

**MINUTES OF THE MEETING OF THE
OVERVIEW & SCRUTINY PANEL
HELD AT FOLLATON HOUSE, TOTNES ON
THURSDAY, 24 JANUARY 2019**

Panel Members in attendance:			
* Denotes attendance		Ø Denotes apology for absence	
*	Cllr K J Baldry	Ø	Cllr M J Hicks
Ø	Cllr J P Birch	*	Cllr D W May
Ø	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)
Ø	Cllr J D Hawkins	*	Cllr P C Smerdon (Vice Chairman)

Other Members also in attendance:
Cllrs I Bramble, T R Holway, N A Hopwood, J A Pearce, R Rowe, 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.76/18	Head of Human Resources Practice
8	O&S.77/18	Head of Environment Services and Senior Specialist (Car Parks)
9	O&S.78/18	Community Safety Specialist and South Devon and Dartmoor Community Safety Partnership Chair
10	O&S.79/18	Community Safety Specialist
11	O&S.80/18	Group Manager – Customer First and Support Services and Head of Place Making Practice
12	O&S.81/18	Monitoring Officer
13	O&S.82/18	Group Manager – Customer First and Support Services
14	O&S.83/13	Specialist – Performance & Intelligence

O&S.73/18 MINUTES

The minutes of the meeting of the Overview and Scrutiny Panel held on 12 December 2018 were confirmed as a correct record and signed by the Chairman.

O&S.74/18 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. These were recorded as follows:-

Cllr M F Saltern declared a Disclosable Pecuniary Interest in Item 9: 'Community Safety Partnership Annual Report' (Minute O&S.78/18 below refers) by virtue of being an advisor to the Devon & Cornwall Police and Crime Commissioner and left the meeting during consideration of this agenda item.

O&S.75/18 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.76/18 EXECUTIVE FORWARD PLAN

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

(a) Employee Terms and Conditions

In accordance with the Overview and Scrutiny Procedure Rules, the Chairman advised that a Member had given notice of his wish to raise issues in connection to the 'Employee Terms and Conditions' agenda item that was scheduled to be considered by the Executive at its meeting on 14 March 2019.

The Member proceeded to ask how those members of staff who were not a member of a Trade Union were consulted with during any consultation exercise into the Employee Terms and Conditions.

In response, the Head of Human Resources Practice informed that the Council was ultimately required to reach an agreement with its Trade Unions. However, copies of all relevant consultation documents were circulated to all staff and their views were taken into account before any final agreement was reached.

(b) Public Conveniences Update

The Leader of the Council confirmed that it was intended that agenda items relating to the Public Conveniences project would be considered by the Executive at its meetings to be held on both 7 February 2019 and 14 March 2019.

O&S.77/18 CAR PARKING PAY AND DISPLAY MACHINES – METRIC GROUP REPRESENTATIVES

Officers informed that Metric Group representatives had declined the invitation to attend this meeting and had submitted a status report instead.

In so doing, the status report advised that *'Metric were committed to improvement and had demonstrated tangible improvement since the issue was escalated. In addition, whilst this improvement plan was being implemented, South Hams was benefiting with zero service cost.'*

During discussion, the following points were raised:-

- (a) Officers advised that they still retained a number of frustrations over the current working relationship with the Metric Group. In addition, officers had also recently been made aware that there was a rival company in the market and that most neighbouring local authorities had begun to move their service away from the Metric Group and were increasingly using the rival organisation.

In light of these comments, a motion was **PROPOSED** and **SECONDED** as follows:-

*'That the Executive **RECOMMEND** to Council that officers consider, as a matter of urgency, the appointment of a new company to provide and maintain the Council's Car Parking Pay and Display Machines, with a progress report being presented to the Overview and Scrutiny Panel at its meeting on 13 June 2019.'*

When put to the vote, the motion was declared **CARRIED**. Following this recommendation, Members requested that town and parish council clerks be notified of this general direction of travel;

- (b) When questioned, officers confirmed that one of the longest machine fix times had been at North Sands, Salcombe during the peak summer season and Members noted that this had resulted in a significant loss of income to the Council.

In conclusion, the Chairman summarised the frustrations of the Panel and stated that the existing arrangements had led to a general inadequacy of service. It was therefore hoped that the Panel's recommendation would begin the process of reversing this trend.

It was then:

RECOMMENDED

That the Executive **RECOMMEND** to Council that officers consider, as a matter of urgency, the appointment of a new company to provide and maintain the Council's Car Parking Pay and Display Machines, with a progress report being presented to the Overview and Scrutiny Panel at its meeting on 13 June 2019.

O&S.78/18 COMMUNITY SAFETY PARTNERSHIP ANNUAL REPORT

Consideration was given to a report that provided Members with the opportunity to scrutinise the work of the Community Safety Partnership (CSP) as defined by Sections 19 and 20 of the Police and Justice Act 2006 and the Crime and Disorder (Overview and Scrutiny) Regulations 2009.

In their introductions, the representatives gave particular emphasis to the following key achievements:-

- The development of extremely positive relationships with secondary schools in the South Hams, Teignbridge and West Devon areas;
- The facilitation and delivery of 'Gemma's Wardrobe' (a theatre style education package to Year 9 students in 10 secondary schools across South Devon that focused on issues related to drugs, alcohol and exploitation); and
- The successful joint application to the Home Office for £528,000 funding to address Youth Gang Culture across the South Hams, Teignbridge and Torbay areas.

During the ensuing debate, reference was made to:-

- (a) the £528,000 Home Office funding. Since the funding had to be spent before March 2020, the Panel noted that this was a key current area of focus for the Partnership. It was intended that these Funds would be spent on initiatives that included: recruiting specialist resources around the violence prevention agenda; the development of parenting support groups; and youth outreach work;
- (b) the South Devon and Dartmoor CSP. In thanking the representatives, Members were of the view that the CSP was a very effective Partnership that was making a real difference in the South Hams, Teignbridge and West Devon areas;
- (c) reporting incidents to the Police. The Council's appointed CSP representative emphasised the importance of any potentially untoward incidents being reported via the online form on the Police website;
- (d) the Annual CSP Forum Event. Prior to finalising the arrangements for the Event in May 2019, it was requested that the representatives discuss potential dates with Democratic Services Officers to ensure that there was not a clash of dates with the Member Induction Programme.

It was then:

RESOLVED

That the contents of the report be supported and the comments expressed in the recorded minutes (above) be taken forward.

O&S.79/18 SAFEGUARDING UPDATE

The Panel considered a report that provided Members with the opportunity to scrutinise and review Safeguarding practices and procedures following recommendations from Internal Audit that the Safeguarding agenda should be highlighted as a standalone topic due to its complexity.

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

(a) It was agreed that the following areas should be included in the next safeguarding update report to the Panel:

- a summary of the number of cases;
- the types of cases;
- any trend analysis; and
- identified areas of particular risk.

(b) The Panel requested that a copy of both the recent Internal Audit report into the Council's safeguarding practices and procedures and the latest version of the Corporate Safeguarding Policy should be circulated to all Members.

It was then:

RESOLVED

1. That safeguarding be reviewed by the Panel as an annual standing agenda item;
2. That the following items also be included in the next safeguarding update report:
 - a summary of the number of cases;
 - the types of cases;
 - any trend analysis; and
 - identified areas of particular risk;
3. That Members be sighted on how to meet our safeguarding duties; the measures in place and the associated risks;
4. That Members support Safeguarding Briefings for new and returning Members after the May 2019 local elections; and
5. That Members support a Safeguarding Policy Review in 2019/20.

O&S.80/18 PROCESS FOR SPENDING SECTION 106 FUNDING FOR AFFORDABLE HOUSING

The Panel considered a report that provided Members with a review of the process for spending funds raised through Section 106 Agreements.

The report was presented in light of some concerns being expressed by Members at the Executive meeting held on 14 June 2018 over the process that enabled for monies that had been received for a development in one town/parish to be spent elsewhere in the South Hams. As a consequence, the Executive had resolved (Minute E.04/18 refers):

‘That the Overview and Scrutiny Panel be asked to undertake a review into the process for Spending Section 106 Deposits for Affordable Housing.’

In the ensuing discussion, the overriding view was that the process had to be as flexible as was practically possible and it was therefore **PROPOSED** and **SECONDED** as follows:-

*‘That the Panel is content with the current process for spending Section 106 Affordable Housing monies and therefore **RECOMMENDS** to the Executive that the current process is retained.’*

The majority of Members were supportive of retention of the status quo and, when put to the vote, this recommendation was therefore declared **CARRIED**.

It was then:

RESOLVED

That the Panel is content with the current process for spending Section 106 Affordable Housing monies and therefore **RECOMMENDS** to the Executive that the current process is retained.

O&S.81/18 REVIEW OF PROCEDURE FOR DEALING WITH STANDARDS COMPLAINTS

The Panel considered a report that presented a review into the Council's 'Dealing with Standards Complaints' procedure. The report noted that the procedure set out how the Council dealt with complaints that District Councillors and Parish/Town Councillors had broken their respective Members' Code of Conduct.

In discussion, the following points were raised:-

- (a) The Panel was of the view that any new procedures should formally take effect following the May 2019 local elections. Furthermore, the need to arrange Code of Conduct training for town and parish councillors following the local elections was also recognised;
- (b) Whilst the new procedures were welcomed, some Members felt that, without any meaningful sanctions, the process lacked credibility. In accepting the point, the Chairman advised that ongoing representations to this effect were being made to Central Government;

- (c) As a general point, the lead Executive Member was of the view that the Council's legal service was far too accessible to town and parish councils. In most instances, it was felt that town and parish councils should in fact be contacting the Devon Association of Local Councils (and not the District Council) for advice.

It was then:

RESOLVED

That the Council be **RECOMMENDED** that, with effect from May 2019:

1. the revised 'Dealing with Standards Complaints' procedure (as attached at Appendix A of the presented agenda report) be adopted; and
2. the review of the associated Hearing procedure be delegated to the Monitoring Officer, in consultation with the Chairman of the Overview and Scrutiny Panel.

O&S.82/18 CORPORATE STRATEGY

The Panel considered a report that detailed progress made to date in developing key performance indicators. The report also recommended next steps to improving the reporting of the Corporate Strategy.

In discussion, there was widespread support for the proposed way forward. Members recognised the need for the new Council (post May 2019) to inherit a Strategy, but also welcomed the assurances that they would still be given the opportunity to shape and review the themes once the new Council had been established.

With regard to the Peer Review report, the Head of Paid Service informed that she hoped that it would be published on Friday, 25 January 2019.

It was then:

RESOLVED

That the Executive be **RECOMMENDED** to endorse the proposed actions (as detailed in Section 5 of the presented agenda report).

O&S.83/18 Q3 2018/19 PERFORMANCE REPORT

A report was considered that presented the performance measures for Quarter 3 in 2018/19.

During discussion, reference was made to:-

- (a) SH-P4 'Major on target without extension of time'. In light of some confusion over the presentation of this indicator, it was agreed that greater detail and explanation should be included in future performance reports for this measure;
- (b) call volume numbers. Whilst the reduction in call volume numbers was welcomed and was consistent with the views of the Peer Review Team whereby the Council should reduce its number of communication channels, a Member felt that it would be beneficial to develop a performance indicator that related to Channel Shift. Such was the actual costs to the Council that were associated with face to face and telephone contact that the Panel requested that the promotion and emphasis given to Channel Shift should be revisited.

It was then:

RESOLVED

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 the comments expressed in the recorded minutes (above) be taken forward.

O&S.84/18 TASK AND FINISH GROUP UPDATES

Since there were no active Task and Finish Groups at this time, there were no updates given to this Panel meeting.

O&S.85/18 ACTIONS ARISING / DECISIONS LOG

The contents of the latest version of the Log was presented for consideration and were subsequently noted without any further comment or amendment.

O&S.86/18 DRAFT ANNUAL WORK PROGRAMME

The Panel noted the contents of its latest Annual Work Programme and requested that the Peer Review Action Plan be scheduled for consideration by the Panel at its 28 March 2019 meeting.

(Meeting started at 2.00 pm and concluded at 3.50 pm)

Chairman