

**MINUTES OF THE MEETING OF THE  
OVERVIEW & SCRUTINY PANEL  
HELD AT FOLLATON HOUSE, TOTNES ON  
THURSDAY, 24 NOVEMBER 2016**

<b>Panel Members in attendance:</b>			
* 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		

<b>Other Members also in attendance:</b>
Cllrs H D Bastone, I Bramble, J Brazil, R D Gilbert, M J Hicks, J M Hodgson, T R Holway, R J Tucker, R J Vint, 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
7	O&S.51/16	Community of Practice Lead: Housing, Revenue and Benefits
9	O&S.53/16	Group Manager – Support Services / Customer First, Contact Centre Manager and Specialist – Performance and Intelligence
10	O&S.54/16	Monitoring Officer
11(b)	O&S.55/16(b)	Community of Practice Lead – Environmental Health and Partnerships Specialist
11(e)	O&S.55/16(e)	Operational Manager (Environment Services)

**O&S.47/16 TONE LEISURE**

The Chairman reminded Members that, after ten years of managing the South Hams Leisure Centres, the Council was saying goodbye and thank you to Tone Leisure.

Both the Panel Chairman and Leader of Council proceeded to pay tribute to the excellent job undertaken by Tone Leisure and wished the organisation every success in the future. These tributes were echoed by a number of Members.

**O&S.48/16 MINUTES**

The minutes of the meeting of the Overview and Scrutiny Panel held on 3 November 2016 were confirmed as a correct record and signed by the Chairman.

**O&S.49/16 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 P C Smerdon declared a personal interest in agenda item 11(b): 'Task and Finish Group Updates – Partnerships' (Minute O&S.55/16(b) below refers) by virtue of being a trustee of the South Hams Community and Voluntary Service and remained in the meeting during the debate, but abstained from the vote on this matter.

**O&S.50/16 PUBLIC FORUM**

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

**O&S.51/16 LATEST PUBLISHED EXECUTIVE FORWARD PLAN**

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

In the general discussion on the Plan and, in accordance with Procedure Rules, a Member had given notice of his wish to ask why those Members who did not serve on the Local Authority Controlled Company (LACC) Joint Steering Group (JSG) had been refused access to the draft legal advice from Bevan Brittan.

Having previously been made aware of this request, the Chairman advised that he had sought clarity from the Monitoring Officer on the following questions:-

1. *Do Members have an underlying right to "any" documentation held by the Authority?*  
  
*(Could you quote the relevant para in the Constitution?)*
2. *Is it within the jurisdiction of the LACC JSG to decline to issue documents requested by Members. Or is it within your remit to consider the appropriateness of requests as Monitoring Officer.*
3. *Were you consulted on this issue and if so what was your advice?*
4. *If a request was made under FOI would the Bevan Brittan report be able to be issued?*
5. *Would it be treated as Exempt and if so on what grounds?*

The Chairman had received a response from the Monitoring Officer to his questions, which he proceeded to read (and agreed to circulate to the wider membership). The statement read as follows:

*“Constitution-wise, the starting point is the Protocol on Member / Officer Relations which covers the issues surrounding ‘Access to Information’ (please see paragraphs 24 – 32 in the Protocol on the Council’s website (<http://shdcweb.swdevon.lan/article/1815/Our-Constitution>)).*

*The general principles are that the Council wishes to conduct its business as openly as possible and to give Councillors maximum access to information in order to enable them to discharge their role as Councillors and information is provided to Members on what is commonly known as a ‘need to know’ basis. Under FOI, we would not release the Bevan Brittan advice note, as it legal advice provided to the Council to enable it to make an informed decision on the LACC and the argument of legal privilege would apply.*

*In short, I was at the JSG meeting on 14 November when this was discussed, and I had previously been consulted for my views. These were reflected in the JSG’s response on the question of releasing the BB advice note at this point.*

*It is not the case that Members will not see the Bevan Brittan advice (which will be ultimately available as an exempt item) but that it is not appropriate to circulate it at this point in time. The reason that it is a timing issue, is that the Advice Note has been commissioned by the JSG in order to enable it to make informed recommendations to the Council on whether it should go ahead with the LACC and to provide responses to the issues of concern raised by Council in July 2016. The Advice Note is therefore very much a working document with currently unresolved issues (the JSG does not yet have the complete picture itself) and it is very much a question of timing rather than saying that Members are not entitled to see it at all. I do consider that the JSG is entitled to make this decision (which was unanimous across the parties at the meeting).”*

In citing the relevance of all Members receiving this advice prior to a number of upcoming Member workshops on the LACC, the following motion was then **PROPOSED** and **SECONDED**:-

*‘That the Bevan Brittan legal advice on the LACC be disclosed immediately to all Members.’*

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

Specifically regarding the Reserved Matters workshop on 1 December 2016, it was requested that the latest proposals relating to a Board Structure and Governance arrangements be presented to this session

At this point, the meeting proceeded to consider the remaining items on the Executive Forward Plan for which advanced notice had been given.

#### **(a) Homeless Strategy 2017-2022 – Public Consultation**

A report was considered that asked the Panel to consider the draft South Hams & West Devon Homeless Strategy 2017-2022 in order that it could be published for consultation with a view to Council approval and adoption from 1 April 2017.

In the ensuing discussion, reference was made to:-

- (i) praise being extended to lead officers and the Task and Finish Group. A number of Members wished to put on record their gratitude for the production of such an extensive (and excellent) Strategy document. In addition, Members also paid tribute to the Council's housing officers, who they considered to do a fantastic job in often incredibly difficult circumstances;
- (ii) central government grant funding. The Panel was advised that the Council received a grant of £83,594 towards homelessness prevention. In citing some examples, officers advised that the monies had been used to progress some creative ways of preventing persons from becoming homeless. Members noted that the 'Homelessness Prevention Bill' was likely to become statutory legislation imminently. The Bill was likely to have resource implications for the Council and it was hoped that funding would be made available by central government accordingly;
- (iii) the limitations of short-term tenancies. It was widely acknowledged that short-term tenancies were a problem and it was hoped that the announcements made in the Government's recent Autumn Statement would help in this regard;
- (iv) homeless numbers being on the increase. A Member highlighted the national upward trend on homeless numbers and called on the Council to give consideration to increasing the provision of social and genuinely affordable housing;
- (v) the recent rough sleepers count. Whilst accepting that the recent snapshot exercise had its limitations, it was noted that the Council was working pro-actively in this respect. Unfortunately, Members accepted that it was a fact that some rough sleepers simply did not want to be housed and officers were working hard to best support these individuals;
- (vi) the working relationship with Shelter. It was confirmed that working relations between the Council and Shelter were excellent and there was a very good rapport between the officers of both organisations.

It was then:

### **RESOLVED**

1. That the content of the draft Homeless Strategy 2017-22 be noted; and
2. That the Executive be **RECOMMENDED** that the Homeless Strategy 2017-22 be published for public consultation from 13 December 2016 to 13 February 2017.

### **(b) Allocations Policy and Devon Home Choice Policy Review**

The Panel considered a report that sought a recommendation to the Executive to make no changes to the Devon Home Choice Policy at this time.

In discussion, the following points were raised:-

- (a) A number of Members expressed their deep reservations regarding the Devon Home Choice (DHC) partnership. Particular concerns highlighted included: the whole arrangement being overly bureaucratic; the belief that policy rules were not being correctly applied and the perceived lack of transparency.

Such was the extent of these concerns that some Members wished for a firm steer to be given in the proposed comprehensive review whereby alternative options to leave the partnership should be actively pursued and that work should commence as soon as was practically possible. In addition, the Council had traditionally been swayed from leaving the Partnership by the potential cost implications, however it was felt that the Review should not be unduly influenced by this argument.

Similar concerns were also raised by Members in relation to the Choice Based Lettings Scheme and it was recognised that some local authorities had already opted to move away from this approach of allocating housing.

Assuming that the Executive was supportive of the Panel's recommendations, it was felt that the comprehensive review was likely to be an ideal piece of work for a Task and Finish Group to undertake and officers were encouraged to complete a Scrutiny Proposal Form for future consideration;

- (b) A Member felt that there was apparent duplication in the policy regarding armed forces personnel. In reply, the lead Executive Member gave an assurance that everything possible was done for armed forces personnel and the policy did not place them at a disadvantage;
- (c) The Panel was advised that the annual review of the housing list had been delayed this year due to a delay in the providers' renewal

software. Officers had been given assurances that this would be undertaken in January 2017.

It was then:

### **RESOLVED**

1. That the content of the report be noted;

That the Executive be **RECOMMENDED**:-

2. to remain in the Devon Home Choice partnership for the next twelve months;
3. that, within the next twelve months, a comprehensive review of alternative allocation delivery methods be completed to evaluate whether the Devon Home Choice partnership remains fit for purpose; and
4. to make no changes at this time to the South Hams Allocations Policy.

#### **O&S.52/16 FEES AND CHARGES 2017/18**

The Chairman reminded the Panel that he had agreed that this agenda item should be deferred until a future meeting to enable for the potential impact arising from the Autumn Statement and Finance Settlement to be known.

The Panel was happy to endorse the suggestion that this item be included on the agenda for the joint Budget meeting with the Development Management Committee Members on 19 January 2017.

#### **O&S.53/16 Q2 2016/17 PERFORMANCE REPORT**

Members considered a report that presented performance measures for Quarter 2. The report confirmed that performance had remained relatively consistent with the previous quarters, however there had been a marked improvement in the benefit processing speed.

Officers proceeded to give visual updates on the live performance dashboard information (particularly relating to Development Management and the Contact Centre) and the new Council website.

In discussion, reference was made to:-

- (a) the format of future performance information reports. In recognising the ability to be in receipt of 'real time' performance information, Panel Members were asked to give consideration to how they wished to see future performance information presented to their meetings;
- (b) current performance. There was a general recognition that overall performance had now stabilised and was improving in certain areas. In sharing their own experiences, a number of Members subsequently welcomed and commended this performance trend;
- (c) the T18 Performance versus Budget indicator. A Member expressed his surprise that the indicator was showing as being 'on or above' target when considering that the Council had decided to spend an additional £550,000 on transitional resources;
- (d) complaint response speed. Officers advised that the downward performance trend was attributed to the knock-on effect of the Council dealing with the backlog generated from waste complaints during this quarter;
- (e) the status of being 'narrowly off target, be aware'. A Member requested that future performance reports include more explanatory information for those indicators that have achieved this status definition;
- (f) the contact centre. Members wished to extend their continued thanks to the Contact Centre Manager and her team, who continued to work exceptionally in difficult circumstances. A Member recommended that fellow Members pay a visit to the Contact Centre to witness first hand both the work being undertaken, but to also get a sense of the nature of the issues being raised by callers;
- (g) the new website. The Panel was informed that the new website would not only be more resilient, but would also be more transaction focused. Further benefits of the new website were felt to be speed of access and ease of use. It was confirmed that Members would be asked to test the new website for themselves in the next three weeks, before it was then actually launched.

It was then:

### **RESOLVED**

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

**O&S.54/16 OMBUDSMAN ANNUAL REVIEW LETTER 2016**

A report was considered that presented the Local Government Ombudsman's Annual Review Letter 2016 regarding Ombudsman complaints received against the Council for the period 1 April 2015 to 31 March 2016.

In the ensuing debate, the Monitoring Officer was congratulated for the positivity of the Annual Review Letter. Members also welcomed the decrease in the number of Ombudsman complaints and felt that this was an example of the benefits of an increased corporate emphasis being given to complaint handling.

It was then:

**RESOLVED**

That the Ombudsman Annual Letter for 2016 (as outlined at Appendix A of the presented agenda report) has been reviewed with consideration being given to what corporate lessons may be learned and whether further service improvements be required.

**O&S.55/16 TASK AND FINISH GROUP UPDATES****(a) Dartmouth Lower Ferry**

The Chairman advised that it was still intended that an outcome report would be presented to the Panel in the New Year.

**(b) Partnerships**

The Panel considered the final recommendations arising from the Task and Finish Group in relation to South Hams Citizens Advice (CA) and South Hams Community Voluntary Sector (CVS).

In introducing the report, the Chairman advised that this project had been an immense and arduous piece of work. In thanking the hard work that had been undertaken by the Task and Finish Group and lead officers, the Chairman confirmed that this was the final strand of this review.

In discussion, reference was made to:-

- (a) closer working opportunities. Whilst some Members wised to make the point that CA and CVS were distinctly separate organisations, there were considered to be opportunities for them to work more closely together to be more efficient and avoid duplication of effort;
- (b) the community work undertaken. The Panel recognised that both organisations carried out tremendous work in the community and offered significant support to the Council;



- (c) the role of the Council. To be fair to both organisations, Members acknowledged that the Council needed to ascertain a better understanding of its own needs that could have an effect on the CA and/or CVS (e.g. the Health and Wellbeing agenda and outreach services);
- (d) the recommendations. In expressing their support, Members considered the Task and Finish Group recommendations to be fair and reasonable at this time;
- (e) residents accessing services from Plymouth CA. Having been informed that an agreement had been reached whereby residents living at the western end of the district could now use the Plymouth CA services, some frustrations were expressed that neither local ward Members nor parish councils had been made aware of this change.

It was then:

### **RESOLVED**

That the Executive be **RECOMMENDED** that:-

1. the funding levels remain the same for the South Hams Citizens Advice and South Hams Community Voluntary Service for 2017/18; and
2. approval be given to the proposed caveats with the South Hams Community Voluntary Service (as outlined at paragraph 5 of the presented agenda report).

### **(c) Waste and Recycling**

In providing an update, the lead Executive Member for Commercial Services advised of the intention for a fully detailed report to be presented to the next Panel meeting.

### **(d) Events Policy**

The Group Chairman advised the Panel that work was ongoing on this review.

### **(e) Permits Review**

Members considered a report that sought the approval of Council to make amendments to South Hams parking permits, as considered and endorsed by the Permits Task and Finish Group.

In discussion, the following points were raised:-

- (a) Members were of the view that the Task and Finish Group had completed an excellent review and the recommendations were considered to amount to a positive way forward;

- (b) A Member reiterated his previously raised view that charges should be imposed for parking at Follaton House. In reply, officers informed that this had been considered and due for reasons including: the contractual arrangements with tenants, the detrimental impact on staff morale and the knock-on effect on neighbouring roads, it had been concluded that it would not be appropriate to impose charging at Follaton House. Furthermore, the Leader felt that this issue had continually arisen over a number of years and he hoped that the Council could now move on from spending any more time and effort considering this proposal.

It was then:

### **RESOLVED**

That the Executive **RECOMMEND** to Council that, following the work undertaken by the Permits Task and Finish Group, the parking permits available in the South Hams be amended and that the Off-Street Parking Places Order be amended as follows:

- Full and Commuter permits to be eliminated and replaced with Town Centre, Peripheral and Rural permits which will be limited to specific towns / villages. The cost of permits to be reduced to reflect the new restrictions, with the exception of Business Permits;
- Permits to become 'virtual' (i.e. customers will no longer receive a paper permit), with the exception of Business Permits;
- New permits be limited to one vehicle registration number only, with the exception of Business Permits;
- The availability of permits be limited to 10% of the total number of parking bays available for each category of permit;
- Permits currently issued free of charge to various organisations be ceased;
- Other permits which are not used often will be eliminated (as outlined at Paragraph 5.6 of the presented agenda report);
- The Residents' Parking permit to be extended to allow parking from 3.00pm to 10.00am, with an increase in cost to £40, with this amendment being reviewed after one year;
- The cost of permits to be as outlined at Paragraph 5.8 of the presented agenda report; and
- All leisure-related permits will be reviewed in partnership with the new leisure contractor, with the exception of permits currently issued to Tone Leisure employees.

**O&S.56/16 ACTIONS ARISING / DECISIONS LOG**

In presenting the latest log, the Chairman made reference to two updates:

1. The meeting between representatives of the Economy Working Group and the Joint Local Plan Steering Group had been arranged to take place at Plymouth City Council offices on Wednesday, 30 November at 10.00am; and
2. With regard to the request for Members to send a list of organisations to officers who they believe should be included in the consultation exercise on the Events Policy, one Member had since provided details of additional groups who should be approached. A holding message had been sent this week to all prior respondents of the consultation advising them that the review was ongoing and that they would be contacted again to consult on detailed proposals when these were available.

**O&S.57/16 DRAFT ANNUAL WORK PROGRAMME 2016/17**

In consideration of its Annual Work Programme, the Panel noted its content with no further issues or comments being raised.

(Meeting started at 10.00 am and concluded at 12.10 pm)

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Chairman