Overview and Scrutiny

Annual Report



West Devon Borough Council

www.westdevon.gov.uk

Foreword from the Committee Chairman

As I come to the end of my second year as Chairman of the Overview and Scrutiny Committee at West Devon Borough Council, I am delighted to present our Annual Report. The function of Overview and Scrutiny is not a decision making one, but a role of influence with recommendations being made to the Hub Committee and Full Council.

The Committee considers the budget process; reviews existing policy and recommends changes or the creation of a new policy where necessary. It looks at how services the Council provides are delivered to the community and how these can be developed. For instance, Task and Finish groups can be established, made up of Members who have a particular interest and skills in the area under consideration. Those groups will carry out in depth research and report back to the Committee to enable effective recommendations to be made.

A strong and robust Overview and Scrutiny function is an important element within the Council's governance and decision-making arrangements. With the ongoing budget pressures the Council faces, Members of the Committee have demonstrated 100% commitment to engaging effectively and positively with the process and been pro-active in ensuring transparency and best practice are adhered to while addressing challenges promptly.

This Annual Report provides an account of the progress made by Overview and Scrutiny in the last year, including some of the key pieces of work that have been undertaken by the Committee, together with an indication of some of the areas already under consideration for the next 12 months. I trust you will find this Report interesting and informative.

On a final note, I should like to express my thanks to everyone who has contributed to the work of the Overview and Scrutiny process. A lot of hard work goes on behind the scenes to ensure the Committee has the information it needs to make effective recommendations and I am extremely grateful to Members, Officers and Partners for all their support.

Overview and Scrutiny Committee meetings are open to the public and the Democratic Services team (**democratic.services@swdevon.gov.uk**) will be pleased to supply you with more information on the function.



Cllr Julie Yelland

Chairman of

West Devon

Borough Council

Overview and

Scrutiny Committee

Introduction

We are pleased to present the Overview and Scrutiny Annual Report which outlines our work during the 2018-19 Municipal Year and which provides general information on the Overview and Scrutiny function at West Devon Borough Council.

Overview and Scrutiny is a key part of the democratic decision-making process in local councils, where Committee Members can contribute to shaping Council policy, community wellbeing and accountability which is done by: reviewing Council services and policies, community issues and key decisions and making recommendations for improvement.

The four key principles of Overview and Scrutiny are:

- Provides a 'critical friend' challenge to policy makers and decision-makers:
- Enables the voice and concerns of the public to be heard;
- Is carried out by 'independent minded Members' who lead and own the scrutiny role; and
- Drives improvement in public services.

Overview and Scrutiny Committee Members consider these principles when selecting topics to investigate whether it is holding the Hub Committee to account, reviewing policies, policy development or the scrutiny of external bodies.

The Council recognises the importance of the overview and scrutiny function in its governance arrangements and officer support and has established an Overview and Scrutiny Committee that consists of 15 Members. Since almost half of the total membership of the Council serves on the Committee, it is recognised as a powerful and influential Member Body.

The Councils governance arrangements continued to specify that all 31 Members of the Council were considered to be either a Hub Committee Member (of which there are 9); a Member of the Audit Committee (of which there are 7); or a Member of the one Overview and Scrutiny Committee (of which there are 15).

The lead officers who were supporting the Overview and Scrutiny function during the 2018/19 Municipal Year were the Council's Group Manager – Customer First and Support Services and the Senior Specialist – Democratic Services.

Committee Membership



The role of the Overview and Scrutiny Committee

Overview and Scrutiny is a key part of the Council's political structure and it plays a vital role in improving the services that people of the Borough use – whether a resident, employed here or just visiting. Overview and Scrutiny does not just look at the way the Council does things, it can look at anything which affects the lives of people within the Borough and it allows citizens to have a greater say in Council matters.

Overview and Scrutiny allows Members to review and scrutinise decisions, look at existing practices and make recommendations to help ensure the residents of West Devon receive excellent services. The overall aim is to ensure overview and scrutiny adds value to the Council's decision-making process and makes a positive contribution towards policy development.

The approved terms of reference and procedure rules for the Overview and Scrutiny Committee can be found at: Part 3 – Delegation Scheme; and Part 4 – Rules of Procedure of the Council Constitution. The Council Constitution can be accessed via the following link:

www.westdevon.gov.uk/ article/3691/Our-Constitution



Agenda Items – Corporate Priorities

The Overview and Scrutiny Committee met formally on nine separate occasions during the 2018/19 Municipal Year.

In considering its work programme, the Committee gave great emphasis to the Council's Corporate Strategy and the six strategic themes, which are shown below.

The Committee has consequently received a number of reports (and made a number of recommendations) which are linked to these strategic themes. Whilst it is acknowledged that a number of these are cross-cutting a number of these themes, for the purpose of this Annual Report, they are aligned to the theme that is considered the most relevant:

COUNCIL

Delivering efficient and effective services



HOMES

Enabling homes that meet the needs of all



ENTERPRISE

Creating places for enterprise to thrive and business to grow



ENVIRONMENT

empowered communities

COMMUNITIES

Council and residents working together to create strong and

Protecting, conserving and enhancing our built and natural environment

WELLBEING

Supporting positive, safe and healthy lifestyles and helping those most in need



COUNCIL Delivering efficient and effective services



Action	18/19 Progress
Financial Stability Review Group	Such was the emphasis that the Committee gave to the future financial stability of the Council that it received standing agenda items at each of its meetings on the work of the Review Group. During these updates, the Committee acknowledged that:
	there was a need for wider Member engagement as the work of the Group continued to evolve;
	potential projects to support the Council in the long term continued to evolve;
	the Working Group was confident that the Council would be able to deliver a balanced Budget for 2019/20;
	the Working Group was reviewing the Council's approach to its use of Reserves;
	the two all Member budget workshops had been very informative and useful;
	the position beyond 2019/20 was less clear, but was felt to be manageable with good financial control and continued emphasis on adopting a commercial approach and generating income;
	it was important for all Members to lobby Central Government and local MPs in respect of negative Revenue Support Grant;
	the work of the Group was proving to be invaluable and the Committee felt that it should be reconvened following the local elections
Medium Term Financial Strategy Presentation	The Committee received a presentation that outlined a series of recommendations on the Medium Term Financial Strategy.
	Following a lengthy debate, the Committee "RESOLVED that the following views be expressed to the Hub Committee and the Council as part of the development of the Medium Term Financial Strategy:
	1. That the strategic intention be set to raise Council Tax by the maximum allowed in any given year (without triggering a Council Tax Referendum) to endeavour to continue to deliver services. (NB. the actual Council Tax for any given year will be decided by Council in the preceding February);
	2. That an application be submitted for Business Rate Pilot status for 2019/20, with agreement being given to a 40% District / 34% Devon County Council / 1% Fire split for the 75% scheme. In the event of the Pilot bid being unsuccessful, that agreement be given to the Council remaining part of the Devon Business Rates Pool for 2019/20;
	3. That Central Government and Devon MPs be actively lobbied to support a 2019/20 Devon Pilot bid;
	4. That the Council actively lobby and engage with the Government, Devon MPs and other sector bodies (e.g. the District Councils Network and the Rural Services Network) for a realistic Business Rates Baseline to be set for the Council for 2020 onwards;
	5. That the Council responds to the technical consultation in support of the Government eliminating Negative Revenue Support Grant. In addition, the Council should continue to lobby for Rural Services Delivery Grant allocations that adequately reflect the cost of rural service provision;

Medium Term That £375,000 of New Homes Bonus funding be used for 2019/20 to fund the Revenue Financial Base Budget and then reduce this funding to £100,000 by 2020/21 and £50,000 by Strategy 2021/22 for modelling purposes; Presentation 7. That a review be undertaken by the Financial Stability Review Group into the annual level of contributions to Earmarked Reserves (£50,000) and the adequacy of the existing **CONTINUED** level of Unearmarked Reserves (£1.2 million) and Earmarked Reserves (£4 million) with recommendations being made by the end of October 2018. (NB. this will assess the adequacy of Reserves levels in light of future plans and pressures); 8. That the Council takes specialist pension advice on the options for the Council's Pension position, with the aim of reducing the current contributions, increasing affordability, whilst best managing the pension deficit; 9. That the Council sets an Upper Limit on External Borrowing (for all Council Services) as part of the Medium Term Financial Strategy of £50 million; 10. That the Council continue with the Local Government Terms and Conditions of the Employment Green Book for at least 2019/20. That a review of all options for reducing staff costs (by varying terms from the Green Book from 2020/21) be undertaken, with an initial report being presented back before the end of 2018/19. IT Having considered an exempt report, the Committee endorsed the proposed IT Procurement Procurement exercise and recommended to the Hub Committee that it approves the proposed way forward. Exercise Ombudsman The Committee reviewed the Ombudsman Annual Letter for 2018 and welcomed the **Annual Review** improved performance in respect of dealing with customer complaints. In particular, Letter 2018 Members were assured that the Council was reviewing (and taking learning points) from each complaint received. General Data Members considered an amended Data Protection Policy and an update on the General Protection Data Protection Regulation and recommended to Council that they be approved. These Regulation recommendations were subsequently approved by the Council. (GDPR) and Data Protection Policy Update Regulation of The Committee reviewed the RIPA 2000 Policy and recommended its approval to the Council. This recommendation was then approved without amendment by the Council. Investigatory Powers Act (RIPA) 2000 Policy and Update

Budget Proposals 2019/20 Update

Members considered the draft Budget proposals as prepared by the Hub Committee and asked that the following views be taken into account as part of the 2019/20 Budget Setting process:

That the Committee support:

- 1. the proposed increase in Council Tax for 2019/20 of 2.99% (Band D of £231.63 for 2019/20 an increase of 13 pence per week or £6.72 per year);
- 2. the proposed financial pressures of £420,000;
- 3. the proposed contributions to Earmarked Reserves of £120,000 and transfer of the one-off 2019/20 Budget Surplus of £73,135 into the Future Financial Stability Earmarked Reserve to assist in meeting the predicted Budget gap of £504,242 in 2020/21;
- 4. the proposed savings of £684,700;
- 5. the proposed use of £375,000 of New Homes Bonus funding to fund the 2019/20 Revenue Budget (as set out in Section 4.6 of the presented agenda report); and
- 6. the recommendations of the Financial Stability Review Group on Earmarked Reserves (as set out in paragraphs 10.2 and 10.3 of the presented agenda report) and agree that these should be recommended in the final Budget Proposals report for 2019/20 (to be presented to the Council meeting on 12 February 2019).

Quarterly Performance Measures

The Committee continued to receive quarterly reports on the Council's Performance Measures and kept a watching brief on any indicators that were showing as requiring an Exception Report. Also during this year, the Committee approved a revised format for how the measures were to be presented in the future.

Devon Audit Partnership (DAP) Report – Tavistock Hotel Proposal

The Committee convened a Special (single agenda item) meeting to consider a report that provided Members with the conclusions of the DAP review into the recent Tavistock Hotel Proposal.

Members made a series of recommendations that were largely approved by the Council in making the following decision:

"RESOLVED that:

- 1. the conclusions and ten recommendations contained in the Internal Audit Report (March 2019) be accepted;
- 2. officers of the Council, in consultation with lead Hub Committee Member, be asked to prepare an Action Plan and commence implementation of the recommendations forthwith and to submit the Plan, together with progress made to date at the Council meeting on 23 July 2019; and
- 3. a meeting be requested (early in the 2019/20 Municipal Year) of the Political Structures Working Group to consider in particular the use of unstarred minutes and the relationship between the Hub Committee and the Council, with a report being presented back to the Council meeting on 23 July 2019."

COMMUNITIES

Council and residents working together to create strong empowered communities



Action	18/19 Progress
Partnerships Review	A Task and Finish Group had been retained (and its membership expanded) from 2017/18, which had been tasked with making a series of evidence based recommendations on the future funding that was allocated to external partnerships.
	As part of its research, the Group had developed a survey that had been completed by 26 of the 31 Members and these findings had been given significant emphasis when the final recommendations had been made.
	Whilst the initial Group recommendations were up to 2023/24, the Committee concluded that it was only willing to make a recommendation for future partnership funding levels to be set for 2019/20. This view was subsequently supported by the Hub Committee and the Council then "RESOLVED that future partnership funding be set for 2019/20 only, with the exception of the four key partnerships considered separately to establish terms of reference, benefits arising and whether their funding should be allocated to a different funding stream (NB. these four partnerships being: Heart of the South West Local Enterprise Partnership, Tamar Valley Area of Outstanding Natural Beauty, Tamar Estuaries Consultative Forum and World Heritage Site)."
Public Conveniences – Scrutiny Call-in	During this year, a call-in was invoked by three Members of the Committee on the decision arising from Hub Committee Minute HC 39 'Public Conveniences: Clarification for Parishes'.
	In debating the Call-in, a number of Members expressed sympathy with the process concerns that had been identified and felt that there were a number of lessons to be learnt (including the need for all Hub Committee Members to provide feedback to the wider membership from within their portfolio area). That being said, these Members also stressed the extent of the ongoing budgetary pressures being faced by the Council and, whilst the Council had already set a target of £50,000 savings to be made in the service, unfortunately, there had been no alternative suggestions made to deliver these savings. As a consequence, these Members each expressed their support for the original Hub Committee decision and the following motion was then PROPOSED and SECONDED and when put to the vote was declared CARRIED :-
	'That the Committee expresses its concern and dissatisfaction over the process adhered to yet does endorse the decision arising from Hub Committee Minute HC 39: 'Public Conveniences: Clarification for Parishes'.
Localities Team Update	The Committee considered an annual report that outlined how the Localities Service had been operating in the previous twelve months and how the Service had evolved from its initial inception in 2015.
	In the ensuing debate, a number of Members expressed their support for the Service and some questioned whether it was adequately resourced to be able to meet increased demands. Whilst the Localities Team Leader was confident that the Service was appropriately resourced. Nonetheless, the Committee did ask that this be further considered when it received its next annual report on the Service.

Customer Satisfaction Survey

The Committee considered the results of the recent Customer Satisfaction Survey and "RECOMMENDED to the Hub Committee that:

- 1. The results from the recent Customer Satisfaction Survey be noted and the proposed actions as detailed in section 5 of the report be endorsed;
- 2. The proposed Customer Service Standards as detailed in Appendix D of the report be supported; and
- 3. The Committee be asked to amend its Forward Plan whereby 'Progress against the Customer Service Action Plan' be included as a standing agenda item for consideration."

The Hub Committee proceeded to consider these recommendations and, with the exception of amending recommendation 3 to ask that the Overview and Scrutiny Committee assume responsibility for considering progress updates, they will each approved.

At its next meeting, the Overview and Scrutiny Committee amended its Work Programme to include these standing agenda updates and has proceeded to closely monitor the following aspects:

- The apparent disconnect between the results of the survey and the quarterly performance measures that were reported;
- The trend whereby call volumes into the Council were reducing;
- The importance of improving communication and messaging in the high volume customer service priority areas: Waste and Recycling and Development Management;
- The need to improve the format and layout of the Council website to ensure that it was more reader and user friendly;

Northern Link Area Outreach Services Task and Finish Group Review A detailed Task and Finish Group Review took place during 2018/19 that sought to establish the effectiveness of the Council continuing to deliver an Outreach Service at the Ockment Centre.

The recommendations of the Group Review were considered by the Committee, Hub Committee and full Council and the final Council decision was as follows:

"RESOLVED that the Council:

- 1. support the Hub Committee preferred option for the Northern Outreach Service to reduce the service to a single day per week, with this being monitored for a three month period; and
- 2. note that a report will be presented back to the Hub Committee meeting on 16
 July 2019 that includes the results of the monitoring, along with the results of the monitoring at Tavistock, to enable for a decision to be made on the future provision of the service."

HOMES

Enabling homes that meet the needs of all



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Action	18/19 Progress
Joint Local Plan	The Committee received regular updates on the progress of the Joint Local Plan and paid particular attention throughout the year to:
	The timetable (which culminated in the Plan being adopted by Council at its meeting on 26 March 2019);
	 Concerns at the lack of support being offered to Neighbourhood Planning Groups and town and parish councils;
	Whether or not the Council could be deemed to have a five year housing land supply;
	The consultation exercise on the modifications to the JLP;
	The progress of the Development Planning Document on Settlement Boundaries;
	The importance of a Design Guide being prepared in conjunction with the JLP;
Devon Building Control Partnership Update	The Committee received a performance overview from the Devon Building Control Partnership and, in reaching its conclusions, "RESOLVED that it:
Opuate	1. welcomes the report and is of the view that the Partnership provides a very good service;
	2. requests that the Partnership look at developing closer working relationships with other neighbouring local authorities; and
	3. requests that the Partnership look at developing closer working relationships with the Development Management Community Of Practice.



ENVIRONMENT

Protecting, conserving and enhancing our built and natural environment



18/19 Progress
Members considered a report that provided an update on the garden waste service that had been in operation for a twelve month period. The Committee proceeded to note that:
there was a need to look at methods of promoting the service to increase resident uptake;
trend analysis did not indicate any significant increases in cases of fly tipping in the Borough since the scheme had been in place;
there was no evidence of green waste being placed with residual waste. However, the Committee was advised that there was a number of instances of food waste being placed with residual waste which needed to be addressed;
the decision of the membership to delay the implementation of this scheme had resulted in a negative financial impact;
the £40 annual subscription charge was broadly consistent with the fees applied by other local authorities who provided a similar service.
As part of its quarterly performance monitoring, Members kept a close eye on the performance trends of planning enforcement cases. In so doing, the importance of ongoing dialogue between officers and local Members was critical to reduce the number of live cases.



ENTERPRISE

Creating places for enterprise to thrive and business to grow



Action	18/19 Progress
Rural Broadband Working Group	Regular updates were received by the Committee from the Rural Broadband Working Group and the officer representative on the Connecting Devon and Somerset Programme Board.
	Also, the Stakeholder Engagement Officer from Connecting Devon and Somerset attended a meeting of the Committee and delivered a presentation on all aspects of the Programme.
	Following the presentation, the Committee:
	 acknowledged that 95-96% of properties in the Borough should be connected to Superfast Broadband upon the completion of Phase 2 of the Programme;
	 emphasised the economic impact of the Borough being in the bottom 10 in the UK for Broadband coverage;
	regretted that no account had been taken of the geo-physical layout of the West Devon landscape during the original bidding process;
	 expressed his disappointment over the Airband connectivity take up on Dartmoor;
	was frustrated at the lack of dialogue with both the Borough Council and local town and parish councils. To mitigate these frustrations, the officer advised that the organisation was in the process of recruiting a Marketing/ Communications Officer.
Economy Working Group Update	In recognition of the Enterprise theme, the Committee received an update from the Working Group and ultimately "RESOLVED:
	1. That the Economy Working Group be asked to produce a paper for consideration at a future Hub Committee meeting that indicates the requirements for a dedicated officer resource; and
	2. With this information and, in preparation of the draft 2019/20 Budget and the Medium Term Financial Strategy, consideration be given to providing sufficient officer resource to support the local economy and the Corporate Strategy Theme relating to Enterprise.

WELLBEING

Supporting positive, safe and healthy lifestyles and helping those most in need



Action	18/19 Progress
Food Safety Audit Action Plan	The Committee received and welcomed an update on the Food Safety Audit Action Plan and Food Safety Service Plan and thanked and paid tribute to the achievement whereby 100% of due food safety inspections had been completed during 2017/18.
Community Safety Partnership (CSP)	In line with statutory requirements, the Committee considered its annual update from the CSP and raised a number of issues that were to be taken forward. For example, the Committee requested that all Members be in receipt of a Briefing on the 'County Lines' agenda.
Safeguarding Update	 In recognising the importance of the Safeguarding agenda, the Committee requested receipt of a formal report and proceeded to "RESOLVE that Members: review safeguarding as an annual standing agenda item; contact the lead officer with any suggestions for other Safeguarding related items that should be included in the next published report; note how the Council meets its Safeguarding duties and the consequent measures in place and associated risks; support the inclusion of Safeguarding Briefings for Members after the local elections in May 2019; and support a Safeguarding Policy review being undertaken during 2019/20."
Fusion Lifestyle Annual Review Presentation	Representatives from Fusion Lifestyle conducted a presentation to the Committee that summarised their performance between January and December 2018. In the deliberations, it was apparent that Members were very supportive of the progress that was being made by Fusion Lifestyle and the Committee wished to put on record its thanks accordingly.

Agenda Items – Public Forum

In line with its openness and transparency agenda, the Council has adopted provision for the Overview and Scrutiny Committee to set aside 15 minutes at the start of each meeting to enable members of the public to raise issues and/ or questions in line with its Procedure Rules.

To the disappointment of a number of Members, the Public Forum was only utilised once during 2018/19 and officers have given a commitment to raise the profile and awareness of the provision during 2019/20.

The issue that was raised during the Public Forum Session in 2018/19 was as follows:

'What right do WDBC officers have to set up a legal document requiring a resident of the Borough to carry out work on behalf of WDBC and then, just as that work was being completed, to totally walk away from that agreement?'

In reply to the question, the Deputy Monitoring Officer made the following statement:

'The agreement referred to is commercially confidential.

It would not be legal for the Council to 'walk away' from a binding agreement and that is not what West Devon BC has proposed.

Discussions are ongoing to find a mutually acceptable solution but at no point has the Council suggested that the other party cannot proceed with its obligations.

Any planning application which comes forward from the agreement will be assessed through the normal planning process which is transparent.'



The 2019-20 Work Programme

The Overview and Scrutiny Committee has the ability to set its own annual work programme and it is acknowledged that sufficient flexibility is built in to enable for items to be included at short notice.

However, at the time of preparing this Annual Report, the following substantive agenda items have already been added to the 2019/20 Work Programme:

- Planning Enforcement Plan / Actions and Protocol Review;
- Food Safety Audit;
- Railway Update;
- Joint Local Plan Quarterly Updates;
- Peer Challenge Action Plan Update;
- Community Safety Partnership Annual Report;
- Safeguarding Annual Report;
- Draft Budget Proposals 2020/21;
- Waste Procurement Project Closedown Report;
- Financial Stability Review Group: Progress Update;
- Customer Satisfaction Survey 2019;
- Customer Satisfaction Progress Quarterly Update;
- Locality Service Annual Review;
- Member Induction 2019 Review;
- Ombudsman Annual Review Letter 2019; and
- Fusion Leisure Annual Presentation and Report.

