

**MINUTES OF THE MEETING OF THE  
OVERVIEW & SCRUTINY PANEL  
HELD AT FOLLATON HOUSE, TOTNES ON  
THURSDAY, 3 MAY 2018**

<b>Panel Members in attendance:</b>			
* 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		

<b>Other Members also in attendance:</b>
Cllrs H D Bastone, I Bramble, J Brazil, P K Cuthbert, R D Gilbert, N A Hopwood, J A Pearce, R Rowe R C Steer, K R H Wingate 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
3	O&S.110/17	IT Community Of Practice Lead
7(a)	O&S.112/17(a)	Assets Community Of Practice Lead
7(c)	O&S.112/17(c)	Section 151 Officer
8	O&S.113/17	Urban Fringe Delivery Team Leader and Planning Senior Specialist
9	O&S.114/17	Assets Community Of Practice Lead
10	O&S.115/17	Specialist – Performance and Intelligence
11	O&S.116/17	Group Manager – Business Development and Principal Consultant, Altair

### O&S.108/17 **MINUTES**

The minutes of the meeting of the Overview and Scrutiny Panel held on 22 March 2018 were confirmed as a correct record and signed by the Chairman.

### O&S.109/17 **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. These were recorded as follows:-

Cllr M F Saltern declared a personal interest in Item 8: '*Update on the Urban Fringe Delivery Team and Sherford Strategic Review*' (Minute O&S.113/17 below refers) by virtue of being a Director of the Westcountry Schools Trust and remained in the meeting and took part in the debate on this matter.

**O&S.110/17 URGENT BUSINESS**

The Chairman informed that he had agreed for one item of urgent business to be raised at this meeting. The item related to the recent IT issues that had been experienced by the Council and the IT Community Of Practice Lead was in attendance to provide an update.

**(a) Recent IT Issues**

The Panel was informed that the first issue had been attributed to a domain name failing. Whilst the Council had paid (and received an acknowledgement of payment) to renew its licence on 31 March 2018, officers had noticed on 19 April 2018 that it had still expired. Despite many attempts to contact the host company, these had proven to be unsuccessful. To mitigate against this issue, the Council had now moved its host to a different organisation.

With regard to the email outage on the weekend of 28 and 29 April, officers had wished to undertake some systems maintenance. However, these works did not materialise as intended and had resulted in there being a need to restore the original systems.

In the ensuing discussion, the following points were raised:-

- (i) The Panel wished to record its thanks to those officers who had worked throughout the weekend to restore the email systems;
- (ii) A Member was of the view that such IT issues appeared to be occurring more frequently. As a consequence, the Panel requested that a more detailed update (entitled: 'IT Resilience and Continuity') be presented to its next meeting on 28 June 2018;
- (iii) The lead Executive Member highlighted the upcoming IT Procurement Process and reminded those present that the Panel had requested consideration of this matter at its meeting on 2 August 2018 before its onward presentation to the Executive.

It was then:

**RESOLVED**

That the Panel Work Programme for 2018/19 be updated to include an item entitled: 'IT Resilience and Continuity' to be considered at the next Panel meeting on 28 June 2018.

**O&S.111/17 PUBLIC FORUM**

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

## O&S.112/17 EXECUTIVE FORWARD PLAN

The Panel was presented with the most recently published Executive Forward Plan.

In accordance with Overview and Scrutiny Procedure Rules, a Member had given the required notice for updates to be considered at this meeting on the following future Executive agenda items: '*Follaton HQ Review*' and '*Medium Term Financial Strategy for 2019/20 Onwards*'.

### **(a) Follaton HQ Review**

A local Ward Member expressed his concerns over the newly installed barriers at Follaton House Car Park, Totnes and questioned whether steps were to be taken to enable access to the Follaton Park at weekends.

In response, the Assets Community Of Practice Lead recognised that there was a fine balance between access provision for the public open space and the ability to control the use of the private car park. Whilst it would be kept under close and regular review, the officer confirmed that the decision had now been taken for the barriers to be left up. This response was welcomed by the local Ward Member.

### **(b) Medium Term Financial Strategy**

In setting the context behind the request to consider this matter, the Member highlighted the assurances given by the Leader of Council at the full Council meeting held on 22 February 2018 (Minute 62/17 refers) regarding the proposal to impose a 'pay on entry' charge at the Steamer Quay, Totnes. In particular, the Member highlighted the assurance that was given at this meeting whereby '*consultation would be undertaken with relevant tenants, stakeholders and local Ward Members*'.

By way of an update, it was noted that a meeting had been held between officers, tenants and other affected stakeholders during which various options had been discussed. Prior to any final decisions being made, it was intended that consultation would then take place with the local Ward Members.

As a general point, the importance of keeping local Ward Members informed was raised by the Panel and it was felt that each of those local Members who would be affected by these charging proposals should also be consulted as part of the decision-making process.

### **(c) Transformation Programme (T18) Closedown Report**

A report was considered that sought endorsement of the contents of the T18 Transformation Programme Closedown report and the benefits realised from this project.

In discussion, reference was made to:-

- (i) the financial performance of the project being a success, with the final spend being £58,000 less than the Budget of £4.614 million and total annual savings of £2.93 million being realised. It was noted that the IT technology spend was over budgeted by £40,000 (which represented 6.5% of the Budget of £615,000) and Members were of the view that this element had been disappointing. However, when considering the size and scale of the Programme, Members endorsed the fact that it had been a financial success and commended officers for achieving this outcome;
- (ii) some of the lessons learned from the project. In citing the example of allowing the Councils' IT staffing resources to be reduced at the start of the Programme (prior to the IT systems being in place), a Member felt that this should have received greater prominence and reference in the presented agenda report. As a consequence, the Panel requested that this be highlighted in the report that was to be presented to the Executive at its meeting on 12 June 2018 alongside the other consequent lessons that had been learned;
- (iii) the ability for staff to work from anywhere. A Member particularly wished to highlight the success of the agile working aspect of the Programme and felt that the performance and resilience of the Council during the recent inclement weather was testament to this provision;
- (iv) the anticipated IT software cost savings of £47,000 not being realised. Officers confirmed that this additional cost pressure had been built into the 2018/19 Budget setting proposals.

It was then:

### **RESOLVED**

1. That the Panel endorse the contents of the T18 Transformation Programme Closedown report and the benefits realised (as set out in Section 8 of the presented agenda report);
2. That the Panel endorse the fact that the T18 project had been a financial success; and
3. That, as part of its deliberations at its meeting on 14 June 2018, the Executive give particular consideration to the impact during the transition period and the project lessons to be learned.

### **O&S.113/17 UPDATE ON THE URBAN FRINGE DELIVERY TEAM AND SHERFORD STRATEGIC REVIEW**

A report was presented that provided an update on both the Urban Fringe Delivery Team and the Sherford Strategic Review.

Alongside this report, the Urban Fringe Delivery Team Leader conducted a Presentation and, by way of a progress update on Sherford, Members particularly noted that:-

- 240 dwellings had been constructed;
- The foundations for a further 200 dwellings had been established;
- 148 dwellings were occupied; and
- The first Primary School was currently under construction and it was intended to be officially opened in time for the September 2018 term.

Upon the conclusion of the presentation, it was agreed that copies would be circulated to all Members.

In the ensuing discussion, reference was made to:-

- (a) the current Sherford Road closure. In light of the temporary closure, some Members highlighted the impact that this was having and the roads from Brixton to the A38 were frequently gridlocked. In light of the impact, these Members asked that all measures be taken to ensure that the five weeks that had been scheduled for this temporary closure be adhered to. In reply, the Head of Paid Service informed that the Sherford Project Board was scheduled to meet on 9 May 2018 and she would emphasise the importance of this point at this meeting and provide an update to Members accordingly;
- (b) the Members Steering Board. Members expressed some confusion over the status of the Steering Board (as referred to in paragraph 2.2 of the presented agenda report), the Joint Steering Group and the Sherford Project Board. As a consequence, the Panel requested that these matters be clarified in time for the Annual Council meeting on 17 May 2018;
- (c) the first Primary School. It was confirmed that, whilst further details would emerge in due course, 24 children had been enrolled to start at the School in September 2018 and some staff members had already been recruited;
- (d) the Transport Specialist role vacancy. Whilst interim measures had been in place to cover aspects of this role, officers advised that it was intended to start the formal recruitment process to fill this vacancy in the upcoming weeks;
- (e) skills shortages in the construction industry. In recognising that these skills shortages were a national trend, the Panel was informed that an onsite Skills Centre had recently opened and, whilst still very much in its infancy, it was already attracting some levels of interest;
- (f) the role of Devon Wildlife Trust. In reply to concerns that had recently been raised by the Trust, officers countered that the organisation had been consulted as part of the Section 73 planning application process. However, the Council had not received any response from the Trust during this process;

- (g) park and community space. Officers agreed to provide interested Members with a plan that outlined where the onsite park and community space would be located.

It was then:

### **RESOLVED**

1. That the set up and function of the new Urban Fringe Delivery Team be noted and supported;
2. That officers clarify the status of the 'Members Steering Board'; the 'Joint Steering Group' and the 'Sherford Project Board' in time for the Annual Council meeting to be held on 17 May 2018; and
4. That the latest update on the Sherford Strategic Review be welcomed.

### **O&S.114/17 FEASIBILITY OF INSTALLING ELECTRIC CAR CHARGING POINTS IN THE COUNCIL'S PUBLIC CAR PARKS**

In line with the resolution arising from the Council meeting held on 14 December 2017 (Minute 52/17(b) refers), the Panel considered a report that presented a proposed strategy for the installation of an electric vehicle charging network in Council Car Parks.

In discussion, the following points were raised:-

- (a) Although a number of Members expressed their support for the proposed strategy, some concerns were raised over the indicative installation date of late 2019 and it was hoped that efforts could be made to bring this date forward. As a result, an addition to the recommendation (shown in italics) was **PROPOSED** and **SECONDED** as follows:

'That the Panel **RECOMMEND** that the Executive **RECOMMEND** to Council that the proposed Strategy for the installation of an electric vehicle charging network in Council Car Parks be endorsed, *subject to steps being taken to advance the proposed installation date as outlined in paragraph 2.6 of the presented agenda report (late 2019).*'

When put to the vote, this addition was declared **CARRIED**.

- (b) With regard to the Nursery Car Park, Totnes, officers gave an assurance that re-surfacing works would be undertaken prior to any charging points being installed;

- (c) In disagreement with those Members who were supportive, other Members expressed specific concerns relating to the proposed strategy. These concerns primarily related to this matter being a non-statutory function for the Council and the loss of revenue arising from a reduction in fee paying car parking spaces. In response, these Members were reminded that Air Quality Management was a statutory duty for the Council and the loss of revenue would be included in the Business Case;
- (d) In the event of the funding provision that was referred to in the presented agenda report no longer being available, the lead Executive Member confirmed that the matter would be presented back to the Panel for further consideration.

It was then:

### **RECOMMENDED**

That the Panel **RECOMMEND** that the Executive **RECOMMEND** to Council that the proposed Strategy for the installation of an electric vehicle charging network in Council Car Parks be endorsed, subject to steps being taken to advance the proposed installation date as outlined in paragraph 2.6 of the presented agenda report (late 2019).

## **O&S.115/17 Q4 2017/18 PERFORMANCE REPORT**

Members considered a report that presented the 2017/18 Quarter 4 Performance Indicators.

In discussion, reference was made to:-

- (a) planning appeal decisions. The Panel felt that it would be beneficial to include the total number of planning appeals that had been determined as opposed to the total number of planning applications. In response, it was noted that the Development Management Committee had expressed the same view when it last considered the performance information;
- (b) the planning enforcement statistics. A Member reiterated his previously raised concerns relating to the number of planning enforcement cases being such that the funding and capacity allocated to the service were still wholly insufficient. In reply, officers accepted that the number of reported cases remained extensive and, in the event of Members being of the view that the service still required further improvements, then this would need to be brought back through the budget setting process. Furthermore, some Members emphasised the important role that had to be played by Legal support to ensure an effective and efficient planning enforcement service.

The view was expressed that all Members also had a key role to play in planning enforcement cases. In particular, Members needed to be in regular contact with Enforcement Officers and be firm when considering (and dealing with) those cases that were merely neighbour disputes;

- (c) the downward trend in overall waste recycling rate %. When questioned, officers stated that the actual reduction was less than 1% and was attributed to the missed collections that had resulted from the inclement winter weather in the South Hams. Given the bad weather that had occurred in the South Hams, Members felt that only a 1% reduction was a commendable result and the thanks of the Council should therefore be passed on to the waste and recycling crews;
- (d) the % of benefits change of circumstances online. It was acknowledged that the overall take up for the online change of circumstance had been, to date, disappointing;
- (e) a potential new performance indicator. A Member remained of the view that a new indicator should be developed in connection to caseload per planning officer and asked that this be given consideration as part of any pending review into the performance measures that were reported.

It was then:

### **RESOLVED**

1. 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; and
2. That the thanks of the Panel be passed on to the waste and recycling crews for their hard work and efforts during the recent period of bad weather.

### **O&S.116/17 ENABLING HOMES TO MEET THE NEEDS FOR ALL**

Members considered a report that presented a range of options for the purpose of delivering social/affordable housing in order to meet the needs of those in the South Hams who were finding it difficult to purchase their own property and/or find suitable rented accommodation.

The Chairman proceeded to introduce the Principal Consultant from an organisation called Altair, who delivered a presentation to those in attendance. Upon the conclusion of the presentation, it was agreed that the presentation would be circulated to all Members for their information and reference.

In the ensuing discussion, reference was made to:-

- (a) inclusion of social rented housing. When questioned, the Principal Consultant expressed the view that, for the purposes of this project, inclusion of social rented housing would not be a sustainable option. In light of this comment, some Members felt that the heading of the agenda item (i.e. Enabling Homes to '*Meet the Needs for All*') was somewhat misleading and should be revisited as the project progressed;
- (b) governance supporting the establishment of a Board / Executive arrangement. Whilst acknowledging the likely appetite of the Council to maintain close control of any vehicle that underpinned the governance arrangements, the Principal Consultant also highlighted the need for any Board / Executive to have representatives that were appointed on a 'fit for purpose' basis;
- (c) an amendment to the report recommendation. In **PROPOSING** a series of amendments to the recommendation, a Member was of the view that the principles (as outlined in Section 4 of the presented agenda report) gave too much emphasis on a Wholly Owned Company (WOC) being a solely commercial entity rather than a commercial and social entity. Furthermore, it was the view of the proposer that any profits generated by a WOC should be reinvested for further development. These amendments were each **SECONDED** as follows:

- i. That section 4.1.1 be amended to read:

*'The delivery of affordable housing by the Wholly Owned Company (WOC) should be financially viable and not dependent on funding from the Council to cover any possible financial losses.'*

When put to the vote, this amendment was declared **CARRIED**.

- ii. That section 4.1.8 be amended whereby reference throughout to the term '*will*' be replaced with the term '*may*'.

A number of Members did not support this amendment and, when put to the vote, it was declared **LOST**.

- iii. That section 4.1.8 include an additional (final) sentence that read:

*'In any event, the focus of the WOC is to provide affordable housing for sale or rent at below market rates.'*

When put to the vote, this amendment was declared **CARRIED**.

- iv. That section 4.1.9 be deleted.

Whilst the proposer felt that this section did not add anything to the principles, the majority of Members disagreed and, when put to the vote, this amendment was declared **LOST**.

- v. That section 4.1.9 be amended to read:

‘Affordable Housing rents will be set in order to meet the objectives *in the Business Case*. This does not mean that social rents will be made available.’

When put to the vote, this amendment was declared **CARRIED**.

- vi. That sections 4.10 and 4.11 be deleted.

When put to the vote, this amendment was declared **CARRIED**.

- vii. An additional recommendation 4 to read:

‘That, before a business case is presented to the Panel and the Executive, arrangements be made for the relevant officers to meet with Members on a ward by ward basis so as to investigate and ascertain possible opportunities that may be available (or become available) to the WOC in their area for the development of affordable housing. During these meetings, particular attention is to be given to possible ‘exception’ sites in planning terms. The outcome of these meetings will then be presented to the Panel and the Executive alongside the business case proposal.’

When put to the vote, this addition was declared **CARRIED**.

In concluding the agenda item, the Chairman thanked the Principal Consultant for his informative presentation and, on behalf of the wider membership, looked forward to developing the working relationship with his organisation as the project evolved.

## **RESOLVED**

1. That the good work carried out already to support the Council’s strategic aim of enabling homes to meet the needs for all (as outlined in Section 3 of the presented agenda report) be acknowledged;
2. That the principles (as outlined in Section 4 of the presented agenda report) be agreed and supported subject to:-

- (a) Section 4.1.1 being amended to read:

*‘The delivery of affordable housing by the Wholly Owned Company (WOC) should be financially viable and not dependent on funding from the Council to cover any possible financial losses.’*

- (b) Section 4.1.8 being amended to include a final sentence that reads:

*‘In any event, the focus of the WOC is to provide affordable housing for sale or rent at below market rates.’*

(c) Section 4.1.9 be amended to read:

‘Affordable Housing rents will be set in order to meet the objectives *in the Business Case*. This does not mean that social rents will be made available.’

(d) Sections 4.1.10 and 4.1.11 being deleted.

3. That the Panel consider (before its presentation to the Executive) a detailed business case for the formation of a South Hams District Council WOC that will increase the Council’s capability to enable homes to meet the needs for all; and
4. That, before a business case is presented to the Panel and the Executive, arrangements be made for the relevant officers to meet with Members on a ward by ward basis so as to investigate and ascertain possible opportunities that may be available (or become available) to the WOC in their area for the development of affordable housing. During these meetings, particular attention is to be given to possible ‘exception’ sites in planning terms. The outcome of these meetings will then be presented to the Panel and the Executive alongside the business case proposal.

## O&S.117/17 **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 next Group meeting was due to take place on the rising of this Panel meeting; and
- a questionnaire was being circulated around local secondary schools in the South Hams. It was noted that one of the key intentions of the survey was to ascertain the depth of the recreational drug use issue.

## O&S.118/17 **ACTIONS ARISING / DECISIONS LOG**

The contents of the latest version of the Log was presented for consideration. In so doing, the Group Manager – Commercial Services gave a commitment to look at the information contained on the promotional board in the Follaton House Car Park (Minute O&S.73/17 refers).

## O&S.119/17 **DRAFT ANNUAL WORK PROGRAMME**

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

- (a) In accordance with the earlier request made under the urgent item (Minute O&S.110/17(a) refers), Members noted the decision to schedule an item entitled: 'IT Resilience and Continuity' on to the next Panel meeting agenda on 28 June 2018;
- (b) Having made the request to consider the 'Wholly Owned Company Business Case' before its presentation to the Executive (Minute O&S.116/17 above refers), it was noted that this item would be added to the Work Programme for the Panel meeting on 6 September 2018.

(Meeting started at 10.00 am and concluded at 1.15 pm)

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Chairman