

**MINUTES OF THE MEETING OF THE
OVERVIEW & SCRUTINY PANEL
HELD AT FOLLATON HOUSE, TOTNES ON
THURSDAY, 21 NOVEMBER 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, J A Pearce and R Rowe

Item No	Minute Ref No below refers	Officers in attendance and participating
All		Deputy Chief Executive; and Senior Specialist – Democratic Services
8 and 9	O&S.48/19 and O&S.49/19	Community Safety Partnership Representatives
10	O&S.50/19	Director of Place and Enterprise and Senior Specialist (Car Parks)
11	O&S.51/19	Commissioning Manager
12	O&S.52/19	Deputy Monitoring Officer
13	O&S.53/19	Case Management Manager
14	O&S.54/19	Director of Place and Enterprise
15	O&S.55/19	Director of Governance and Assurance

O&S.44/19 MINUTES

The minutes of the meeting of the Overview and Scrutiny Panel held on 17 October 2019 were confirmed as a correct record and signed by the Chairman.

O&S.45/19 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. These were recorded as follows:

Cllr J Sweett declared a Personal Interest in agenda item 15: 'Update from the Climate Change and Biodiversity Working Group' (Minute O&S.55/19 below refers) by virtue of being a solidarity hunger striker and remained in the room and took part in the debate on this agenda item.

O&S.46/19 PUBLIC FORUM

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

1. Question from Mr Robert Vint

'What scrutiny has there been by this Committee of the development of the Climate Action Plan for the South Hams since the 25th July? Is this Committee happy with progress, with any proposed draft indicators and targets and with the level of public engagement with the emerging plan so far?'

In reply, the Chairman of the Panel provided the following response:

'In answer to the question, I can report that the Overview and Scrutiny Panel has on its agenda today a report from the Climate Change and Biodiversity Working Group and, no doubt, Members of the Panel will question the Leader of the Council on progress, draft indicators, targets and the level of public engagement in respect of the emerging Plan. Such responses will be reported in the minutes of this meeting.'

Members have been informed that the draft Action Plan will be considered by the Climate Change and Biodiversity Working Group at its next meeting on 5 December 2019 and no doubt this will be circulated to all Members of the Council in advance of the said meeting.'

O&S.47/19 EXECUTIVE FORWARD PLAN

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

Whilst no formal requests had been made in advance, the Chairman exercised his discretion to enable for a brief discussion on the 'Formation of a Wholly Owned Company' agenda item.

(a) Formation of a Wholly Owned Company

In reply to a question, the Leader of Council advised that the principal activity of any proposal to form a Wholly Owned Company would be to build genuinely affordable housing for local people. Since the Climate Change and Biodiversity agenda was to be a golden thread throughout all of the work of the Council, the Leader also confirmed that it would be inevitable that it would be an important consideration in the event of a Company being formed.

O&S.48/19 **COMMUNITY SAFETY PARTNERSHIP – ANNUAL REPORT**

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 & Scrutiny) Regulations 2009.

In his introduction, the Council's appointed CSP Member representative emphasised the importance of all Members contacting the lead officer if they were aware of any potential CSP related issues.

In the ensuing debate, reference was made to:-

- (a) Exploitation Prevention training sessions. Members were informed that the latest round of Exploitation Prevention training sessions were currently being held and there was one being held at Follaton House, Totnes on Wednesday, 27 November 2019. If any Members were interested in attending this session, they were encouraged to let officers know;
- (b) the dedication of lead officers. A number of Members paid tribute to the hard work and dedication of lead officers in maximising the effectiveness and success of the CSP;
- (c) a proposal for a future CSP workshop. A motion was **PROPOSED** and **SECONDED** as follows:

'That the Panel welcome the contents of the annual report and, in order to identify issues to be raised, agrees to convene an all Member Workshop in January 2020.'

When put to the meeting, this proposal was declared **CARRIED**.

It was then:

RESOLVED

That the Panel welcome the contents of the annual report and, in order to identify issues to be raised, agrees to convene an all Member Workshop in January 2020.

O&S.49/19 **SAFEGUARDING UPDATE**

The Panel considered a report that sought to provide Members with the opportunity to annually scrutinise and review Safeguarding.

In his introduction, the lead Executive Member advised that a proposal was to be presented to the next Council meeting on 19 December 2019 that would seek to approve a dementia friendly policy.

In light of the earlier decision to convene an all Member Workshop (Minute O&S.48/19 above refers), it was deemed appropriate for Safeguarding to also be considered at this session. As a result, it was felt that the proposal to recommend a revised Safeguarding Policy should be deferred to the next Panel meeting on the afternoon of Thursday, 23 January 2020 (i.e. after the Workshop had been held). This proposal was subsequently supported by the Panel.

It was then:

RESOLVED

That the Panel defer consideration of the formal Update until the next meeting on the afternoon of Thursday, 23 January 2020 to enable for Safeguarding to be considered at the all Member Workshop that is to be convened on the Community Safety Partnership (Minute O&S.48/19 above refers).

O&S.50/19 ELECTRIC CAR CHARGING POINTS – UPDATE

The Panel considered a report that provided an update in respect of the strategy for the installation of Electric Charging Points in Council Car Parks.

During the ensuing discussion, the following points were raised-

- (a) In response to some specific requests relating to charging point provision and location in Ivybridge, it was agreed that officers would discuss in more detail with an interested local Ward Member outside of this meeting;
- (b) With regard to the timescales of the DELETTI (Devon Low carbon Energy and Transport Technology Innovator) project, a number of Members expressed their disappointment that the project installations were not due to be completed in the South Hams until 2022. In response, officers advised that the Council was only one of a number of project partners and it was agreed that the programme would be circulated to all Members. That being said, officers would also like to see the South Hams installations advanced sooner and they gave a commitment to lobby the project leads in an attempt to achieve this objective. This emphasis was considered by Members to be particularly important when considered that the Council had declared a Climate Change and Biodiversity Emergency;
- (c) Members were informed that, if they disagreed with any of the proposed car parks that had been identified for installation of the initial Electric Car Charging Points, then they needed to let officers know within the next two weeks;

- (d) Officers highlighted that there were a number of sources of external grant funding that could be accessed to install Charging Points. As a result, Members were actively encouraged to advise their town and parish councils (who owned their own car parks) to submit bids to obtain grant funding;
- (e) The Panel was reminded that, as part of the current Budget Consultation Survey for 2020/21, Members were being asked for their views on any increases in car parking charges being set aside to install additional Charging Points in Council owned car parks. It was confirmed that the views of Members in this respect would be included in the 2020/21 draft budget setting reports. As an extension to the Survey, some Members felt that it would be useful for the costs associated with procuring and installing Charging Points in all Council owned Car Parks to be presented to the Panel at its meeting on 23 April 2020;
- (f) Such were the challenges being faced, that Members cited examples whereby customers were trading in their electric cars because they could not be adequately charged;
- (g) Some Members made the point that they did not wish to see any loss of car parking income to the Council as a result of this initiative.

It was then:

RESOLVED

1. That the update report, in respect of the Strategy for the installation of Electric Charging Points in Council Car Parks, be welcomed, with the exception of the concerns raised over the project installation date of 2022; and
2. That a further update report be presented to the Panel meeting on 23 April 2020 that focuses on:
 - The lobbying to be undertaken on bringing the completion date forward; and
 - The costs associated with procuring and installing Charging Points in all Council owned Car Parks.

O&S.51/19 CUSTOMER SATISFACTION SURVEY

The Panel considered a report that provided an update on the progress that detailed the scores achieved by the Council as part of a recent Institute of Customer Service Customer Satisfaction Benchmark Survey.

In discussion, reference was made to:-

- (a) the improved Survey results. The Panel paid tribute to the improved Survey results and noted that these had been achieved without any additional resources being allocated. Moreover, it was confirmed that the proposed Customer Service Improvement Manager post would be funded through the existing Staffing Establishment budget;
- (b) IT Procurement and Improvement. Some Members echoed the comments in the presented agenda report that the Council's work processing software was not as slick as it could be. These Members hoped that this would be rectified during the new IT Procurement project which would then directly lead to further improvements in Customer Satisfaction levels;
- (c) increased access to services online. In reiterating the comments in the presented agenda report whereby there was a need to build on the progress that had been made, some Members emphasised the importance of promoting increased access to Council services online and ensuring that residents were kept regularly informed.

It was then:

RESOLVED

1. That the results from the recent Customer Satisfaction Survey be noted; and
2. That the Executive be **RECOMMENDED** to approve the actions contained within Section 5 of the presented agenda report that are headed as follows:
 - Customer Service Improvement Manager;
 - Complaint Handling Review;
 - Staff Meetings, Performance Monitoring and Training;
 - IT Procurement and Improvement;
 - Continued Surveying; and
 - Progress Reporting.

O&S.52/19 GUIDANCE OF INFORMATION COMMISSIONER'S OFFICE PROCEDURE

Consideration was given to a report that recommended a procedure to inform Members and the public of decisions made by the Information Commissioner's Office (ICO) in relation to requests for information.

During the debate, some Members questioned why the recommendation was for local Ward Members to only be notified if an ICO request related to a planning matter. These Members felt that other matters (e.g. an Environmental Health matter) may also be of interest (and relevance) to local Ward Members.

In response, officers advised that the guidance was drafted to take into account the potential sensitivities around matters such as Housing and Benefits and it was recognised that it would not be appropriate for these to be shared with local Ward Members. As a way forward, it was agreed that the Deputy Monitoring Officer would consider the appropriateness of disclosing a matter to local Ward Members on a case by case basis.

It was then:

RECOMMENDED

That Council be **RECOMMENDED** that the following procedure be adopted to inform Members and the public of decisions made by the Information Commissioner's Office in relation to requests for information:

1. That the Council takes the necessary steps to publish on a quarterly basis details relating to the number of requests handled by the Council and the decisions taken in relation to those requests in accordance with the Section 45 Code of Practice;
2. That the Council reviews its Publication Scheme in the light of requests for information it receives annually;
3. When the Council is advised by the ICO that a request has been referred to it, the Leader and relevant lead Executive Member be notified and, if the matter relates to a planning issue, the local Ward Members are also notified. For non-planning issues, the Deputy Monitoring Officer will determine on a case by case basis whether it could be disclosed to local Ward Members;
4. That all Members be notified with a copy of the Decision Notice when it is received, in addition to it being published on the Council website and the matter will be reported to the Overview and Scrutiny Panel; and
5. That, when an ICO decision recommends that further action is taken by the Council, the Freedom Of Information Officer will ensure that the relevant officer takes the action on behalf of the Council or seeks the agreement of the Monitoring Officer if they wish to challenge the Decision.

O&S.53/19 OMBUDSMAN'S ANNUAL REVIEW LETTER 2019

Members considered a report that presented the Local Government & Social Care Ombudsman's (LGO) Annual Review Letter 2019 regarding Ombudsman complaints that had been received against the Council for the period 1 April 2018 to 31 March 2019.

In discussion, the importance of lessons being learned from the findings of the Ombudsman was recognised.

It was then:

RESOLVED

That the Panel has reviewed the Ombudsman's Annual Letter for 2019.

O&S.54/19 HOUSING REPORT

Consideration was given to a report that presented a series of proposals that would help the Council to shape its emerging Housing Strategy.

In discussion, the following points were raised:-

- (a) Officers emphasised the importance of Member engagement in the development of the emerging Housing Strategy;
- (b) The view was expressed that there was little detail about caravan dwellers in the presented agenda report. The Panel acknowledged that there were a number of challenges around caravan dwellers and it would be essential for these to be incorporated into the emerging Strategy. In addition, it was requested that these challenges be included as part of the Gypsies and Travellers Member Session on 30 January 2020;
- (c) The Panel retained the belief that the national definition of 'affordable rent and purchase' was still too high for the South Hams. As a result, the Panel wished to note with concern:
 - the rise in recorded local Housing Need;
 - that levels of fuel poverty in the South Hams are currently above the national average;
 - the average house prices in the South Hams are currently 13 times the average salary; and
 - that rental levels are often higher than Local Housing Allowance Rates.
- (d) The need for the Council to be more imaginative in how it applied its planning policies was recognised;
- (e) A Member cited the extent of the recent development in Ivybridge and felt that the issues in that town differed significantly to those in areas such as Salcombe and Dartmouth. As a result, Members felt that the Strategy should not be generic and would need to reflect these differing issues across the district;

- (f) Whilst acknowledging that there may be barriers following the recent Public Works Loan Board interest rate increase, the Panel was still interested in the concept whereby the Council could potentially act as a lender to Developers who were struggling to obtain finance to build local housing.

It was then:

RESOLVED

That the Panel note with concern:

1. the rise in recorded local Housing Need;
2. that levels of fuel poverty in the South Hams are currently above the national average;
3. the average house prices in the South Hams are currently 13 times the average salary; and
4. that rental levels are often higher than Local Housing Allowance Rates.

and, in order to address these concerns, the Panel supports the proposals to engage positively and help shape the emerging Housing Strategy and the principle of an interventionalist approach in the market.

O&S.55/19 UPDATE FROM THE CLIMATE CHANGE AND BIODIVERSITY WORKING GROUP

Members considered an update from the Working Group and, in the subsequent discussion, reference was made to:-

- (a) the emerging draft Action Plan containing over 160 actions. In terms of process, the Panel was reminded that all Members had been invited to attend the Working Group meeting on 5 December 2019. The draft Action Plan was to be first considered at this meeting before then being recommended for approval to the Council meeting on 19 December 2019;
- (b) the carbon footprint of the Council. Officers confirmed that, once the carbon footprint baseline data of the Council had been established, then it would be possible to set a series of Key Performance Indicators within the Action Plan;
- (c) the Working Group. Since being established in July 2019, a Member expressed his disappointment that the Working Group had only met twice to date and had still not been given sight of the draft Action Plan.

The Member proceeded to question the merit of the Working Group and regretted the lack of Member involvement following the Council decision on 25 July 2019 to declare a Climate Change and Biodiversity Emergency. In reply, the Leader stated that the six-month time frame that the Council had set to develop an Action Plan had been incredibly challenging and all Members would receive a first draft version as far in advance as possible of the Working Group meeting on 5 December 2019;

- (d) the 'Call for Evidence' Themed Hearings. Some Members could not see any justification as to why they could not attend (as observers) any of the 'Call for Evidence' Themed Hearings. In reply, the lead officer advised that he had made the request to the Devon Climate Emergency Response Group, but that this had been rejected. Despite the Panel being reminded that all of the Hearings would be webcast, Members wished for the lead officer to contact the Response Group to ask that it reconsiders its decision in this regard;
- (e) the Citizens Assembly proposal. Some Members expressed their disappointment at the lack of information that had been forthcoming from Devon County Council on its Citizens Assembly proposal.

It was then:

RESOLVED

1. That the Panel requests that the lead officer makes representations to the Devon Climate Emergency Response Group calling for South Hams District Council Members to be able to attend the 'Call for Evidence' Themed Hearing at Follaton House on Wednesday, 27 November 2019;
2. That the Panel expresses its concerns over the lack of information that had been received from Devon County Council in relation to its Citizens Assembly proposal; and
3. That the Climate Change and Biodiversity Working Group be **RECOMMENDED** that the draft Climate Change Action Plan should attempt to address the dangers that Climate Change poses including, but not limited to, extreme weather events such as flood and drought. In cases where elements are outside its remit, the Council should aim to communicate with (and work alongside) those who are responsible for those elements.

O&S.56/19 **TASK AND FINISH GROUP UPDATES**

(a) Leisure Review

During his update, the Group Chairman advised that:

- the Group had conducted a very useful site tour of the four Leisure Centres in the South Hams. During the tour, the Group had met with Leisure Centre staff and managers and a further meeting with senior Fusion representatives was to be held on Thursday, 12 December 2019; and
- the Group was still on target to present its concluding report to the next Panel meeting on 23 January 2020.

(b) Locality Service

The Group Chairman provided an update to the Panel and informed that:

- the inaugural meeting had been held at which the Group had approved the Terms of Reference for the Review;
- some Group Members had already shadowed Locality Engagement and Mobile Locality Officers;
- the next Group meeting (during which Members were to interview the three Locality Engagement Officers) was to be held on Thursday, 28 November 2019;
- all Members were encouraged to complete the Member Survey on the Locality Service;
- the Group was still on target to present its concluding report to the next Panel meeting on 23 January 2020.

O&S.57/19 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 decided to defer consideration of the formal Safeguarding Update until its next meeting on the afternoon of Thursday, 23 January 2020 (Minute O&S.49/19 above refers);
- (b) Members also noted that a further update report on Electric Charging Points would be presented to the Panel meeting on 23 April 2020 (Minute O&S.50/19 above refers) that would focus on:
 - The lobbying to be undertaken on bringing the completion date forward; and
 - The costs associated with procuring and installing Charging Points in all Council owned Car Parks.

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

Chairman