

**MINUTES OF THE MEETING OF THE
OVERVIEW & SCRUTINY PANEL
HELD AT FOLLATON HOUSE, TOTNES ON
THURSDAY, 3 NOVEMBER 2016**

Panel Members in attendance:			
* Denotes attendance		∅ Denotes apology for absence	
*	Cllr K J Baldry	*	Cllr D W May
*	Cllr J P Birch	*	Cllr J T Pennington
*	Cllr J I G Blackler	∅	Cllr K Pringle
*	Cllr D Brown	*	Cllr M F Saltern (Chairman)
*	Cllr J P Green	*	Cllr P C Smerdon
*	Cllr J D Hawkins	*	Cllr K R H Wingate (Vice Chairman)
*	Cllr N A Hopwood		

Other Members also in attendance:
Cllrs H D Bastone, I Bramble, J Brazil, R D Gilbert, M J Hicks, J M Hodgson, T R Holway, R Rowe, R C Steer, R J Tucker, L A H Ward and S A E Wright

Item No	Minute Ref No below refers	Officers in attendance and participating
All		Head of Paid Service, Executive Director (Service Delivery and Commercial Development) and Senior Specialist – Democratic Services
8	O&S.38/16	Senior Community Safety Officer, South Devon and Dartmoor Community Safety Partnership and Specialist: Community Safety, Safeguarding and Partnerships
9	O&S.39/16	Group Manager – Support Services / Customer First
10	O&S.40/16	Locality Manager
11	O&S.41/16	Specialist Manager
12	O&S.42/16	Group Manager – Commercial Services
13	O&S.43/16	Senior Specialist: Place and Strategy
16	O&S.46/16	Salcombe Harbour Master

O&S.34/16 MINUTES

The minutes of the meeting of the Overview and Scrutiny Panel held on 6 October 2016 were confirmed as a correct record and signed by the Chairman.

O&S.35/16 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 R D Gilbert declared a personal interest in agenda item 16: 'Beach and Water Safety' (Minute O&S.46/16 below refers) by virtue of owning a private beach that was not included on the list contained within Appendix 1 and remained in the meeting during the debate on this particular item.

O&S.36/16 PUBLIC FORUM

In accordance with the Public Forum Procedure Rules, no items were raised at this meeting.

O&S.37/16 LATEST PUBLISHED EXECUTIVE FORWARD PLAN

The Panel was advised that an updated version of the Executive Forward Plan had been published since the Panel agenda papers had been circulated. As a consequence, the Chairman made reference to the following changes:-

- The agenda items relating to Devolution and the Sherford Delivery Team would now be considered at a later date than the initially anticipated 1 December 2016;
- The Council Tax Reduction Scheme would now be presented to the Executive meeting on 1 December 2016;
- An agenda item relating to the Dartmouth Lower Ferry had been scheduled for consideration by the Executive at its meeting on 2 February 2016; and
- A Waste Review agenda item had been added to the Forward Plan for consideration at the Executive meeting on 9 March 2016.

In the ensuing discussion, the budget setting process was outlined and all Members were encouraged to submit their views as part of this exercise. However, in so doing, it was noted that any proposals that involved additional expenditure would need to illustrate how these would be funded.

O&S.38/16 COMMUNITY SAFETY PARTNERSHIP

The Panel considered 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 the subsequent discussion, reference was made to:-

- (a) the annual CSP forum event that had been held at Rattery Village Hall. Some Members commended the success of this event which had been attended by over 50 residents and had been particularly well received;
- (b) the success of the Partnership. A number of Members felt that the CSP was doing an excellent job, but were of the view that there was scope for the Partnership to improve the methods in which it advertised and promoted itself;
- (c) the use of illegal highs. In citing the recent tragic loss of life in Totnes, the CSP representative advised that illegal highs were far too prevalent in the community and proceeded to outline some of the measures that were being undertaken to reverse this trend;

- (d) 'learn 2 live' events. The Panel was advised that these events were targeted at young people and were focused on all aspects of road safety. The effectiveness of these events was emphasised and the representatives confirmed that they would let Members have the details of future 'learn 2 live' events;
- (e) mental health awareness. The Panel was provided with a comprehensive response on the measures that the Partnership was involved in to combat mental health. In reply, a Member proceeded to state his support for the approach being followed by the CSP and, as a general point, his belief that central government needed to allocate greater expenditure in this regard;
- (f) the impact of reduced grant funding. Whilst there was no doubt that the reduced funding was having an impact, the CSP representatives informed that it was forcing the Partnership to continually consider innovative ways of working. In reply to a question, the representatives highlighted the importance of the annual grant awarded from the Police and Crime Commissioner, who had indicated that she greatly valued and recognised the prevention work undertaken by CSPs;
- (g) the benefit of Youth Workers. A Member highlighted the good work that was being carried out by the Youth Worker that had been funded by the Town And Parish (TAP) Fund process for the Northern area of the district. Indeed, such was the extent of this positive work that the Member suggested that the Youth Worker should be invited to provide a presentation to the wider membership. In response, the Chairman of the Panel and the Leader of the Council gave a commitment to consider this request.

In concluding the agenda item, the Chairman thanked the representatives for their attendance and reminded those present that, in his capacity as the Council's appointed Member on the Police and Crime Commissioner Scrutiny Panel, he was more than happy to relay any issues to it on behalf of Members and the CSP.

RESOLVED

That the report be noted and that the comments expressed in the minutes above be taken forward.

O&S.39/16 TRANSITIONAL RESOURCES MONITORING REPORT

A report was considered that provided Members with an update on the impact on service areas of the temporary, fixed-term transitional resources that had been approved by the Council at its meeting on 30 June 2016 (minute 25/16 refers).

The Group Manager – Support Services / Customer First informed that overall performance was encouraging. However, the one area that was still giving him cause for concern was Development Management, which had seen a 12% increase in planning application numbers that had placed additional pressure on staff, who already had exceptionally high caseloads.

In discussion, the following points were raised:-

- (a) A number of Members challenged the positive nature of the report, which they felt was in contradiction to the current perception of Council performance that was held by the public, town and parish councils and Members. In combating these comments, the Executive Directors made particular reference to:
- the time lag between actual performance improvements and these being realised by Members out in their respective communities;
 - genuine demonstrable improvements are being made;
 - officers working tirelessly to make the Transformation Programme a success and the general sense of negativity amongst Members being unhelpful.

The Leader of Council supported the views expressed by the Executive Directors and emphasised the point that there was a direct correlation between Member activity in their respective local wards and the nature of the correspondence received by the Council from these areas;

- (b) With regard to the likely impact upon the Council at the end of the transitional resource period, officers confirmed that, with the exception of Development Management, they did not anticipate that there would be a need for any further resources to be allocated in any other area. Specifically regarding the potential for additional resources in Development Management, it was felt appropriate that this matter be considered during the draft budget setting discussions at the joint meeting of the Panel and the Development Management Committee on 19 January 2017;
- (c) In providing an update on the new Council website, assurances were given that all Members would have the opportunity to test and provide feedback on it in the next few weeks. Following a rigorous testing exercise, it was anticipated that the new website would go live in December/January;
- (d) Officers highlighted the recent sessions held with town and parish clerks and confirmed that these had provided some particularly constructive feedback. Having reflected on these sessions, officers were of the view that the Council needed to consider methods of standardising the ways it worked with town and parish councils;
- (e) As a general point, some Members felt that the presentation and format of the monitoring report did not easily illustrate to the reader that it was a positive news story.

RESOLVED

That the monitoring report and the progress made to date be noted.

O&S.40/16 LOCALITY SERVICE PERFORMANCE

In light of a request made by the Panel at its meeting on 17 March 2016 (minute O&S.90/15 refers), a report was considered that provided a further review into the performance of the Locality Service.

In discussion, the following points were raised:-

- (a) Whilst one of the concerns that had necessitated this review was the role of the Locality Engagement Officers, a number of Members made the point that these had now been mitigated and the role was proving to be particularly effective. Furthermore, the work undertaken by the Mobile Locality Officers was also commended by Members;
- (b) A number of Members wished to recognise the efforts of the Locality Manager in making the Locality Service such a successful and effective operation.

It was then:

RESOLVED

That the performance of the Locality Service be noted and the Locality team be congratulated on the success of the operation.

O&S.41/16 DISABLED FACILITIES GRANT: VERBAL UPDATE

The Specialist Manager provided a verbal update on Disabled Facilities Grants (DFGs) that focused on three particular elements as follows:

1. Funding – the Panel noted that, in accordance with the Better Care Fund, central government was awarding additional monies towards DFGs. Since the Council now had 1.5 full time equivalent members of staff working on the delivery of DFGs, it was now in a position to make an application to the Better Care Fund for additional funding;

2. Management and performance – the officer confirmed that performance was improving and DFGs were currently being allocated at an average of just under 100 working days. Such was the extent of the performance improvements, it was felt that the Council target (average time between 65 and 70 days) was now attainable; and
3. The future – whilst there was always uncertainties regarding whether or not the Council would receive the full allocation of monies each year, the Panel was informed that there remained a clear demand that was now appropriately resourced. With regard to maximising value for money opportunities, the officer advised that there was scope to make greater use of procurement opportunities through joint working with other local authorities.

The Panel acknowledged the positivity arising from this agenda item and thanked the officer for his update.

O&S.42/16 **TASK AND FINISH GROUP UPDATES**

(a) Dartmouth Lower Ferry

The Chairman advised that negotiations were currently ongoing with staff fully involved in the process.

(b) Partnerships

The Chairman highlighted that the next Task and Finish Group meeting was due to take place on 9 November 2016 and it was intended that the concluding report of the Group would then be presented to the next Panel meeting on 24 November 2016.

(c) Waste and Recycling

In providing an update, the lead Executive Member for Commercial Services made particular reference to the progress report that had been circulated to all Members earlier that week. In particular, the Member reminded those in attendance that the Task and Finish Group had accepted the consultants' findings and concluded that the round review would not reap the full benefits expected. Therefore, the Group had agreed that it would be more prudent to carry out a targeted review of aspects of the service that included re-balancing the current rounds.

In the ensuing debate, reference was made to:-

- (a) the ability for the Group to now move on and consider further service efficiencies. For clarity, it was confirmed that the Group was not proposing a large scale waste review, but was going to look at specific elements of the current service;

(b) the budgeting implications. A Member expressed his disappointment that the Council had built in a projected £120,000 saving from the service that had now proven to be unachievable. In accepting the point, other Members recognised the need for greater challenge (and assurance) in respect of whether a proposed saving was realistic before it was included in the budget proposals.

(d) Events Policy

The Group Chairman advised the Panel that a meeting had recently taken place and a further meeting was due to take place before the conclusions of the Group were presented to the next Panel meeting on 24 November 2016.

In light of a request, it was agreed that Members should send a list of organisations who they believe should be included in the direct consultation exercise to the Group Manager – Business Development and/or the Group Chairman.

(e) Permits Review

Members noted that two meetings had been held and the Group was intending to present its final report to the next Panel meeting on 24 November 2016.

O&S.43/16 ACTIONS ARISING / DECISIONS LOG

In presenting the latest log, the Chairman made reference to the questions related to the T3 area of Totnes in the Joint Local Plan (Minute O&S.25/16 refers). The Chairman reminded the Panel that, since the fifteen minute time slot had expired, he had invited the three questioners to send in any supplementary questions outside of that meeting.

Subsequent to this invite, the following supplementary questions had been received:

Supplementary Questions Received from Georgina Allen:

'Relating to question 1 - the question referred to taking T3 out of the Joint Plan; as we had already been told that T3 was the equivalent of the old plan, (Radio Devon interview with Cllr Hicks in the summer) then we know the details and that was what we are requesting removed. Could you please advise of the process how to do this and how to hand it over to the Neighbourhood Plan?'

'Relating to question 2 - you say that the T3 area is in the Joint Plan in order for it to be enhanced; the Neighbourhood Plan have confirmed that they would be interested in enhancing the square themselves and so would ask you to confirm if this would be possible. They also would like to enquire of the exact nature of the enhancement of the civic square in the last 20 years as paid for by SHDC, as they are not aware that any enhancement has taken place.'

'Relating to question 3 - Although you were not able to answer this question, I would like to include an answer from the Heritage Group to Cllr Vint's enquiry -

Dear Cllr Vint,

Thank you for your enquiry. Having checked our catalogue, and spoken to our Archivist Jan Wood, about this, it appears that we do not hold the original charter here. If it survives, it may be held at the National Archives.

However, we do have the following two items in our collection:

1) 1120Z/T/62 "Copy and translation of Patent Roll of 1376-1377 re Confirmation of Totnes Borough Charter at death of Black Prince" – this is a 19th century copy.

2) 1579A/1/2 "Translation of Henry VII Charter of Incorporation, including confirmation of Charter of 1206 making Totnes a free borough" – the original charter of incorporation dated from 1505, however this translation is much more recent (18th or 19th century) and consists of about 14 pages (some fragile).

These can be viewed in our searchroom, and if you are interested in visiting us you can find more information about this at

http://www.devon.gov.uk/.../record_office/inf.../visiting_us.htm <http://www.devon.gov.uk/index/councildemocracy/record_office/information_dass/visiting_us.htm> .

We can make copies of documents – prices for copies in the searchroom are 50p per sheet (for black and white, A3 or A4), or £1.50 for a colour A4 copies, £2.00 for colour A3 copies.

The first document consists of 2 pages – the first page contains a transcription of the latin, the second page is a translation – these could each be copied on to A3 sheets.

The second document is more fragile and so may require digital copying instead – as this is charged at £8 per image, you may like to view the document first as it may not all relate to the Totnes Charter. If you were to visit, the searchroom staff would be able to advise on the most appropriate method of obtaining a copy of this document."

'Relating to question 4 - I do not believe an answer to this question was given at the council meeting and so would be grateful for one now. If the town is to hold a referendum or poll concerning T3's inclusion in the Joint Plan would the council accept the result?'

'Relating to question 5 - Could the council please spell out the benefits to the South Hams area of selling the Central Area of Totnes?'

'Relating to question 6 - Could the council please explain the exact nature of the enhancement to T3 that is mentioned in the answer to the question. If a large proportion of the population don't consider building on the car parks and market square an enhancement, then maybe it shouldn't be considered.'

'Relating to question 7 - If the removal of T3 from the Joint Plan will not affect the five year supply, then why is it included. What is the rationale and reasoning behind its inclusion?'

'Relating to question 8 - the Neighbourhood Plan team as well our own district councillors are very worried that the Neighbourhood Plan would fail a referendum if T3 is included in the Joint Plan and I understand that that could put the Joint Plan at risk. Is it worth risking this just to include T3? It would make more sense to hand the entire area over to the Neighbourhood Plan so that there can be a full consultation on it followed by a referendum. What is your opinion on this?'

Supplementary Question Received from Lyn Szczepura:

'The current parking provision in the T3 area consists of the following individual car parks:

Civic Hall, 24 spaces, short term (of which, 2 disabled)

Heaths Nursery, 87 spaces, short term (of which, 4 disabled)

Nursery, 73 spaces, long term

Heathway No 1, 20 spaces, long term

Heathway No 2, 37 spaces, long term (of which, 2 disabled)

Heathway No 3, 11 spaces, long term, permit holders only.

These spaces are barely adequate and are regularly over-stretched on Market days and during the summer season. I am therefore seeking clarification on whether the number of parking spaces provided in the T3 area (including disabled parking) will be retained at this level, 252 in total, in perpetuity?'

Supplementary Question (and Comments) Received from Richard Szczepura:

Unfortunately the response given by Cllr Hicks does not answer my question.

*My original question was seeking clarification on whether housing completions includes small developments such as next to the Nursery car park, planning permissions granted includes small developments such as Paige Adams Road and windfalls includes the increase in proposed housing on the Brunel site. **Could you please answer this clarified question?***

I note that similar questions were lodged in the consultation process by Dr Woolaston MP ("..there needs to be greater clarity about windfall sites. Does this include single dwellings for example as well as exception sites?) and Cllr Vint ("Estimated dwelling are shown here (T4) as 62. There are actually plans for 99 if the McCarthy Stone proposals are included. This additional 37 may go some way to balance reduction in T3.").

I also have three supplementary questions which could not be taken at the meeting but, I was advised by the Chair, could be submitted after receipt of your response.

Q1. Can you give the number of housing completions, planning permissions granted and windfalls allocated to Totnes?

Q2. If the minimum housing numbers by settlement type and other delivery is adjusted in Table 1 of the JLP to match the stated requirement of 8700 can the delivery from towns be adjusted, pro rata, to 5008 and for Totnes to 1135 instead of 1246?

Q3. Can the housing numbers be adjusted to provide a more equitable distribution of percentage increase in population for each town, which in theory would allow a reduction of 366 dwellings in Totnes?

In response to these supplementary questions, the Chairman invited Cllr Hicks (as lead Executive Member for the Joint Local Plan) to read the following statement to the meeting:

“The following statement is addressed to all the many residents who have written, emailed and personally asked questions about the Joint Local Plan and the perceived implications for the centre of Totnes. It is an attempt to clarify the many misunderstandings which have occurred amongst residents in relation to the plans for the centre of the town, the area known in the plan as T3 and is specifically directed at answering the questions submitted to the SHDC Scrutiny meetings of 6 October and 3 November 2016.

Some background

Over the last twenty or so years, T3 has appeared in Local Plans, Core Strategy detail, the DPD etc., etc. and over that time there have been many changes to the town centre area. At the beginning of this period, the area concerned was, in the main, a nursery; Heath’s Nursery.

Many years later, the Nursery was purchased by the District Council and the transformation from the nursery area to its present form was initiated and facilitated by South Hams District Council. Over that time the individual parts of T3 – the Market Square, the various car parks, Leechwell Gardens, the Grove School etc., have been included in the overall plan for the town centre and there has always been an aspiration on the part of the District Council to protect and enhance these important town assets.

Currently the District Council (also the Local Planning Authority) is in the process of developing a new Local Plan. In order to help this process, a decision was made to create a Housing Market Area which incorporates South Hams, Plymouth City and West Devon Borough Councils and following that, a Joint Local Plan was formed by the three councils concerned.

Local Plans have a clearly defined purpose and a detailed format which, when completed, is required to satisfy a Planning Inspector as to area development strategy, specific policies covering various planning detail and meeting the specific housing need for the area.

At this stage, it should be noted, that the Plan (JLP) is for the whole market area, not any one geographical part of it.

Where are we now?

There are two formal consultations in the Plan process, they are called Regulation 18 and 19. Regulation 18 took place in the first quarter of 2016 and Regulation 19 will take part in the early part of 2017 and thereafter the plan will proceed to submission and, hopefully, approval.

T3

Because it has been included in various iterations of the Local Plan for some years, the planning judgement is that removing T3 from the allocated sites, will leave it vulnerable to approach by any developer. This would be due to the risk of an Appeal Inspector taking the view that, historically, the area was allocated. The Planning Authority would be hard put to it, to defend such a position.

A decision has been made to review the T3 area and consider whether the best way forward would be to retain it within the Plan and outline the Authority's wishes in terms of use i.e. the Market Square to be retained as such, Leechwell Gardens to be a dedicated community open space and the car parking to be evaluated with the assurance that numbers will be protected. This work is ongoing and decisions will be made before Regulation 19. These decisions are the responsibility of the Planning Authority.

We are grateful for all the comments, which we have received but stress that this is a work in process. You will all have another opportunity to comment at the Regulation 19 stage.

With particular reference to the questions raised by Dr Szczepura, whilst the points raised are no doubt accurate, unfortunately they are not relevant. The distribution of dwellings around the District is not simply a data-driven calculation. Key considerations include the location and overall sustainability credentials of the settlements and the availability and suitability of land for development. This includes consideration of a wide-range of factors including accessibility and environmental constraints. There is clearly a correlation between the sustainability of settlements and their population numbers but deciding how much development should be allocated to individual settlements involves much more than pro-rata calculation."

The following points were made on the remainder of the Log:-

- (a) A Member asked that the specific query on the number of apprentices working on-site on the Sherford development be followed up;
- (b) It was noted that a date for the meeting between the Economy Working Group and the Joint Local Plan Steering Group had still to be scheduled. In response to a request, it was agreed that (once confirmed) the date would be circulated to interested Members accordingly.

O&S.44/16 DRAFT ANNUAL WORK PROGRAMME 2016/17

In consideration of its Annual Work Programme, the following points were raised:

- (a) It was noted that the Programme for 24 November 2016 meeting currently indicated three separate agenda items for: 'Customer Services: Six Month Update'; 'Development Management (DM): Six Month Update'; and Quarterly Performance Measures. However, the Panel agreed that these items should be combined under the umbrella of the Performance Measures report, with Customer Services and DM related indicators being subject of 'deep dive' analysis;
- (b) The Panel agreed that an Empty Homes Strategy Update should be included on the Work Programme for the meeting to be held on 23 February 2017;
- (c) In respect of the potential to generate more income from local markets, it was noted that this had been raised by the Permits Task and Finish Group. As a consequence, it was likely that officers would be recommending to the Panel that a Task and Finish Group be established to investigate this matter in more detail.

O&S.45/16 EXCLUSION OF PUBLIC AND PRESS

It was then:

RESOLVED

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item of business in order to avoid the likely disclosure to them of exempt information as defined in paragraphs 1 and 3 of Part 1 of Schedule 12A to the Act.

O&S.46/16 BEACH AND WATER SAFETY

An exempt report was considered that reported the findings of the Beach Management Working Group on a particular matter related to Beach and Water Safety.

In the ensuing debate, there were two contradictory views raised. Whilst some Members expressed their concerns at the potential safety implications, other Members highlighted the proposed lengthy lead in time and their personal opposition to the principle whereby the Council was in effect subsidising private businesses.

Since particular concerns were raised over the potential removal of buoyage at selected locations, the Panel requested that a further update briefing paper on this particular aspect of the proposals be circulated to Members in April/May 2017. In the event of this paper raising further concerns amongst Members, then the Panel may decide to formally re-consider this issue at a future meeting.

It was then:

RECOMMENDED

That the Executive be **RECOMMENDED** to adopt the proposals outlined within paragraph 3.1.2 of the presented agenda report, with the exception of the removal of buoyage at selected locations, which would be subject to a further update briefing paper being circulated to Members in April/May 2017.

(Meeting started at 10.00 am and concluded at 12.40 pm)

Chairman