

**MINUTES OF THE MEETING OF THE
OVERVIEW & SCRUTINY PANEL
HELD AT FOLLATON HOUSE, TOTNES ON
THURSDAY, 28 JUNE 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, P K Cuthbert, R D Gilbert, N A Hopwood, J A Pearce, R C Steer, R J Tucker, R J Vint 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(b)	O&S.5/18(b)	Housing, Revenue and Benefits Community Of Practice Lead; and Housing Specialist
8	O&S.6/18	Group Manager – Customer First and Support Services
9	O&S.7/18	IT Community Of Practice Lead
10	O&S.8/18	Specialist Manager; Place Making Community Of Practice Lead; and Neighbourhood Planning Specialist
11	O&S.9/18	Operational Manager (Environment Services)
12	O&S.10/18	Environmental Health Community Of Practice Lead
14(a)	O&S.12/18(a)	Environmental Health Officer and Specialist – Community Safety; Safeguarding; and Partnerships
15	O&S.13/18	Operational Manager (Environment Services)

O&S.1/18 MINUTES

The minutes of the meeting of the Overview and Scrutiny Panel held on 3 May 2018 were confirmed as a correct record and signed by the Chairman.

O&S.2/18 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.3/18 URGENT BUSINESS

The Chairman informed that he had no items of urgent business to be raised at this meeting.

O&S.4/18 PUBLIC FORUM

In accordance with the Public Forum Procedure Rules, there were one question that had been received for consideration during this agenda item:

(a) Question from Dr Richard Szczepura:

'Can the Council immediately publish a list of the sites being considered for development by SHDC, as referred to by Cllr Tucker in an article in the Totnes Times, 15 June 2018?'

In response, the Deputy Leader advised that the Council's entire Asset Register was currently under review and would be publicly available on the Council website before the end of this week.

O&S.5/18 EXECUTIVE FORWARD PLAN

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

In accordance with Overview and Scrutiny Procedure Rules, Panel Members had given the required notice for updates to be considered at this meeting on the following future Executive agenda items: *'Commercial Investment to Support Economic Activity'* and *'Homelessness Strategy Action Plan 2018/19'*.

(a) Commercial Investment to Support Economic Activity

A Member made reference to the decision of the Executive in respect of the 'Council Owned Asset Investment and Development' agenda item considered on 14 June 2018 (Minute E.08/18 refers). In particular, the Member highlighted the commitment for prior engagement with relevant Town and Parish Councils and local Ward Member(s) on their aspirations for their communities to have taken place before the Special Council meeting on 26 July 2018.

Having already met with the Leader, the Member found the meeting he had attended to be particularly useful. However, to maximise the value of the meetings with the Town Councils, the Member asked that consideration be given to disclosing the information that was currently classified as being exempt.

In reply, the Deputy Leader informed that, whilst he was happy for the classification of this information to be given further consideration, it must remain as exempt until Members were advised differently.

For clarification, the Panel was advised that this item on the Executive Forward Plan in fact referred to a report that was being prepared with a recommendation that would seek approval for a Governance Framework that would underpin any future investment decisions. When asked, the Deputy Leader was content for this matter to be deferred by the Executive to the Panel for further consideration prior to a final decision being taken by the Council. In light of this information, the Member highlighted a possible freehold opportunity that had just arisen in Totnes and queried whether the feasibility of purchasing this site could be included within the Executive report.

The Deputy Leader replied that initial consideration had been given to this opportunity and it had been concluded that it would not be appropriate for the Council to pursue this opportunity any further at this time.

The Member proceeded to express his deep frustration at this decision seemingly being taken without reference to any written paper or consultation with local Ward Members. Whilst it was agreed that discussions would be held outside the meeting between the Deputy Leader and the Member, other Panel Members did feel that there was a need for both increased openness and transparency and engagement with local Ward Members in such matters.

(b) Homelessness Strategy Action Plan 2018/19

The Panel considered a report that sought to recommend approval of the Homelessness Strategy Action Plan for 2018/19.

During discussion, the following points were raised:-

- (i) A number of Members wished to thank the lead officers for their tireless work on the homelessness prevention agenda;
- (ii) The Panel noted that there were two significant actions that had not been achieved in 2017/18 and officers were therefore suggesting that these be rolled over to 2018/19. These actions were: '*Vulnerable Customer Charter to be finalised*' and '*Work with schools to be expanded to include all major secondary schools*' and the Panel requested that these be progressed as soon as was practically possible. To reinforce the point, a motion to this effect was **PROPOSED** and **SECONDED** and on being put to the vote was declared **CARRIED**;
- (iii) In response to some specific requests and, in some instances, concerns, it was **PROPOSED** and **SECONDED** and on being put to the vote was declared **CARRIED** that:

'All Members be in receipt of updates on the following subject matters:

- *A copy of the Citizens' Advice Bureau report on the Social Prescribing Pilot;*

- *The membership of the Health and Wellbeing Board; and*
 - *A Briefing Note on those properties that we own within the South Hams that are currently leased to South Devon Rural Housing Association.'*
- (iv) In light of recent media coverage over the rising numbers of elderly residents who were being made homeless, a Member questioned the extent of the issue in the South Hams. Officers replied by stating that elderly housing provision in the South Hams was comparatively healthy and they would provide Members with the latest set of figures for the South Hams, in comparison to national trends, outside of this meeting;
- (v) Whilst some concerns were expressed over the number of nights that were being spent in temporary Bed and Breakfast accommodation, it was acknowledged that some nights were unfortunately unavoidable. However, officers did confirm that the Council had never exceeded the maximum six week period for families to be residing in Bed and Breakfast accommodation;
- (vi) Members were of the view that future Annual reports that were presented to the Panel should include reference to actual Case Studies. This suggestion was subsequently **PROPOSED** and **SECONDED** and on being put to the vote declared **CARRIED**;
- (vii) To increase awareness amongst the wider membership, Members **PROPOSED** and **SECONDED** that an interactive Briefing Session on the Homelessness agenda be convened in the upcoming months. When put to the vote, this proposal was also declared **CARRIED**;
- (viii) A Member sought an update on the action whereby the Locality Team be trained to support vulnerable customers with accessing housing options, housing benefits, universal credit and the housing register. In response, the Panel was advised that the training had been completed and some early successes had already been realised;
- (ix) The Panel welcomed the 2017/18 achievement whereby there had been a 50% success rate on securing long-term housing for rough sleepers across the South Hams following the severe weather interventions during the recent winter months. As a further point, officers confirmed that they did not currently undertake outreach work on skin protection (e.g. provision of sun cream in very hot weather) and it was agreed that this would be raised with the local GP surgery to ascertain whether there was any such existing provision.

It was then:

RESOLVED

1. That the Executive be **RECOMMENDED** to adopt the Homelessness Strategy Action Plan for 2018/19 (as outlined at Appendix 2 of the presented agenda report) with immediate effect;
2. That those actions that were identified as being incomplete and therefore rolled over to the 2018/19 Action Plan (namely: 'Vulnerable Customer Charter to be finalised' and 'Work with schools to be expanded to include all major secondary schools') be progressed as soon as practically possible;
3. That all Members be in receipt of updates on the following subject matters:
 - a. A copy of the Citizens' Advice Bureau report on the Social Prescribing pilot;
 - b. The membership of the Health and Wellbeing Board; and
 - c. A Briefing Note on those properties that we own within the South Hams that are currently leased to South Devon Rural Housing Association;
4. An interactive Member Briefing Session on the Homelessness agenda be convened in the upcoming months; and
5. That future Annual reports include reference to actual Case Studies.

O&S.6/18 CIVICA / IT: LESSONS LEARNT

The Panel considered a report that sought endorsement of the conclusions of the lessons learnt exercise and the proposed actions that were set out.

Following the introduction, a number of Members welcomed the report and felt it accurately reflected the apportionment of responsibility that had led to the problems encountered. It was also confirmed that the actions and conclusions had been shared with Civica, who had accepted them in good spirit.

In discussion, reference was made to:-

- (a) reimbursement from Civica. Some Members highlighted the length of time that had passed since the Panel had initially raised its concerns in this respect and the Panel queried to what extent the Council had been recompensed. In reply, officers estimated that the Council had received a package from Civica that had amounted to slightly less than £120,000.

In light of the extent of losses and damages incurred by the Council, the Panel felt that the Audit Committee should be asked to review the levels of assurance that had been outlined in paragraph 2.6 of the presented agenda report. A motion to the effect was subsequently **PROPOSED** and **SECONDED** and when put to the vote was declared **CARRIED**;

- (b) the graph as outlined at Appendix A of the presented agenda report. In light of concerns that the graph was not particularly clear on the published agenda, officers gave a commitment to circulate the information on an Excel Spreadsheet outside of this meeting;
- (c) the reputational damage to the Council. Whilst recognising that it was now time to look forward, some Members still felt that the reputational damage to the Council from residents, town and parish councils and our own staff had been significant as a direct consequence of this issue during the roll out of the Programme;
- (d) the waste procurement project. The Panel was advised that a number of the identified lessons learnt had already been applied during the current waste procurement project. In particular, the employment of a full-time project officer was already reaping benefits to the Council;
- (e) the market now being more competitive. At the time of its launch, it was noted that Civica was the only company that was purporting to offer the IT solution that would underpin the Programme. As technological advancements had now improved, there were now more competitors in the market. That being said, officers still remained unconvinced that, at this time, there was a single system available that could deliver an effective customer interface (with workflow) to provide a suitable back office solution;
- (f) deficiencies in the procurement process. As had been previously reported, officers advised that the original contract had not included any obligations for Civica to pay a fee to the Council in the event of the solution being purchased by other local authorities. It was acknowledged that this had been a Council error during the procurement process (and specifically the drafting of the contract) which had been regrettable. To reinforce the point, it was **PROPOSED** and **SECONDED** and when put to the vote declared **CARRIED** that:-

‘in the future for key projects:

- a. adequate procurement processes and frameworks be put in place (including, if deemed appropriate, the creation of a Member Board) that ensures that the Council maximises the advantages to the Council and its residents; and*
- b. Members and relevant stakeholders be more involved as the project evolves.’*

It was then:

RESOLVED

1. That the conclusions of the lessons learnt exercise (as set out in section 3 of the presented agenda report) and the proposed actions (as detailed in section 4 of the presented agenda report) be endorsed; and
2. That, in the future for key projects:
 - a. adequate procurement processes and frameworks be put in place (including, if deemed appropriate, the creation of a Member Board) that ensures that the Council maximises the advantages to the Council and its residents; and
 - b. Members and relevant stakeholders be more involved as the project evolves; and
3. That the Audit Committee be asked to examine whether the Council has maximised all the potential avenues as outlined in paragraph 2.6 of the presented agenda report.

O&S.7/18 ICT RESILIENCE UPDATE

A report was considered that outlined the programme of work being undertaken by the ICT Community Of Practice to continuously improve the Council's IT systems availability and uptime and also to meet the expected Business Continuity requirements of the organisation.

In discussion, the following points were raised:-

- (a) The Panel requested that the Council's Business Continuity Plan be presented to a future meeting for detailed consideration;
- (b) The completion of the work to commission a faster connection between Follaton House and Kilworthy Park to ensure that daily system backups were fully transferred overnight was recognised by the Panel as being an important achievement.
- (c) When questioned, it was confirmed that a backup generator was located at the entrance of the Follaton House Car Park that would have the ability to power the Council's Server Room;
- (d) A Member requested that consideration be given to a Mobile Phone signal booster being erected within the Follaton House site.

It was then:

RESOLVED

1. That the work undertaken to improve IT resilience be noted;
and
2. That a further update be presented to the Panel in twelve months' time.

O&S.8/18

NEIGHBOURHOOD PLANNING: SUPPORT TO GROUPS – VERBAL UPDATE

Members received a verbal update during which specific reference was made to:-

- an experienced officer having recently been appointed (on an initial six-month period) to provide specialist support to the Neighbourhood Planning process;
- progress being made on Neighbourhood Plans. Whilst admittedly it was largely due to the tenacity of the Groups themselves, quite good progress was being made with the development of Neighbourhood Plans. In addition, officers acknowledged that there was still more progress to be made in this regard and the importance of the Council supporting the process was recognised;
- referendums were currently taking place on the Newton and Noss and Thurlestone Neighbourhood Plans;
- Neighbourhood Planning Workshops convened by the Council. The value of these Workshops was highlighted and the Panel endorsed the suggestion whereby Groups (and other potentially interested parties) should be encouraged to attend future Workshops that were convened by the Council; and
- previous single points of failure. With the support of the Locality Team, upskilling steps were being taken to ensure that there were no longer single points of failure within the process. Furthermore, it was hoped that the role of the Team could be expanded further to provide even more support.

In discussion, reference was made to:-

- (a) support to those parishes who were considering starting a Neighbourhood Plan. It was confirmed that, as part of his role, the newly appointed specialist officer would be able to provide support to any such parishes;
- (b) the intention to re-launch the Council's offer to the Neighbourhood Planning Groups. Members welcomed the intention to re-launch the offer and it was **PROPOSED** and **SECONDED** and on being put to the vote declared **CARRIED** that:-

'The Panel welcome the re-launching of the Council's offer to Neighbourhood Planning Groups and asks that it include reference to the Council's statutory responsibilities and funding streams that were potentially available; and

That the re-launched version of the offer be circulated to Members and Town and Parish Councils as soon as is practically possible.'

A further debate on the offer and support that the Council could provide ensued and the view was expressed that the Council should be careful to be realistic and to not over promise the levels of support that it can provide to Neighbourhood Planning Groups. A motion to that effect was subsequently **PROPOSED** and **SECONDED** and when put to the vote was also declared **CARRIED**;

- (c) the levels of work and commitment involved in developing a Neighbourhood Plan. Some Members were of the view that the amount of work that was carried out to develop a Plan should not be underestimated. As a consequence, a number of the smaller parishes in the South Hams did not have sufficient numbers of volunteers with the time and expertise to drive the process. In response, the point was made that such areas should look at alternative means of working, with the ability for Town and Parish Councils to work together with neighbouring parishes to develop and progress a Plan being emphasised. To strengthen this point, it was **PROPOSED** and **SECONDED** and on being put to the vote declared **CARRIED** that:

'Town and Parish Councils be informed about the benefits of working together with neighbouring parishes to develop and progress a Neighbourhood Plan.'

- (d) production of a Toolkit to support the process. In support of the production of a Toolkit, the Panel requested that it be produced and finalised before the end of August 2018.

It was then:

RESOLVED

1. That the Panel welcome the re-launching of the Council's offer to Neighbourhood Planning Groups and asks that it include reference to the Council's statutory responsibilities and funding streams that were potentially available;
2. That the re-launched version of the offer be circulated to Members and Town and Parish Councils as soon as is practically possible;
3. That Town and Parish Councils be informed about the benefits of working together with neighbouring parishes to develop and progress a Neighbourhood Plan;
4. That all Members encourage Groups (and other potentially interested parties) to attend future Neighbourhood Planning Workshops convened by the Council;

5. That the Council is careful that it is realistic and does not over promise the support that it can provide to Neighbourhood Planning Groups; and
6. That the Toolkit be produced and finalised before the end of August 2018.

O&S.9/18 **REVIEW AND EFFECTIVENESS OF CAR PARKING EQUIPMENT – VERBAL UPDATE**

Members considered a verbal update that had arisen in response to it becoming apparent recently that parking machines had been broken (and remained unfixed) for a period of time in Ivybridge.

In his update, the lead Executive Member highlighted that this matter had raised a number of consequent issues including:-

- The need for Mobile Locality Officers to be in receipt of basic training in repairing parking machines akin to that received by Civil Enforcement Officers;
- There being a current deficiency in ensuring that the contractor was complying with its requirements to both respond to a call-out within 12 hours and service the machines twice yearly;
- The contractor realising that they have had an insufficient number of employed engineers in the South West region. As a result, the Panel noted that the contractor was in the process of recruiting an additional engineer; and
- There seemingly being no financial penalties within the contractual arrangements.

In the ensuing discussion, reference was made to:-

- (a) contract management. A number of Members expressed their deep concerns over the contract management in this respect and seriously questioned whether the arrangements remained fit for purpose. The Panel also expressed further disappointment over the apparent shortcomings related to equipment maintenance. Such was the significance of this issue, that the Panel also approved a suggestion whereby a full report be presented to the Panel meeting on 6 September 2018 that both addressed each of these concerns and proposals in relation to future service provision for Council Car Parks;
- (b) the interactive signage for Council Car Parks. In citing the Mayors Avenue Car Park, Dartmouth as an example, a Member advised that the interactive signage for this car park had not been working for a period of time and it was requested that this issue be resolved as soon as was practically possible;
- (c) the scale of the problem. In trying to gauge the scale of the problem with other rolling contracts, the Panel also resolved that:

'Senior officers be asked to review other rolling contracts managed by the Council to ensure that they each remain fit for purpose.'

It was then:

RESOLVED

1. That the Panel expresses its deep concerns over:
 - a. whether the current contract is still fit for purpose; and
 - b. the apparent shortcomings in: contract management; inconsistencies in maintenance of equipment; and inadequacy of spare parts held;
2. That a full report be presented to the Panel meeting on 6 September 2018 that addresses each of the concerns raised at resolution 1 above and the direction of travel in relation to future service provision for Council Car Parks;
3. That senior officers be asked to review other rolling contracts managed by the Council to ensure that they each remain fit for purpose.

O&S.10/18 UPDATE REPORT ON FOOD SAFETY AUDIT ACTION PLAN

Members considered a report that provided an update on the Food Safety Audit Action Plan and gave an opportunity for the Panel to comment upon the Food Safety Service Plan for 2018/19.

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

- (a) The Panel and lead Executive Member paid tribute to the achievement whereby 100% of due food safety inspections had been completed during 2017/18;
- (b) When questioned, it was confirmed that resources had been reallocated from External Health and Safety activities to Food Safety work. The Panel was also informed that resources would need to be reappraised upon the conclusion of the twelve month temporary specialist post that had been referred to in the presented agenda report;
- (c) It was noted that Village Hall inspections were categorised depending upon the assessed level of risk.

It was then:

RESOLVED

That the Panel welcomes the update on the Food Safety Audit Action Plan and has been given the opportunity to comment upon the Food Safety Service Plan 2018/19.

O&S.11/18 **OVERVIEW AND SCRUTINY: DRAFT ANNUAL REPORT 2017/18**

Members considered a report that presented the Panel's draft Annual Report for 2017/18.

In discussion, reference was made to:-

- (a) the 'One Council' proposal. Such was the significance of the issue to the Council during 2017/18, that a Member was of the view that the draft Annual Report should have included greater reference to the 'One Council' proposal. In reply, the Chairman reminded the Panel that the Overview and Scrutiny role in the proposal had only focused on whether or not the consultation process had been conducted in an open and transparent manner;
- (b) the format of the Annual Report in the future. It was agreed that, since the Council had adopted a revised Corporate Strategy, it would be timely next year to review the format of the Annual Report;
- (c) the key principles of Overview and Scrutiny. In particular, emphasis was made to the principle whereby Overview and Scrutiny was 'carried out by *independent minded Members* who lead and own the Scrutiny role'.

In conclusion, a number of Members thanked the officer who had drafted the Annual Report for putting together such an extensive paper.

RECOMMENDED

That the Council be **RECOMMENDED** to approve the draft Annual Report for 2017/18 (as outlined at Appendix A of the presented agenda report).

O&S.12/18 **TASK AND FINISH GROUP UPDATES**

(a) Drug and Alcohol Abuse

As part of their update, officers and the Chairman of the Task and Finish Group advised that:

- a survey had been created for distribution at local schools;
- a number of scenarios and options would be included in the final report to be presented to the Panel;
- discussion were ongoing with representatives from Fusion Leisure;
- a meeting was to be held imminently with Sarah Wollaston MP;
- the Group was unlikely to be in a position to report its final recommendations until the Panel meeting on 4 October 2018.

In thanking them for their comprehensive update, Panel Members were supportive of the suggestion for the final recommendations to be considered on 4 October 2018.

(b) Community Funding

The Chairman introduced this proposal and advised of the intention for this Review to consider the subject of future Community Funding with it being concluded in a timely manner.

In the event of the Panel endorsing the proposal, the Chairman was also suggesting that the Group comprise of: Cllrs Baldry, Hicks, Hopwood and himself and it was intended that the first meeting would be held on Monday, 9 July 2018. Having sought assurances (and making the point that this was the third review of its kind in recent years), the Chairman emphasised that the proposal was not a fait accompli at this time and, if the Panel did not support the request, then no further work would take place in this regard.

It was then:

RESOLVED

That the Task and Finish Group be established, with the Group comprising of: Cllrs Baldry, Hicks, Hopwood and Saltern.

O&S.13/18 ACTIONS ARISING / DECISIONS LOG

The contents of the latest version of the Log was presented for consideration. In discussion, reference was made to:-

- the meetings to be held between relevant officers and Members on a ward by ward possible to investigate and ascertain possible opportunities to the Wholly Owned Company. Having sought an update, it was agreed that the lead officer would provide a briefing paper to Members upon his return from annual leave;
- the Public Conveniences charging proposals. Once again, it was questioned exactly when local Ward Members (who would be affected by the Public Conveniences charging proposals) would be consulted with as part of the decision-making process. In reply, officers advised that it was intended that this consultation would take place once the tender process had been concluded. A number of Members expressed their deep unhappiness with this response, particularly given the repeated assurances by the Leader and Deputy Leader at previous meetings. Whilst officers advised that the tender documentation made it clear that not all of those sites listed may end up with a 'Pay on Entry' system, Members proceeded to reiterate the assurances and commitments that they had previously received. For information, a Member also advised that the Audit Committee had expressed similar reservations and had also requested greater consideration of this matter at a future meeting.

O&S.14/18 DRAFT ANNUAL WORK PROGRAMME

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

- (a) It was agreed that the Peer Review should be brought forward to the Panel meeting on 4 October 2018 for consideration;
- (b) The request for a pre-scrutiny exercise to be undertaken on the Medium Term Financial Position at the Panel meeting on 6 September 2018 was noted;
- (c) Members endorsed the suggestion that the Business Continuity Plan be considered at the Panel meeting on 4 October 2018;
- (d) The Panel was reminded of the request for the final report of the senior officers be asked to review other rolling contracts managed by the Council to ensure that they each remain fit for purpose Drug and Alcohol Task and Finish Group to be considered by the Panel at its meeting on 4 October 2018.

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

Chairman