

**MINUTES OF THE MEETING OF SCRUTINY  
HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 12 FEBRUARY 2009**

**MEMBERS**

ø Cllr C M Pannell - Chairman

\* Cllr K J Baldry - Vice-Chairman

\* Cllr J H Baverstock

\* Cllr P H Cook

\* Cllr G J Fielden

\* Cllr R D Gilbert

\* Cllr J W Squire

\* Cllr J A Westacott MBE

\* Denotes attendance

ø Denotes apology for absence

**Also in attendance and participating:**

Cllrs J Brazil, M J Hicks, J T Pennington and M F Saltern

**Also in attendance and not participating**

Cllrs H D Bastone, J I G Blackler, B F Cane, B E Carson, P W Hitchins and  
R J Tucker

**Officers in attendance:**

For all items: Strategic Director (Community), Member Support Services Manager  
and Member Support Officer;

Item 7 (Minute SC.47/08 below refers): TADPOOL Chairman & Secretary

Items 7 & 9 (Minutes SC.47/08 & SC.49/08 below refer): Head of Landscape &  
Leisure;

Item 8: (Minute SC.48/08 below refers): Major Developments and Project Officer;

Item 11: (Minute SC.51/08 below refers): Chief Executive, Strategic Director  
(Resources) and Head of Improvement Unit

**SC.44/08 MINUTES**

The minutes of the meeting of Scrutiny held on 15 January 2009 were confirmed as a correct record and signed by the Chairman.

**SC.45/08 CHAIRMAN'S ANNOUNCEMENT**

The Chairman advised that since the publication of the meeting agenda, he had agreed to one amendment in its running order.

This change related to Item 7 ('South West Water') replacing Item 10 ('TADPOOL – Tone Leisure Update') and conversely Item 10 replacing Item 7 in the running order (minutes SC.47/08 and SC.50/08 below refer).

**SC.46/08      DECLARATIONS OF INTEREST**

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

Whilst not Members of the Group, Cllrs J I G Blackler and B F Cane declared a prejudicial interest in Item 8 'Sherford – New Community Update' (Minute SC.48/08 below refers) and left the meeting room during consideration of this item;

**SC.47/08      TADPOOL/TONE LEISURE UPDATE**

Consideration was given to a report which informed Members of progress subsequent to TADPOOL representatives attending the Scrutiny Group meeting on 20 November 2008 (Minute SC.28/08 refers), when concerns were expressed regarding the working arrangements with the Council's Leisure Contractor, Tone Leisure.

Since the November meeting, the Head of Landscape and Leisure advised that the lead Executive Member for the Leisure Contract had held meetings with both parties in order to establish the issues on which the Council might be required to intervene. The Chairman of TADPOOL advised that the involvement of the lead Executive Member had helped considerably towards narrowing differences and facilitating better, more productive communication and consultation between the two parties and a joint meeting would be held during the following week. The Group welcomed this progress.

During discussion, the following points were raised:-

- a) It was noted that there were significant issues with the design of the software on the computer systems which had resulted in income not being input efficiently and which was occasionally being ascribed to the wrong organisation. This had led to inaccuracies in the division of income between the two organisations. The Executive Member advised that this issue would be high on the agenda for the forthcoming meeting between the two parties. A Member asked if the Council's ICT service could be tasked with investigating the design flaw:
- b) The matter of the restricted use of TADPOOL memberships was raised as an item still unresolved and the Group was informed by the Executive Member that this issue would also be on the joint meeting agenda.

It was then:

## **RESOLVED**

That the Scrutiny Group welcome the recent progress made towards improving working relations between TADPOOL and Tone.

### **SC.48/08 SHERFORD NEW COMMUNITY – UPDATE**

Prior to the consideration of the report, the Chairman reminded Members to refrain from making any statements either in support or objection of the proposals, as this could result in Members prejudicing themselves out of considering the matter at the Development Control Committee.

Consideration was subsequently given to a report which updated Members on the progress of the delivery of the Sherford New Community development. The Strategic Director (Community) advised that since the Development Control Committee meeting of 23 April 2008, officers from South Hams District Council (SHDC), Plymouth City Council (PCC) and Devon County Council (DCC), as well as the Primary Care Trust (PCT) and other stakeholders had all been in discussion with Red Tree in an attempt to resolve issues towards completing a S106 agreement, in order to deliver the outcomes anticipated by the two Committee resolutions. However, he advised that this work was complex and had not yet been brought to a conclusion as had been hoped.

During discussion, the following points were raised:-

- a) It was asked how the economic downturn would affect the delivery of the proposed development. In reply, officers advised that the development was at least a fifteen year project and although the decision to promote it was taken in more buoyant times, it was still a key project and officers were confident that it would proceed but at a slower pace of delivery. However, in view of the economic situation, in common with many other developments across the country, it was accepted that there was now less value in the development in terms of the S106 to mitigate the impacts generated by the project, and that the requirements for the S106 had to be offset against the viability of the development. It was also stated that there would still be a need for public funding to support transport infrastructure and affordable housing provision;

- b) A Member questioned the outcome if, after the lengthy S106 negotiation process, it was deemed that the scheme was unviable because of the level of demand from the public agencies. Officers responded that the matter would most likely go through an appeals process and an Inspector would assess the scheme against Government objectives for housing delivery securing sustainable communities and the adopted planning policies. However, it was emphasised that negotiations would have to be significantly adrift for the developer to appeal against non determination of the twin tracked application prior to consideration by the Council of the initial application. Members were also advised that the developers had been willing to engage in the discussions on viability and it was hoped that the matter would be re-considered by the Development Control Committee in June 2009;
- c) On the matter of viability, a Member felt that he had not been forwarded adequate information, and at no time had he seen the viability report. He proceeded to ask if it would be possible for all Members to consider the viability criteria at a Member briefing or workshop, in order that an informed decision could be reached. Officers advised that an informal meeting to discuss the issues under consideration could be held, but that some of the information contained in the viability paper was commercially sensitive and confidential and there would be a need to acknowledge any legal constraints relating to disclosure;
- d) A Member asked if there would be a requirement to undertake a Housing Needs Survey. In response, the Group was informed that while such surveys were required for rural exception sites, to be in accordance with Government guidelines, the Sherford proposal was part of the adopted Area Action Plan (AAP) and had been supported by an up to date Housing Market Assessment for the wider Plymouth sub region, including the South Hams;
- e) It was noted that the main beneficiary from the Sherford development would be Plymouth, yet the council tax payers of the South Hams were funding many of the costs whilst there was still insufficient housing in the district. The Group was informed that officers were continually working to progress housing development across the South Hams and made reference to joint working with Plymouth, such as development of integrated AAPs;
- f) A Member raised the matter of the transport infrastructure for the Eastern Corridor, remarking that it had been needed for a number of years. The Group was informed that PCC had led a Major Scheme Bid, which comprised of a number of transport related infrastructure measures. The Bid had been submitted for consideration for Regional Funding Allocation (a designated mechanism to fund transport infrastructure in the region);

- g) The matter of the proposed name of the development was discussed and it was asked if it could be renamed Sherford Newtown so that it could be distinguished from the current Sherford village. The Group was informed that the concerns of some in the local community were noted and that this was a matter of much discussion yet the final decision was not one over which the Council appeared to have overall control.

It was then:

### **RESOLVED**

That the content of the report be noted.

## **SC.49/08 PLAY ACTIVITIES AND FACILITIES**

A report was considered that updated Members on the progress of delivery of two funding streams, which were the Big Lottery Play Grant and the Council's £1 million Capital Programme for play facility improvements. The Big Lottery grant of £200,000 had been allocated to five projects that were part of the South Hams Play Strategy. The projects were:

- The Family Play Bus (Delivery Partner – Barnardos)
- Play Rangers (Delivery Partner - Tone Leisure)
- Playschemes (Delivery Partner SPARC)
- Skateparks (Delivery Partner - Devon Youth Service)
- Playing Out There (South Hams District Council)

The Head of Landscape and Leisure advised that the delivery of the Big Lottery funded projects was monitored by SHAPES (South Hams Play Forum) and that officers submitted quarterly reports to the Big Lottery. The grant also supported additional officer time to manage delivery of the projects.

With regard to Capital funding, an officer advised that a sum of £1 million had been confirmed by the Council to support a detailed programme of works in the improvement of play and youth outdoor facilities across the South Hams. The programme of works had been drawn together by the Public Spaces Working Group and approved by Council. The programme of works selected met the principles and actions as set out in the South Hams Play Strategy and were based on a detailed assessment of the condition and play value of the 103 play areas currently owned and/or managed by the Council. The Group was informed that staff were in the process of engaging with town and parish councils regarding their priorities for play areas within the programme of works, and it was envisaged that significant improvements to play areas could be made within the next twelve months. The Group was advised that the process of engagement had also presented an opportunity to draw in other funding that might be available.

The Group was also informed that the Big Lottery had recently announced that Devon had been identified for a Play Builder Award of £1 million, to initially deliver improvements in twenty two play areas across Devon and that officers were in discussion with Devon County Council (DCC) with regard to making a case for the South Hams to receive some of the allocation available from the award.

During discussion, the following points were made:-

- a) A Member reported that a number of town and parish councils were delighted at the regeneration of their play areas as well as being consulted regarding their specific priorities. Members were advised that the Council would continue to consult with town and parish councils to ensure the designs and improvement works were in line with their expectations. Officers gave assurances that they did not foresee any problems with the implementation of the programme;
- b) With regard to the Big Play Builder Award, it was asked if it was known as to what percentage of the £1 million would be allocated to the South Hams. In response, officers advised that it was not yet known if the district would receive funding, but that priority was to be given to the areas of greatest deprivation in Devon. Based on this criteria, it was hoped that some areas in Totnes and Dartmouth may attract some funding;
- c) The issue of the dual use of school sports facilities was raised. The Group was informed that the matter was being progressed through the Local Strategic Partnership and that discussions were currently taking place with Kingsbridge, Dartmouth and Totnes Community Colleges. A Member requested that the dual use of Primary School facilities should be equally pursued, as some also had good sports facilities which could be utilised;
- d) A Member commented that they were satisfied that the money spent in the first tranche of the programme of works had been spent wisely and that the next round of works would gain further momentum and support;
- e) A Member requested that it be noted that there was a problem with poor drainage of surface water at the Totnes skate park, which meant that it could not be used effectively after rainfall.

It was then:

### **RESOLVED**

That the progress of the Big Lottery Children's Play Programme and the close links to the delivery of the Play Improvements in the Council's Public Space Capital Programme be noted.

SC.50/08 **SOUTH WEST WATER**

Mr McGuffog, (South West Water (SWW) Business Planning Manager) gave the Group a short overview of the background to the SWW Draft Five Year Business Plan 2010-2015, and distributed summary booklets of the plan entitled 'Delivering Pure Water, Pure Service and a Pure Environment. The Plan was to form part of the SWW submission to OFWAT for the price setting Periodic Review Process (PR09)'. Mr McGuffog then invited questions from the Group.

During discussion, the following points were made:

- a) A Member asked if there would be any increase in water bills in the next financial year and queried whether in these difficult economic times, SWW could follow the lead of South Hams District Council in making no increase in charges. Mr McGuffog advised that water charges were based on the Retail Price Index (RPI) and the 'K Factor', therefore any increase would be less than 5%. He further advised that the prices were set by the regulators OFWAT, who imposed a five year price limit to provide stability in charges and to avoid price spikes. A Member responded by saying that such a price increase was excessive. Mr McGuffog stated that SWW still needed to recover costs anticipated five years ago, and that they had been affected by the recent huge increase in energy costs. He further advised the Group that SWW had to be viable as a business and that the company required financial certainty for forward planning, in terms of the scale of the major investments they proposed.

In acknowledging the current economic climate, he emphasised that the price charged would be the minimum that SWW required to cover its operating and development costs. Another Member wished for it to be noted that water utility was still a significant bill for the average householder, and that when compared nationally, South West residents were still paying some of the highest bills in the country;

- b) A Member asked if water metering would become compulsory. Mr McGuffog informed that there were no plans to enforce this, although metering remained the preferred option in water stress zones but that the South Hams did not come into this category. However, he stressed that metering helped to cut consumption which benefited the environment, as it meant there would be no requirement to build new reservoirs in the foreseeable future. A Member noted that price increases were weighted towards those customers who did not possess a meter and the Group was advised that this was to encourage customers to switch voluntarily;

- c) A Member raised the issue of water taste, advising that in his local ward, the water was not palatable. As a consequence, many residents had to filter their water to make it more pleasant to drink. The Group was informed that improving water quality was an important target for SWW, who would be focusing on relining any pipes where there were issues with taste, odour or discolouration. Mr McGuffog urged Members to contact SWW if they had problems in their area and gave assurances that he would progress the specific example which had been raised;
- d) A Member noted that there was mention in the circulated papers of a hydroelectric plant to utilise the power of the Avon Dam and was impressed by the plans to increase a further 230kw capacity at its base;
- e) A Member commented that their local village hall had introduced a mechanism to capture surface water from the flat roof which was then recycled to service the lavatories and proceeded to question whether SWW had any plans to promote such green schemes in the future. Mr McGuffog replied that conserving water was not their main area of expertise and that local authorities were best placed to deal with surface drainage and flooding;
- f) A Member raised the matter of surface leaks and commented that in his local ward he was aware of an example where it had taken three weeks before repair work was undertaken. The Group was advised that SWW was required to prioritise underground leaks and that surface leaks were of a lesser priority but that they recognised the time delay did not amount to good customer service. To address the matter, SWW was intending to set a target to deal with 90% of visible leaks within 3 days. Currently, the performance rate was 75% but it was hoped that in the future these complaints would become less frequent;
- g) A Member commented that they had noted SWW was selling off a number of assets and questioned whether the funds generated from those sales were built into their future financial forecasts. The Group was advised that all proposed asset sales had to be reported to the regulators for endorsement and that the whole process was regulated, but that the sales were factored into their current budgetary plans;
- h) A Member asked if there were any plans to develop the Brixton and Yealmpton Sewerage treatment works. The Group was advised that only normal maintenance was planned but that it was envisaged that the Brixton Sewerage Treatment Works storm tank may undergo investigation in 2013, with regard to studies into the protection of shellfish.

Mr McGuffog was then thanked for his attendance and informative responses.

SC.51/08 **PERFORMANCE INDICATORS – PROGRESS REPORT**

A report was considered which informed Members of the Council's achievement against selected Performance Indicators (PIs) for quarter 3 (October-December) within 2008/09.

Members welcomed the inclusion of explanatory notes to justify the PI's. However, a Member did feel that BV86 (cost of household waste collection) should have such information included alongside its totals.

It was then:

**RESOLVED**

That Part A and Part B on the performance against the national and local indicators, which currently form the Council's Balanced Scorecard as set out in Appendix A of the presented report for the 2008/09 performance indicator year (Quarter 3 = Oct - September 08), be noted.

SC.52/08 **SCRUTINY SHADOWING ROLES**

Members confirmed that they were kept fully briefed by their Executive counterparts, and continued to meet frequently.

SC.53/08 **AGENDA ITEMS FOR FUTURE MEETINGS OF SCRUTINY**

**Police Authority**

It was requested that the Chief Executive of the Police Authority be invited to attend the Scrutiny Group Meeting on 23 April 2009. In particular, it was asked whether the matter of the future funding of the service could be discussed and in particular future funding of tackling anti social behaviour.

Furthermore, Members wished for a letter to be sent to the Chairman of the Authority regarding the matter of bonus payments to Senior Police Officers.

**ICT**

Whilst accepting that the service was part of the current ongoing work towards Integrated Devon, Scrutiny requested that an internal service review be presented at its 23 April 2009 meeting.

### **Devon Local Safeguarding – Joint Scrutiny Meeting**

It was noted that the Group had been invited to hold a joint Scrutiny Group meeting with its West Devon Borough Council counterparts, to discuss the matter of the changes in the way that the Serious Case Review process would operate. These changes were in response to national concerns expressed following the case of the death of Baby P. The Group had been notified of these intended changes via a letter from the Chairman of the Devon Local Safeguarding Children Board.

It was expressed that this should be a joint meeting specifically for this purpose, to which all Members be invited to attend.

### **Local Government Review**

Since the Boundary Committee's final recommendations had been deferred until July 2009, the Group wished for this item to be deferred from 23 April 2009 agenda and placed into the 'current outstanding issues' category.

(Meeting commenced at 10.00 am and concluded at 12.30 am).

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Chairman