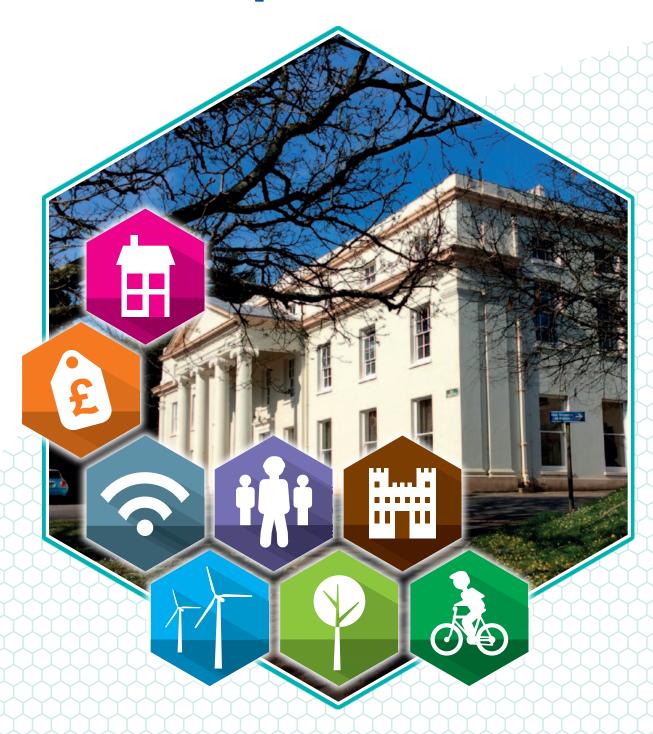
Overview and Scrutiny

Annual Report





Foreword from the Panel Chairman

I am very proud to have had the honour to have been Chairman of the Overview and Scrutiny Panel for the past two years. This has been arguably the most challenging period in the history of South Hams District Council with considerable change necessary to modernise and transform the Council's way of working to give a quality affordable service which meets the needs of the residents of South Hams.

The role of the Panel is of key importance in the Council's Corporate Structure and Constitution ensuring openness and transparency which is a fundamental requirement of sound governance.

The Overview and Scrutiny Panel, in fulfilling its duties, has firmly applied an excellent balance of challenge and support enabling thorough examination of issues and policies in a constructive and positive manner. In the Introduction to this report reference is made to "independent minded" Members leading and owning the role and I am very grateful to all of the Members of the Panel who adhere to this with considerable resolve, commitment and great energy. The creation of Task and Finish Groups to examine policy proposals has brought about inspirational improvement and considerable savings to the Authority enabling us to provide focus further adding strength to the direction of travel.

The Overview and Scrutiny of external organisations has provided greater insight and understanding of a broad range of issues. This has naturally afforded the opportunity for challenge and support, giving such organisations the chance to extend greater awareness and understanding of their individual problems and proposed solutions. I am grateful to all of the organisations who have accepted the invitations to attend meetings of the Panel and I am sure they have found the process very beneficial and uplifting.



Cllr Michael Saltern
Chairman of
South Hams
District Council
Overview and
Scrutiny Panel

Introduction

We are pleased to present the Overview and Scrutiny Annual Report which outlines our work during the 2016-17 Municipal Year and which provides general information on the overview and scrutiny function at South Hams District Council.

Overview and Scrutiny is a key part of the democratic decision-making process in local councils, where Panel Members can contribute to shaping Council policy, community wellbeing and accountability. The Panel does this by reviewing Council services and policies, community issues and key decisions and making recommendations for improvement.

The four key principles of Overview and Scrutiny are:

- Provides a 'critical friend' challenge to Executive policy makers and decision-makers;
- Enables the voice and concerns of the public to be heard;
- Is carried out by 'independent minded Members' who lead and own the scrutiny role; and
- Drives improvement in public services.

The Panel Members consider these principles when selecting topics to investigate whether it is holding the Executive to account, reviewing policies, policy development or the scrutiny of external bodies.

The Council recognises the importance of the overview and scrutiny function in its governance arrangements and officer support.

The Council's governance arrangements specify that all 31 Members of the Council are considered to be either an Executive Member (of which there are 6); a Development Management Committee Specialist Member (of which there are 12); or an Overview and Scrutiny Panel Specialist Member (of which there are 13).

The lead officers supporting the Panel are the Council's Head of Paid Service and the Senior Specialist – Democratic Services.



Panel Membership



The role of the Overview and Scrutiny Panel

Overview and Scrutiny is a key part of the Council's political structure and it plays a vital role in improving the services that people of the District use – whether a resident, employed here or just visiting. Overview and Scrutiny does not just look at the way the Council does things, it can look at anything which affects the lives of people within the District and it allows citizens to have a greater say in Council matters.

Overview and Scrutiny allows Members to review and scrutinise decisions, look at existing practices and make recommendations to help ensure the residents of the South Hams receive excellent services. The overall aim is to ensure overview and scrutiny adds value to the Council's decision-making process and makes a positive contribution towards policy development.

The Council has an approved Constitution that guides it on its decision making processes. The detailed terms of reference and procedure rules for the Overview and Scrutiny Panel can be found at:

Part 2 – Article 5;

Part 3 – Delegation Scheme; and

Part 4 – Rules of Procedure of the Council Constitution.

The Council Constitution can be accessed via the following link:

http://shdcweb.swdevon.lan/article/1815/Our-Constitution



Agenda Items – Corporate Priorities

The Overview and Scrutiny Panel met formally on nine separate occasions during the 2016/17 Municipal Year.

In considering its work programme, the Panel gives great emphasis to the Council's 8 Corporate Priorities and has received a number of reports (and made a number of recommendations) which are linked to these:



HOMES – Enabling homes that meet the needs of all

Item	Issue 🔳
Sherford Development	The Panel received two six-monthly updates from the Managing Director of Brookbanks Consulting Limited.
	Prior to these updates, two Member Site Tours were held.
	Specific reference was made to housing build (and particularly affordable housing) numbers.
	300 new affordable homes granted planning consent for local people. 11 homes delivered through the village housing initiative in smaller rural locations. An additional £115,000 received through planning applications to invest in affordable housing. 2 properties built and occupied to meet the specific needs of 2 disabled households. £230,000 awarded for the future delivery of housing projects.
Disabled Facility Grants Update	The Panel received a verbal update and welcomed the award of over £487,000 for 118 projects to facilitate independent living through adaptation of homes including level shower access, stair lifts and rails.
Homeless Strategy 2017/22	Following a Task and Finish Group review, the Panel recommended that a revised five year Strategy be widely consulted and adopted setting out the Council's commitment to tackle the causes of homelessness.
Allocations Policy and Devon Home Choice	The Panel made the following recommendations that were subsequently accepted by the Executive on 1 December 2016:
Policy Review	 That the Council remain in the Devon Home Choice partnership for the next twelve months;
	2. 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
	3. That no changes be made at this time to the South Hams Allocations Policy.
Affordable housing	As part of the consideration of the draft Capital Programme, a number of Members expressed their strong support and emphasised the importance of the proposal to include an annual contribution of £230,000 towards affordable housing provision.
Devon and Cornwall Housing Annual Update	The Panel received a presentation from the Chief Executive of Devon and Cornwall Housing (DCH) that focused on the external environment currently being faced by DCH and the issues being faced by the organisation in delivering affordable housing in the South Hams.
Empty Homes Strategy	Panel Members considered an update on the work that had been undertaken on the Empty Homes Strategy and concluded that:
	'officers should be tasked with reviewing the Empty Homes Strategy as soon as is practically possible and the approach to dealing with empty homes as a means of meeting the wider housing need be endorsed.'

ECONOMY – Creating places for enterprise to thrive and business to grow

Item	Issue
Joint SH/WD Economy Working Group Findings and Delivery Plan	The Panel considered the findings of the Working Group and recommended adoption of the short-term Economic Delivery Plan. Members also requested that the Working Group meet with the Council's representatives on the JLP Steering Group to progress the issues identified in the action plan that related to the JLP Policy and Allocation.
Permits Review	 A Permit Review Task and Finish Group presented its findings to the Panel and these were ultimately approved by the Council on 15 December 2016 as follows: 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; 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 in 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.
Car Park Fees and Charges	Being mindful of the potential economic implications, the joint budget consultation meeting between the Panel and the Development Management Committee considered the issue of fees and charges for Council owned car parks and were disappointed at the lack of supporting information that was presented to them. As a result, the meeting made the following recommendation: That further modelling work be undertaken (and presented to the Executive) on car park charges being increased by either 1% or 2%.
Capital Programme	The budget setting meeting considered at length the draft Capital Programme and recommendation its approval to the Executive.

INFRASTRUCTURE – Securing the services and facilities that meet the needs of our communities

Item	Issue
Dartmouth Lower Ferry – Tariff Review and Service Solution Options	The Panel considered a report that presented a series of revised tariffs for the Dartmouth Lower Ferry. The Panel's recommendations were subsequently approved by the Council at its meeting on 30 June 2016, with one exception relating to the child single tariff. The ongoing work of the Lower Ferry Task and Finish Group was a prominent piece of work that was considered by the Panel during 2016/17 and a service solution was presented to (and supported by) the Panel, subject to the outcome of an ongoing formal union consultation exercise.
Telephone System Update	The Panel considered an urgent item that had been brought forward in light of problems with the Council's telephone system. The update culminated in the Panel being advised that a new telephony system would be fully operational by the second week in November 2016.
Beach and Water Safety	The Panel considered an exempt report and recommended to the Executive that the proposals be adopted, with the exception of the removal of buoyage at selected locations, which would be subject to a further update in the future. The Executive subsequently adopted these recommendations at its meeting on 1 December 2016.
Environmental Health Fees and Charges	The joint budget consultation meeting proposed a revised set of fees and charges for the Environmental Health service.
Commercial Waste Charges	The Panel recommended that delegated authority be granted to the Group Manager for Commercial Services, in consultation with the lead Executive Member, to set the Commercial Waste charges, once all the price modelling factors are known.
Missed Bins	As part of the quarterly performance monitoring process, the Panel requested that detailed comparative information be presented in the future to enable for the success of the new In-Cab technology to be gauged;
Street Naming and Numbering	The Street Naming and Numbering Policy was considered by the Panel and, in light of a number of suggested revisions by Members, it was agreed that the current Policy should be reviewed and updated before being presented back to the Panel meeting in June 2017.

COMMINITIES	Empowering residents to create strong communities
Item	 Empowering residents to create strong communities
Planning Peer Challenge Review 2016/17	The Panel received a report that presented the outcome of the Planning Peer Challenge and supporting Action Plan.
	In noting its contents, the Panel asked to receive related performance information on a quarterly basis.
	Furthermore, the Panel also asked that consideration be given to re-instigating Development Forums for major planning applications and emphasised the importance of Members being in receipt of ongoing planning training.
	During this year, the Panel also received a progress update. As part of this update, a number of comments and concerns were expressed and the Panel was of the view that it needed to keep a more closer watching brief on the Development Management Service. Members therefore requested that, in the future, key service performance data should be reported to it on a quarterly basis.
Partnerships	The Panel established a joint Task and Finish Group with colleagues at West Devon Borough Council to undertake an extensive review of each of the Council's Partnership arrangements.
	The Panel considered at great length the recommendations of the Task and Finish Group and made a series of recommendations (as below) that were subsequently approved by the Council on 15 December 2016:
	1. That the Partnership Policy (as outlined at Appendix 1 of the presented agenda report to the Panel) and Guidance (as outlined at Appendix 2 of the presented agenda report to the Panel) be adopted;
	2. That the Partnership Register (as outlined at Appendix 3 of the presented agenda report to the Panel) be adopted;
	3. That the review and recommendations of the Task and Finish Group (as outlined at Appendix 4 of the presented agenda report to the Panel) be agreed;
	4. That partnerships be retained at current financial levels for 2017/18, subject to any financial modifications (as set out in Appendix 4 of the presented agenda report to the Panel) and/or any changes required pursuant to the ongoing reviews into the partnership arrangements with the CAB and CVS;
	5. That new, or updated, Partnership agreements be established for 2017/18 onwards establishing clear outcomes relating to Our Plan themes and, where appropriate, the Locality work to ensure co-ordinated delivery for communities; and
	6. That alongside this, a further financial and governance review be undertaken to identify the most appropriate delivery options aligned to financial and procurement procedures once a decision on the LACC is confirmed.

Issue
Both the Task and Finish Group and the Panel wished for more detailed consideration to be given to the partnership arrangements with the CAB and the CVS. Having done so, the Panel made the following recommendations that were subsequently approved by the Executive on 1 December 2016:
7. That the funding levels remain the same for the South Hams CAB and South Hams CVS for 2017/18; and
8. That approval be given to a series of caveats (including a reduction in accommodation costs and approaching town and parish councils for specific grant funding) with the South Hams CVS.
A Task and Finish Group has been in operation throughout the year with the purpose of ensuring parity of fees and charges for events on Council land / premises. In receiving the most up to date report of the Panel, Members agreed that:
 the suggested principles for the revised Events Policy and consultation process be approved;
2. the Group Manager – Business Development, in consultation with the Chairman of the Events Task and Finish Group, be tasked with preparing an Events Policy based on these recommendations for approval at the next Executive meeting after the consultation period is completed; and
3. once live, the Policy be reviewed annually, with the fees levied being reviewed as part of the regular Fees and Charges setting process.
Following some initial concerns regarding certain aspects of the Locality Service, a review report was considered by the Panel.
In discussion, it became apparent that the further work undertaken during this review had mitigated each of these concerns and the Panel subsequently resolved that the Locality team be congratulated on the performance and success of the Service.
As part of its quarterly performance monitoring, the Panel received progress updates (and demonstrations) on the new Council website.
The Panel also received regular updates on the Customer Contact Centre and Members wished to extend their continued thanks to the Contact Centre Manager and her team, who continued to work exceptionally well in difficult circumstances.
Panel Members were also recommended to 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.
The Panel received the Council's Annual Report that sought to review the progress and achievements made by the Council in the last year. The Panel made a number of comments (including the need to acknowledge the challenges that had occurred throughout the year) and recommended that the Annual Report be adopted.
Members considered a report that presented the projects that had been funded by Dartmoor National Park Authority (DNPA) from the New Homes Bonus funds allocated by the Council. Having considered the report, the Panel welcomed the details of the projects being funded by DNPA.

WELLBEING – Supporting positive safe and healthy lifestyles

Item	Issue
Response to Member Concerns about Staff Morale	The Panel considered this as an urgent item in response to a recent letter that had been sent from Unison to all Members.
	Following an update from the Head of Paid Service, the Panel resolved that:
	 The Political Structures Working Group consider at its next meeting the merits of re-establishing the Personnel Panel; and
	2. An informal meeting be convened between interested Members and the Executive Directors to further consider the issue of staff morale.
NEW Devon and South Devon and Torbay Clinical Commissioning Group	The Head of Commissioning and the Interim Director of Integrated Commissioning from NEW Devon CCG and the Head of Integration for South Devon and Torbay CCG attended a Panel meeting to provide a presentation and respond to Member questions.
	The Panel relayed its particular concerns over recent consultation exercises and the inability to access services between the two CCG areas and requested a further update early in the 2017/18 Municipal Year.
Parking Arrangements for Vehicle Tax Exempt Motorists	Full Council ultimately approved the Panel's recommendations whereby the arrangements for disabled vehicle tax-exempt motorists remain unchanged.
Community Safety Partnership	In line with statutory requirements, the Panel considered its annual update from the CSP and raised a number of issues that were to be taken forward. For example, the manner in which the CSP promoted itself and the benefits of the Youth Worker that had been funded by the Town And Parish Fund process.
Tone Leisure	Since it was the end of the Leisure Contract, the Panel paid tribute to Tone Leisure representatives for doing such an excellent job during its time as the contractor.
Open Space, Sport and Recreation Fees and Charges	As part of the budget setting exercise, a revised set of fees and charges for Open Space, Sport and Recreation activities was recommended for approval by the Council.

ENVIRONMENT – Protecting, conserving and enhancing our built environment

Item	Issue
Sherford Development	The Panel welcomed the potential for the public realm works to commence at an earlier point in the project.
Waste and Recycling Service	Throughout the year, the Panel has received at every meeting progress updates on the work of the Waste and Recycling Task and Finish Group. During these updates, the Panel has given its views on:
	 The merits of an annual delivery/allocation of recycling sacks per household and collection outlets;
	The four day round review, which did not get supported for implementation and the ongoing work relating to the collection of food and garden waste;
	Potential improvements to the recycling bank service;
	The in-cab project for domestic and trade waste.

HERITAGE – Celebrating our past and protecting our heritage for the future

Item	Issue
Council Chamber Refurbishment Project	In light of the budget constraints facing the Council, the Panel recommendation that the proposed Council Chamber refurbishment project should be removed from the list of proposed capital projects. This was subsequently approved by the Council when approving the Budget for 2017/18.

RESOURCES – Promoting energy efficiency and more effective use of our natural resources

Item	Issue
Draft Budget Proposals 2017/18	Whilst regrettable, there was unanimous support amongst Panel Members to recommend that Council Tax be increased by £5 for 2017/18. Such was the extent of the ongoing budget reductions from central government that Members reluctantly felt it to be absolutely essential for the Council Tax Base to be built up as much as possible.
Medium Term Financial Strategy for the Five Year Period 2017/18 to 2021/22	Members emphasised the importance of climate change and the consequent need to invest in renewable energy and requested that this be given greater emphasis when looking at future budget setting proposals.
Sherford Development	It was noted that there was every likelihood that more than the 50% target of energy demand on site would be met through renewable energy sources.
Income Generation Opportunities	Whilst reviewing the fees and charges, the budget consultation meeting asked that consideration be given to any increased income that was generated from car park charges being used to upgrade the appearance of Council owned car parks. In addition, officers gave a further commitment to investigate the merits of installing electric charging points and solar energy schemes at Council owned car parks.
	The majority of Members repeated their earlier views whereby it would now be timely to revisit potential income generation opportunities from means such as Solar PVs on car parks and Council owned buildings and electric charging points in Council car parks. Moreover, requests were made for the Panel to give consideration to the future use of Follaton House and officers agreed to give consideration to the merits of conducting a feasibility study on the development of small scale employment units for the use of small businesses.
Climate Change and Flooding Mitigation	Panel Members asked that consideration be given in the future to measures being put in place to mitigate against climate change and flooding.

Agenda Items – Transformation Programme

As the Council's Transformation Programme continued to be embedded, the Panel regularly monitored its progress and performance during 2016/17.

In particular, the Panel considered (and made recommendations) on:

The Case Management Function:

In light of some Member misunderstanding, the Panel received a presentation that outlined the Case Management function.



Transitional Resources Quarterly Monitoring Reports:

Following the decision of the Council to provide additional temporary, fixed-term transitional resources to support certain service areas during the Programme, the Panel requested receipt of quarterly monitoring reports that provided an update on the impact.

The reports have provided the opportunity for Members at that time to raise some concerns over the public perception that the performance of the Council was not at an acceptable standard. Whilst a number of these concerns have been countered during the year, there was widespread recognition that further permanent resources were required in the Development Management service. As a result, at the draft budget setting meeting, the Panel and Development Management Committee made a recommendation whereby a cost pressure of £50,000 be added to reflect a permanent increase to the staffing establishment for an additional planning specialist and an additional Case Manager for Planning Enforcement. In addition, a further recommendation was made for a temporary increase to the staffing establishment of five Case Managers for a twelve month period, with the majority of these staff (in the short term) working within the Development Management service.

Agenda Items – Public Forum

In line with its openness and transparency agenda, the Council has adopted provision for the Overview and Scrutiny Panel to set aside 15 minutes at the start of each meeting to enable members of the public to raise issues and/or questions in line with its Procedure Rules.

During 2016/17, the Panel was presented with 16 questions/issues for consideration. These 16 questions focused on a combination of a site specific matter relating to the Totnes area in the draft Joint Local Plan (known as 'T3') and the possible development of Council owned car parks in the South Hams.

These questions were accepted by the Panel due to the considerable public concern and interest and to reinforce the Council's commitment to transparency and openness. Since these questions were appropriate to the lead Executive Member for Strategic Planning and the Leader of the Council respectively, they provided the formal responses to the Panel. However, had there been a timeous meeting of the Executive at that time, these questions would have been presented during the Public Question session at an Executive meeting.

Standards Update and Governance Matters

In accordance with the Council Constitution, the Overview and Scrutiny Panel is responsible for monitoring complaints (including Ombudsman complaints and those against Members alleging a breach of the Code of Conduct) and for the standards responsibilities under the Localism Act.

As part of these responsibilities, the Panel has considered:

Ombudsman Annual Review Letter 2016

The Panel congratulated the Monitoring Officer for the positivity of the Ombudsman 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.

The Panel proceeded to resolve that the Ombudsman Annual Letter for 2016 had been reviewed with consideration being given to what corporate lessons may be learned and whether further service improvements may be required.

Access to Exempt Information

As part of the Local Authority Controlled Company (LACC) project, a Member made the following formal request to the Panel:

'That the Bevan Brittan legal advice on the LACC be disclosed immediately to all Members.'

Having received advice from the Council's Monitoring Officer that it was acceptable (at the time of the Panel meeting) for the advice not to be circulated to the wider membership, the Panel did not vote in favour of this request.

Standards Update

For the year January 2016 to March 2017, the Council received 22 complaints alleging that a councillor had failed to comply with his or her Code of Members' Conduct. The Council is responsible for considering complaints against District Councillors, and Parish and Town Councillors within the district of South Hams, in accordance with its adopted Policy 'Dealing with Standards Complaints'. The Overview & Scrutiny Panel has delegated the initial consideration of standards complaints to the Council's Monitoring Officer.

The processes involve an initial consideration of the complaint and the councillor's response, following which the Monitoring Officer decides one of the following outcomes (in consultation with one of the Independent Persons):

- No further action (with reasons in accordance with the above policy);
- Referral of the complaint for investigation;
- Referral for other action; and
- Referral to the Police (for failure to declare a Disclosable Pecuniary Interest).

Of the 22 complaints received:

- 13 decisions were made of No Further Action
- Two complaints are outstanding and a decision notice yet to be issued
- 5 complaints were referred for further investigation; and
- 2 complaints were withdrawn.

For those matters referred for investigation, an independent investigator was appointed with the following outcomes:

- Complaint a) one out of four allegations was upheld and a finding of breach of the Code was made. No further action was taken as the Councillor has voluntarily remedied the issue before the investigation was concluded
- Complaints b) and e) are related and being considered together outcome of investigations currently awaited
- Complaint c) breach of the Code found and a hearing to be arranged
- Complaint d) outcome of investigation currently awaited

The 2017-18 Work Programme

The Overview and Scrutiny Panel has the ability to set its own annual work programme and it is acknowledged that sufficient flexibility is built in to enable for items to be included at short notice.

However, at the time of preparing this Annual Report, the following substantive agenda items have already been added to the 2017/18 Work Programme:

- Attendance of external representatives from the following organisations:
 - South Devon and Torbay and NEW Devon Clinical Commissioning Groups;
 - Sherford Development Project Consultants;
 - South Hams Citizens Advice Bureau;
 - South Hams Council for Voluntary Services;
 - South Devon and Dartmoor Community Safety Partnership; and
 - South Devon College.
- The outcome of the planned review of the pre-application service (including the fee structure);
- A Revenue and Benefits Service Overview;
- A progress report on the Council's Health and Safety Policy;
- Draft Budget 2018/19;
- Update reports from the Waste and Recycling and Dartmouth Lower Ferry Task and Finish Groups;

- A briefing paper on the payback period for the Transformation Programme;
- The future use of Follaton House as an asset:
- Quarterly Performance Indicators;
- Overview of the Sickness Absence Monitoring Process;
- Review of the Street Naming and Numbering Policy;
- Section 106 Agreements: Monitoring Arrangements and Control Mechanisms;
- Update on the Council's Emergency Planning Arrangements;
- Regular monitoring of the Homelessness Strategy 2017/22 and the 2017 Action Plan;
- An update relating to Village Housing Initiatives;
- A position paper on the levels of support being provided to neighbourhood planning groups; and
- The Council's current approach to viability assessments.

