

WEST DEVON OVERVIEW AND SCRUTINY COMMITTEE



West Devon
Borough
Council

Minutes of a meeting of the **West Devon Overview and Scrutiny Committee** held on **Tuesday, 14th January, 2020** at **2.00 pm** at the **Chamber - Kilworthy Park**

Present: **Councillors:**

Chairman Cllr Ewings
Vice Chairman Cllr Kimber

Cllr Ball
Cllr Coulson
Cllr Heyworth
Cllr Musgrave
Cllr Ratcliffe
Cllr Spettigue

Cllr Bolton
Cllr Daniel
Cllr Moyse
Cllr Ridgers
Cllr Southcott
Cllr Wood

In attendance:

Councillors:

Cllr Cheadle
Cllr Edmonds
Cllr Jory
Cllr Moody
Cllr Pearce
Cllr Vachon

Cllr Crozier
Cllr Hipsey
Cllr Leech
Cllr Mott
Cllr Sellis
Cllr Yelland

Officers:

Chief Executive
Deputy Chief Executive
Senior Specialist – Democratic Services
Devon County Council (DCC) Representatives
Lead DCC Cabinet Member for Rail
Head of Place Making Practice
Section 151 Officer
Specialist – Community Safety, Safeguarding & Partnerships
Specialist (Leisure) Assets

64. **Apologies for Absence**

*O&S 64

Apologies for absence for this meeting were received from Cllr C Kemp.

65. **Confirmation of Minutes**

*O&S 65

The minutes of the Meeting of the Overview and Scrutiny Committee held on 19 November 2019 were confirmed and signed by the Chairman as a true and correct record.

66. **Declarations of Interest**

*O&S 66

Members and officers were invited to declare any interests in the items of business to be considered during the course of this meeting and these were recorded as follows:-

Cllr K Ball declared a personal interest in agenda item 7: 'A386/Rail Project' (Minute *O&S 68 below refers) by virtue of being:

- the Chairman of the Devon and Exeter Rail Forum;
- the Vice-Chairman of the Okehampton Rail Forum; and
- a fellow Devon County Council Conservative Group Member as the presenting lead Cabinet Member.

and remained in the meeting and took part in the discussion on this agenda item.

67. **Public Forum**

*O&S 67

The Chairman informed that one formal request had been received in accordance with the Overview and Scrutiny Procedure Rules from Mr Brian Lamb. At this point, Mr Lamb read the following statement to the Committee:

"I have some rail knowledge having been a member of the Devon & Cornwall Rail Partnership for 20 years and I have also assisted members of Devon County Council Rail Planning Team. It is fortunate that the County Council have expended vast sums on land purchases, environmental assessments and engineering surveys for the Tavistock line. Consequently it has been ready since 2016 to go forward for a Development Consent Order.

It is most encouraging that a National window appears to be opening with the Treasury £4.2 billion being allocated for the local public transport fund; a small part of which should support the reopening of the Tavistock and Okehampton Rail Lines.

However, this has to be supported by a business case, using the strength of Rail against car transport; the Tavistock draft timetables show journey times of under 30 minutes and this will bring in travellers

to the new Dockyard Marine development and University (with about 22,500 students and staff,) it will still require bus connections at each end for other destinations. It will also have a huge influence on tourism in Tavistock in a similar way to the reopening of the Border Railway.

The cost has increased but it still compares with other rail schemes in the UK. For example, it will cost £30 million to repair two miles of embankment at Piddington, east of Bicester. Whether we need a track at the highest standard has been questioned, as has the expensive GRIP process of Network Rail, which can escalate costs.

I find it difficult to understand the track proposal, of a layer of tarmac, will take cycles and electric buses. It would have to be rebuilt to road standards, which are more expensive than rail and you will still have to rebuild two bridges, Tavistock platforms and modify Bere Alston Station with the new farm road that has been planned.

Changing vehicles at Bere Alston immediately loses all rail advantage. However, Light Rail or even use of the new 'D' trains (at half the normal cost should be investigated.) Remember the franchise document of GWR requires them to supply trains for both of our lines. It also means the use of local rail workshops with local replacements for vehicles out of action.

Madam Chair I am asking that you and your committee lead the Council, and the County Council, together with the Chamber of Commerce and aided by our M.P. who is already supporting both schemes, in a massive lobby to the DFT for allocation of the capital monies to the South West for our schemes. Otherwise traffic congestion, health along the A386 corridor and pollution of our towns will require far more drastic steps in the future.

In conclusion, 'we want our money and TAP27 is our slogan.'

During the ensuing discussion, reference was made to:-

- alternative fuel sources (e.g. hydrogen and battery power) being investigated by the rail industry; and
- 'TAP27' standing for 'Tavistock to Plymouth in 27 minutes'.

68.

Draft Hub Committee Forward Plan

*O&S 68

It was noted that no prior requests had been received for updates on any future Hub Committee agenda items at this meeting.

Nonetheless, officers proceeded to provide the following updates:

- (a) It was intended that the Homelessness Strategy would be added to the Plan for consideration by the Hub Committee at its meeting on 9 June 2020; and

- (b) The Wellbeing Strategy agenda item was to be deferred to the Hub Committee meeting on 21 April 2020 to enable for an all Member Workshop to be held before the draft Strategy was then formally presented to the Committee.

69. **A386/Rail Project -Devon County Council Cabinet lead Member for Infrastructure, Development and Waste to attend to provide an update and respond to Members Questions;**

*O&S 69

In light of the Committee decision at its meeting on 8 October 2019 (Minute *O&S 41 refers), Cllr Andrea Davis (Devon County Council (DCC) lead Cabinet Member for Rail) and lead DCC officers were in attendance to respond to Member questions on the A386 / Rail Project.

The Chairman welcomed the DCC representatives and advised that, in response to her request, 18 questions had been received in advance of this meeting (as attached at Appendix A to these minutes).

In responding to each of these questions, the DCC representatives made particular reference to:-

- (a) approximately 90% of the proposed rail line currently being within the ownership of DCC. However, there were a number of challenges associated with acquiring the remaining 10%;
- (b) a copy of a paper entitled: '*Tavistock Rail Reinstatement – Summary of Cost Estimate from Options Report July 2016*' was circulated to the meeting. In considering this paper, the Committee was informed that Central Government normally sought between 10% and 20% of the total project costs from local contributions, which would require between £15 and 20 million to be generated locally towards the delivery of this project;
- (c) the escalating costs. The Committee was informed that, the greater the level of discussions that had taken place between DCC and the rail industry, the more complicated it was proving to be to re-establish the Tavistock to Bere Alston rail link. For example, the routes to Bere Alston and Gunnislake were proving to be particularly difficult;
- (d) the 'Beeching Reversal Fund'. DCC representatives confirmed that they were intending to submit a Bid (once the guidance had been produced) to the 'Beeching Reversal Fund' that had been created by the Department of Transport. Members proceeded to pledge their support to help with the submission of this Bid. By way of caution, the Committee acknowledged that the £500 million fund was likely to be oversubscribed and, whilst this rail line was the top priority for DCC from this fund, there were still no guarantees that the Bid would be successful;

- (e) a potential cycle route between Yelverton and Roborough. The DCC representatives recognised that this was a good idea. However, DCC had virtually no funding for such schemes and its priorities were to ensure the completion of the current list (which this route was not part of). Some Members stressed both the importance of providing routes for 'commuter' cyclists (rather than just 'hobby' cyclists) and the dangerous nature of the A386. The representatives recognised these views and highlighted that there were potential alternative options available through the use of Section 106 funds and/or progressing dialogue with Plymouth City Council (in light of the potential health and wellbeing benefits to the residents of Plymouth). In addition, since cycle routes were not within her portfolio area of responsibility, the lead Member gave a commitment to brief her relevant DCC Cabinet colleague;
- (f) relationships between DCC and the rail industry. The lead Member expressed the view that working relationships with the industry had significantly improved in the last year;
- (g) the resilience of the existing Dawlish to Teignmouth rail line being undoubtedly the Central Government priority for the South West region. The lead Member supported this priority and stated that the area could not find itself in a situation again whereby Plymouth and Cornwall were completely cut off. It was noted that a consultation exercise was due to be launched on new proposals before the end of January 2020;
- (h) the Okehampton to Exeter rail line. Members were informed that discussions were ongoing with DCC legal officers with regard to the lease to British American Railways.

At this point, the Chairman invited any further questions from Members and the following discussions ensued:

- (i) the extent of development in Tavistock. Some Members reinforced the point that the residents of Tavistock had been led to believe that the extensive development in the town would result in consequent improvements to local infrastructure;
- (j) both DCC and Borough Council Members and officers were committed to working closely together and it was recognised that both organisations had recently declared Climate Change Emergency declarations.

In conclusion, the Chairman thanked the DCC representatives for their attendance and informative responses to the questions that had been raised.

70.

Revenue Budget Proposals 2020/21

O&S 70

The Committee considered a report that sought consideration of the draft Revenue Budget proposals for 2020/21.

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

- (a) It was confirmed that the proposal to recruit a temporary Climate Change Policy Officer would be on a shared (50/50 basis) with South Hams District Council;
- (b) In respect of the modelling work that was to be undertaken on car parking fees, it was confirmed that the Council would consult with its key stakeholders as part of this process. Also, the Leader advised that it was intended that this modelling would look at sites on a place by place basis;
- (c) With regard to the proposed Economy post, officers advised that it was intended that one of the key roles of the postholder would be to write and submit bids in order to obtain external grant funding;
- (d) When questioned, officers gave an assurance that they would continue to lobby Central Government in order to ensure that legislation was changed whereby business rates were no longer payable on public conveniences;
- (e) Members were informed that the result of the 2019 Pension Actuarial Valuation would also be considered by the Audit Committee at its meeting on 21 January 2020;
- (f) The Committee discussed the proposal to introduce a premium planning service and, whilst the intention of the initiative was recognised, the majority of Members did not feel it appropriate to introduce it at this present time;
- (g) Before the Council made a final decision to implement a pricing scheme for the use of the Electric Charging Points that were situated at Kilworthy Park, Tavistock, the Committee requested that the current usage of these Points be established. Also, Members asked that an answer be provided as to whether or not the current Points would need to be replaced in order to be able to charge users.

It was then:

RESOLVED

That, as part of the 2020/21 Budget Setting process, the Hub Committee take into account that the Overview and Scrutiny Committee support:

1. the proposed increase in Council Tax for 2020/21 of £5 (Band D of £236.63 for 2020/21 – an increase of 10 pence per week or £5 per year – equates to a 2.16% increase);
2. the proposed financial pressures of £638,500 (as shown in Appendix A of the presented agenda report);
3. the proposed contributions to Earmarked Reserves of £87,500;

4. the proposed savings of £535,000 (as shown in Appendix A of the presented agenda report);
5. the proposed use of £200,000 of New Homes Bonus funding to fund the 2020/21 Revenue Budget (as set out in Section 2.20 of the presented agenda report);
6. the proposal to maintain the deficit recovery period of the Pension Deficit at 17 years (as per Section 2.26 of the presented agenda report);
7. the inclusion of an Economy post (to be shared with South Hams District Council) within the staffing establishment, as set out in Section 1.7 of the presented agenda report;
8. approval of the proposed Environmental Health Charges (as set out in Appendix D of the presented agenda report);
9. approval of the proposed unchanged fees and charges for Development Management (as set out in Appendix C of the presented agenda report);
10. charges being introduced for the use of the existing Electric Charging points at Kilworthy Park, Tavistock;
11. charges being introduced (with immediate effect following the Council meeting to be held on 18 February 2020) for 'Proof of Life' charges to be introduced in accordance with section 5.13 of the presented agenda report;
12. approval of changes to S257 Footpath Diversion Orders charges (with immediate effect following the Council meeting to be held on 18 February 2020) in accordance with section 5.14 of the presented agenda report;
13. approval be given to the proposals to increase charges to Town and Parish Councils for the emptying of dog waste and litter bins (as set out in paragraph 5.15 of the presented agenda report); and
14. delegating authority to the Section 151 Officer, in consultation with the lead Hub Committee Member, to set the Local Land Charges as appropriate to ensure cost recovery.

71.

Capital Budget Proposals 2020/21

*O&S 71

Members considered a report that set out the Capital Bids to the 2020/21 Capital Programme and a suggested way that these Bids could be funded.

Following a brief discussion on the moveable swimming pool floor at Parklands Leisure Centre, it was then:

RESOLVED

That, as part of the 2020/21 Budget Setting process, the Hub Committee take into account that the Overview and Scrutiny Committee support approval of:

1. the Capital Programme Proposals totalling £910,000 (as set out in Appendix A of the presented agenda report);
2. the Capital Programme Proposals totalling £140,000 (as set out in exempt Appendix C of the presented agenda report); and
3. the proposed funding of the 2020/21 Capital Programme of £1,050,000 be funded as set out in Section 4 of the presented agenda report.

72. **Safeguarding - Annual Update**

*O&S 72

The Committee considered the annual review of Safeguarding and that recommended approval of the revised Safeguarding Policy.

In the ensuing debate, an additional recommendation was **PROPOSED** and **SECONDED** to read as follows:-

'That the Member Development Steering Group be tasked with adding a Safeguarding related Member training session to the Learning and Development Plan and consider the merits of whether or not Members should be subject to DBS Checks.'

When put to the vote, this addition was declared **CARRIED**.

It was then:

RESOLVED

1. That the Committee continue to review Safeguarding on an annual basis;
2. That the Hub Committee **RECOMMEND** to Council that the revised Safeguarding Policy (as attached at Appendix A of the presented agenda report) be adopted; and
3. That the Member Development Steering Group be tasked with adding a Safeguarding related Member training session to the Learning and Development Plan and consider the merits of whether or not Members should be subject to DBS Checks.

73. **Member 2019 Induction Review**

*O&S 73

The Committee considered a report that presented the initial views of the Member Development Steering Group on the review into the 2019 Induction Programme.

In discussion, the following points were raised:-

- (a) In support of the proposed way forward, the Chairman of the Steering Group advised that the next meeting had been scheduled to take place on 18 February 2020 and there was still time for Members to provide their views on the 2019 Member Induction Programme;
- (b) In thanking lead officers for their work on the Member Learning and Development agenda, Members were of the view that the 2019 Induction Programme was a vast improvement on the equivalent Programme in 2015.

It was then:

RESOLVED

That the Committee notes the initial views of the Member Development Steering Group on the 2019 Member Induction Programme (as set out in Section 3 of the presented agenda report) and has been given the opportunity to make formal representations on the Programme for the Steering Group to consider at its next meeting.

74. Joint Local Plan: Quarterly Update

*O&S 74

On behalf of the lead Hub Committee Member, the Chairman made reference to a number of key documents that were currently subject to a public consultation exercise.

75. Task and Finish Group Updates:

*O&S 75

(a) Leisure Review: Concluding Report

A report was considered that presented the conclusions of the Task and Finish Group review into the Council's Leisure Contract with Fusion Lifestyle.

In discussion, reference was made to:-

- (a) the work of the Group Members. The Committee paid tribute to the Group Chairman and Members for their hard work and efforts in undertaking such an excellent review. Furthermore, thanks were also extended to the lead officer and the Fusion Lifestyle staff who had been instrumental in the review;
- (b) the recommendations arising from the Review. The Committee endorsed each of the recommendations arising from the Review and felt that it was very important for these findings to be forwarded to Fusion Lifestyle representatives before they gave their annual presentation to the Committee on 25 February 2020;

(c) the wish to re-convene the Task and Finish Group in a further three years' time was noted;

(d) community engagement levels. In reply to a question, the lead officer advised that community engagement levels were on an annual upward trend and this point had been reinforced by the Fusion Lifestyle Community Development Team during the Review.

It was then:

RESOLVED

That the conclusions arising from the review be noted and the Committee request that these findings be forwarded to Fusion Lifestyle representatives in advance of their presentation to the Committee at its next meeting on 25 February 2020.

76. **Annual Work Programme 2019/20**

*O&S 76

The Committee considered the latest version of its Work Programme for the remainder of the 2019/20 Municipal Year.

In discussion, the Committee asked that, with regard to the 'Planning Enforcement: Verbal Update' agenda item that was to be considered at its next meeting on 25 February 2020, all Members take a Borough wide view of the Service and refrain from focusing on issues within their own local Wards.

77. **Chairman's Concluding Remarks**

*O&S 77

In her concluding comments, the Chairman asked that the thanks and well wishes of the Committee be passed on to the Democratic Services Specialist, who was about to embark on a twelve month secondment opportunity with the Local Government Association.

The Meeting concluded at 4.25 pm

Signed by:

Chairman

Overview & Scrutiny Committee: Agenda Item 7: A386/Rail Project (Minute *O&S 69 above refers)

Questions received in advance for the Devon County Council lead Cabinet Member for Infrastructure, Development and Waste

Questions from Cllr Ric Cheadle:

1. Which parts of the proposed route of the rail link are not in public ownership and what is being done to acquire those that are not?
2. How much funding is DCC prepared to commit towards the project (amount / in which years)?
3. Could we have a summary, of the anticipated £93 million costs, estimating where the funding would come from. What would be WDBC's / DCC's 'share'?
4. If the DCC proposed bid for infrastructure funding is not successful, what are DCC's fall-back options?
5. Where, in terms of infrastructure priorities, does the restoration of this rail link sit?
6. Whose responsibility is it to provide the strategic infrastructure required to match development?

Question from Cllr Lucy Wood:

Context:

The A386 from Yelverton to Roborough is becoming increasingly dangerous for cars and cyclists due to the increase in volume of traffic particularly commuters on their way into Plymouth.

I am aware that we are waiting for a feasibility study to be carried out into having a cycle track built alongside the A386 prior to committing to the circa £2M it will cost to build.

7. Can this feasibility study be prioritised by DCC to ease traffic on this route?

(This potential solution is supported by Sustrans, a 3000+ signature public petition and by Geoffrey Cox MP. This solution would fit under our Green agenda by reducing pollution and reliance on cars, it will increase health and wellbeing, reduce accidents and strain on the NHS and help us to build a strong resilient community with fewer health needs.)

Questions from Cllr Robin Musgrave:

8. Could we be given some understanding as to how the initial cost estimates were so absurdly low given the latest estimated costs of £80 plus millions to re-establish the Tavistock / Bere Alston rail link?
9. Have we learned any lessons from this exercise given the likely significant loss of credibility that will likely occur with any future proposals for use of the track-bed?
10. Over previous years, the County has invested significant money in providing access to the track-bed for potential use by walkers and cyclists alike. Will the County be prepared to complete this work to provide a very practical cycle link between Tavistock and the Bere Peninsula – with the additional benefit of linking up to the Tamar Trails and the Gawton Gravity Hub?

Question from Cllr James Spettigue

Context:

As climate change has come sharply in to focus it is becoming clear that the problems we are facing today are likely to worsen in the coming decades.

Repair of the Dawlish line last time I believe cost in the region of £1.4 Billion and now network rail plans to concrete over a portion of the beach at Holcombe at a cost of £80 Million, which I believe does not take in to account other improvements the line requires. Rain fall and stormy weather conditions are on the increase and there are nobody knows if this newest improvement would provide a definitive answer to the problem, in my opinion, it does not. It does not resolve the issue of the lines proximity to the ocean at a time when, increasingly, our planets weather is unpredictable and in some cases unprecedented.

The cost of shoring up the Holcombe stretch of track may be lower than an alternative route but who can tell how much the next repair or the one after that may cost, I believe a longer term view is required by network rail to mitigate this risk.

11. What is YOUR view on network rails decision to undertake these works and continue to focus its priority on maintaining the Dawlish line instead of a plan to create an inland alternative heavy rail route which although being of a higher cost, is far less likely to incur Climate change and severe weather related damage and would give long term economic benefits to this region which desperately needs them?"

Questions from Cllr Andy Coulson

Context:

DCC made representations to the 3rd September O&S Committee to present the DCC position regarding the reinstatement of the Bere- Alston – Tavistock Rail Link. ([link here to minute](#))

During that session, reference was made to the cost inflation of the project between the period that new housing developments within Tavistock were proposed and now. At the time that the developments were proposed the public were reassured that the S106 money from these developments would mitigate the effects of increased population by part funding the reinstatement of the rail link. At that time costs for this project were cited as in the region of £17 million, thus feasible given the amounts of S106 on offer.

Since then we have been repeatedly told that these costs have risen to circa £93 million (as at 3rd Sep) with no further explanation. Even taking into account inflation, rises in steel costs etc this is an exceptional rise in costs. The concern of many in our communities is that given the lack of any substance behind these increases in cost that perhaps they have simply been inflated as to rule out any further discussion or lobbying on the matter. It is becoming increasingly difficult when dealing with our communities to reassure them that this isn't the case, especially when local members aren't armed with the facts.

12. Given that the scale of development in Tavistock and surrounds was predicated on provision of a sustainable strategic transport link, what are the changes in material circumstances that have brought about the rise in inflation?
13. Where is the detailed breakdown of costs as asked for via email by colleagues prior to 3 Sept O&S Committee; as promised by DCC Officers during said Cttee and since chased by myself (email dated 21 Sept)? This lack of response and transparency has done little to dispel negative public opinion (as above), much of which has for some time been of the view that the rail link was never likely and was purely a ruse to persuade Members at the time to agree development (please see Para 26(a) of 3 Sept O&S Cttee Minutes).
14. It was stated by DCC representatives at 3 Sept O&S Cttee that at the time, there was no Central Govt appetite to consider an overland alternative to the Dawlish line and therefore no active lobbying of Central Govt by DCC. Since the General Election, the Government has stated its ambition to address historical regional imbalances in infrastructure, particularly in the North as well as announcing a 'Beeching Reversal Fund' to reinstate railways. In light of this change of strategic context, what is the proposed DCC course of action? Can the representative reassure both WDBC and the public that the previous policy will be revisited and a more vigorous approach adopted?

Questions from Cllr Tony Leech

Context:

There are now concerns about what is happening with the rail line from Okehampton to Exeter as the Americans (British American Railways BAR) are now advertising that they want to sell off all their assets, which may or may not include the lease for the line from Aggregate Industries, and the lease for the Station from Devon County Council (DCC).

15. What is DCC doing to facilitate this lines reinstatement?

16. As the lease of the line is absolutely crucial to the reinstatement of a full-time rail service, which is also part of the DCC Transport Plan, what discussions have DCC had with Aggregates Industries over the years about the transfer of the lease for the railway line?
17. The main railway station belongs to DCC and is leased to BAR. What is happening to this lease, and can the lease be sold off and, if not, will DCC take it back?
18. Would DCC be open to talks with local interested parties about taking over the Station as a lease or as an asset transfer?