

**MINUTES of the MEETING of the
OVERVIEW & SCRUTINY COMMITTEE,
Held in the Repton Room, Follaton House, Totnes, on
WEDNESDAY, 4 NOVEMBER 2021**

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

Other Members also in attendance:
Cllrs K Baldry, T Holway, N A Hopwood and J Pearce
Other Members joining via Teams:
Cllrs V Abbott, J Brazil, J Hawkins, K Kemp, M Long, G Pannell, H Reeve, and R Rowe

Item No	Minute Ref No below refers	Officers in attendance and participating
All		Deputy Chief Executive, Director of Governance & Assurance, Monitoring Officer, and Democratic Services Specialist
Item 3	O&S.30/21	Chief Executive
Item 7	O&S.33/21	Director of Place and Enterprise
Item 8	O&S.34/21	Community Safety and Safeguarding Manager and Environmental Health Specialist
Items 9 & 10	O&S.35/21 & O&S.36/21	Head of Waste and Environmental Services and Case Management Team Leaders
Item 11	O&S.37/21	Senior Specialist Climate Change

O&S.29/21 MINUTES

The minutes of the meeting of the Overview and Scrutiny Committee held on 13 October 2021 were confirmed as a correct record.

O&S.30/21 URGENT BUSINESS – CALL-IN OF EXECUTIVE MINUTE E.56/21: GARDEN WASTE SERVICE

The Chairman introduced the agenda item and advised that, in accordance with Overview and Scrutiny Procedure Rule 12.5, the resolution arising from Minute E.56/21: 'Garden Waste Service' had been formally called-in for further consideration by the Committee. The process of call-in was then outlined.

Following a question from a Member, it was clarified that the decision was a key decision because the issue, ie garden waste service, related to the whole District.

The Chairman advised that there would be three options available to the Committee when considering the call-in. These were that the Committee:

1. was content with the original Executive resolution and that decision would therefore take immediate effect;
2. could refer the decision back to the next Executive meeting (on 2 December 2021) for further consideration; and
3. could opt to refer the decision to the next full Council meeting (on 25 November 2021).

The Chairman then explained his reasoning behind the decision to invoke a call-in. In so doing, the Chairman made specific reference to:-

1. Failure to adequately consult with Members prior to the Executive meeting of 14 October 2021 at which the decision was taken;
2. Late delivery of the report in support of the recommendation. The report was only made available to Members on the morning of the meeting and, as such, many Members were not made aware of the serious nature of the recommendation until the last minute, if at all, prior to the decision being made; and
3. Lack of openness in respect of the content of the report and the reaching of the decision. For example, it was not made clear as to whether or not FCC (the Council's Waste Contractor) had requested a continued suspension.

Following questions put to the lead Executive Member with responsibility for Waste, it was clarified that:

- The report had been published late because Officers and the Executive Member had been working on the report right to the last minute in a desperate attempt to get a one off garden waste collection carried out before the decision had to be taken to suspend the service until Spring.
- The lead Executive Member confirmed that it had been his decision to recommend to his Executive colleagues that the suspension be extended so that residents were given some certainty and not waiting month to month to be told about the service.
- Other neighbouring Local Authorities had been approached to see if there was an opportunity for a one-off collection with their service, but all were suffering from the national HGV driver shortage and no one had any spare capacity within their own service.
- It was confirmed that the Council's contractor, FCC Environment (FCC), were unable to give any idea when they would be able to restart the service.
- Members were asked to give any alternative suggestions to the Executive Member or Officers who would explore any potential avenue.

- One Member stated that a resident in her local Ward had turned this into a business opportunity and was offering to empty a bin at £14.00 per bin, whilst another Member remarked that he too had made a number of calls to providers but had been unable to find any provider who could carry out a collection service for his Ward.
- The Executive Member stated that there were 46,000 bins to be collected over the whole District. It was his responsibility to ensure that the same service was provided to all households in the South Hams, no matter the ease or difficulty in reaching their bins.
- The recent letter that had been sent to all residents had been to keep every resident informed, not just those who used social media.
- Whilst recognising the value of local composting schemes, it was acknowledged as not being a replacement to the garden waste collection scheme.
- When questioned on funding for any alternative collections, the Executive Member confirmed that there would be a report presented to a future Executive meeting to address this matter.
- It was noted that the original decision to suspend the garden waste service (taken in August 2021) had had to be made quickly, hence limited consultation with Members. The Member acknowledged that the now disbanded Waste and Recycling Working Group had been useful, and he would be supportive should there be the political appetite to establish another working group.

Upon the conclusion of the questions to the lead Executive Member, the Chairman then **PROPOSED** a recommendation, which was **SECONDED**, and, when put to the vote, was declared **CARRIED**.

It was then:

RESOLVED

That the Council Constitution provides for O&S to express its concerns and to call for reconsideration of the decision of the Executive taken at its meeting held on 14 October 2021 in respect of the suspension of the garden waste collection. The O&S has concerns and it calls for reconsideration. These concerns and a call for reconsideration be submitted to the Full Council meeting to be held on 25 November 2021. Full Council will then be able to make its views known to the Executive.

These were the concerns to be submitted.

1. There was insufficient consideration and/or reporting given to the implementation of Option 3 being the use of an alternative provider and in particular the possibility of the garden waste collection being taken back in-house;
2. The supporting report incorrectly states that there are no financial implications arising. The suspension of the garden waste collection service from mid-August 2021 until Spring 2022 will in all probability have financial implications;
3. There was insufficient consideration and/or reporting given to the provisions of the contract with FCC;

4. The decision to suspend the garden waste collection until an open-ended Spring date leaves many residents with their brown bins containing waste for an indefinite period; and
5. Council tax levied by the Council includes a sum for the collection of garden waste and yet taxpayers are not receiving a service for which they have paid for.

O&S.31/21 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.32/21 PUBLIC FORUM

In accordance with the Public Forum Procedure Rules, the Chairman informed that no questions had been received for consideration.

O&S.33/21 RESPONSE TO THE HOUSING CRISIS – REQUEST FROM EXECUTIVE OF 14 OCTOBER 2021:- E.51/21

Following the Executive meeting held on 14 October 2021, the Overview and Scrutiny Committee had been tasked to review the attendant report (Minute E.51/21 refers).

The Leader of the Council informed the Committee that the housing crisis action programme was in its infancy and, as the decision had only been taken recently, officers had not yet had the time to discuss with Members any proposed actions. It was acknowledged that there may be need for extra resources to support the programme, but that officers would review this and a report, including budget proposals, would be brought to the Executive meeting on 2 December 2021.

The Leader confirmed that the Executive wished to progress this at pace and that the Overview and Scrutiny Committee could help speed the process by forming two Task and Finish Groups, rather than the Working Group that the recommendation was proposing. One Task and Finish Group could explore what other rural districts have done to provide affordable housing, with the suggestion to review Staffordshire as they had provided affordable housing for the last 15 years. The second Task and Finish Group could then look at successful Community Land Trusts (CLTs) and report their conclusions back to the Executive. The Chairman responded by stating that these requests should be added to the Committee's recommendations when they were placed before the Executive. The Chairman recommended the Cornwall CLT as a successful model to study.

One Member felt that there were sufficient housing numbers already, and the figure of houses required had only been a broad estimate. The types of houses that were being built were also not of the stock that were required. The overriding need was for affordable housing. Another Member stated that the definition of affordable should be reviewed.

A Member commented on Empty Dwelling Management Orders which could now only be invoked after two years instead of six months as had been originally stated. The Member felt this was an area that the Council could lobby on to return the time empty to the previous six months.

It was then:

RESOLVED

That the O&S Committee welcomed and supported the Executive's response in addressing the housing crisis and commented on the report as follows:

1. The ambitious programme for tackling the housing crisis warrants the employment of a full-time project management & delivery officer dedicated to ensuring that the measures proposed are implemented without delay. It is recommended that the cost of the employment of a housing emergency officer be allowed for in the 2022/23 budget and beyond. If possible, funds be allocated to enable the officer to commence employment before the commencement of the next municipal year.
2. Strongly supports the priority of engagement with the town and parish councils and local Members to establish a means of locating sites within their area that can be mutually supported for development of affordable housing. This should start with sites that have the benefit of some feasibility work. To assist officers in this process a politically balanced Members' working group, and an all member workshop, will be held at the soonest opportunity to discuss possibilities within wards and the wider district. These to be set up and report back to the Executive on a regular basis.
3. The housing crisis programme include a provision for the Council to encourage and assist in the formation of further Community Land Trusts in South Hams for the provision of affordable housing and based on the model of the Cornwall Community Land Trust

O&S.34/21 SOUTH DEVON AND DARTMOOR COMMUNITY SAFETY PARTNERSHIP

The Committee was presented with a report that provided Members with the opportunity to scrutinise the work of the South Devon and Dartmoor Community Safety Partnership (CSP). During the presentation, attention was drawn to an increase in hate crime and racist graffiti, with increased work on prevention. Targeted intervention had been aimed at drug abuse.

Following a question from a Member, it was confirmed that there would be more police officers employed in Devon but it was not known when they would begin their work. Various work with partner organisations was outlined, including working closely with the Dartmoor National Park Authority on increased instances of anti-social behaviour on the Moor.

The Chair then thanked the officers on behalf of the Committee

It was then:

RESOLVED

That the Committee thank the officers and note the contents of the published agenda report.

O&S.35/21 REVIEW OF LOCALITIES NEW SERVICE

The Executive Member with responsibility for service delivery presented the report outlining the outcome of the changes that had been made to the Localities Service, following the report presented to the Executive at its meeting held on 28 January 2021 (Minute E.57/20 refers). The Deputy Chief Executive stated that Cornwall Council had asked for a presentation on the Council's Localities Service, with a view to bringing in a similar service themselves.

Following questions from Members, it was clarified that:

- clearance of fly tipping was primarily the responsibility of FCC Environment, the Council's contracted waste operator. If addresses were found within the fly tip which identified the perpetrator, they would be vigorously pursued.
- not all planning site notices were laminated and therefore were susceptible to wet weather destroying the notice and potential for littering. The lead Executive Member confirmed that she would ensure this was remedied and that all site notices would be laminated in the future.
- Reorganisation of the service had streamlined contact with Members which had resulted in a slight dip in local knowledge but that this would now be regained as the team was now at full staffing capacity.
- Waste contract and performance issues had been divided in order that Waste and Localities were no longer part of a single team of officers.

An addition was **PROPOSED** and **SECONDED** to the published agenda report recommendation to add congratulations to the service for its excellent work during the high summer season. When put to the vote, this was then declared **CARRIED**.

It was then:

RESOLVED

That the Committee:

1. continue to support the current Locality working arrangements, pending on-going monitoring and a further report in 12 months.
2. note and acknowledge the work of the Locality service and the success of the seasonal working, and congratulate the service on the success of its seasonal working.

O&S.36/21 CONTACT CENTRE PERFORMANCE

The Committee considered a report that provided a high level overview on the current performance of the Contact Centre since April 2021. A formal review of the Contact Centre, and its performance in its entirety, had not been carried out in upwards of five years.

It was **PROPOSED** and **SECONDED** that an additional recommendation be added that requested a report be presented back to the Overview and Scrutiny Committee in six months times. This was then declared **CARRIED** when put to the vote.

It was then:

RESOLVED

That the Committee:

1. note the work of the contact centre over this financial year, and continue to support the work that will be undertaken to improve the contact centre and its performance;
2. note and endorse a comprehensive review of the contact centre to be carried out, to assess its performance and ability to meet customer demand, and
3. update its annual work programme to include a further report in six months' time.

O&S.37/21 TASK AND FINISH GROUP UPDATES

a) Climate Change & Biodiversity Action Plan

The Committee reviewed the concluding report from the Task and Finish Group.

Thanks were made to the Working Group, the Chairman of the Working Group, and to the officers for their time and guidance.

It was then:

RECOMMENDED

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

- a) The Action Plan should contain recognition of the finite carbon budget available to the District of South Hams as well as the organisation of South Hams District Council, and the consequential targets taken over 5 years that are relevant to all who live here. These targets should define the purpose and goals of the Action Plan together with the final version of the Devon Carbon Plan;
- b) The targets and indicators should align with the Devon Carbon Plan and be monitored on an annual basis. The first review of the strategy (specifically its monitoring framework) should commence following the adoption of the Devon Carbon Plan to update the action plan with relevant actions from the Devon Carbon Plan, and where relevant, its governance and monitoring framework.
- c) The Action Plan should continue to acknowledge that the Council has an important facilitation and coordination role in the community it serves and that it is uniquely placed to be actively bringing key local organisations together, working with them to resolve issues where it has the relevant powers and/or influence, helping to access funds as the need arises, helping to create a common understanding of goals and timescales and working with groups to achieve them. In light of this, a review of the adopted funding model will take place with a view to ensuring that, within available budgets, support is available to enable community groups to undertake specific tasks, such as community engagement, as required by the Council's adopted CC&B strategy.
- d) In recognition of the role outlined in 3, the Council should setup a CC&B Community Partnership Group that brings together the range of expertise and energy to achieve the goals of the Action Plan. This could be established through a revision of, the current Community Forum. It is suggested that the six organisations that presented to this Task and Finish Group are invited to join the existing Community Forum members) along with relevant officers, any elected member, and the lead member for Climate Change and Biodiversity. A revised Terms of Reference will be agreed to set the context for the group with a rotating chair
- e) It is recognised that officer resources are limited, notwithstanding the remit of the Task and Finish Group, urgent consideration should be given to identify additional funds for CC&B and accessing other available funding streams to support our specialist Adam Williams either through recruitment or through employing relevant expertise.

O&S.38/21 2021/22 PANEL WORK PROGRAMME – LATEST VERSION

The Committee reviewed its work programme and agreed its content with the addition of an extra meeting to be added into the Member Meeting Calendar for January 2022. The Chairman and Vice Chairman would meet with officers to agree a date in January 2022, and to review the work programme for the 16th December 2021 meeting, with a view to moving some agenda items to the new January 2022 date.

It was also agreed that the two Housing Crisis related Task and Finish Group proposals suggested by the Leader (Minute O&S.33/21 above) would be discussed under the item of Task and Finish Group updates at the next Committee meeting to be held on 16 December 2021.

(Meeting started at 2:00 pm and concluded at 4:31pm – a ten minute break was taken at 3:30pm)

Chairman