

**MINUTES OF THE MEETING OF THE
OVERVIEW & SCRUTINY PANEL
HELD AT FOLLATON HOUSE, TOTNES ON
THURSDAY, 24 AUGUST 2017**

Panel Members in attendance:			
* Denotes attendance		∅ Denotes apology for absence	
∅	Cllr K J Baldry	*	Cllr E D Huntley
*	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)
*	Cllr M J Hicks		

Other Members also in attendance:
Cllrs I Bramble, J Brazil, R D Gilbert, T R Holway, N A Hopwood, J A Pearce, R C Steer, R J Tucker, K R H Wingate and S A E Wright

Item No	Minute Ref No below refers	Officers in attendance and participating
All		Head of Paid Service and Senior Specialist – Democratic Services
6	O&S.40/17	Assets Senior Specialist
7	O&S.41/17	South Devon College Principal and Vice-Principal
8(b)	O&S.42/17(b)	Specialist – Revenues
8(c)	O&S.42/17(c)	Assets Senior Specialist
9	O&S.43/17	Specialist Manager
10	O&S.44/17	HR Specialist
11 and 12	O&S.45/17 and O&S.46/17	Monitoring Officer
13	O&S.47/17	COP Lead – Environmental Health
16(a)	O&S.50/17	Group Manager – Commercial Services

O&S.38/17 MINUTES

The minutes of the meetings of the Overview and Scrutiny Panel held on 20 and 27 July 2017 were confirmed as a correct record and signed by the Chairman.

Having been agreed, two points of clarity were raised as follows:

- Minute O&S.25/17: '*Commercial Property Acquisition Strategy*' discussion point (c). Whilst not disputing the accuracy of the discussion point, a Member felt that the response given at the meeting had been misleading and it was agreed that this matter would be clarified outside of this meeting; and

2. Minute O&S.37/17: 'Annual Work Programme 2017/18' discussion point (g). Whilst acknowledging that a briefing note on Air Quality and Air Pollution had been circulated to all Members, a Member was of the view that a formal agenda item was to be considered at the Panel meeting on 18 January 2018. In reply, other Members did not recall that this had been agreed but highlighted the ability of the Panel to amend and update its own Work Programme as it evolved throughout the year.

O&S.39/17 **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, but there were none made.

O&S.40/17 **PUBLIC FORUM**

In accordance with the Public Forum Procedure Rules, the following three questions had been received from Kingsbridge Town Council for consideration at this meeting as follows:

Reference Agenda Item 8(c) (Minute O&S.42/17(c) below refers):

Paragraph 5: 'Stakeholder and Community Consultation (Stage 4):

5.6 Bullet point 7: "Recognition that development of Kingsbridge Quayside is needed to support costs of improvements to public realm and provision of affordable housing."

Question 1: Kingsbridge Town Council has concluded that SHDC is holding the Kingsbridge Community to ransom in unnecessarily linking development of the Kingsbridge Quayside to support costs of improvements to public realm and provision of affordable housing. Adequate funding is available for the latter given SHDC's recent monies from Central Government. What percentage and form of consultation responses constitute 'recognition' that this 'is needed'?

Question 2: What is the basis from the consultation that allow SHDC to assert that there is a 'recognition' that this project is needed?

Question 3: Has SHDC agreed to our demand that they defer consideration of the Quayside Development to allow public contribution?

The Assets Senior Specialist was invited to respond to the three questions and, in so doing, made the following comments:

Question 1:

'There are two parts to this question:

1. *I think it is unfortunate that the term 'ransom' has continued to appear within 'formal' comments submitted by Kingsbridge Town Council and would add that this is not reflective of the face-to-face discussions that we have been having. Furthermore, the current model is based upon:*
 - *Compliance / investigation in line with the current site allocation (100 homes);*
 - *Delivery of a high quality of affordable / community housing (40% target); and*
 - *Analysis of finance associated with delivering this as a whole and including some public realm.*

2. *This question was also raised at the public meeting that officers attended at the request of Kingsbridge Town Council. With respect to the reference to central government money, officers understanding is that we have £1.8 million for across the South Hams and that this relates to a community housing model only and will be used in a variety of ways including:*
 - *Supporting the delivery of existing community housing projects;*
 - *Building a new community housing team; and*
 - *Buying suitable sites or securing options with landowners to facilitate projects.*

Question 2:

'Again, there are two parts to this question:

'Firstly, we need to take a step back and recap on the purpose of this Stage 1 which was:

1. *The site is previously allocated;*
2. *The Council are a major landowner and so it is sensible to review assets for the long-term;*
3. *The outcome is to provide a summary of constraints and opportunities, illustrative concept layouts and associated financial assessments to better inform where we move to the next stage;*
4. *It is not about putting a financial solution on to the community.*

The term 'recognition' appears to relate to bullet point 7 and in particular Question 8:

Question 8: Do you, in principle, support development of the Kingsbridge Quayside recognising the some development would be needed to support the cost of improvements to public realm and affordable housing?

Age:	Yes:	No:
<i>All</i>	<i>35%</i>	<i>65%</i>
<i>Under 46s</i>	<i>49%</i>	<i>51%</i>
<i>Over 46s</i>	<i>25%</i>	<i>75%</i>

With regard to whether the project is needed to meet the needs of the community, the officer suggested that it was. To expand on this view, the public realm and affordable housing aspects received very positive responses, highly in favour, and aligning with the aspirations of the town council.

In terms of delivering the site allocation or something similar, the officer advised that the purpose of the Masterplan has been to demonstrate how this could be achieved.

Whilst in isolation, the survey results do not appear positive, the purpose of the consultation was to try and be transparent and to enable key concerns to be raised.

This has clearly sparked a high level of discussion within the community, with the issues of: quayside development; affordable housing model; and loss of parking.

I believe that there is now an opportunity for these concerns to be further explored within Stage 2 and hopefully, we can still work together to develop a scheme that meets the needs of all parties.

Given the potential change that could be implemented (in accordance with allocation), this will be a challenge, however this is to be expected.

Question 3:

'Yes, we have. However, officers need to discuss with the town council their expectation in terms of being able to review the final report.

Further to this response, the Leader also advised that:

- He had agreed that this agenda item would be deferred to the Executive meeting on 19 October 2017;
- It was the intention to now sign-off this phase before looking at a revised plan;
- As part of a revised plan, officers would be tasked with mitigating concerns related to loss of car parking and affordable housing;
- The Council had listened to the consultation feedback and would continue to talk to the town council and local residents.

In welcoming these responses, the Town Council representatives in attendance did not wish to take up the offer of asking a supplementary question, but did state that they were looking forward to making progress in this respect, in line with the wishes of the local community.

O&S.41/17 SOUTH DEVON COLLEGE PRINCIPAL PRESENTATION

The South Devon College Principal and Vice-Principal were in attendance to conduct a presentation to the Panel that included reference to the following headings:-

- College learners;

- The College Mission Statement;
- The Vocational and Technical Curriculum Offer;
- Working with Businesses;
- Recent Satisfaction Survey Responses;
- Higher & Degree Apprenticeships;
- Financial Information 2016/17;and
- Capital Developments – going forward.

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

- (a) A number of Members congratulated the representatives on the progress being made by the College and the particular focus that was being given to apprenticeship schemes;
- (b) In the event of Members having any suggestions that they felt could further improve the service provided by the College, they were invited to contact the Principal outside of this meeting;
- (c) The Panel noted the intention of the College to give greater future consideration to all aspects of student rights to Higher Education provision. As part of this exercise, the representatives informed that they were keen to consider part-time learning and supported online courses. In reply to a question, Members were advised that the College did have provision for some bursary packages for disadvantaged students. Furthermore, it was also confirmed that central government was actively looking at methods of providing travel support for apprentices and the College representatives gave a commitment to explore the potential and encourage the use of reinstating the 'Wheels to Work' scheme;
- (d) With regard to the membership of the South Devon College Governing Body, the representatives emphasised the importance of key service sectors being represented;
- (e) The Leader highlighted the meetings that took place between Council and College representatives and felt that they were a very effective means of communication between the two organisations.

In conclusion, the Chairman wished to thank the representatives for their informative presentation and responses to Member questions.

O&S.42/17 **DRAFT EXECUTIVE FORWARD PLAN**

The Panel was presented with the most recently published Executive Forward Plan and, in discussion, made reference to the following amendments:-

- (a) As highlighted during the Public Forum agenda item (Minute O&S.40/17 above refers), the Kingsbridge Quayside Phase 2 agenda item had been deferred to the Executive meeting on 19 October 2017;

- (b) The Chairman reminded Members that both the Transformation Programme Closedown and IT Procurement reports would be considered by the Panel at its meeting on 9 November 2017 before then being presented to the Executive meeting on 7 December 2017.

(i) Medium Term Financial Strategy for the Five Year Period 2018/19 to 2021/22

The Chairman advised that this agenda item had been deferred for consideration at the next Panel meeting on 12 October 2017.

(ii) Business Rates – Locally Administered Business Rate Relief Policy

A report was considered that sought to recommend adoption of the locally administered Business Rate Relief Policy.

During discussion, particular reference was made to:-

- (a) the proposed date for the policy review. Members felt that the proposal to review the policy in December 2017 was too soon after it would have been adopted by the Council. As a consequence, Members felt that the proposed review should be extended to April 2018;
- (b) the decision-making process. Some Members were of the view that the decision-making process (including the right to appeal) was too reliant upon the Leader of the Council and there was a need for a greater number of Members to be involved in the process. As a way forward, the following suggested amendments to the process were made:
- That Discretionary Payment awards under the Policy be determined by the Leader of the Council and the lead Executive Member; and
 - That all appeals be determined by the Leader of the Council; the lead Executive Member and the Chairman of the Overview and Scrutiny Panel.

It was then:

RECOMMENDED

That the Executive **RECOMMEND** to Council that, following consultation with Devon County Council, Devon and Cornwall Police and Devon and Somerset Fire and Rescue, the locally administered Business Rate Relief Policy be adopted subject to the following amendments:

- The policy review being extended from the end of December 2017 to the end of April 2018; and
- The decision-making process being amended in accordance with discussion point (b) above.

(iii) Quayside Phase 2 Consultation

The Panel considered a report that provided a summary of the work that had been undertaken as part of the Kingsbridge Masterplan project.

The Chairman introduced the report and reminded those present that the outcome of the public forum agenda item (Minute O&S.40/17 above refers) had significantly impacted upon this agenda item.

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

- (a) Some Members expressed their concerns that the production of revised plans would result in additional costs to the Council and have a detrimental effect on the overall viability of the scheme. In reply, the Panel was assured that the Council was not in a position to effectively subsidise sites and any additional cost implications would require the approval of full Council;
- (b) In support of the revised approach, the local Ward Members were pleased that the outcome of the consultation exercise had been acknowledged;
- (c) A Member emphasised that the Council and local community must not lose sight of the definite need for affordable housing in Kingsbridge. In highlighting the different views depending on age, the Member emphasised the importance of the younger generation also having its views heard as part of this process.

It was then:

RESOLVED

That the Panel:

1. endorse the consultation exercise to date and is satisfied that the results have been duly acknowledged; and
2. fully supports the further consultation exercise that is being proposed.

O&S.43/17 NEIGHBOURHOOD PLANNING – SUPPORT TO GROUPS

Consideration was given to a report that outlined the support the Council was providing to Neighbourhood Planning Groups within the South Hams and outlined future plans to secure support at this level.

In discussion, the following points were raised:-

(a) A Member outlined a number of her concerns in relation to the published agenda report and the Council's corporate approach to Neighbourhood Planning. In summary, the Member raised the following concerns:

- The Council was not adhering to the 'Neighbourhood Planning Offer of Service to Communities' that it launched in September 2016. In particular, the information on the Council website was sadly lacking;
- The dedicated officer resource and support for Neighbourhood Planning was wholly insufficient;
- Neighbourhood Planning Groups were in desperate need of immediate help and support.

In response, officers acknowledged the concerns related to the website and informed that a revised set of webpages would be launched in September 2017. With regard to the officer resource and support available, the previous recruitment problems were stressed and measures to improve capacity and resilience were highlighted.

Having been advised of the proposal for Strategic Planning Officers to be able to provide the equivalent of one day per week of additional support, the Member also highlighted her belief that this was an unrealistic expectation;

(b) The local Ward Member for Woolwell wished for her disappointment to be formally recorded at the lack of any reference in the published agenda report to her local area potentially acquiring over 2,000 additional properties;

(c) In light of the specialist knowledge and expertise involved in Neighbourhood Planning, a number of Members echoed the need for the Council to provide Groups with additional professional officer support. As an alternative view, a Member did remind those present that town and parish councils did have the ability to buy in their own external advice and support to progress their respective Neighbourhood Plans;

(d) In reply to a question, officers accepted the point that it would now be timely for the Council to review its Offer of Service to Communities.

It was then:

RESOLVED

That the Panel:

1. expresses its concern over the adequacy of resources to address the level of support required to meet the statutory requirement of Neighbourhood Planning;

2. supports the proposal for the Council to review its Neighbourhood Planning Offer of Service to Communities; and
3. require a review of the resources and information provided and a further overview in six months' time.

O&S.44/17 **SICKNESS ABSENCE MONITORING**

The Panel considered a report that provided an update on the level of sickness absence amongst Council employees and the measures in place to manage and monitor short and long term absence.

In discussion, reference was made to:-

- (a) overall staff absenteeism in the Council. Some Members felt that the increases related to long-term sickness absence and overall absenteeism (when compared to the Local Government average) were causes for concern. In response, officers informed that the Senior Leadership Team was particularly mindful of these statistics and was working closely with managers and the Human Resources Community Of Practice in an attempt to reverse these trends;
- (b) the counselling service. Officers confirmed that the Council offered a counselling service with staff having the ability to self-refer themselves. Having been informed that the Council did not obtain regular feedback on the service, the Panel strongly suggested that officers review both usage levels and whether or not the Council was receiving value for money for this service;
- (c) staff workload. Whilst the staff survey results had illustrated a number of improvements, some Members cited the feedback related to workload pressures and insufficient staff capacity as being alarming. A Member highlighted the correlation between this feedback and the significant increases in cases of stress and depression. Officers responded by reminding Members that, whilst the Transformation Programme had resulted in a 30% reduction in the Council's workforce, some service areas had seen a 20% increase in demand. As a consequence, it was inevitable that some members of staff would be struggling with their workload and there was a need to strike a better balance between capacity and demand. Officers also reminded Members that they had a key role to play in this regard by both ensuring that they adhered to using the Transformation Programme operating model and by being realistic and supporting and co-operating with members of staff;
- (d) staff enjoyment of their job. Whilst the debate had focused on some areas of concern, a Member did wish to provide some balance by highlighting that the staff survey had also indicated that 84% of staff had stated that they enjoyed their job.

It was then:

RESOLVED

That the Panel:

1. acknowledges that the Council continues to proactively manage and monitor short and long-term absence and that the HR Lead Specialist continues to report to the Senior Leadership Team on a monthly basis; and
2. recognises that the trends related to increases in long-term sickness absence and stress and depression levels are causes for concern that must be kept under close review.

O&S.45/17 OMBUDSMAN ANNUAL REVIEW LETTER 2017

The Panel considered a report that presented the Local Government Ombudsman's Annual Review Letter. The Letter outlined the details concerning Ombudsman complaints received against the Council for the period 1 April 2016 to 31 March 2017.

In introducing the report, the Panel noted that, whilst there had been an increase in the number of complaints made to the Ombudsman in comparison to last year, the previous two years were very much higher. Members acknowledged the impact of the revised complaints procedures and the emphasis on ownership and early resolution and appreciation was extended to the Executive Director (Service Delivery and Commercial Development) and the Monitoring Officer.

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

- (a) Members acknowledged the Annual Review Letter and, whilst of the view that there was always room for improvements to be made, felt that its contents were sound;
- (b) A Member stated his surprise that the complaint listed against a fellow Member had been dealt with by the Ombudsman and not by the adopted normal practice of the Council's Standards procedures. In asking for an explanation for this decision, it was agreed that the Monitoring Officer would meet with the interested Member outside of this meeting.

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.46/17 **REGULATION OF INVESTIGATORY POWERS ACT (RIPA) 2000 POLICY AND UPDATE**

The Panel considered a report that sought to:-

- Review the Council's RIPA Policy and approve guidance on Social Networking Sites in investigations;
- Update Members on the use of RIPA;
- Report on the role of the Office of Surveillance Commissioners; and
- Report on training for officers.

During discussion, reference was made to:-

- (i) use of these Powers. A Member repeated his previously raised objections to the use of covert surveillance, which he considered to be intrusive. As an assurance, officers advised that these Powers could only be used in very limited circumstances;
- (ii) the Records Management Policy. Unless otherwise stated, the Monitoring Officer confirmed that the default position was that records had to be kept for a minimum of six years.

It was then:

RESOLVED

1. That the Executive be **RECOMMENDED** to approve the guidance on Social Networking Sites in investigations (as outlined at Appendix B of the presented agenda report) and included in the Council's RIPA policy; and
2. That it be noted that there have been no RIPA Authorisations in the last three years.

O&S.47/17 **ANNUAL REVIEW OF HEALTH AND SAFETY POLICY**

A report was considered by the Panel that presented the annual review of the Council's Health and Safety Policy.

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

- (a) Panel Members emphasised the importance of reporting near misses and welcomed the efforts of lead officers to breed a culture of Health and Safety awareness throughout the Council;
- (b) It was confirmed that the contents of the Health and Safety Policy were relevant to both Members and officers and, in accordance with the Policy, Members were also eligible to receive a refund for the cost of an eye test;

- (c) Officers advised that work was progressing on the creation of a specific Lone Worker Policy for Members and it was agreed that the Deputy Leader and Cllr Green should be consulted on its content prior to it being presented for approval;
- (d) Officers advised that pages 197 and 198 of the presented agenda papers had been published in error and should not therefore be considered to be part of the draft Policy.

It was then:

RESOLVED

That the Executive **RECOMMEND** to Council that the revised policy be adopted and signed by the Head of Paid Service and the Leader of the Council.

O&S.48/17 SH/WD JOINT STEERING GROUP NOTES

In light of the most recent Joint Steering Group meeting only taking place on Tuesday, 22 August 2017, the Chairman advised that these notes would be presented to the next Panel meeting on 12 October 2017.

O&S.49/17 EXCLUSION OF PUBLIC AND PRESS

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 as the likely disclosure of exempt information as defined in paragraph 1 of Schedule 12A to the Act is involved.

O&S.50/17 TASK AND FINISH GROUP UPDATES

(a) Dartmouth Lower Ferry

The Panel considered an exempt report that presented the conclusions of the Lower Ferry Task and Finish Group.

In discussion, reference was made to:-

- (i) the meeting with the Unions. Officers advised that the meeting had still to take place and had been scheduled to be held on Monday, 4 September 2017;

- (ii) the lack of detail in the exempt report. In response to a Member's concerns at the lack of information in this concluding report, it was agreed that officers would circulate every relevant background paper to the interested Member.

It was then:

RESOLVED

1. That the Panel endorse the direction of travel and the outcomes of the Task and Finish Group and formally disband the Task and Finish Group, with Lower Ferry Service updates being provided to the Panel as and when requested;
2. That Executive be **RECOMMENDED** that if for any reason union agreement cannot be achieved, the final offer is the Councils' binding offer and new contracts replace existing terms and conditions to that effect; and
3. That Executive be **RECOMMENDED** that regular consultation with the Lower Ferry workforce continues to inform service improvements and tariff setting proposals

O&S.51/17 READMITTANCE OF THE PRESS AND PUBLIC

It was then:

RESOLVED

That the press and public be readmitted to the meeting.

O&S.52/17 TASK AND FINISH GROUP UPDATES

(b) Discretionary Grant Funding

A Member of the Task and Finish Group expressed his view that there was some scope for savings to be made as part of this review.

(c) Performance Measures

By way of an update, it was noted that the first Group meeting had been held with the lead Specialist. The main outcome of this meeting was that each Group Member had been assigned an individual service area of the Council to focus upon.

It was noted that the ultimate aim of the Group was to present its final recommendations to the Panel meeting on 9 November 2017.

O&S.53/17 ACTIONS ARISING / DECISIONS LOG

The contents of the latest version of the Log was presented and it was agreed that the lead officer should populate it with target dates for completion.

O&S.54/17 ANNUAL WORK PROGRAMME 2017/18

In consideration of its Annual Work Programme, the following comments, additions and amendments were made:-

- (a) As highlighted above (Minute O&S.42/17(i) refers), the Medium Term Financial Strategy was added to the Programme for consideration at the next Panel meeting on 12 October 2017;
- (b) It was agreed that consideration of the 'Joint Local Plan Progress Update', the 'General Data Protection Regulations' and the 'Concluding Recommendations of the Discretionary Grant Funding Review Group' should be deferred to the Panel meeting on 9 November 2017;
- (c) Due to the length of the meeting agenda on 9 November 2017, Members were supportive of the proposal for the annual updates from the Citizens Advice Bureau and the Council for Voluntary Service to be deferred to the Panel meeting on 8 February 2018;
- (d) The Panel requested that the ICT Procurement Options be presented to its meeting on 9 November 2017 before then being presented to the Executive;
- (e) In response to Member frustration at the lack of progress being made on the 'Future Use of Follaton House – to include heating' agenda item, the Head of Paid Service advised that he would pursue an update;
- (f) In respect of the 'Section 106 Agreement Schedule', it was agreed that the Chairman would be tasked with assigning this item on to a specific Panel meeting agenda. As part of this item, Members also requested an update on the work of the *'appointed person to be responsible for the monitoring, control and liaison with both local Ward Members and town and parish councils as part of the process for spending S106 funds'* (Minute O&S.16/17 refers).

(Meeting started at 10.00 am and concluded at 1.25 pm)

Chairman