

Overview and Scrutiny **Annual Report**

2018 - 2019



Foreword from the Panel Chairman



Cllr Michael Saltern

Chairman of
South Hams
District Council
Overview and
Scrutiny Panel

In presenting the Annual Overview & Scrutiny Report for 2018/19 I would like to draw attention to the newly published guidance for Overview & Scrutiny Panels which was released May 19.

2019 statutory guidance

It recommended that authorities should operate an assumption of transparency towards overview and scrutiny committees, and highlights 10 principles that would help to develop a supportive culture

- Recognising scrutiny's legal and democratic legitimacy
- Identifying a clear role and focus
- Ensuring early and regular engagement between the executive and scrutiny, for instance via a work programme
- Managing disagreement, particularly over party politically contentious issues, for example via an executive-scrutiny protocol
- Providing the necessary support, including access to resources and to senior officers where appropriate. County and unitary authorities are required to appoint a statutory scrutiny officer;
- Ensuring impartial advice from officers
- Communicating scrutiny's role and purpose to the wider authority
- Maintaining the interest of full Council in the work of the scrutiny committee: ensuring that there is a link between full council proceedings and overview and scrutiny
- Communicating scrutiny's role to the public
- Ensuring scrutiny members are supported in having an independent mindset.³²

I highlight this as it is clear that although coming into force just after this year, I can state unequivocally that during the 18/19 year every aspect of this guidance was applied based on the commitment and full respect for their responsibility by each of the Panel Members, Council officers and wider Council Membership.

Attendance by Council members from other Committees was a regular feature and their participation, understanding and interest was clear throughout.

I extend personal thanks to the Panel Members who underpinned the utmost transparency and balance of challenge and support which is so vital to the process. There is a key requirement within the skill set of Panel Members this being "independence of mind" which is essential in fulfilling their role. I commend all of the Panel Members for portraying that requirement throughout the year.

I must conclude with my deep appreciation to the Lead Officer for Scrutiny Mr Darryl White for his efficiency and support for Panel Members throughout the year and all of the officers for their reports, presentations and total commitment to the principles of Overview and Scrutiny.

Cllr Michael Saltern

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 South Hams District Council.

Overview and Scrutiny is a key part of the democratic decision-making process in local councils, where Panel Members can contribute to shaping Council policy, community wellbeing and accountability. The Panel does this 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 executive 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.

The Panel Members consider these principles when selecting topics to investigate whether it is holding the Executive 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.

The Council's governance arrangements specify that all 31 Members of the Council are considered to be either an Executive Member (of which there are 6); a Development Management Committee Specialist Member (of which there are 12); or an Overview and Scrutiny Panel Specialist Member (of which there are 13).

The lead officers supporting the Panel for 2018/19 were the Council's Group Manager – Commercial Services and the Senior Specialist – Democratic Services.



Panel Membership

Cllr Michael Saltern
Chairman



Cllr Peter Smerdon
Vice-Chairman



Cllr Jonathan Hawkins

Cllr Keith Baldry



Cllr Michael Hicks

Cllr John Birch



Cllr Elizabeth Huntley

Cllr Ian Blackler



Cllr David May

Cllr Basil Cane



Cllr Trevor Pennington

Cllr John Green



Cllr Karen Pringle

4



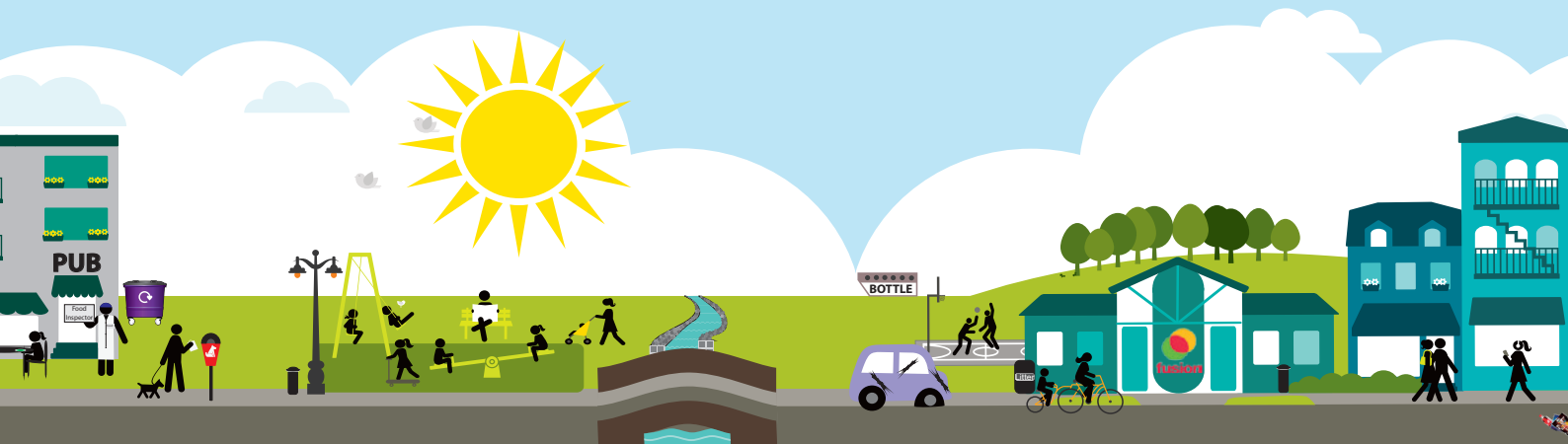
The role of the Overview and Scrutiny Panel

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 District 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 District 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 the South Hams 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 detailed terms of reference and procedure rules for the Overview and Scrutiny Panel can be found at: Part 2 – Article 5; 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.southhams.gov.uk/
article/3689/Our-Constitution](http://www.southhams.gov.uk/article/3689/Our-Constitution)



Agenda Items – Corporate Priorities

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

In addition, the Panel met jointly with the Development Management Committee on one occasion to consider the draft Budget Proposals (and Fees and Charges) for 2019/20. Due to the relevance of the matter to both Member Bodies, a Performance Update on the Development Management Service was also presented to the Joint meeting.

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

The Panel 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 cut across a number of these themes, for the purpose of this Annual Report, they are aligned to the theme that is considered the most relevant:





Action	18/19 Progress
Civica / IT: Lessons Learnt	<p>The Panel considered a report that sought endorsement of the conclusions of the Civica / IT lessons learnt exercise and the proposed actions and proceeded to RESOLVE that:</p> <ol style="list-style-type: none"> 1. the conclusions of the lessons learnt exercise and the proposed actions be endorsed; and 2. in the future for key projects: <ol style="list-style-type: none"> a. adequate procurement processes and frameworks be put in place (including, if deemed appropriate, the creation of a Member Board) that ensures that the Council maximises the advantages to the Council and its residents; and b. Members and relevant stakeholders be more involved as the project evolves; 3. the Audit Committee be asked to examine whether the Council has maximised all the potential avenues outlined in the agenda report.
ICT Resilience Update	<p>Members considered a report that provided an update on the Council’s IT systems and the steps being taken to meet the expected Business Continuity requirements of the organisation.</p> <p>Such was felt to be the importance of this matter that the Panel noted the contents of the report and requested a further update in twelve months’ time.</p>
Review and Effectiveness of Car Parking Equipment – Verbal Update	<p>In response to it becoming apparent that a number of car parking machines had been broken (and remained unfixed) for a period of time, the Panel received a verbal update in this regard.</p> <p>During the debate on this matter, it became evident that there were a number of other issues with the contractual arrangements and the Panel resolved that:</p> <ol style="list-style-type: none"> 1. it expresses its deep concerns over: <ol style="list-style-type: none"> a. Whether the current contract remained fit for purpose; and b. The apparent shortcomings in: contract management; inconsistencies of maintenance of equipment; and inadequacy of spare parts held; 2. A full report be presented to its 6 September 2018 meeting that addressed each of the concerns raised and the direction of travel in relation to future service provision for Council Car Parks; and 3. Senior officers be asked to review other rolling contracts managed by the Council to ensure that they each remain fit for purpose. <p>Following consideration of the full report, the Panel proceeded to endorse the actions that had been taken by officers and the steps being taken by the Metric Group. In recognition of the issue remaining unresolved, the Panel also concluded that, in the event of the compensatory offer from the Metric Group remaining unsatisfactory, then senior representatives of the Group should be invited to attend a future meeting.</p> <p>As a result of Metric Group representatives failing to attend a Panel meeting, it was then resolved that the Executive recommend to Council that officers consider, as a matter of urgency, the appointment of a new company to provide and maintain the Council’s Car Parking Pay and Display Machines, with a progress report being presented to a future Panel meeting.</p>

Medium Term Financial Strategy Presentation	<p>The Panel received a presentation that outlined a series of recommendations on the Medium Term Financial Strategy.</p> <p>After a lengthy debate, the Panel “RESOLVED that the following views be expressed to the Executive and the Council as part of the development of the Medium Term Financial Strategy:</p> <ol style="list-style-type: none"> 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; 6. That £500,000 of New Homes Bonus funding be used for 2019/20 to fund the Revenue Base Budget and then reduce this funding to £400,000 by 2020/21 and £250,000 by 2021/22 for modelling purposes; 7. That, as part of the Budget Setting process, a review be undertaken by Members into the annual level of contributions to Earmarked Reserves (£722,300) and the adequacy of the existing level of Unearmarked Reserves (£1.8 million) and Earmarked Reserves (£8.3 million) (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 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 Procurement Exercise	Having considered an exempt report, the Panel endorsed the proposed IT Procurement exercise and recommended to the Executive that it approves the proposed way forward.
Business Continuity Plan – Verbal Update	Following a verbal update on the Business Continuity Plan, the Panel thanked the lead officer and was suitably assured that adequate progress was being made.

Ombudsman Annual Review Letter 2018	The Committee reviewed the Ombudsman Annual Letter for 2018 and welcomed the improved performance in respect of dealing with customer complaints. In particular, Members were assured that the Council was reviewing (and taking learning points) from each complaint received.
Regulation of Investigatory Powers Act (RIPA) 2000 Policy and Update	The Committee reviewed the RIPA 2000 Policy and recommended its approval to the Council. This recommendation was then approved without amendment by the Council. Also, the Panel welcomed the Investigatory Powers Commissioner's Office report and recommendations and the fact that there had been no RIPA Authorisations to the Council since the last annual update.
General Data Protection Regulation (GDPR) and Data Protection Policy Update	Members considered an amended Data Protection Policy and an update on the General Data Protection Regulation and recommended to Council that they be approved. These recommendations were subsequently approved by the Council.
Draft Member Induction Programme 2019	The Panel considered the draft Member Induction Programme for 2019 and, subject to inclusion of some minor amendments, Members unanimously approved the roll-out of the Programme.
Development Management – Performance Update	At the joint Budget meeting of the Panel and Development Management Committee, a Development Management – Performance Update was also presented for consideration. The joint meeting proceeded to recommend to the Executive and Council that: <ol style="list-style-type: none"> 1. The actions being taken to secure improved performance within the Development Management Service be endorsed; 2. As part of the 2019/20 Budget Setting process, support be given to the addition of a Level 5 Specialist, at a cost of £29,000, within the Development Management service (to be funded through planning income); and 3. In the event of recommendation 2 being approved, a further service capacity review be undertaken by the Panel six months after the additional Level 5 Specialist takes up their post.

Fees and Charges 2019/20

The joint meeting of the Panel and the Development Management Committee considered the setting of Fees and Charges for 2018/19 as part of the draft Budget Setting process. In so doing, the meeting recommended to the Council (via the Executive) that:-

1. the proposed fees and charges set out for Parks, Open Spaces and Outdoor Sports be approved;
2. the proposed Environmental Health Charges be approved;
3. the proposed Fees and Charges for Development Management be approved;
4. delegated authority be given to the Group Manager for Commercial Services, in consultation with the lead Executive Member, to set the Dartmouth Lower Ferry Fees to take account of market conditions, including competitor charges;
5. there are no changes to the Car Park Charges for 2019/20, except for where this has been agreed as an alternative to the implementation of Pay on Entry at public toilets (NB. a report will be presented to the Executive in this respect in due course);
6. the proposed changes to Boat Storage Charges be approved;
7. delegated authority is given to the Group Manager for Commercial Services and Section 151 Officer, in consultation with the Portfolio Holder, to set the Commercial Waste charges, once all the price modelling factors are known;
8. officers undertake a review into all aspects of fees and charges related to zoo licensing, with these being reported back to the joint Budget Consultation meeting in January 2020.

Budget Proposals for 2019/20 Onwards Update

The joint meeting also considered the Budget Proposals for 2019/20 Onwards and recommended to the Council (via the Executive) that support be given to:

1. the increase in Council Tax for 2019/20 of £5;
2. the financial pressures amounting to £1,354,700;
3. the net contributions to/from Earmarked Reserves amounting to £782,300;
4. the proposed savings of £1,060,226 for 2019/20;
5. the proposed use of £500,000 of New Homes Bonus funding to balance the 2019/20 Revenue Budget (as shown in Appendix E of the presented agenda report); and
6. the following measures being implemented to close the predicted 2019/20 Budget Gap of £75,007:
 - a. reduce the contribution to the Planning Policy and Major Developments from £75,000 to £50,000;
 - b. remove the £7,000 allocated to the 'Communities Together Fund'; and
 - c. reduce the contribution to the Land and Development Reserve from £50,000 to £7,000.
7. the content of the Capital Programme Proposals for 2019/20 that totals £1,290,000 be supported;
8. the content of the Capital Programme Proposals for 2019/20 that totals £14,001,000 be supported; and
9. the proposed financing of the 2019/20 Capital Programme of £15,291,000 from the funding sources be supported.

Employee Terms and Conditions	With regard to the 'Employee Terms and Conditions' agenda item that was due for consideration by the Executive, assurances were given to the Panel that copies of all relevant consultation documents would be circulated to all members of staff and every response submitted would be taken into account before any final agreement was reached.
Peer Challenge Action Plan	Consideration was given to a report that provided Members with a copy of the Peer Challenge Action Plan and the Panel RESOLVED that: <ol style="list-style-type: none"> 1. That the Peer Challenge Action Plan (as agreed by the Executive) be accepted; and 2. That a progress update be brought to the Panel for consideration early in the 2019/20 Municipal Year.

COMMUNITIES

Council and residents working together to create strong empowered communities



Action	18/19 Progress
Community Funding Task and Finish Group	<p>The Panel supported the recommendations of the Task and Finish Group to reduce funding levels allocated to the South Hams Community and Voluntary Service and the South Devon Area of Outstanding Natural Beauty. However, when these recommendations were presented to the Council, the majority of Members voted to defer these decisions to enable for further consideration as part of the wider 2019/20 Budget Setting process.</p> <p>Such was the displeasure of the Task and Finish Group Members at this overturn that the Panel Chairman took the decision that no further Task and Finish Groups would be established during this Council term.</p>
Customer Satisfaction Survey	<p>The Panel considered the results of the recent Customer Satisfaction Survey and noted with concern the results and requested the production of a comprehensive Action Plan that would be presented to the next Panel meeting.</p> <p>When the draft Action Plan was presented, the Panel recommended to the Executive that:</p> <ol style="list-style-type: none"> 1. the proposed Customer Satisfaction Action Plan be endorsed; 2. the proposed Customer Service Standards be supported; and 3. the direction of travel in relation to the Housing Benefits / Contact Centre pilot be endorsed.



HOMES

Enabling homes that meet the needs of all

Action	18/19 Progress
Homelessness Strategy Action Plan 2018/19	<p>The Panel considered and recommended that the Executive adopt the Homelessness Strategy Action Plan for 2019/20. In addition, the Panel also resolved that:</p> <ul style="list-style-type: none"> ● Those actions that were identified as being incomplete and rolled over to the 2018/19 Action Plan ('Vulnerable Customer Charter to be finalised' and 'Work with Schools to be expanded to include all major Secondary Schools') be progressed as soon as practically possible; ● all Members should be in receipt of updates on: <ul style="list-style-type: none"> ● a copy of the Citizens' Advice Bureau report on the Social Prescribing pilot; ● the membership of the Health and Wellbeing Board; ● a Briefing Note on those properties that the Council owned within the South Hams that were currently leased to South Devon Rural Housing Association; ● an interactive Member Briefing Session on the Homelessness agenda be convened (<i>NB. this session was subsequently held and regarded by Members as being one of the best Learning and Development sessions that they had attended during the four year Council term</i>); ● future Annual Reports include reference to actual Case Studies.
Neighbourhood Planning: Support to Groups – Verbal Update	<p>Following receipt of a verbal update on Neighbourhood Planning, the Panel resolved that:</p> <ol style="list-style-type: none"> 1. it welcomed the re-launching of the Council's offer to Neighbourhood Planning Groups and asks that it include reference to the Council's statutory responsibilities and funding streams that were potentially available; 2. the re-launched version of the offer be circulated to Members and Town and Parish Councils as soon as is practically possible; 3. Town and Parish Councils be informed about the benefits of working together with neighbouring parishes to develop and progress a Neighbourhood Plan; 4. all Members encourage Groups (and other potentially interested parties) to attend future Neighbourhood Planning Workshops convened by the Council; 5. the Council is careful that it is realistic and does not over promise the support that it can provide to Neighbourhood Planning Groups; and 6. a Toolkit be produced and finalised before the end of August 2018.

Community Housing Strategy Update	<p>A report was considered by the Panel that sought to provide it with an update on progress with the Community Housing Strategy and the programme of action going forward. To expand upon the report, officers also conducted a presentation that outlined some of the design ideas that were being developed through one of the early schemes at South Brent.</p> <p>The Panel proceeded to welcome both the contents of the report and the officer presentation.</p>
Devon Building Control Partnership Update	<p>The Panel received a performance overview from the Devon Building Control Partnership and endorsed the contents of the agenda report. In addition, the Panel also welcomed the assurances given whereby more information (including the agenda and published minutes) relating to meetings of the Building Control Partnership Committee would now be distributed to the wider membership.</p>
Next Steps – Enabling Homes to Meet the Needs for All	<p>A report was presented to Members that set out a business case for the formation of a Housing Wholly Owned Company and concluded that, on balance, there was no requirement for such a Company at this time.</p> <p>Whilst it was by no means a unanimous view, the majority of Members recommended that the Executive agree the following principles:</p> <ul style="list-style-type: none"> ● that there is no requirement to form a South Hams District Council Housing Wholly Owned Company at this time; ● that Council borrowing in order to acquire or develop affordable homes is acceptable in principle; ● that affordable homes may be acquired or developed via the Community Housing Strategy OR through existing work with Registered Providers or Developers (NB, these properties will be allocated in accordance with Local Lettings Plans and may be managed via the Council’s Direct Lets Service; and ● That the Council’s affordable housing development / acquisition plans be guided as outlined in the agenda report.
Section 106 Agreements Update	<p>Members considered an update report on Section 106 Agreements and resolved that:</p> <ol style="list-style-type: none"> 1. The report, progress and improvements made in monitoring and administering Section 106 Agreements be welcomed; 2. In the future, the monitoring of administration of Section 106 Agreements be reported through the Internal Audit Reporting Cycle; 3. The Panel Work Programme be updated to include a ‘Review into the Process for Spending Section 106 Deposits for Affordable Housing at its next meeting; 4. A Langage Energy Centre Update be considered by the Panel at a future meeting; 5. Officers consider the most appropriate means of disseminating the Schedule to all Members and Town and Parish Councils. <p>In considering the process for spending Section 106 funding for Affordable Housing, the Panel concluded that it was content with the current process for spending Section 106 Affordable Housing monies and therefore recommended to the Executive that the current process is retained.</p>



ENVIRONMENT

Protecting, conserving and enhancing our built and natural environment

Action	18/19 Progress
Public Toilet Pay on Entry Contract Award	An update was given to the Panel on the Public Toilet Pay on Entry Contract Award. During which, Members were informed that two tender submissions has been received and, following the evaluation stage, the next step would be to award the contract.
Waste Performance Measures	During consideration of the quarterly performance measures, Members stated that they had been inundated with complaints relating to the waste service. In highlighting the reputational damage that had been caused to the Council, the Member informed that the Working Group was giving its full support to the improvement measures that were being put in place by officers.
Call-in of Executive Minute E.46/18: 'Public Toilets Review'	<p>During this year, a call-in was invoked by the Panel on the decision arising from Executive Minute E.46/18 'Public Toilets Review'.</p> <p>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. As a consequence, the following motion was PROPOSED and SECONDED and when put to the vote was declared CARRIED:-</p> <p><i>'That Minute E.46/18 'Public Toilets Review' be referred back to the Executive at its meeting on 13 December 2018 for further consideration and with the following comments:-</i></p> <ol style="list-style-type: none"> 1. <i>That the Panel support a further consultation exercise being carried out with those local town and parish councils who have requested that opportunity, with the outcome being reported back to the Executive meeting on 7 February 2019; and</i> 2. <i>That the Panel:</i> <ul style="list-style-type: none"> - <i>note that the financial information that was presented to the Executive meeting on 22 November 2018 had since been verified by Internal Audit and (with the exception of the facility at Fore Street, Kingsbridge) had been found to be accurate; and</i> - <i>identify that significant inconsistencies had occurred during the consultation exercise for this project and would hope that lessons would be learned for future projects.</i>



ENTERPRISE

Creating places for enterprise to thrive and business to grow

Action	18/19 Progress
Commercial Investment to Support Economic Activity	The Panel highlighted the decision of the Executive in respect of the 'Council Owned Asset Investment and Development' exempt agenda item. Whilst some Members were of the view that this exempt information should be made publically available, the majority of the Panel did not agree. However, the Panel unanimously agreed that there was a need for greater emphasis to be placed on openness, transparency and earlier engagement with local ward Members in such matters.
Activities to Support Economic Growth	<p>Members gave consideration to a report that sought to recommend that the Commercial Property Strategy be adopted. Upon the conclusion of the debate, the Panel resolved that:</p> <p>The following views be expressed to the Executive:</p> <ol style="list-style-type: none"> 1. That the Panel endorse the principle of a Commercial Property Strategy that includes the following multiple objectives: <ul style="list-style-type: none"> - To support regeneration and the economic activity of the District; - To enhance economic benefit; - To grow business rate income; - To assist with the financial sustainability of the Council as an ancillary benefit; - To help the Council continue to deliver and/or improve frontline services in line with the Council's adopted strategy and objectives; and 2. That the proposed Commercial Property Strategy be revised, with a detailed Terms of Reference for the Investment Member Group being drafted and further consideration being given to the proposed delegated decision-making process in time for consideration at the next Executive meeting.
Town Centres Strategy	Members requested a report that set out whether and what the approach of the Council should be to the vitality of town centres. Following an extensive debate, the Panel supported the proposed way forward, subject to the inclusion of an additional action whereby: 'a meeting of representatives of the Town Councils, their Neighbourhood Planning Groups, local Ward Members and Council Officers be convened to discuss and consider the issues raised in the agenda report and to formulate, if possible, an agreed way forward.'
Langage Energy Park – Update	<p>In consideration of a report that provided an update on Langage Energy Park, the Panel:</p> <ol style="list-style-type: none"> 1. Welcomes and acknowledges the work that had been undertaken so far, but requests that significant emphasis be placed on encouraging the enhancement of the timescale for bringing forward much needed employment opportunities; and 2. Recognises that, whilst outside the control of the Council, it still wishes to express its disappointment at the lack of progress being made on the project.



WELLBEING

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

Action	18/19 Progress
Food Safety Audit Action Plan	The Panel 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.
Fusion Lifestyle Annual Review Presentation	<p>Representatives from Fusion Lifestyle attended two Panel meetings during 2018/19.</p> <p>At the first meeting, the focus of the Panel was on Fusion's Strategic Community Development Team and adopted Development Plan that sought (amongst other things) to: increase regular participation numbers; target older people, young peoples and disadvantaged and deprived communities; promote healthy living; and develop greater methods of partnership working.</p> <p>Secondly, representatives were in attendance to conduct a presentation to the Panel 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 resolved that the Panel:</p> <ol style="list-style-type: none"> 1. greatly value the Fusion Annual Report for 2018 and welcomes the proposals going forward for 2019; 2. ask that Fusion give an increased focus and emphasis to Outreach Service provision in the rural parishes; and 3. acknowledge the willingness of Fusion to adopt more energy efficient working practices and work with relevant partners in the South Hams to meet this objective.
Community Safety Partnership (CSP)	In line with statutory requirements, the Panel considered its annual update from the CSP and raised a number of issues that were to be taken forward. In their concluding comments, Panel Members were of the view that the CSP was a very effective Partnership that was making a real difference in the South Hams, Teignbridge and West Devon areas.

Drug and Alcohol Abuse Task and Finish Group

The Panel approved the formation of a Drug and Alcohol Abuse Task and Finish Group and received regular progress updates.

During these updates, the Panel noted the contents of a Briefing Note on designing out intravenous drug use in Council public conveniences and recommended to the Executive that £2,500 be spent from the Repairs and Maintenance Earmarked Reserve to pay for the works necessary to design out the use of intravenous drugs in the male toilets at Coronation Road, Totnes.

When considering the concluding Review report, the Panel resolved that:

1. the Council be RECOMMENDED that it support and participate (wherever possible) in Police and Public Health England campaigns around drug reporting, harm minimisation and education;
2. the response from the Group that CCTV linking into a central hub is cost prohibitive be acknowledged;
3. the Member Budget Workshop explore the possibility of obtaining annual funding for youth activities / engagement as a diversionary approach to Crime and Disorder (including drug use) within the South Hams District;
4. the Member Budget Workshop explore the possibility of obtaining funding from Outside Bodies so to enable the Council to support part 3 of the recommendation by a part-time post or by other means;
5. subject to the availability of funding, the Council proactively supports and participates in Junior Life Skills as part of a preventative approach and early intervention / education for young people; and
6. the Council supports and proactively participates in partnership working with multi agencies and other initiatives relating to the prevention of drug use and anti-social behaviour amongst young people. Such support and activity to be explored by Members of the Task and Finish Group with subsequent referral back to the Overview and Scrutiny Panel.

Safeguarding Update

In recognising the importance of the Safeguarding agenda, the Panel requested receipt of a formal report and proceeded to **"RESOLVE** that Members:

1. *review safeguarding as an annual standing agenda item;*
2. *ask that the following items be included in the next safeguarding update report:*
 - *a summary of the number of cases;*
 - *the types of cases;*
 - *any trend analysis; and*
 - *identified areas of particular risk;*
3. *be sighted on how to meet our safeguarding duties; the measures in place and the associated risks ;*
4. *support the inclusion of Safeguarding Briefings for Members after the local elections in May 2019; and*
5. *support a Safeguarding Policy review being undertaken during 2019/20."*

Agenda Items – Public Forum

In line with its openness and transparency agenda, the Council has adopted provision for the Overview and Scrutiny Panel 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.

During 2018/19, the Panel was presented with 1 questions/issues for consideration that focused on the following issue:

- a request for the Council to publish a list of the sites it was currently considering for development. In response, assurances were given to the questioner that this list was to publicly available on the Council website within a week of this question being asked



Standards Update and Governance Matters

In accordance with the Council Constitution, the Overview and Scrutiny Panel is responsible for monitoring complaints (including Ombudsman complaints and those against Members alleging a breach of the Code of Conduct) and for the standards responsibilities under the Localism Act.

As part of these responsibilities, the Panel has considered:

Recommendations from the Code of Conduct Hearing Panel on the Complaints Process

The Panel considered a series of recommendations from the Hearing Panel and resolved that:

1. A full review of the Council's Code of Conduct be undertaken by the Monitoring Officer, in consultation with the Members of the Code of Conduct Hearing Panel, with the findings being presented back to a future meeting of the Panel;
2. Officers be asked to write to Town and Parish Council Clerks outlining the total number of town and parish councillor complaints that had been received by the District Council and the consequent costs that were associated with their administration;
3. The Council be **RECOMMENDED** that representations be sent to the Secretary of State and local MPs outlining the Council's concerns over the current regulations (e.g. the lack of any meaningful penalties and the unfairness of District Councils having to absorb the costs of administering the scheme for its local Town and Parish Councils (*NB. this recommendation was subsequently approved by the Council at its next meeting*));
4. Town and Parish Council Clerks promote the benefits of informally resolving complaints before a formal process is instigated;
5. Officers be asked to convene a 'Code of Conduct and Councillor Behaviour' training session for town and parish clerks and councillors;
6. A meeting be held between the Hearing Panel Members; the Monitoring Officer; and the Devon Association of Local Councils County Solicitor to express the concerns of the District Council over the number of complaints that were being received against local town and parish councillors; and
7. The Monitoring Officer be encouraged to revisit the Council's pool of Investigating Officers in an attempt to build capacity to ensure that complaints are dealt with in a more timely manner.

Hearing Decision Notices Arising from Meetings of the Code of Conduct Sub Panel

The Panel noted the contents of the Decision Notices relating to alleged breaches of the Code of Conduct by Cllr Coles of Dartmouth Town Council and Cllr Adams of Totnes Town Council.

Review of Procedure for Dealing with Standards Complaints

The Panel considered a report that presented a review into the Council's 'Dealing with Standards Complaints' procedure and **RECOMMENDED** to Council that, with effect from May 2019:

1. the revised 'Dealing with Standards Complaints' procedure (as attached at Appendix A of the presented agenda report) be adopted; and
2. the review of the associated Hearing procedure be delegated to the Monitoring Officer, in consultation with the Chairman of the Overview and Scrutiny Panel.

The Council approved these recommendations at its meeting on 21 February 2019.

General Dispensations to Members and Appointment of Independent Persons

The Panel considered a report that:

- sought approval to grant the General Dispensations that were set out in the presented agenda report; and
- recommended appointing two additional Independent Persons.

and **RESOLVED** that:

1. grant the General Dispensations (as set out in paragraphs 2.4 and 2.5 of the presented agenda report) from the Annual Council meeting in May 2019 to the Annual Council meeting in May 2020 so that:
 - a. A General Dispensation is granted to all multi or dual-hatted Members of South Hams District Council to speak and vote on matters where they are Members of another local authority and in receipt of a Members' Allowance; and
 - b. A General Dispensation is granted to all Members as set out in paragraphs 2.4.1 to 2.4.5 of the presented agenda report; and
2. Council be **RECOMMENDED** that Mrs Victoria Spense and Mr Martin Glead (West Devon Borough Council Independent Persons) be also appointed to South Hams District Council from the Annual Meeting in May 2019 until the Annual Meeting in May 2023 and that all appointed Independent Persons be in receipt of regular performance reviews.

(NOTE. these recommended appointments were approved at the Annual Council meeting held on 16 May 2019).

The 2019-20 Work Programme

The Overview and Scrutiny Panel 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:

- ◆ Food Safety Audit;
- ◆ Peer Challenge Action Plan Update;
- ◆ Community Safety Partnership – Annual Report;
- ◆ Safeguarding – Annual Report;
- ◆ Draft Budget Proposals 2020/21;
- ◆ Waste Procurement – Project Closedown Report;
- ◆ Customer Satisfaction Survey 2019;
- ◆ Member Induction 2019 Review;
- ◆ Ombudsman Annual Review Letter 2019;
- ◆ IT Systems Update;
- ◆ IT Resilience;
- ◆ Review of Council’s Property Assets;
- ◆ Delivery of Social Affordable Housing within the South Hams;
- ◆ General Dispensations – Multi & Dual Hatted Members;
- ◆ Town Centre Strategies Update;
- ◆ Development Management – Six Month Capacity Review; and
- ◆ Fusion Leisure – Annual Presentation and Report.



South Hams
District Council