

**MINUTES OF THE MEETING OF THE
OVERVIEW & SCRUTINY PANEL
HELD AT FOLLATON HOUSE, TOTNES ON
THURSDAY, 9 NOVEMBER 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 H D Bastone, I Bramble, J Brazil, P K Cuthbert, R D Gilbert, T R Holway, N A Hopwood, J A Pearce, R Rowe, 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; Executive Director (Service Delivery and Commercial Development) and Senior Specialist – Democratic Services
7(i)	O&S.67/17(i)	Group Manager – Business Development and Corporate Commercial Strategy Manager (Aylesbury Vale District Council)
7(ii)	O&S.67/17(ii)	IT Community Of Practice Lead
8	O&S.68/17	Senior Community Safety Officer, South Devon and Dartmoor Community Safety Partnership; Inspector Chris Tapley and Community Safety and Safeguarding Specialist
9	O&S.69/17	Community Of Practice Lead – Housing, Revenues and Benefits and Housing Specialist
10	O&S.70/17	Housing Specialist
12	O&S.72/17	Support Services Specialist Manager
13	O&S.73/17	Specialist – Performance and Intelligence

O&S.64/17 MINUTES

The minutes of the meeting of the Overview and Scrutiny Panel held on 12 October 2017 were confirmed as a correct record and signed by the Chairman.

O&S.65/17 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. These were recorded as follows:-

Cllr M F Saltern declared a Personal Interest in Item 8: 'Community Safety Partnership' (Minute O&S.68/17 below refers) by virtue of being an advisor to the Police and Crime Commissioner and left the meeting during consideration of this agenda item.

O&S.66/17 **PUBLIC FORUM**

In accordance with the Public Forum Procedure Rules, two issues were received for consideration as follows:-

1. From Cllr John Birch

Ref. Section 106 Case Manager

'In welcoming the appointment of Julie Rowdon as the S106 Case Manager, it is noted that in the recent Bulletin sent to Members it is stated that 'her current priorities are to bring all records up to date, monitor finances ensuring that deadlines are met and to streamline S106 processes.'

I am concerned that the extent of the officer's duties may not be sufficient in that they may not extend to the monitoring of the imposition of non-financial obligations on developers arising out of completed S106 Agreements and other completed planning agreements such as unilateral undertakings and management plans submitted in order to satisfy a planning condition.

I have recently come across three examples on major developments in Totnes where it appears the Council has not sought to impose non-financial obligations on the developer.

Can Members be sent a copy of the Section 106 Case Manager's detailed Job Description and an assurance that she will have sufficient resources to undertake the monitoring of the imposition of non-financial obligations in respect of completed S106 Agreements and other completed planning agreements as mentioned above?'

In response, the Head of Paid Service stated that, whilst largely an operational matter, he would speak to Cllr Birch outside of this meeting with regard to the Job Description for this role. However, the Head of Paid Service did assure those in attendance that he was satisfied that the content of the Job Description was appropriate for this role.

Whilst noting the concerns in the question relating to planning conditions, Cllr Birch was informed that these would not be part of the postholder's roles and responsibilities, with the focus instead being on ensuring development compliance with each S106 Agreement.

In reply to a supplementary question related to whether or not the allocated resource would be sufficient to meet the associated work

demands, it was agreed that officers would discuss this matter with Cllr Birch outside of this meeting.

2. Follaton House Car Parking

'Barriers have recently erected in parts of the car park without reference to or in consultation with local Members. Upon the barriers becoming operational members of the public will suffer a loss of 35 car parking spaces in an area of limited parking.'

'Why has this restrictive car parking scheme been implemented without reference to or in consultation with local Members? Can the new scheme be put on hold until such reference and consultation has taken place?'

In reply, the Head of Paid Service stated that, in line with the Council's delegated authority arrangements, the Community Of Practice Lead for Assets had taken the decision to erect these barriers. This decision had been taken in response to recent difficulties being experienced from the car park being used as a facility for second vehicles (often camper vans) to be stored for a significant period of time.

Whilst grateful for this response, Cllr Birch did nonetheless wish to put on record his disappointment that the local ward Members had not been consulted on this decision.

O&S.67/17 EXECUTIVE FORWARD PLAN

The Panel was presented with the most recently published Executive Forward Plan. In accordance with Procedure Rules, a request had been made for the Panel to formally consider the following agenda items:

(i) **Formation of a Community Lottery for South Hams and West Devon**

The Panel considered a report that set out the proposal to implement a joint local community lottery scheme to benefit the residents of South Hams and West Devon.

In discussion, the following points were raised:-

- (a) For clarity, the Leader of Council had confirmed that, whilst most joint working with West Devon Borough Council had discontinued until further notice, the proposal to form a Community Lottery Scheme would not be affected. Whilst the proposals included provision to share the set-up costs, it was recognised that the lottery schemes themselves would be wholly separate;
- (b) Without wishing to be presumptuous, it was noted that discussions had yet to take place with the Voluntary Sector to ascertain the extent of potential interest in the scheme. As a potential indicator, it

was noted that Torbay Council had implemented a similar scheme earlier this year, which was predicted to generate £42,000 for good causes and, to date, had seen over 100 groups sign up;

- (c) The Panel acknowledged that any decisions relating to existing Partnership funding contributions would be a matter for the Council to determine during the draft Budget setting process;
- (d) A Member expressed his concerns at the close linkages between this process and gambling and did not feel that the Council's reputation would be enhanced through the implementation of such a scheme. To counter this view, it was recognised that the presented agenda report did outline a number of mitigating measures to combat any potential for problem gambling;
- (e) It was noted that the overall intention of the scheme was to help local good causes that may be struggling for income to survive;
- (f) Before the views of the Panel were considered by the Executive, it was agreed that officers would circulate to Members a list of useful websites that were of relevance to the proposal;
- (g) Some of the experiences from Aylesbury Vale District Council (AVDC) were shared with the Panel and it was acknowledged that the scheme at that authority was working successfully. Furthermore, the representative from AVDC stressed that it was in the interests of the good causes to promote the scheme and players had the ability to specifically choose which causes their monies supported;
- (h) In highlighting the view that the country was suffering from 'lottery fatigue', a Member queried the projected ticket sales and whether or not this figure was realistic. In reply, it was confirmed that the figures were based upon up to 3% of the potential player population (those who were aged over 16 years old) in the South Hams and West Devon purchasing a ticket;
- (i) Officers informed that the actual set up costs of the scheme would equate to £13,000 (to be shared equally between the Council and West Devon Borough Council).

It was then:

RECOMMENDED

That the Executive **RECOMMEND** to Council that:

1. the proposed business case for the establishment of a joint South Hams and West Devon local community lottery scheme be approved and implemented (subject to approval from West Devon Borough Council);

2. Gatherwell Ltd be appointed as an External Lottery Manager and Aylesbury Vale District Council be appointed to assist with project implementation (subject to a successful Contract Exemption application);
3. authority be delegated to the Head of Paid Service to nominate two responsible officers to hold the Council's lottery licence and submit the necessary application to the Gambling Commission; and
4. authority be delegated to the Group Manager (Business Development), in consultation with the lead Executive Member, to approve the bespoke lottery business model policies required in order to submit a valid application to the Gambling Commission to obtain a lottery licence.

(ii) IT Procurement Options – Verbal Update

Officers advised that the current IT contract with Civica was approaching its conclusion and, in line with technological advancements, it was now necessary to consider all possible alternatives for a future IT solution.

In debate, it was felt that the lessons that had been learned from the current IT contract were particularly important. The previous lack of Member involvement had already been identified as one lesson that had been learned and assurances were given that the upcoming procurement exercise would address this previous shortcoming.

In conclusion, the Panel asked that it be given the opportunity to consider, in the future, a report that outlined the lessons that had been learned from the current contractual arrangements.

O&S.68/17 COMMUNITY SAFETY PARTNERSHIP

Consideration was given to 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.

The Vice-Chairman introduced and welcomed the Partnership representatives to the meeting and invited them introduce their published report. In so doing, the representatives reminded those present that it was a statutory responsibility for local authorities to scrutinise their local CSPs on an annual basis and they proceeded to highlight a number of the key achievements that had been referred to in the agenda report.

In the ensuing discussion, reference was made to:

- (a) support for the work of the CSP. A number of Members were of the view that the CSP provided excellent value for money. Whilst thanking the Members for these comments, the representatives highlighted that future funding for the CSP was uncertain. A Member also requested that he receive a cost breakdown of the CSP (including officer support costs).

In adding his support to the value of the CSP, Inspector Tapley was of the view that the Police would be particularly vulnerable without the support it received from this Partnership;

- (b) the recent letter from the CSP to the Police and Crime Commissioner. Some Members commended the contents of the letter on the Neighbourhood Policing Review (dated 9 October 2017) and it was suggested that the Council should add its support by way of a notice of motion being submitted to the next Council meeting on 14 December 2017. Furthermore, it was also felt that Members should encourage their local town and parish councils to add their support to this letter;
- (c) local concerns in Dartmouth relating to a perceived increase in incidents of Anti-Social Behaviour. A local Ward Member raised some very specific concerns to Dartmouth and it was agreed that he would follow these up with Inspector Tapley outside of this meeting;
- (d) the value of Police Community Support Officers (PCSOs). A number of Members lamented the reduction in numbers of PCSOs in the area and highlighted the value of the role, particularly in rural areas;
- (e) the amount of work undertaken by the CSP. At the suggestion of the Council's appointed representative, it was agreed that a future Informal Council session on the CSP should be arranged. The Panel felt that the main purpose of this session would be to increase all Member knowledge and understanding of the CSP, the statutory functions that it upheld and the relevant responsibilities of the District Council;
- (f) youth gangs. The increase in youth gang culture in the South Hams was recognised as a real challenge to the CSP. The Panel noted that the CSP was keen to work with all local youth groups in the South Hams in an attempt to reverse this trend;
- (g) the contact details of the representatives. In reply to a request, it was agreed that the contact details of each of the representatives in attendance would be circulated to all Members.

In concluding the agenda item, the Vice-Chairman thanked the representatives for their attendance.

It was then:

RESOLVED

That the contents of the report be supported and the comments expressed in the recorded minutes (above) be taken forward.

O&S.69/17 DEVON HOME CHOICE ANNUAL REVIEW AND SOUTH HAMS ALLOCATION POLICY REVIEW

The Panel considered a report that presented a review of Devon Home Choice and that recommended that the Council remained a Devon Home Choice partner.

In discussion, the following points were raised:-

- (a) With regard to the vast decrease in numbers on the Housing Register, officers advised that this was attributed to a detailed review having been undertaken on the list and the problems with the old software having now been rectified. Whilst ongoing spot checking would continue, officers confirmed that they were satisfied that the current Register was now an accurate reflection of the current housing situation in the South Hams.

Officers also confirmed that there remained a significant demonstrable need for 'intermediate' housing (e.g. provision for housing for first time buyers) in the South Hams;

- (b) Whilst there was felt to be validity in some of the concerns related to Devon Home Choice (e.g. the publicity around advertising secondary lets), the majority of Members were of the view that the present arrangements were broadly working well. Some Members also cited their experiences that town and parish council complaints and perceptions regarding the suitability of those being allocated local housing proved, when investigated, to be groundless.

Once approved by the Executive, it was also requested that all town and parish councils in the South Hams be sent a copy of the adopted South Hams Allocation Policy.

- (c) Members wished to put on record their support for the proposal to continue with the practice of registering those applicants in Band E with no housing need for the purpose of Devon Home Choice. Continuation of this practice was considered by Members to be particularly invaluable in the smaller rural villages;
- (d) In response to a request, officers committed to providing an update on the Sovereign / Spectrum Housing arrangements. Furthermore, officers also agreed to provide the contact details for a local representative from Spectrum Housing;
- (e) The Chairman highlighted the Tenants Incentive Scheme and requested that officers provide Members with details relating to:

- How many people the Scheme had dealt with;
- How much had been spent; and
- How much remained in the budget.

In the event of any monies remaining unspent, the Chairman emphasised the importance of Members raising awareness of this fact amongst their constituents.

It was then:

RECOMMENDED

That the Executive be **RECOMMENDED**:

1. That the Council continue as a partner of Devon Home Choice;
2. To continue the registering of applicants in Band E (no housing need) for the purpose of Devon Home Choice; and
3. To accept the minor changes of updated wording to the South Hams Allocation Policy.

O&S.70/17 VILLAGE HOUSING INITIATIVE REVIEW

The Panel considered a report that sought to recommend to the Executive that the Village Housing Initiative (VHI) continued to be utilised in the South Hams.

In discussion, reference was made to:-

- (a) the time taken for VHIs to be completed. In highlighting the Newton Ferrers Scheme as an example that took eight years from start to finish, Members expressed their concerns at the length of time it took for VHIs to be completed. In expressing these concerns, the Panel also made the point that VHIs were wholly reliant upon willing landowners coming forward and finding suitable sites was also proving to be an issue;
- (b) the future. Officers informed that they still recognised the merits of VHIs and would like to see reference to the promotion of these include in the Joint Local Plan. It was however recognised that the larger Registered Housing Providers were more enthused by Section 106 sites, so it may be necessary for officers to work with smaller Providers to ensure the future delivery of VHIs;

- (c) the VHI principle. Several Members expressed their views that they remained very supportive of the VHI principle;
- (d) the additional safeguards put in place by a Registered Provider in the event of a small scale developer going into liquidation. In reply to a request, officers agreed to forward to interested Members details relating to those safeguards that had been put in place.

It was then:

RECOMMENDED

That the Executive be **RECOMMENDED** to:

1. continue promoting and utilising the Village Housing Initiative model and to include this model of delivery within the Supplementary Planning Document (SPD) once the Joint Local Plan is adopted; and
2. agree to the inclusion of Band E following the cascade for Village Housing Initiative schemes (as set out in the presented agenda report).

O&S.71/17 JOINT LOCAL PLAN PROGRESS: VERBAL UPDATE

By way of an update into the progress of the Joint Local Plan (JLP), the Panel Member, who was one of the Council's Member representatives on the JLP Joint Steering Group, advised that:-

- the JLP had been formally submitted to the Inspector on 31 July 2017. The Council had subsequently received some initial comments and the content of these had been deemed to be positive;
- the appointed Inspector had similarly been the Inspector who had dealt with the North Devon Local Plan;
- the whole process was now being driven by a Programme Officer;
- the Strategic Housing Land Availability Assessment (SHLAA) had been taking up a considerable amount of officer time;
- the Department of Communities and Local Government had published a consultation document recently proposing a new way of calculating need. The Member confirmed that clarification had now been received whereby those Plans that had already been submitted to the Inspector would be progressed in accordance with the existing system.

In the subsequent debate, reference was made to:-

- (a) the outline programme for the Examination Hearings. Current indications were that the Hearings would run for a four week period spread from the end of January 2018 until the end of March 2018. It was hoped that more definitive timescales would be apparent following the next meeting of the Joint Steering Group on Monday, 13 November 2017;

(b) the procedure for being able to make representations during the Hearings. It was confirmed that the Hearings were effectively public meetings at which any interested parties could attend. With regard to the public being able to participate during the Hearings, it was noted that any individual who had commented on the JLP during the consultation process had been contacted by the Programme Officer inviting them to take part at these Hearings. In the event of those individuals not confirming with the Officer their wish to take part, then they were unlikely to be invited to address the Hearings.

O&S.72/17 **GENERAL DATA PROTECTION REGULATION – READINESS UPDATE**

The Panel considered a report that outlined the changes that the Council would need to implement in order to achieve compliance with the General Data Protection Regulation by 25 May 2018.

By way of an update to the published agenda report, officers informed that the Information Commissioners Office (ICO) had been in recent contact regarding the need for all Members to be registered as 'Data Controllers'. This requirement was necessary in light of part of the role of being a Member resulting in the likelihood of information being collected that related to local constituents. The cost to the Council of implementing a blanket scheme for all Members was approximately £1,000 and the Panel was supportive of this proposal.

The Panel recognised the potential ramifications arising from these Regulations and requested that a related Member Training and Awareness session be held in the New Year.

Specifically regarding the two Data Protection complaints that had been referred to the ICO for investigation, officers committed to providing Members with details outlining how this compared to both previous years and the numbers referred from other similar sized local authorities.

It was then:

RESOLVED

That the Panel support:

1. the approach to General Data Protection Regulation readiness ahead of its implementation in May 2018;
2. the proposal to implement a blanket scheme covering all Members to be registered as 'Data Controllers'; and
3. the request to arrange a Member Training and Awareness session on the General Data Protection Regulation in the New Year.

O&S.73/17 QUARTER 2 2017/18 PERFORMANCE REPORT

The Panel considered the Quarter 2 performance report for 2017/18. In conclusion, the report highlighted that the performance measures for this Quarter had been generally good.

In the ensuing discussion, reference was made to:-

- (a) the % of benefits change of circumstances completed online. Officers advised that this was a new performance measure and the target (25%) was considered to be particularly stretching;
- (b) planning enforcement performance. The Panel noted that the newly appointed Enforcement Specialist was due to start his role in the upcoming weeks. One of the first objectives for the postholder was to convene a series of meetings with all Members to discuss enforcement cases within their local Ward;
- (c) performance related to missed bin collections. A local Member highlighted some of the problems (and subsequent complaints) that he had been made aware of in the Totnes area and he felt it was difficult to justify the action response outlined within the presented agenda report. In reply, the Head of Paid Service advised that there had been some staffing issues within the service that had now led to a review of rounds equalisation. Furthermore, this review had already recognised that the extent of recent development in the area had resulted in some round collection areas now being too large to be completed on time;
- (d) recycling service performance. A Member highlighted the promotional board in the Follaton House car park that referred to some misleading information relating to recycling service performance and consequently requested that the accuracy of the information outlined on this board be revisited;
- (e) Member access to performance measures on their iPads. Officers gave a commitment that, within the next month, a link would be available on the front page of each Member iPad that enabled Members to directly access the Council's performance measures.

It was then:

RESOLVED

That Members note the performance levels against target communicated in the Balanced Scorecard and the performance figures supplied in the Background and the Exception report.

O&S.74/17 TASK AND FINISH GROUP UPDATES**(a) Performance Measures**

Following the recent directive issued by the Leader of Council, the Panel agreed that work on this Review should be suspended until further notice.

O&S.75/17 ACTIONS ARISING / DECISIONS LOG

The contents of the latest version of the Log was presented for consideration.

In so doing, the following points were raised:-

- (a) Officers confirmed that a Member Briefing session on Universal Credits would be added to the Member Meeting Calendar during December 2017;
- (b) With regard to the Council's current partnership arrangements, assurances were given that lead officers were currently in discussion with these organisations.

O&S.76/17 ANNUAL WORK PROGRAMME 2017/18

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

- (a) The Panel requested that an additional meeting be scheduled for the afternoon of Thursday, 18 January 2018. In so doing, it was agreed that the substantive agenda items for this meeting would be:
 - Update on Community Housing Scheme;
 - Sherford Delivery Team; and
 - Local Enforcement Plan.
- (b) It was agreed that the 'South Hams CVS Annual Update' should be removed from the Work Programme for the Panel meeting on 8 February 2018. In light of this removal, the Panel requested that a 'Universal Credits Update and Direction of Travel' agenda item take its place on the Work Programme for this meeting;
- (c) Regarding the IT / Civica lessons learned proposal (Minute O&S.67/17(ii) above refers), it was agreed that the Chairman would liaise with lead officers to agree a suitable meeting date for this matter to be presented for consideration by the Panel.

(Meeting started at 10.00 am and concluded at 1.10 pm)

Chairman