

**MINUTES OF THE MEETING OF THE
OVERVIEW & SCRUTINY PANEL
HELD AT FOLLATON HOUSE, TOTNES ON
THURSDAY, 28 MARCH 2019**

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 H D Bastone, I Bramble, D Brown, J M Hodgson, T R Holway, N A Hopwood, R Rowe, 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
8	O&S.91/18	Fusion Representatives and Specialist (Assets)
9	O&S.92/18	Support Services Specialist Manager
10	O&S.93/18	Group Manager – Business Development; and Head of Place Making

O&S.87/18 MINUTES

The minutes of the meeting of the Overview and Scrutiny Panel held on 24 January 2019 were confirmed as a correct record and signed by the Chairman.

O&S.88/18 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 declared as follows:

Cllr D W May declared a personal interest in agenda item 10: 'Langage Energy Park – Update' (Minute O&S.93/18 below refers) by virtue of knowing of one of the senior representatives of the Marketing Agents (Vickery Holman) and he remained in the meeting and took part in the debate and vote thereon; and

Cllr J D Hawkins declared a personal interest in agenda item 11: 'General Dispensations to Members and Appointment of Independent Persons' (Minute O&S.94/18 below refers) by virtue of being a multi-hatted Member and he remained in the meeting and took part in the debate and abstained from the vote thereon.

O&S.89/18 **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.90/18 **EXECUTIVE FORWARD PLAN**

The Panel was presented with the most recently published Executive Forward Plan and duly noted its content without any comment.

O&S.91/18 **LEISURE CONTRACT – FUSION ANNUAL REPORT 2018**

A report was considered that provided a performance review summary for 2018 from Fusion Lifestyle in the management of all six Leisure Centres across the South Hams and West Devon.

As part of the presentation that was delivered to the Panel, reference was made to the following future priorities:

- An improved GP referral service (to work together with the Council on a district wide solution);
- An improved relationship with local stakeholders (to include schools, colleges and existing organisations in our towns);
- A skills based provision for the needs of local clubs (e.g. to work with Totnes Rugby Football Club on their pre-season training needs); and
- In accordance with their Key Performance Indicators:
 - o To increase total participation, membership and swim school figures by 10-15%;
 - o To increase target group participation by 10-15% for: Under 16s, those aged over 60, disabled users and females;
 - o To increase the customer satisfaction score by 3-5%; and
 - o To maintain the Quest Accreditation at each Leisure Centre.

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

- (a) Given the level of disruption at the Leisure Centres during 2018, the representatives informed that they were pleasantly surprised at the performance of the contract during this period;
- (b) The Panel was informed that the youth nights at Dartmouth and Totnes were proving to be successful and the next focus for Fusion was to attempt to launch equivalent sessions at Ivybridge;

- (c) In response to a question, the representatives advised that they were committed to taking forward the 'Dementia Friendly' initiative within the South Hams. In welcoming this assurance, the Panel asked that Fusion liaise directly with the 'Dementia Friendly Parishes Around the Yealm' Community Group;
- (d) In line with the Business Plan, the representatives advised that, to date, Fusion had been heavily focused on making improvements to the Leisure Centres. Moving forward, it was now the intention of the organisations to give added emphasis to improving relationships with local schools and clubs and developing the community outreach provision. In reply, some Members stressed the importance of community outreach and the need for residents who lived in rural areas to be in receipt of a better outreach service;
- (e) With regard to parking charges and leisure permits, the Panel was informed that these should be reviewed as part of the normal fees and charges budget setting process. In accepting the point, a Member urged the Council to give greater consideration at the appropriate time to the Health and Wellbeing implications of increasing car parking charges;
- (f) The representatives confirmed that the working relationships between the Council, Fusion and Tadpool were very positive;
- (g) A local Ward Member asked that Fusion give consideration to improving the advertising and promotion of the Dartmouth Leisure Centre within the local area;
- (h) For future monitoring reports, a Member requested that performance information relating to sustainability and environmental improvements be expanded upon. In response, the Fusion representatives stated that they were fully supportive of this request and highlighted that factors such as utilities usage were reported to Council officers on a monthly basis. To generate improvements in this regard, Members were asked to provide the contact details of any local contacts who would be interested in working in partnership with Fusion.

It was then:

RESOLVED

That the Panel:

1. greatly value the Fusion Annual Report for 2018 and welcomes the proposals going forward for 2019;
2. ask that Fusion give an increased focus and emphasis to outreach service provision in the rural parishes; and

3. acknowledge the willingness of Fusion to adopt more energy efficient working practices and work with relevant partners in the South Hams to meet this objective.

O&S.92/18 **PEER CHALLENGE ACTION PLAN**

Consideration was given to a report that provided Members with a copy of the Peer Challenge Action Plan.

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

- (a) Some Members commended the effectiveness and progress made by the Joint Working Group in such a relatively short space of time. In taking the point a step further, these Members hoped that this example of joint Member working with West Devon Borough Council could be expanded upon following the May 2019 local elections;
- (b) For clarity, it was noted that some of the specific Peer Challenge recommendations were solely for the further consideration of West Devon Borough Council Members;
- (c) With regard to the Accommodation Strategy, a Member advised that a previous Executive agenda report on this matter had been classified as being exempt and that this had resulted in a great deal of speculation in Totnes. As a result, the Member requested that any future reports on the Accommodation Strategy be available in the public domain. In reply, the Leader stated that, if the legal advice remained that a report should be exempt because it was commercially sensitive, then such matters would continue to be unavailable to the public;
- (d) In light of Member frustration at being asked to 'note' reports, an alternative recommendation was **PROPOSED** and **SECONDED** whereby the Panel should formally accept the Action Plan. When put to the vote, this proposal was declared **CARRIED**.

It was then:

RESOLVED

1. That the Peer Challenge Action Plan (as agreed by the Executive) be accepted; and
2. That a progress update be brought to the Panel for consideration early in the 2019/20 Municipal Year.

O&S.93/18 **LANGAGE ENERGY PARK - UPDATE**

The Panel considered a report that provided Members with an update with respect to Langage Energy Park.

In discussion, reference was made to:-

- (a) closer dialogue with Devon County Council (DCC). In citing the example of Baltic Wharf, Totnes, a Member asked that regular dialogue be held between officers and their DCC colleagues to ensure that DCC see through their obligations for the Energy Park;
- (b) the success of the project to date. Some Members felt that the project had not been a great success story to date. However, the assurances that had been outlined in the presented agenda report whereby the project would now be given added focus and emphasis were welcomed;
- (c) the need to refresh the marketing for the site. Whilst the Council had no powers to force the owners to do anything with the site, it was noted that officers had nonetheless requested that the Agents refresh their marketing strategy for the Energy Park;
- (d) anaerobic digestion on site. A Member felt that there could be scope to develop more anaerobic digestion processes on site and requested that this opportunity be explored further by lead officers;
- (e) an alternative proposal. An alternative motion was **PROPOSED** and **SECONDED** to read as follows:-

'That the Panel:

1. welcomes and acknowledges the work that had been undertaken so far, but requests that significant emphasis be placed on encouraging the enhancement of the timescale for bringing forward much needed employment opportunities; and
2. recognises that, whilst outside the control of the Council, it still wishes to express its disappointment at the lack of progress being made on the project.'

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

It was then:

RESOLVED

That the Panel:

1. welcomes and acknowledges the work that had been undertaken so far, but requests that significant emphasis be placed on encouraging the enhancement of the timescale for bringing forward much needed employment opportunities; and
2. recognises that, whilst outside the control of the Council, it still wishes to express its disappointment at the lack of progress being made on the project.

O&S.94/18 **GENERAL DISPENSATIONS TO MEMBERS AND APPOINTMENT OF INDEPENDENT PERSONS**

The Panel considered a report that:

- sought approval to grant the General Dispensations that were set out in the presented agenda report; and
- recommended appointing two additional Independent Persons.

In the ensuing discussion, reference was made to:-

(a) dual-hatted Members. Some Members expressed their concerns over the potential for conflicts of interest to arise for those Members who were both Devon County and South Hams District Councillors. In particular, these Members felt it was wholly inappropriate for dual-hatted Members to be appointed to serve on the Executive. Such was the strength of feeling amongst these Members that an amendment was **PROPOSED** and **SECONDED** whereby the General Dispensation should only be granted until the Annual Meeting in May 2020, before then being reviewed again.

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

- (b) the recommended Independent Persons. A Member welcomed the recommendation to appoint a female Independent Person;
- (c) the performance of the Independent Persons. The Panel was of the view that, when considering the intention to appoint the Independent Persons for a four year term, assurances were required whereby the individuals should all be subject to regular performance reviews;
- (d) the work undertaken by the Panel Chairman. In recognition of the amount of work that he had put into supporting the Standards regime, the Panel wished to record its gratitude to the Chairman of the Panel.

It was then:

RESOLVED

That the Panel:

1. grant the General Dispensations (as set out in paragraphs 2.4 and 2.5 of the presented agenda report) from the Annual Council meeting in May 2019 to the Annual Council meeting in May 2020 so that:
 - a. A General Dispensation is granted to all multi or dual-hatted Members of South Hams District Council to speak and vote on matters where they are Members of another local authority and in receipt of a Members' Allowance; and

b. A General Dispensation is granted to all Members as set out in paragraphs 2.4.1 to 2.4.5 of the presented agenda report; and

2. **RECOMMEND** to Council that Mrs Victoria Spense and Mr Martin Glead (West Devon Borough Council Independent Persons) be also appointed to South Hams District Council from the Annual Meeting in May 2019 until the Annual Meeting in May 2023 and that all appointed Independent Persons be in receipt of regular performance reviews.

O&S.95/18 **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.96/18 **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.97/18 **CONCLUDING REMARKS**

As this was anticipated to be the last Panel meeting of the 2018/19 Municipal Year, the Chairman thanked all Members and the lead officers for their commitment and diligence during the last four years of his chairmanship. In particular, the Chairman felt that the Panel had acted in an open and independent manner and it was his hope that this trend would continue beyond the May 2019 local elections.

In reply, other Members wished to thank the Chairman for his tireless work that had been so instrumental in driving through significant improvements to the Council's Overview and Scrutiny function.

Finally, Members recognised that this was also to be the last Panel meeting for the Group Manager – Commercial Services (who had also acted as the Scrutiny lead officer for the past twelve months) and the Group Manager – Business Development before they left the employ of the Council. Members thanked both officers for their respective contributions to the function and both were wished every success and happiness in the future.

(Meeting started at 10.00 am and concluded at 11.25 am)

Chairman