

**MINUTES OF THE MEETING OF THE
OVERVIEW & SCRUTINY PANEL
HELD AT FOLLATON HOUSE, TOTNES ON
WEDNESDAY, 12 DECEMBER 2018**

Panel Members in attendance:			
* Denotes attendance		∅ Denotes apology for absence	
*	Cllr K J Baldry	*	Cllr M J Hicks
*	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)

Other Members also in attendance:
Cllrs I Bramble, J Brazil, 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.72/18	Head of Paid Service; Section 151 Officer; Environment Services Community Of Practice Lead and Deputy Monitoring Officer

O&S.69/18 MINUTES

The minutes of the meeting of the Overview and Scrutiny Panel held on 1 November 2018 were confirmed as a correct record and signed by the Chairman.

O&S.70/18 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.71/18 PUBLIC FORUM

In accordance with the Public Forum Procedure Rules, the Chairman informed that there were no questions that had been received for consideration during this agenda item.

O&S.72/18 CALL-IN OF EXECUTIVE MINUTE E.46/18: 'PUBLIC TOILETS REVIEW'

The Chairman introduced the agenda item and advised that, in accordance with Overview and Scrutiny Procedure Rule 15, the resolution arising from Minute E.46/18: 'Public Toilet Review' had been formally called-in for further consideration by the Panel.

Upon the conclusion of the debate on the call-in, the Chairman advised that there would be three options available to the Panel. These were that the Panel:

1. was content with the original Executive resolution and that decision would therefore take immediate effect;
2. could refer the decision back to the next Executive meeting (on 13 December 2018) for further consideration; and
3. could opt to refer the decision to the next full Council meeting (on 17 January 2019).

At this point, the Chairman invited the signatories of the call-in to explain their reasoning behind this decision. In so doing, the signatories made specific reference to:-

- their intention for the minute to be called-in in its entirety. For clarity, the Deputy Monitoring Officer was invited to comment on this intention and confirmed that, whilst the primary focus of the call-in had been on the facilities at Steamer Quay, Totnes, a number of the points made by the Monitoring Officer (e.g. the late circulation of the report and appendices) were pertinent to the entire resolution. As a result, it was her view that the call-in did relate to all aspects of Minute E.46/18;
- their disappointment that the lead Executive Member was not in attendance at this meeting. Furthermore, these Members expressed their concerns over the way that the lead Member had led on this project;
- the variance in the costings between the production of the initial Business Plan that had been circulated to Members in August 2018 and the subsequent publication of the Executive report and appendices;
- the views of Totnes Town Council. The local Ward Members who were in attendance stated that, once the call-in had been invoked, Totnes Town Council had requested an urgent meeting with the District Council and this meeting had not yet taken place. In addition, the Members advised that the Town Council was of the view that it had not been given the same opportunity (or range of possible options available) that had been afforded to other town and parish councils in the district. These Members therefore felt that the Town Council should be allowed to consider this suite of options before the Executive then reached a final decision at its meeting on 7 February 2019; and
- there being inaccuracies in the Briefing Note that had been circulated to Members earlier this week.

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

- (a) With regard to the figures that had been presented to the Executive meeting, the Panel sought an absolute assurance that these were accurate. In response, officers confirmed that these figures had now been verified by Internal Audit and (with the exception of the facility at Fore Street, Kingsbridge) had been found to be accurate. In addition, the Leader wished to clarify that the difference between the figures that had been presented to Members in August 2018 and November 2018 had been that the in-house (e.g. support services) elements of the costings had been factored into the published Executive report. In addition, the August 2018 Business Plan had reflected the 2016/17 actual figures and the November 2018 report had taken into account more recent figures;
- (b) In referring to a recent meeting that he had held with senior representatives of Totnes Town Council, the Leader disputed some of the points that had been raised by the local Ward Members. In particular, the Town Council representatives had given the impression that the position that had been expressed earlier in the year (i.e. that the Town Council supported the installation of Pay on Entry systems at its public toilets) was still the case. This point was strongly refuted by the local Members who emphasised that this decision had been reached without the Town Council being made aware of (or given the opportunity to consider) any alternative options;
- (c) Some Members stated that, as a consequence of the flexibility in approach that had been built into the project, this had in fact presented difficulties during the consultation exercise. For example, a local Member cited an excellent example of the process that had been carried out for the facilities at South Brent whereas another Member cited that this had been the polar opposite to the process he had witnessed for the facilities at Newton Ferrers. As a result, the Panel identified that there had been significant inconsistencies in the approach that had been undertaken to the consultation exercise for this project and hoped that lessons would be learned for future projects.

(At the request of the Leader, the Chairman consented to a short adjournment at 11.10am and the meeting was subsequently reconvened at 11.25am).

Following the adjournment, the Leader confirmed that, such was the apparent confusion between Totnes Town Council and its local Ward Members, he would be content for the Panel to recommend to the Executive that the facilities at Totnes be added to the list of those that were to be deferred for further consultation.

The majority of Panel Members welcomed the comments of the Leader and it was then:

RESOLVED

That Minute E.46/18 'Public Toilets Review' be referred back to the Executive at its meeting on 13 December 2018 for further consideration and with the following comments:-

1. That the Panel support a further consultation exercise being carried out with those local town and parish councils who have requested that opportunity, with the outcome being reported back to the Executive meeting on 7 February 2019; and
2. That the Panel:
 - a. note that the financial information that was presented to the Executive meeting on 22 November 2018 had since been verified by Internal Audit and (with the exception of the facility at Fore Street, Kingsbridge) had been found to be accurate; and
 - b. identify that significant inconsistencies had occurred during the consultation exercise for this project and would hope that lessons would be learned for future projects.

(Meeting started at 10.00 am and concluded at 11.45 am)

Chairman