

**MINUTES OF THE MEETING OF THE
OVERVIEW & SCRUTINY PANEL
HELD AT FOLLATON HOUSE, TOTNES ON
THURSDAY, 17 OCTOBER 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, J D Hawkins, N A Hopwood, M Long, D W May, G Pannell, J A Pearce, R Rowe and B Taylor

Item No	Minute Ref No below refers	Officers in attendance and participating
All		Deputy Chief Executive; and Senior Specialist – Democratic Services
7	O&S.34/19	Deputy Monitoring Officer
8(a)	O&S.35/19(a)	Head of Housing Revenue and Benefits Practice and Senior Specialist (Benefits)
9	O&S.36/19	Director of Place and Enterprise and Senior Specialist Assets
10	O&S.37/19	Section 151 Officer and Deputy Section 151 Officer
11	O&S.38/19	Case Management Manager and Localities Team Leader
12	O&S.39/19	Head of Place Making Practice
13	O&S.43/19	Head of Environment Services Practice

O&S.31/19 MINUTES

The minutes of the meeting of the Overview and Scrutiny Panel held on 5 September 2019 were confirmed as a correct record and signed by the Chairman.

O&S.32/19 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 8(a): 'Executive Forward Plan: (a) Council Tax Reduction Scheme 2020/21' (Minute O&S.35/19(a) below refers) by virtue of being in receipt of monies in accordance with this Scheme and left the meeting room during consideration of this agenda item.

O&S.33/19 **PUBLIC FORUM**

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

1. Question from Mr Guy Chapman

'What assistance will this Council provide to individual Town and Parish Councils in the South Hams wishing to draw up their own Climate Action Plans – and how will you help them calculate the overall emissions and biodiversity levels of their parishes?'

In reply, the Leader of the Council provided the following response:

'At its meeting on 26 September 2019, the Council took the following decision:

In support of its commitment to the Climate and Biodiversity crisis, this Council would welcome the Town and Parish Councils across the District that have declared a Climate and Biodiversity crisis working together to create Action Plans to address and mitigate this challenge. To support this action, South Hams District Council will set up a website, similar to the one now well established for Neighbourhood Plans and populate it with our plans, a 'carbon footprint' calculator and a blog page for groups to exchange views.

The Council is in the process of developing this website, which will be launched as soon as is practically possible.

The Council has also arranged its joint SHDC / Devon County Council Annual Consultation Event with town and parish council representatives on the evening of Wednesday, 4 December 2019 and this session will include an open discussion on Climate Change Emergency Declarations.

2. Question from Ms Alexandra Bridgeman

'In the Council's Climate and Biodiversity Action Plan, what measurable indicators of biodiversity levels will the Council be using?'

Do you have baseline data on the total areas of woodland, moorland, wildflower meadow etc and the number and diversity of species in these areas?'

In response, the Leader stated that the Council was in the process of developing its Action Plan whilst also supporting the Devon Carbon Plan. It was envisaged that the Action Plan, or work emerging from the Plan, would include the use of measurable indicators but these have not been determined at this stage.

Finally, the Council would be establishing baseline data through the same process.

3. Question from Ms Jo Raeburn

'What national legal, regulatory or financial obstacles currently obstruct delivery of an effective local Climate Action Plan – and how will you help persuade the Government to remove these obstacles?'

The Leader replied that a key part of the Council's emerging Action Plan, and the wider Devon Carbon Plan, would be determining what obstacles existed and how they may be overcome. This could include a range of actions including lobbying and influencing relevant organisations, including the Government.

4. Question from Ms Sima Cutting

'Does this Council's current electric vehicle charging points use electricity from 100% renewable (solar / hydro / wind) suppliers? And do all its properties use electricity from 100% renewable energy suppliers? If not, what steps are being taken to reduce the overall carbon footprint of the Council's energy purchases?'

In her reply, the Leader of Council gave the following response:

At this stage, not all electricity was sourced from 100% renewable energy suppliers. A key part of the Council's emerging Action Plan was to establish a baseline of its own carbon footprint and to determine how it would achieve a net-zero position. An important component of this would be reducing the footprint of its energy purchases.

5. Question from Ms Dee Cunnison

'On 25 July, this Council committed to develop a Climate Change and Biodiversity Action Plan that will include an assessment of a 2030 target for becoming carbon neutral. As Torbay City, Plymouth City and Cornwall County Councils aim to be carbon neutral by 2030 and Teignbridge District, Dartmoor National Park and Totnes by 2025, how have you worked with these specific councils to assess this option and is this emerging assessment open to scrutiny by this committee?'

The Leader replied that the Council was working with a range of organisations including Torbay, Plymouth, Teignbridge and Dartmoor National Park, primarily through the development of the Devon Carbon Plan. The Council was preparing an Action Plan through its Climate Change and Biodiversity Member Working Group, which was scheduled to be presented to the Council meeting on 19 December 2019 for consideration.

**O&S.34/19 RECENT INFORMATION COMMISSIONER'S OFFICE DECISION –
VERBAL UPDATE**

By way of background to this agenda item, the Deputy Monitoring Officer advised that:

- Having been made aware of discussions between the Council and the landowner as a result of his response to the Neighbourhood Plan consultation, the Council had then received a request from the South Hams Society for information on:

'any communication the Council had had with any party since 13 September 2017 concerning development of land off Shadycombe Road, Salcombe, otherwise known as 'The Crofts'. The land was earlier the subject of a pre-application planning enquiry to which the Council gave the reference 1739/16/PDM.'

A review had been completed in November 2018 and information released and a further review was undertaken by legal officers during early 2019 when the Information Commissioner's Office (ICO) complaint had been re-opened;

- Officers had been exploring potential redevelopment opportunities at Batson Quay, Salcombe including land known as 'The Crofts' and had held workshops with community groups and representatives. Contrary to the media reports, these sessions had been led by Assets (and not Development Management) Officers and no formal pre-application had ever been submitted for the land in question;
- A lot of information had been released in November 2018 but not an initial drawing that had been presented to the workshop that had suggested that there may be a site for a potential Community Housing project. The Council had argued that the drawing was commercially sensitive and should not be released as to do so would adversely affect legitimate economic interests;
- The ICO test for whether or not information should be released was a high one and the ICO was not persuaded that the exception had been engaged in this instance;
- At the time the initial request had been received, there had been a robust debate between officers. Whilst the legal advice had been understood, officers had felt that, although the decision may be challenged, the Council should still argue its case on this issue.

During the subsequent debate, reference was made to a lessons learned exercise. It was noted that a review of the Development Management Pre-Application process was to be undertaken by officers and the Panel requested that this item be presented to its meeting on 28 January 2020 prior to its onward consideration by the Executive. In addition, the Panel also requested that an agenda item titled: 'Guidance on ICO Procedure' should be included on the agenda for the next meeting to be held on 21 November 2019.

Specifically with regard to the role of Members, assurances were given that, in the future, Members would be notified in respect of when ICO decisions had been published and it was agreed that this would be included as part of the Guidance report to be presented to the next Panel meeting.

It was then:

RESOLVED

That the Panel Work Programme be updated whereby:

- a 'Guidance on ICO Procedure' report be presented to the next Panel meeting to be held on 21 November 2019; and
- a 'Review of the Development Management Pre-Application Process' be presented to the Panel meeting on 28 January 2020.

O&S.35/19 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 two future Executive agenda items to be first considered by the Panel. These items were as follows:

(a) Council Tax Reduction Scheme 2020/21

A report was presented that recommended continuation of the existing Council Tax Reduction Scheme for 2020/21 with no proposed amendments.

In the subsequent discussion, reference was made to:-

- (i) the effectiveness of the Scheme. The majority of Members were very supportive of the Scheme and acknowledged that Devon County Council recommended it as best practice to other District Councils;
- (ii) the four official complaints. Officers confirmed that they had been working with the four official complainants following the introduction of the banding scheme and they had each been offered help, assistance and support;
- (iii) some concerns over the scheme. A Member expressed some specific concerns that he had on the scheme that included:
 - the absence of a cap;
 - the website requiring a review to ensure that critical information was in the most prominent part of the webpage; and

- the need to define the Minimum Income Floor.

In light of the specific nature of some of these points, it was agreed that the Member would meet with lead officers and the lead Executive Member outside of this meeting to discuss in greater detail.

It was then:

RECOMMENDED

That the Panel **RECOMMEND** to the Executive to **RECOMMEND** to Council that no amendments be made to the existing Council Tax Reduction Scheme for 2020/21.

(b) Draft Capital Programme Proposals 2020/21

In connection with this future agenda item, a Member had given advanced notice of her wish to raise the following question:

'I would like to ask the Leader if she would be able to brief the Overview and Scrutiny Panel on the implications of the unexpected rise in the Public Works Loan Board (PWLB) for Council Assets Projects including the proposed Kingsbridge Hotel and the Batson Quay/Whitestrans proposals at Salcombe.'

In response, the Deputy Leader informed that:

'Council officers were assessing the impact of the increase of 1% on the Public Works Loan Board (PWLB) Interest Rate currently being offered on loans, on all of the business cases that involve external borrowing. The increase in Interest Rates of 1% only affected any new borrowing and did not affect loans already taken out in the past (e.g. for leisure),

The increase would affect the Council's Commercial Investment Strategy in as much as the Council would need to factor in a higher Interest Rate into future Business Cases. The Commercial Investment Strategy itself still remained relevant.

The Council's Treasury Management Advisors had indicated that other lenders (banks) and Pension Funds were now looking to come into the lending market. Previously, such lenders could not compete with the PWLB rates being offered, but their rates now had a chance of being competitive. Any lending from banks was likely to have longer lead in times.

Consultation on the Kingsbridge and Ivybridge schemes would be taking place and stakeholders (e.g. Members, residents and businesses) would be made aware of how to engage in the consultation process.

The Whitestrand project (replacement of toilets / showers and the Harbour Office) was not affected by an increase in borrowing rates as this project was being funded by the Council's own capital resources (capital receipts) and there was no external borrowing involved.

Similarly, the Batson Quay project would be funded by internal borrowing (borrowing from the Council's own resources) and not external borrowing from a third provider, due to the smaller amount of borrowing involved. However, the project was undergoing a review of the specification and design to see where the tendered cost could be reduced to bring the scheme within the Budget envelope approved by Members.'

With no further issues raised, the meeting proceeded to consider the next agenda item.

O&S.36/19 ACCOMMODATION STRATEGY UPDATE

The Panel received an update from the lead Executive Member on the Accommodation Strategy and noted the amount of outstanding work on reviewing the future of Follaton House and the Arboretum.

Whilst the Executive Forward Plan had indicated that the Strategy was to be presented to the next Executive meeting on 31 October 2019, the lead Member informed that there was a need for the Accommodation Strategy Member Working Group to meet at least once more prior to it being in a position to make a formal recommendation. As a result, the Member would be seeking a deferral of this matter to an Executive meeting during early 2020 and proceeded to encourage the wider membership to share their views with him and the lead officers.

During the ensuing debate, it was confirmed that any Member could attend future meetings of the Accommodation Strategy Member Working Group and it was agreed that the dates of these meetings would be publicised via the Members' Bulletin.

O&S.37/19 REVIEW OF FEES AND CHARGES FOR 2020/21

Consideration was given to a report that set out proposals for any changes to Fees and Charges for all services for 2020/21.

During the ensuing discussion, reference was made to:-

- (a) Zoo licensing charges. By way of background for newly elected Members, officers advised that the proposed charges were as a result of the officer review into all aspects of zoo licensing charges that had been requested during the 2018/19 Budget setting process (Minute 53/18 refers);

- (b) charging for serious private water supply sampling failures. In the event of this new charging proposal being approved, officers gave their assurances that an appropriate Communications Strategy would be implemented.

It was then:

RECOMMENDED

That the Executive **RECOMMEND** to Council that:

1. the proposed Fees and Charges set out for Parks, Open Spaces and Outdoor Sports (as detailed in Appendix A of the presented agenda report) be approved;
2. the proposed Environmental Health charges (as detailed in Appendix B of the presented agenda report) be approved;
3. the proposed unchanged fees and charges for Development Management (as detailed in Appendix C of the presented agenda report) be approved;
4. delegated authority be given to the Director of Place and Enterprise, in consultation with the lead Executive Member for Enterprise, to set the Dartmouth Lower Ferry Fees to take account of market changes (including competitor charges);
5. charges be introduced for the use of the existing electric charging points at Follaton House;
6. delegated authority be given to the Commissioning Manager for Waste and the Head of Practice Lead for Waste, in consultation with the lead Executive Member for Environment, to set the Commercial Waste Fees and Charges, once the report is complete that is outlined at paragraph 3.14 of the presented agenda report;
7. the proposed Boat Storage Charges (as detailed at paragraph 3.15 of the presented agenda report) be approved;
8. the proposed 'Proof of Life' charges be approved and introduced with immediate effect;
9. the proposed changes to S257 Footpath Diversion Orders charges be approved with immediate effect; and
10. delegated authority be given to the Section 151 Officer and the lead Executive Member to set the Local Land Charges fees on a cost recovery basis.

O&S.38/19 LOCALITY SERVICE UPDATE

The Panel considered a report that summarised the activity and reviewed the performance of the Locality Service during 2019. In addition, the report also outlined some of the future challenges that were facing the Council over the next twelve months.

During the ensuing discussion, the following points were raised-

- (a) Having been informed that a formal service review had not been carried out since the establishment of the Service in 2015, a motion was **PROPOSED** and **SECONDED** as follows:

'That a Task and Finish Group (comprising of Cllrs Austen, Birch, McKay, Spencer and Thomas) be established to review the role of the Locality Service with a concluding report being presented to the Panel meeting to be held on the afternoon of 23 January 2020.'

When put to the vote, the motion was declared **CARRIED**.

- (b) Officers advised that the decision to task the Locality Engagement Officers with resolving waste related issues and monitoring had worked particularly well;
- (c) A number of Members commended the role played by the Mobile Locality Officers and were of the view that they had been one of the success stories of the Council's Transformation Programme.

It was then:

RESOLVED

That a Task and Finish Group (comprising of Cllrs Austen, Birch, McKay, Spencer and Thomas) be established to review the role of the Locality Service with a concluding report being presented to the Panel meeting to be held on the afternoon of 23 January 2020.

O&S.39/19 TOWN CENTRES STRATEGY

The Panel considered a report that provided an update on the progress that had been made on the Council's Town Centres Strategy.

In discussion, reference was made to:-

- (a) the need to give added emphasis to the Strategy. In emphasising the need to make more progress, a motion was **PROPOSED** and **SECONDED** as follows:

1. That four separate meetings (per Cluster area) be arranged with local Ward Members to discuss possible initiatives that could be prioritised in each local Cluster area; and

2. *That Option 3 (namely that the Council could ‘take a more active role in promoting, leading and delivering change in the community. This might be achieved by a lead Officer / Officers and Members dedicating additional time to convening meetings, assessing opportunities and creating working groups / task and finish groups to deliver against the agenda’) be fully costed and presented to the draft 2020/21 Budget Setting Workshop on Thursday, 7 November 2019.*

Whilst the majority of Members were supportive of the motion, some Members held the contrary view that local town councils should be self-sufficient and undertake these activities for themselves. Nonetheless, when put to the vote, the motion was declared **CARRIED**;

- (b) Meetings that had already been held. Some local Ward Members informed that the formal meetings that had already taken place had been well received.

It was then:

RESOLVED

1. That four separate meetings (per Cluster area) be arranged with local Ward Members to discuss possible initiatives that could be prioritised in each local Cluster area; and
2. That Option 3 (namely that the Council could ‘take a more active role in promoting, leading and delivering change in the community. This might be achieved by a lead Officer / Officers and Members dedicating additional time to convening meetings, assessing opportunities and creating working groups / task and finish groups to deliver against the agenda’) be fully costed and presented to the draft 2020/21 Budget Setting Workshop on Thursday, 7 November 2019.

O&S.40/19 TASK AND FINISH GROUP UPDATES

(a) LEISURE REVIEW

During his update, the Group Chairman advised that:

- one meeting had already been held at which the Group had approved the Terms of Reference for the Review;
- the second Group meeting was to take place after this Panel meeting; and
- all Members (irrespective of being on the Group or not) were welcome to share their thoughts and experiences of the leisure service and attend future meetings of the Group to feed into this Review before the final recommendations were presented to the Panel meeting on 23 January 2020.

O&S.41/19 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 Panel acknowledged that it had earlier agreed a request for an agenda item titled: 'Guidance on Information Commissioner's Office (ICO) Procedure' to be presented to the next Panel meeting on 21 November 2019 and a 'Review of the Development Management Pre-Application Process' to be presented to the Panel meeting on 28 January 2020 (O&S.34/19 above refers);
- (b) Members also noted that the concluding report of the Locality Service Task and Finish Group would be presented to the Panel meeting on the afternoon of 23 January 2020 (Minute O&S.38/19 above refers).

O&S.42/19 EXCLUSION OF PUBLIC AND PRESS

RESOLVED

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item of business as the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A to the Act is involved.

O&S.43/19 PAY AND DISPLAY MACHINE UPDATE

Consideration was given to an exempt report that provided an update to the Panel on actions taken and research undertaken into alternative providers.

In discussion, the Panel recognised that this was a positive update and good progress had been made. As a consequence, the Panel was supportive of the officer view in the report recommendation.

It was then:

RESOLVED

That the Panel support the officer view that the Council should continue its working relationship with Metric unless performance gives rise for concern, at which point officers will again evaluate alternative options.

(Meeting started at 10.00 am and concluded at 12.10 pm)

Chairman