

**MINUTES OF THE MEETING OF THE
OVERVIEW & SCRUTINY PANEL
HELD AT FOLLATON HOUSE, TOTNES ON
THURSDAY, 5 SEPTEMBER 2019**

Panel Members in attendance:			
* Denotes attendance		∅ Denotes apology for absence	
*	Cllr L Austen	*	Cllr H Reeve
*	Cllr J P Birch (Chairman)	*	Cllr J Rose
*	Cllr M Chown	*	Cllr P C Smerdon (Vice Chairman)
*	Cllr S Jackson	*	Cllr B Spencer
*	Cllr J McKay	*	Cllr J Sweett
*	Cllr D M O'Callaghan	*	Cllr D Thomas
∅	Cllr J T Pennington		

Other Members also in attendance:
Cllrs V Abbott, K J Baldry, H D Bastone, J Brazil, J D Hawkins, T R Holway, N A Hopwood, D W May, G Pannell and J A Pearce

Item No	Minute Ref No below refers	Officers in attendance and participating
All		Deputy Chief Executive; and Senior Specialist – Democratic Services
7	O&S.23/19	Assets Specialist and Fusion Representatives
8(a) and 8(b)	O&S.24/19(a) and O&S.24/19(b)	Commissioning Manager
8(c)	O&S.24/19(c)	Strategic Planning Manager (Joint Local Plan)
9	O&S.25/19	Planning Enforcement Specialist
10	O&S.26/19	Housing Specialists
11	O&S.27/19	Commissioning Manager

O&S.20/19 MINUTES

The minutes of the meeting of the Overview and Scrutiny Panel held on 13 June 2019 were confirmed as a correct record and signed by the Chairman.

However, a Member did wish to express his disappointment that Minute O&S.12/19(c) 'Executive Forward Plan (c): Council Tax Reduction Scheme 2020/21' had not included specific comments that he had expressed at that meeting in relation to increasing the capping level to 30% and an error that he had cited regarding the Minimum Income Floor.

In response, officers advised that, in the event of a Member wishing to have a specific discussion point included in the published minutes, then they had the ability to make the request at that meeting.

O&S.21/19 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.22/19 PUBLIC FORUM

In accordance with the Public Forum Procedure Rules, the Chairman informed that three questions had been received for consideration during this agenda item.

1. Question from Ms Ella Dangerfield

'Has this Council consulted its employees on their views about the ethics and potential financial risks of investing their pension funds in fossil fuel industries?'

In reply, the Leader of the Council provided the following response:

'The Council's past and present employees were enrolled into the Devon Pension Fund (that was administered by Devon County Council (DCC)). The Investment Strategy was set by the DCC Investment and Pension Fund Committee.

UNISON representatives were included as non-voting members of the Committee. Each year, DCC held an Annual Consultative Meeting, which was open to all members of the Pension Fund. This included presentations on the Pension Fund's Investment Strategy and performance and provided the opportunity for Pension Fund members to ask questions and raise issues. The last two annual consultative meetings had both included presentations on responsible investment including issues around Climate Change.

The Devon Pension Fund's current approach was to manage the risks in relation to Climate Change and to promote change through engagement with companies rather than through divestment. The Devon Pension Fund was a member of the International Investors Group on Climate Change (IIGCC).'

2. Question from Mr Robert Vint

'How will the Council ensure that the forthcoming Plymouth and South West Devon Joint Local Plan Supplementary Planning Document will fully accord with the emerging Climate Action Plans for the South Hams and for Devon? What options are being explored to ensure the construction of zero-carbon homes and to enable the provision of local renewable energy projects in accord with the recommendations of the 'South West Devon Strategic Energy Study' (2013)?'

In response, the Leader stated that:

‘The Plymouth and South West Devon Supplementary Planning Document (SPD) provided guidance on the application of policies in the Plymouth and South West Devon Joint Local Plan (JLP), which was adopted in March 2019. The JLP set out a strategy that aimed to direct new development to the most sustainable locations, which contained a target to reduce carbon emissions across the plan area by 50% on 2005 levels by 2034, and which had detailed policies which would require developers to implement low carbon building techniques (Policy DEV32) and which enable the provision of local renewable energy projects (Policy DEV33). Additionally, the JLP also supported community-led energy efficiency and energy generation projects. The SPD would provide detailed guidance on how these DEV policies should be applied when planning applications were being considered. It should, however, be noted that the SPD could not introduce new policy measures – new policy could only be introduced through a Local Plan, for example the review and update of the JLP.’

Mr Vint proceeded to ask the following supplementary question:

‘Is the Council aware of the legal obligation to set robust evidence-based carbon reduction targets and to make these central to Local Plans – and are the Council and its partners therefore preparing to incorporate carbon reduction targets into the Joint Local Plan in light of the recent threat of legal action against Councils that failed to do this?’

In her response, the Leader felt that she had at least partially answered this question in her original reply and highlighted that the three partner councils in the JLP area had all declared their own Climate Change Emergency. Whilst a particularly technical area, the Leader assured Mr Vint that planning officers were fully aware of the Council’s obligations in this respect. Furthermore, the aforementioned SPD was proposed to make reference to a requirement for the majority of planning applications to include a supporting energy statement.

3. Question from Mr Peter Scott

‘What progress has been made since May in investigating opportunities for investing in Solar Photovoltaic Panels over Council owned car parks, on Follaton House, and on other Council-owned properties – including those leased to tenants? Have any solar energy businesses been invited to submit proposals to the Council?’

The Deputy Leader replied that:

'The Council was serious about its provision of renewable energy and reducing its carbon footprint and energy usage not only being generated by the Council, but also by our tenants and residents.

Cllr Baldry (in his capacity as lead Executive Member for the Environment) and the Assets Head of Practice had recently met with an organisation that was able to offer the provision of Solar Photovoltaic Panels across our estate.

This organisation had since concluded that our rental properties were unviable for any provision and that Follaton House was already well provisioned. However, there was felt to be scope with our Leisure Centre buildings and officers had put the organisation in touch with Fusion (our Leisure provider) and had also offered, as a Council, to work in partnership with Fusion to investigate the potential for a Council funded opportunity to be established. The investigations into Council owned car parks were ongoing.'

O&S.23/19 **FUSION UPDATE AND FEEDBACK ON THEIR CASHLESS PROJECT**

Representatives from Fusion Leisure conducted a presentation that outlined their cashless project proposals that were to come into effect on 1 October 2019. During their presentation, the representatives expressed their apologies to Members for the late notification and poor communication strategy that had prompted this agenda item.

In the ensuing debate, reference was made to:

- (a) the shift towards cashless. In acknowledging the changing spending habits of consumers, some Members cited their own examples of the shift away from purchasing with cash;
- (b) the detrimental impact on some of the most vulnerable groups in the District. Whilst acknowledging that Fusion was implementing a number of measures to mitigate the impact of the project, some Members did still wish to make the point that there would still be a detrimental impact particularly on some of the most vulnerable groups;
- (c) adopting a pragmatic approach. Fusion representatives emphasised that their core business principles were to ensure that people were active and to increase custom and, as a consequence, they would be adopting a pragmatic approach during the project roll out phase;
- (d) the Communication Strategy that had underpinned this project. A Member stated that his primary concern had related to the lack of advanced communication with Members. In stressing the importance of the Council and Fusion working closely together, it was felt that Members should have been in receipt of a Briefing Note that they could have used to respond to concerns that were being raised by their constituents;

- (e) clear messaging on the website and social media. Fusion representatives recognised that the South Hams was a tourist area and it was therefore vitally important that this project was clearly communicated on their website and social media pages;
- (f) the fraud related risks. The representatives highlighted the extent of the challenges that the business was facing from fraud and advised that they were taking every possible step to keep these risks to a minimum;
- (g) consultation with town councils. The representatives confirmed that they would be happy to attend town council meetings to provide a presentation on the cashless project before the formal 'go live' date of 1 October 2019;
- (h) the management of the reception areas. Whilst there were currently no plans to reduce the staffing levels in the centre reception areas, it was confirmed that the management of these areas would be reviewed in the upcoming months;
- (i) the establishment of a Task and Finish Group. The Panel endorsed the suggestion to establish a Task and Finish Group to undertake a review of the relationship between Fusion and our local communities.

It was then:

RESOLVED

That a Task and Finish Group (comprising of Cllrs Smerdon (Chairman), Austen, O'Callaghan, Reeve and Sweett) be established to undertake a review of the relationship between Fusion and our local communities, with a concluding report being presented to the Panel meeting on the afternoon of 23 January 2020, before Fusion representatives then present their annual report to the next Panel meeting on 27 February 2020.

Also, in reviewing the relationship, the Task and Finish Group should visit all four Leisure Centres in the District and the concluding report should include reference to the delivery of Fusion's key objectives and consequent outcomes.

O&S.24/19 EXECUTIVE FORWARD PLAN

The Panel was presented with the most recently published Executive Forward Plan. In accordance with Procedure Rules, formal requests had been made for three future Executive agenda items to be first considered by the Panel. These items were as follows:

(a) Partnership Funding Levels 2020/21

The lead Executive Member for Communities advised that the Executive report would be seeking adoption of a 'Commissioning Model' based approach to award partnership funding for a three year period (instead of the current process of reviewing annually). The Member also informed that it was to be recommended that future funding decisions would be based upon one (or all) of the following:

- Local need;
- Alignment to the Council's Corporate Strategy; and
- Statutory duty.

With no questions forthcoming, the lead Executive Member was thanked for his update.

(b) Customer Satisfaction Quarterly Updates

The lead Executive Member advised that the key updates related to the Council website. Of particular note, the Panel was informed that a designated website officer had now been recruited and had started in their new role on Monday, 2 September 2019.

With regard to feedback on the Council website, it was noted that the views of Members and stakeholders (including town and parish councils) would be welcomed. In addition, it was noted that the Council was struggling to gain feedback from customers and, as a result, if any Members knew of potential volunteers in their local wards who could help to review the effectiveness of the website, then they were asked to contact the lead Member or the Commissioning Manager accordingly.

(c) Local Development Scheme

For clarity, the Leader advised the Panel that every Local Authority was required to prepare a Local Development Scheme (LDS) for its approval. It was noted that the LDS could be summarised as being a three year project plan that set out a definitive timetable for local development related documents.

O&S.25/19 PLANNING ENFORCEMENT PLAN REVIEW

The Panel considered a report that recommended that the Executive approve:

- an updated Enforcement Plan;
- a Harm Assessment Matrix;
- a draft Enforcement Plan.

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

- (a) The Panel was advised that, due to the budget implications and the complexity of the cases, outsourcing of some of the service workload was not deemed to be a viable option;
- (b) With regard to the role that could be played by local ward Members, it was agreed that drop-in sessions would be held with Planning Enforcement officers in the next few months in an attempt to reduce the number of cases. Members were of the view that such was the importance of regular dialogue between officers and local ward Members that this action should be given greater priority in the draft Enforcement Plan.

In addition, the Panel felt that consideration should be given to Members being in receipt of notification of each Planning Enforcement Case (once it has been registered) within their local ward alongside its priority rating;

- (c) the role of the Locality Service. The Panel acknowledged the role played by Mobile Locality Officers in supporting the Enforcement function. As a general point, the Panel also felt that it would now be timely to review the Locality Service and requested consideration of this matter at its next meeting on 17 October 2019;
- (d) the communication links between Planning Enforcement and the Development Management service. The Enforcement Specialist confirmed that, whilst there was always room for further improvements, the communication links between Enforcement and Development Management was now much better;
- (e) the status of the Enforcement service. Whilst it was defined as a discretionary service, Members were of the view that it was a critically important function that should be appropriately resourced and therefore proceeded to emphasise their support for the proposal to increase staffing levels and requested that the draft Action Plan be updated to reflect this need;
- (f) the proposed 80% target for enforcement cases that were prioritised as 'low'. When questioned, officers felt that any increase in the proposed targets would result in them becoming unrealistic and almost unachievable.

It was then:

RECOMMENDED

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

1. the updated Enforcement Plan; the Harm Assessment Matrix and the proposed Enforcement Plan be approved;

2. Council be **RECOMMENDED** that the additional two permanent staff for Planning Enforcement be approved to be funded from the Planning Enforcement Reserve in 2019/20 and to be built into the Budget Setting process as a cost pressure for 2020/21; and
3. Members receive notification of each Planning Enforcement Case (once it has been registered) within their local ward alongside its priority rating.

O&S.26/19 **HOMELESS STRATEGY ACTION PLAN**

Consideration was given to a report that sought to recommend to the Executive that the draft Homelessness Strategy Action Plan 2019/20 and the draft South Hams and West Devon Rough Sleeper Strategy 2019/22 be adopted.

During the ensuing discussion, reference was made to:-

- (a) the appreciation for the work undertaken by the service. A number of Members wished to record their thanks for the excellent work and commitment of the officers within the housing service;
- (b) cascading the Action Plan and Strategy. Officers assured the Panel that, once adopted, the Action Plan and Strategy would be published on the Council website. Furthermore, the Panel requested that copies of these documents should be sent to Town and Parish Council Clerks with an explanatory note of the relevant services (and officer contact details) that were provided by the Council;
- (c) homelessness prevention sessions in local schools. Having been informed that the prevention sessions that had been held to date had been well received, officers also advised that they were committed to providing a future session at the King Edward VI Community College in Totnes.

It was then:

RECOMMENDED

That the Executive be **RECOMMENDED** that:

1. the Homelessness Strategy Action Plan 2019/20 and the South Hams and West Devon Rough Sleeper Strategy 2019/22 be adopted; and
2. once adopted, copies of these documents be sent to Town and Parish Council Clerks with an explanatory note of the relevant services (and officer contact details) that are provided by the Council.

O&S.27/19 **CORPORATE STRATEGY**

The Panel considered a report that provided an update on the Council's progress in refining its service offerings under each of the Council's six corporate themes namely: Efficient and Effective Council; Communities; Enterprise; Environment; Homes; and Wellbeing.

During the ensuing discussion, the following points were raised-

- (a) The Panel emphasised the importance of any set targets being based upon the SMART (Specific, Measurable, Achievable, Relevant and Time-bound) principles;
- (b) As part of its recommendations to the Executive, the Panel felt that targets should be included that were aligned to the following subject areas:
 - o Climate Change;
 - o Electrical Vehicle Charging Points; and
 - o Planning Enforcement.

It was then:

RESOLVED

1. That the Panel acknowledge the progress made to date on refining the Council's Corporate Strategy; and
2. That the Executive be **RECOMMENDED** to:-
 - a. Provide the Panel with its targets that are to be based upon the SMART (Specific, Measurable, Achievable, Relevant and Time-bound) principles; and
 - b. Include targets arising from the following subject areas:
 - Climate Change;
 - Electrical Vehicle Charging Points; and
 - Planning Enforcement.

O&S.28/19 **CLIMATE CHANGE AND BIODIVERSITY – CITIZENS' ASSEMBLY**

In accordance with the Council resolution (Minute 29/19(b) refers), the Panel was given the opportunity to comment on the following recommendation that was generated by the Climate Change and Biodiversity Working Group that was to be submitted to the Council meeting to be held on 26 September 2019:

'That the Working Group be provided with full particulars of the Citizens' Assembly proposed by Devon County Council including, but not limited to, the issues and matters to be addressed, the number of assembly members and their geographic spread and means of administration / operation.

(This will inform the benefits and options of establishing a Citizens' Assembly for the South Hams.)'

In discussion, the following comments were made:-

- (a) The Panel was of the view that the lack of any timeframe in the Working Group recommendation was unfortunate and a number of Members felt that it would be appropriate for the full particulars to be provided to the next meeting of the Working Group;
- (b) With regard to the Terms of Reference for the Working Group, officers committed to circulating these to all Members. As a specific point, a Working Group Member sought clarification as to whether or not the Terms of Reference had been amended to reflect the fact that the Council was a 'Category 1' responder;
- (c) It was acknowledged that a number of town and parish councils had expressed a wish to be involved in the development of the Action Plan. By way of an assurance, the Leader informed that the Action Plan would be included as a discussion point during the next Town and Parish Council event;
- (d) A Member advised that he would seek clarity over the scope and extent of the Action Plan during the next Council meeting that was to be held on 26 September 2019.

O&S.29/19 **BREXIT – MAIN RISK AREAS TO THE COUNCIL AND FUTURE COMMUNICATION STRATEGY TO MEMBERS**

The Deputy Chief Executive provided an update on Brexit and advised that:

- he had been assigned the role of Council lead officer for Brexit;
- to date, very little information had been forthcoming from Central Government;
- the Council was in the process of reviewing its Business Continuity Plans based upon some of the potential outcomes that may arise from Brexit;
- the Devon County Council Chief Executive had taken on the role of Regional Lead for Brexit;
- all Members would play an important role as Community Leaders in their local wards;
- the significant impact on the Council that would arise from a potential snap General Election. In light of the potential short timeframes, the Panel was informed that there would be an inevitably detrimental impact on some Council service standards; and
- contact had already been made with the local fishing industry.

Moving forward, the Panel concluded that future Brexit related communication to Members should be undertaken via a regular 'Brexit Briefing Note'. In the event of the content of any of these being considered to be confidential, then Members would be advised accordingly.

O&S.30/19 **ANNUAL PANEL WORK PROGRAMME**

During consideration of the latest version of the Panel's Annual Work Programme, the following additions, amendments and deletions were made:

- (a) The Panel acknowledged that it had earlier agreed a proposal to review the Locality Service at its next meeting on 17 October 2019 (Minute O&S.25/19 above refers);
- (b) Members also noted that the concluding report of the Leisure Task and Finish Group would be presented to the Panel meeting on the afternoon of 23 January 2020 (Minute O&S.23/19 above refers).

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

Chairman