

**MINUTES OF THE MEETING OF THE
OVERVIEW & SCRUTINY PANEL
HELD AT FOLLATON HOUSE, TOTNES ON
THURSDAY, 11 JULY 2019**

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

Other Members also in attendance:
Cllrs K J Baldry, H D Bastone, J Brazil, N A Hopwood, D W May and J A Pearce

Item No	Minute Ref No below refers	Officers in attendance and participating
All		Group Manager – Customer First; and Senior Specialist – Democratic Services
7(a)	O&S.12/19(a)	Head of Assets Practice
7(b)	O&S.12/19(b)	Head of Assets Practice
8	O&S.13/19	Head of Assets Practice
9	O&S.14/19	Support Services Specialist Manager
10	O&S.15/19	Projects Specialist
11	O&S.16/19	Support Services Specialist Manager
12	O&S.17/19	Specialist Manager – Customer First

O&S.9/19 MINUTES

The minutes of the meeting of the Overview and Scrutiny Panel held on 13 June 2019 were confirmed as a correct record and signed by the Chairman.

O&S.10/19 DECLARATIONS OF INTEREST

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

Cllr D M O'Callaghan declared a Disclosable Pecuniary Interest in agenda item 7(c): 'Executive Forward Plan: Council Tax Reduction Scheme 2020/21' (Minute O&S.12/19(c) below refers) by virtue of being in receipt of some monies in accordance with this Scheme. Whilst Cllr O'Callaghan had submitted a question to be raised in relation to this agenda item, the Chairman confirmed that he would ask it on her behalf.

O&S.11/19 PUBLIC FORUM

In accordance with the Public Forum Procedure Rules, the Chairman informed that three questions had been received for consideration during this agenda item.

1. Question from Mr Peter Scott

'In the drafting of South Hams' Climate Action Plan, what opportunity will (a) South Hams residents and (b) expert organisations in the South Hams have to influence:

- (a) The remit, target date and policy areas to be included in the Plan;*
- (b) The timetable and consultation procedures involved in drawing up the Plan;*
- (c) An early outline draft of the Plan;*
- (d) The final policy recommendations, targets and indicators of progress?'*

The Leader responded that there was presently a recommendation to the Special Council meeting on 25 July 2019 that a Climate Change Emergency be declared and an Action Plan produced. It was too early to provide exact details of how the Action Plan would be developed and exactly who would be involved. Residents and expert organisations would be involved and/or consulted through the Action Planning process and/or through the Devon Carbon Plan that was proposed by the Devon Climate Emergency Response Group (DCERG).

2. Question from Mr Robert Vint

'Teignbridge District Council has invited this Council to work with it on drafting a Climate Action Plan, it has set up an Action Group consisting of representatives of key community organisations and last week hosted the first public meeting of Teignbridge Climate Emergency Action Group attended by around 200 residents. How has this Council responded to Teignbridge's invitation and does it plan to set up an equivalent Action Group to actively involve residents and key community organisations in the drafting of this Plan?'

In response, the Leader informed that the lead officer for Climate Change had been in contact with Teignbridge regarding the benefits of working together, for example, through joint procurement. Officers would continue to work closely with them, and other partners, where it was beneficial to do so.

At present, there was a recommendation to the Special Council meeting on 25 July 2019 that a Climate Change Emergency be declared and an Action Plan produced.

It was too early to provide exact details of how the Action Plan would be developed and exactly who would be involved. Residents and community organisations would be involved and/or consulted through the Action Planning process and/or through the Devon Carbon Plan that is proposed by the Devon Climate Emergency Response Group (DCERG).

3. Question from Mr Gordon Nicholson

'How will the need to reduce local carbon emissions in response to the Climate Emergency be taken into account in decisions that the Executive will take this month on Renewable Energy Investment, Electric Vehicle Charging Points, the Air Quality Action Plan and also in relation to future development of Langleigh Energy Park?'

In response, Cllr Pearce emphasised that the need to reduce carbon emissions was recognised and the declaration of a Climate Change Emergency had been recommended by the Executive and would be considered at the Special Council meeting on 25 July 2019. Carbon emissions and their reduction would be one of many factors considered and taken into account, where relevant, during the decision-making processes at the Council's Executive.

O&S.12/19 EXECUTIVE FORWARD PLAN

The Panel was presented with the most recently published Executive Forward Plan. In accordance with Procedure Rules, formal requests had been made for three future Executive agenda items to be first considered by the Panel. These items were as follows:

(a) Investing in Kingsbridge

The Deputy Leader introduced this item and advised that the officer report had now been published with the Executive agenda. The report highlighted that the Kingsbridge Hotel development project and Business Case was originally approved by the Executive in December 2018 (Minute E.62/18 refers). Since this initial approval, the Deputy Leader informed that the business case had been changed therefore requiring a revised approval from the Executive so as to proceed. It was noted that the key changes were:

- That the cost of the project had increased from £9.10 million to £10.13 million;
- That the scale of the development had changed from 76 rooms to 85 rooms; and
- The height of the development had been reduced from 5 storeys to 4.

At this stage, the Chairman invited the local Ward Members in attendance to address the Panel. In so doing, they raised a number of points that included:-

- the apparent lack of public consultation that had been undertaken to date;
- the apparent lack of an independent assessment of the Business Case to underpin the project;
- it being somewhat misleading to state that Kingsbridge Town Council was largely supportive of the project. In light of the Town Council recently calling for a public meeting on the proposals, a Member felt that the Executive decision should be deferred pending the outcome of this meeting;
- a number of misgivings over the timing and presumptive tone of the press release that had been published earlier in the week. In addition, disappointment was expressed that they had not been consulted prior to the press release being issued;
- the local Neighbourhood Plan being in the early stages of development;
- the perception that the car park was underutilised was incorrect. As a result, the Members questioned where the hotel users would park; and
- there being local demand for high skilled employment.

In countering a number of these points, the Deputy Leader stated that:-

- Hotel accommodation was currently much needed in Kingsbridge;
- whilst some negative comments had been expressed, the Town Council had confirmed its support for the principle of these proposals;
- the vast majority of local traders were also supportive of the proposals;
- the Council was committed to working closely with the Town Council and engaging with local residents on the development and there would be two opportunities for the public to make their comments to the Council. Firstly, there would be a public consultation exercise following the Executive meeting and there would then be a second opportunity as part of the planning process;
- the Council was not viewing these proposals as an income generation project for the Council. Instead, the Panel was advised that the main drivers for advancing this project were the local economic and wellbeing benefits;

During the ensuing debate, the following points were raised:

- (i) Members who had attended the recent Tour of the District had visited this development site and felt that it had been particularly informative and useful;
- (ii) In light of the uncertain future facing town centre high streets, it was felt that this proposal was a key means of supporting the local economy in Kingsbridge;
- (iii) It was confirmed that the traffic and highways implications of the proposals were included on the preliminary risk register for this project.

In concluding the debate, the Chairman emphasised that the Panel welcomed the assurances that had been given in respect of the commitment to work closely with the Town Council and consult with local residents.

(b) Commercial Investment Strategy

The Deputy Leader introduced this update and informed that the report would also be a standalone agenda item for consideration at the Special Council meeting on 25 July 2019. In summary, the agenda item would be seeking Council approval to revise its Commercial Investment Strategy to be able to take advantage of opportunities outside of the South Hams area to invest in renewable energy generation assets.

During the subsequent debate, it was noted that:-

- (i) A number of local authorities were already exploring this type of investment;
- (ii) The grid was already at capacity in Devon;
- (iii) This initiative could provide an opportunity for shared working provision with West Devon Borough Council;
- (iv) It would now be timely for the Council to reconsider whether or not it should install solar panels over some of its car parks.

The Chairman closed the debate and advised the lead Member and officers that the Panel was broadly supportive of the recommendation to amend the Commercial Investment Strategy.

(c) Council Tax Reduction Scheme 2020/21

The Chairman asked the following question:

“This year’s council tax reduction scheme is linked to Universal Credit; has there been an increased level of people having problems with payment so far. In particular with the Minimum Income Floor rule, have there been an increased number of self-employed residents struggling to pay? Do you have figures? Some councils have dropped the MIF rule. Would this council consider doing so if it leads to increased hardship for the low paid self-employed?”

In response, the lead Executive Member for Prosperity advised that the current Council Tax Reduction (CTR) Scheme was revised for this financial year, with the full report being agreed by Council on 21 February 2019. The Member urged colleagues to refer to this report, which was very comprehensive in explaining the rationale for the changes and the financial modelling.

In summary, the Member proceeded to inform that the only link to Universal Credit was that Universal Credit claims changed automatically as income changes and these changes were again made automatically to our systems. This meant that the Council could be generating new council tax bills for those residents claiming CTR on a weekly basis, thereby generating confusion and more queries, leading to more calls and more work. The scheme had been designed to limit these changes by putting claimants in Bands which allowed for fluctuations without creating changes to the council tax reduction benefit.

The Member then pointed out that an important fact was that officers were tasked with designing a scheme that helped the most vulnerable. Some Members appeared to be focussing on the Minimum Income Floor (MIF) that impacted self-employed and not the fact that the Council had increased the benefit for those in most need from 80 to 85%, with modelling suggesting that this would provide more help to approximately 1,900 residents.

In terms of the figures, the lead Member advised that it was agreed with the Executive that a report would be brought back after 6 months, thereby providing 6 months' worth of data to examine the impact of the Scheme. Whilst the lead Member appreciated that other Members were interested, it was his view that the Council should wait for this data rather than react to individual issues before judging whether or not the scheme had been a success.

Nonetheless, the Member confirmed that an initial check of some 105 self-employed claims showed that:

- 19 had not even had the MIF applied;
- And of the 86 that had, 55 (62%) were better off under the new scheme;
- 31 were worse off, with 6 having no award under the new scheme as these were all single people capable of finding alternative / additional employment;
- 5 of the 31 had been awarded an additional payment through the Councils' exceptional hardship fund.

Finally, the lead Member confirmed that officers were not aware that any of the Devon authorities were removing the MIF. In fact, most of the districts were now creating schemes that mirrored this Councils', once again demonstrating that South Hams was leading the way in Devon.

The Chairman thanked the lead Member for his comprehensive response and reflected the views of the Panel in requesting that further consideration be given to this matter at its meeting on 17 October 2019.

Whilst accepting the point that there was no such thing as a perfect system, a Member did wish to make the point though that the payment of a bill did not always reflect financial resilience and it was his view that there was a flaw in the current Scheme that required addressing.

O&S.13/19 **ASSETS REGISTER**

A report was considered that presented the Council's Assets Register.

In emphasising the importance of local Member involvement and feedback on the Register, it was **PROPOSED** and **SECONDED** and when put to the vote declared **CARRIED** that:

'The Panel request that Democratic Services and Assets officers arrange a series of Drop-in Sessions for local Ward Members, with the intention being to consider the Assets Register in more detail before it is then forwarded to Town and Parish Council Clerks for their information and reference.'

It was then:

RESOLVED

That the Panel:

1. note the content of the presented agenda report and the Assets Register; and
2. request that Democratic Services and Assets officers arrange a series of Drop-in Sessions for local Ward Members, with the intention being to consider the Assets Register in more detail before it is then forwarded to Town and Parish Council Clerks for their information and reference.

O&S.14/19 **PEER CHALLENGE ACTION PLAN**

Consideration was given to a report that provided Members with the latest version of the Peer Challenge Action Plan.

During the ensuing discussion, reference was made to:-

(a) the perception of backbench Members that they still felt excluded from the decision-making process. In response to some Members being of the view that this remained an issue following the May elections, the Leader advised that she was committed to changing the culture of the organisation and she was aware of measures being implemented that included:

- the greater use of all Member Workshops and Briefings;
- Member drop-in sessions with the Senior Leadership being re-established; and

- Executive Members being available and accessible to the wider membership.

In response to a specific request, it was agreed that it would be more appropriate for the principle of appointing Shadow Executive Members to be considered by the Political Structures Working Group;

- (b) the Member Briefing session on the Senior Leadership Team (SLT) restructure. The Chairman thanked the Leader and Chief Executive for arranging a Member Briefing on the SLT restructure before the Special Council meeting on 25 July 2019;
- (c) the need to engage more with Town and Parish Councils. The Panel was informed that the Leader and Deputy Leader of Council had extended an offer to attend Town and Parish Council meetings. As a result, local Ward Members were encouraged to promote this offer amongst their local town and parish councils.
- (d) the next Action Plan update. The Panel felt that it was reasonable for the next update to be presented to its 23 January 2020 meeting.

It was then:

RESOLVED

1. That the progress to date on delivery of the Peer Challenge Action Plan be noted; and
2. That the next update be presented to the Panel meeting on 23 January 2020, with this update including more in-depth information around the current perception of backbench Members that they still feel excluded from the decision-making process.

O&S.15/19 WASTE PROCUREMENT CLOSEDOWN REPORT

The Panel considered a report that provided an overview of the Waste Procurement project that detailed the successes, lessons learnt and the realisation of any immediate benefits.

During the ensuing discussion, reference was made to:-

- (a) the amount of work undertaken by lead officers. A number of Members paid tribute to the amount of work that had been undertaken by the lead officers in delivering such a successful project;
- (b) the three outstanding project risks. By way of an update, the Project Specialist advised that the installation of the bespoke IT solution was still in progress and the draft construction contract was currently with the contractors legal representatives. Finally, the Specialist informed that the Business Continuity Plan was now in place and part of the formal contract.

When questioned, the Specialist assured the Panel that he was confident that the outstanding risks would be overcome before the end of the summer months;

- (c) monitoring of the Waste Contract. In noting the ongoing role that was played by both the Waste Procurement Board and the Waste and Recycling Working Group, the Panel concluded that it should be in receipt of a formal contract monitoring report at its meeting on 27 February 2020.

It was then:

RESOLVED

1. That the contents of the report be endorsed; and
2. That the formal Waste Contract monitoring report be presented to the Panel meeting on 27 February 2020.

O&S.16/19 ICT RESILIENCE UPDATE

Members considered a report that provided an update to the Resilience Report that was presented to the Panel at its meeting on 28 June 2018 on both the work that had been completed to date and the proposed further service improvements.

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

- (a) Officers confirmed that there were alternatives to Microsoft and they were constantly reviewing the feasibility of alternative service providers;
- (b) Whilst there had been problems with the rollout of the Member IT devices, a Member wished to put on record his thanks at the level of support that he had received from officers during this difficult period;
- (c) For security reasons, officers advised that unmanaged devices (e.g. personal mobile phones) were not permitted access to the Council's internal network.

It was then:

RESOLVED

That the progress made to date in maintaining resilient IT systems and networks since June 2018 be noted.

O&S.17/19 **DEVON CLIMATE EMERGENCY RESPONSE GROUP – VERBAL REPORT**

The Specialist Manager – Customer First provided a verbal update on the work of the Devon Climate Emergency Response Group (DCERG) and, in so doing, made reference to:

- the importance of Members keeping a close eye on the regular updates that were available via the following weblink:

<https://www.devon.gov.uk/energyandclimatechange/devon-climate-emergency>

- the DCERG being hosted by Devon County Council;
- the Council being represented at meetings of the DCEG by either himself or the Chief Executive;
- a commitment to circulate minutes arising from the DCERG and its sub-groups to Members via the Bulletin. In response to a request, the officer agreed to raise at the next meeting whether these meetings were open to members of the public to attend.

The Panel proceeded to discuss the update and made particular reference to:-

- (a) some concerns over the lack of any reference to date on biodiversity and tree loss. In reply, the Panel was advised that Devon County Council had not included biodiversity in its Climate Change Declaration but the officer gave an assurance that he would raise this matter at the next Sub-Group meeting;
- (b) the importance of working together with other local authorities and agencies to tackle such a significant and complex piece of work was recognised;
- (c) an officer training session that had been convened to take place on Tuesday, 23 July 2019; and
- (d) a joint all Member session with West Devon Borough Council Members would be held at the Woolwell Community Centre on Wednesday, 18 September 2019.

O&S.18/19 **OVERVIEW AND SCRUTINY ANNUAL REPORT**

Consideration was given to a report that presented the Overview and Scrutiny Annual Report.

In the debate, officers committed to providing a Member with a response to some specific queries relating to the Neighbourhood Planning process and Section 106 Agreements outside of the meeting.

It was then:

RECOMMENDED

That Council be **RECOMMENDED** that the Overview and Scrutiny Annual Report for 2018/19 be approved.

O&S.19/19 **ANNUAL PANEL WORK PROGRAMME**

During consideration of the latest version of the Panel's Annual Work Programme, the following additions, amendments and deletions were made:

- (a) The Council Tax Reduction Scheme item be added to the Programme for consideration at the Panel meeting on 17 October 2019 (Minute 12/19(c) above refers);
- (b) Members were reminded of the earlier decision for the next progress update on the Peer Challenge Action Plan to be added to the Programme for consideration at the Panel meeting on the afternoon of 23 January 2020 (Minute O&S.14/19 above refers);
- (c) It was noted that a Waste Contract Monitoring Report agenda item would be scheduled for consideration at the Panel meeting on 27 February 2020 (Minute O&S.15/19 above refers).

(Meeting started at 10.00 am and concluded at 1.00 pm)

Chairman