the pre-application process;
- (b) suggested revisions to the draft process. The Panel requested that, prior to being published for draft consultation, the following revisions be made:
- With regard to the 'Stage two: Community Engagement Event' (page 49 of the presented agenda refers), it was requested that an addition be included:

'Whilst the exact format of the event will be left to the developer to agree with the Town or Parish Council in consultation with the local Ward Member(s) they will need to demonstrate that the community has been enabled to participate in the engagement process...'; and
 - In respect of paragraph 5.4 (page 47 of the presented agenda refers), the following additions be made:

'That an electronic copy of the pre-app submission will be provided to local Ward Members upon email request. In the event of a Member making a request to be kept informed of progress of a specific pre-app, the Case Officer will ensure that the Member is kept informed.'
- (c) comments that the Panel wished to be taken into account as part of the consultation exercise. The Panel was of the view that the following points should be considered upon the conclusion of the consultation process:
- That the pre-app application form be amended whereby the applicant must state a reason why the application should be kept confidential at this stage; and
 - That the weekly list circulated to Members include both the classification and an indicative timescale for the determination of each pre-app.

- (d) resource levels. A Member questioned whether the Council had sufficient resources in place to meet the proposed timescales. In reply, officers expressed their confidence that the additional resources that were being provided through the recent Council decision to increase its planning fees by 20% would ensure that these timescales were achievable;
- (e) pre-application fees. For clarity, it was agreed that officers would circulate the latest set of pre-application fees to all Members;
- (f) the proposed format for the consultation. In addition to publication on the Council website, officers confirmed the intention to send a link to the draft procedure to all Members, Town and Parish Council Clerks, all recognised Neighbourhood Planning Groups and Statutory Consultees.

It was then:

RESOLVED

1. That the Executive be **RECOMMENDED** that the proposed pre-application process be approved for consultation, subject to inclusion of the points outlined at (b) in the detailed minutes above; and
2. That, as part of the consultation process, the views of the Panel at point (c) in the detailed minutes above be taken into account.

O&S.104/17 HEARING DECISION NOTICE ARISING FROM THE CODE OF CONDUCT SUB PANEL MEETING HELD ON 15 JANUARY 2018

The Panel was presented with a Decision Notice relating to allegations of a Breach of the Code of Conduct.

In discussion, a Member felt that it was unfortunate for the Notice to be considered in the public domain. In reply, the Chairman of the Panel informed that the Localism Act required for such matters to be publicly noted and this necessity was now felt to be the main deterrent for any Member who had potentially breached the Code.

It was then:

RESOLVED

That Members note the Decision Notice of the Hearing Panel Complaint Reference SH09 060516.

O&S.105/17 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 Group had made good progress and had recently met on three separate occasions over the course of one week;
- the Group had also met with concerned residents. Whilst Totnes had been the focus of the review to date, the Group was aware of similar issues in other market towns in the South Hams;
- whilst in its infancy, the Group was exploring methods of closer working with Fusion Leisure;
- there were felt to be two different categories of drug use which could be simplified as being 'habitual' and 'recreational'. Furthermore, the Group had identified that, in general, there were variances between adult and young people's drug use and different approaches were therefore required;
- the Group was conscious of the need to focus its Review on those aspects over which the Council had a duty and/or responsibility (e.g. public conveniences); and
- it was intended that the findings of the Review would be reported to the Panel as soon as was practically possible.

O&S.106/17 ACTIONS ARISING / DECISIONS LOG

The contents of the latest version of the Log was presented for consideration. In so doing, officers confirmed that the requested training session for DWP representatives to demonstrate to Members how residents could sign up to Universal Credits would now take place on Wednesday, 25 April 2018.

O&S.107/17 DRAFT ANNUAL WORK PROGRAMME

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

- (a) The Panel was reminded that it had already requested updates on the following future Executive agenda items:
- Transformation Programme Closedown;
 - Homelessness Strategy Year 2; and
 - IT Procurement;
- (b) It was noted that the 'SHWD Sports and Community Development Annual Report 2017' would be added to the Work Programme for the Panel meeting on 2 August 2018.

(Meeting started at 10.00 am and concluded at 12.05 pm)

Chairman