

**MINUTES of the MEETING of the  
OVERVIEW & SCRUTINY COMMITTEE,  
Held in the Council Chamber, Follaton House, Totnes, on  
THURSDAY, 21 APRIL 2022**

<b>Panel Members in attendance:</b>			
* 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)
*	<i>Cllr S Jackson</i>	*	<i>Cllr B Spencer</i>
*	<i>Cllr L Jones</i>	∅	<i>Cllr J Sweett</i>
*	<i>Cllr J McKay</i>	*	<i>Cllr D Thomas</i>
*	<i>Cllr D M O'Callaghan</i>		

<b>Other Members also in attendance:</b>
<i>Cllrs V Abbott; J Brazil; J Hawkins; J Pearce – in person</i>
<i>Cllrs H Bastone; N Hopwood; G Pannell – remote attendance via Teams Meeting.</i>

Item No	Minute Ref No below refers	Officers in attendance and participating
All		Deputy Chief Executive, Director of Place & Enterprise; Monitoring Officer; Democratic Services Specialist; IT Officer; and Democratic Services Officers
Item 7	O&S.68/21	Specialist – Leisure
Item 8	O&S.69/21	Head of Housing and Benefits; Senior Specialist Housing

**O&S.65/21 MINUTES**

The minutes of the meeting of the Overview and Scrutiny Committee (O&S) held on 17 March 2022 were confirmed as a correct record.

**O&S.66/21 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 declared.

**O&S.67/21 PUBLIC FORUM**

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

**O&S.68/21 LEISURE CONTRACT – FUSION ANNUAL REPORT 2021**

Further to the discussion on the Leisure Contract at the previous Overview & Scrutiny Committee meeting on 17 March 2022, (minute O&S.61/21 refers) the Chairman clarified that the purpose of this agenda item would be to hear a short presentation from the Business Manager (Devon) of Fusion, with questions focusing solely on four areas. These would be: activities in surrounding rural areas; Key Performance Indicators (KPIs); carbon reduction /solar energy projects; and pricing.

The lead Executive Member for Community Wellbeing introduced Mr Peter King, the Business Manager (Devon) of Fusion. Mr Chris Jones, Head of Sport and Community Development of Fusion, also joined the meeting via Teams.

During the question and answer session, the following points were made:

- The new pricing structure had been decided upon after taking into consideration potential challenges ahead, with the aim to bring some legacy pricing into line with local industry. The next review would be at the end of 2022, with implementation being in February/March 2023.
- Different levels of membership were available, including monthly or weekly subscriptions, and all centres were open to non-members for use. It was acknowledged that communication of the membership tariffs required improvement.
- Centres were available through General Practice subscription, with the ability to self-refer onto a 12 week programme. It was agreed that the matter of health referrals would be covered in more depth in the six month update in September 2022.
- Fusion were appointing a Development Community Officer whose focus would be on outreach and working with local partners, stake holders and local authorities. Once in place, the Fusion representatives confirmed that KPIs would be set (and reviewed) for the new outreach person.

Following a discussion regarding overview of the Fusion financial information, it was **PROPOSED**, **SECONDED** and **CARRIED** at the subsequent vote.

It was then:

### **RESOLVED**

The Committee Work Programme be updated to ensure that the Committee receive financial figures and a full report on the Leisure Contract every six months, with a three monthly update being received from the Lead Executive Member for Leisure, to include all relevant financial matters.

Following the Council's adoption of the Better Lives for All Strategy in September 2021, the Committee was provided with an update on the Improving Homes strand of the Better Lives for All Strategy.

Each project, outlined in Appendix A of the attendant report, was then reviewed in turn:

IH1.1: Affordable definition confirmed as that outlined in NPPF (National Planning Policy Framework). Subsequent reports would have numbers split down into various categories. Affordable housing was classed as delivered once it had been handed over to the housing association.

Following discussions, it was then:

### **RESOLVED**

That the Overview and Scrutiny Committee **WELCOMED** this initiative but **NOTED** it was ambitious and the importance of local Ward Members being involved at the earliest opportunity was recognised.

IH1.2: Following the update on this action, the Executive Lead Member stated that housing need surveys were required to identify local needs. There was also a need to identify sites where these houses could be built.

It was then:

### **RESOLVED**

That the Overview and Scrutiny Committee **NOTED** this action.

IH1.3: It was confirmed that Central Government had closed the loophole allowing second homes to self-describe as business properties and then apply for small business rate relief. From April 2023 there would be new requirements for registering for business rates, with the default for all to pay council tax unless it could be evidenced that the property had been rented out for at least 70 days per year, with availability to rent of 140 days, and would be administered by the Valuation Office Agency.

It was then:

### **RESOLVED**

That the Overview and Scrutiny Committee **NOTED** this action and thanked the officers for achieving a good performance

IH1.4: More people had been able to access grants for air source heat pumps, as financial limits had been reasonably generous.

It was then:

**RESOLVED**

That the Overview and Scrutiny Committee **NOTED** this action

IH1.5: There were no questions on the Homelessness strategy which had been considered twice recently by the Executive.

It was then:

**RESOLVED**

That the Overview and Scrutiny Committee **WELCOMED** the progress that had been made and requested examples of the benefits of the scheme, and that there be Ward Member involvement.

**O&S.70/21 ANNUAL STANDARDS REPORT 2021/22**

The Leader outlined what had happened with the Council's Independent Persons (IPs), who had an annual allowance of £500 each. It was clarified that three of five IPs needed to be ratified at the next Council, which would be the Annual Council meeting on the 19 May 2022. This would take the IPs up to May 2023 when a new Council term would begin and the situation reviewed.

It was then:

**RECOMMENDED**

The Overview and Scrutiny Committee **RECOMMEND** to Full Council to ratify the appointments of George Barnicott, Trevor Kirkin, and Peter Boreham as independent persons from the Annual Meeting in May 2019 to the Annual Meeting in May 2023

Following the Monitoring Officer's update on the Annual Standards report, it was noted that there was a shortfall of four lawyers in the legal department, with difficulties recruiting to those posts. The Deputy Chief Executive confirmed that resolving this situation was a key priority for the Senior Leadership Team. One Member of the Committee highlighted the need for communication and expectation management, whilst another Member welcomed the report and the inherent transparency. The Monitoring Officer acknowledged that communication was absolutely critical.

It was confirmed that part of the review of the Constitution would cover the Council's complaints process, with increased oversight given to Members of standard complaints. It was highlighted that the revised Constitution would be requesting that the Audit Committee take on responsibility for Standards under the guise of the newly titled 'Audit

and Governance' Committee. This would be presented for approval at the Annual Council meeting to be held on 19 May 2022.

It was then:

### **RESOLVED**

That the Overview and Scrutiny Committee **NOTES** the contents of the Annual Standards Report for 2021/22, and **REQUESTS** a report to the next meeting on the progress of recruitment on future lawyers, to enable the Standards provisions be implemented within the time period set out in the policy and procedure document.

### **O&S.71/21 OUTSIDE BODIES – ANNUAL REPORT**

The report presented an update on each of the Outside Bodies to which the Council had made Member appointments for 2021/22 at its Annual Meeting held on 20 May 2021 (minute 18/21 refers). It was noted that some Members were not reporting back using the template that had been agreed by Council, including identifying particular decisions relevant to Ward Members.

It was then:

### **RECOMMENDED**

That the contents of the Annual Report (as set out at Appendix A of the attendant report) be **NOTED** and

That the Overview and Scrutiny Committee **RECOMMEND** to Full Council that the specific recommendations arising from the Task and Finish Group in March 2021 (minute 18/21 refers), and approved by this Committee, be implemented in the coming year.

### **O&S.72/21 REVIEW OF S106 MONIES.**

At the Chairman's behest, it was agreed to defer this item to the next meeting for consideration.

### **O&S.73/21 TASK AND FINISH GROUP UPDATES**

#### **a) Housing**

Following feedback from the Executive, the Task and Finish Group (T&FG) met on the morning of this Committee meeting to discuss the request from the Executive for further information regarding exemplar projects (minute E.107/21 iii) refers) before a decision was made. It was decided that a template would be sent to the T&FG Members asking for one exemplar project from each Member, giving the reason why the stated example should serve as a model, to be submitted. The

Chair and Vice Chair would collate the examples before then relaying to the Executive.

It was then:

### **RESOLVED**

That the Overview and Scrutiny Committee **NOTE** the above and **ACKNOWLEDGE** that the Committee Chairman and Vice-Chairman will collate the examples before they are then relayed to the Executive.

#### **O&S.74/21 ANNUAL WORK PROGRAMME 2022/23 – INITIAL THOUGHTS**

The draft annual work programme for the coming fiscal year was reviewed by the Committee.

It was confirmed to bring the S106 monies report and the update on lawyer recruitment to the next meeting on 16<sup>th</sup> June 2022. It was noted that the Committee still had not had a response from SWASFT. There was a request from the Chair to ask that representative(s) from the Devon Building Partnership attend a future Committee meeting to discuss functions and responsibilities.

#### **O&S.75/21 CHAIRMAN'S CONCLUDING REMARKS**

At the close of the meeting, the Chair informed the Committee that this would be his last meeting as Chair as he would not be putting himself forward for re-election at the Annual Council meeting on 19 May 2022. After three years as Chairman, he thanked the Members for their contributions, and, in particular, the Vice Chair for his support. The Chairman then gave special thanks to the officers, particularly the Deputy Chief Executive, the Democratic Services Manager, and the Democratic Services Specialist for their help and support during the last three years.

(Meeting started at 2:00 pm and concluded at 4:38pm)

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Chairman