

**MINUTES OF THE MEETING OF SCRUTINY
HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY 23 JULY 2009**

MEMBERS

* 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

Also in attendance and participating:

Cllrs H D Bastone, J I G Blackler, J D Hawkins, M J Hicks, P W Hitchins,
M J Howarth, C W Jones, M F Saltern 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.11/09 below refers) Conservation and Design Officer; and
Item 8: (Minute SC.12/09 below refers) Leisure and Recreation Officer and Head of
Landscape and Leisure.

SC.09/09 MINUTES

The minutes of the meeting of Scrutiny held on 2 July 2009 were confirmed as a correct record and signed by the Chairman.

SC.10/09 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 recorded as follows:

Cllr P H Cook declared a personal interest in item 8: 'Monitoring Report – Leisure Centres, Sport and Healthy Lifestyle Contract' (minute SC.12/09 below refers), by virtue of her being a member of Quayside Leisure Centre and remained in the meeting and took part in the discussion and vote thereon.

Cllr R D Gilbert also declared a personal interest in item 8: 'Monitoring Report – Leisure Centres, Sport and Healthy Lifestyle Contract' (minute SC.12/09 below refers), by virtue of his wife's employment with Tone Leisure but remained in the meeting and took part in the discussion and vote thereon. Cllr Gilbert also advised that this interest was potentially prejudicial if any matter arose which related directly to his wife's employment and he would therefore leave the meeting should this be the case.

Cllr P H Cook also declared a personal interest in Item 7: 'English Heritage' (minute SC.11/09 below refers), by virtue of her brother's employment involvement in the conservation industry and remained in the meeting and took part in the debate.

SC.11/09 **ENGLISH HERITAGE**

The Conservation and Design Officer introduced Mr Simon Ramsden, a representative of English Heritage to the Scrutiny Group and then gave a brief overview of the Council's own working relationship with English Heritage. He explained that under the Planning and Conservation Act 1990, the authorities had to notify English Heritage of any ongoing works to Grade 1 listed buildings. The South Hams was particularly rich in terms of an historical environment and had approximately 3,500 historical buildings, 50 conservation areas and 230 Grade 1 or II listed buildings.

Mr Ramsden then provided an overview of his organisation stating that it was the principal advisor to the Government on the historical environment. The services they provided were numerous and included:

- Advising on works to higher grade listed buildings;
- Advising on works to listed buildings;
- Grant Giving;
- Research Department; and
- Contributing to Policy on the Historical Environment;

In the short term assessing and advising on heritage at risk would be a key part of their work.

During the discussion, the following questions were raised:

- a) A Member enquired as to how much involvement the Conservation Officer had with English Heritage. In reply, the Officer informed that because of the number of historic buildings and conservation areas in the district, he had a good working relationship with the organisation and consulted with the Bristol Office on almost a daily basis. He also had regular contact with the Head Office in London with regard to the Britannia Naval College;
- b) A Member asked about the organisation's role in Shore line Management Plans and whether they had any influence in decision making. In reply, Mr Ramsden advised that English Heritage had a representative that sat on Coastal Management Groups. Coastal erosion was accelerating and all historic sites on the coast were at risk with sea levels rising. Balanced decisions would have to be made e.g. whether some limited funding should be spent to preserve a site for the near future, or whether there should be significant investment to protect it for the longer term;

- c) Mr Ramsden was asked if the organisation ever de listed the status of properties. In reply, he informed that the organisation was very reluctant to authorise this and would look at any such application extremely carefully. Questions would also arise as to why a property had got into such a poor state;
- d) A Member raised the issue of industrial heritage. Mr Ramsden stated that there was now a greater awareness of industrial heritage than there had been previously, but such sites had to be looked at in a national context and many could not always be saved from demolition;
- e) The English Heritage representative informed that the Council was regarded as a high performing authority and the organisation had a great deal of respect for the Conservation Officers. He went further to say that generally conservation was often seen as an inferior service, which could perhaps explain why the built environment had deteriorated due to the lack of investment. This had resulted in a serious and notable impact on the quality of new developments in conservation areas;
- f) With regard to grants, it was noted that the 2009/10 regional budget was £1.5 million. Whilst a settlement was received every three years, this did not keep up with inflation, so year on year the organisation was attempting to do more with less income;
- g) A Member raised an issue of planning applications being delayed due to waiting for representations from English Heritage. In reply, the representative informed that their in-house statistics suggested a 100% response rate but efficiency in the process did rely on early receipt of applications. He further advised that the use of pre application advice also assisted the process. Nonetheless, he was concerned to hear the points raised and advised that he be made aware of any problems.

The Chairman proceeded to thank Mr Ramsden for his informative presentation and responses.

SC.12/09

MONITORING REPORT – LEISURE CENTRES, SPORT AND HEALTHY LIFESTYLES CONTRACT

The Leisure Facilities Manager, of Tone Leisure gave a short presentation regarding the use of the Leisure Centres by the public. The presentation gave an overview of the contract objectives, the current position, projected future growth and how Tone Leisure planned to achieve its targets.

During discussion on the presentation, the following points were made:

- a) A Member welcomed the positive results at the Dartmouth Leisure Centre, but expressed surprise, as the centre rarely looked in operation and inviting to customers in contrast to when it was first opened. He expressed frustration that there was a lack of access to facilities for the community at certain times. The Managing Director (Tone) informed that there was no signed agreement with the local school and the issue of whether the centre was primarily a community or a school facility needed to be clarified. It was suggested that maybe the school Head Teacher should be invited to come and speak to Members with a regard to resolving some of the shared usage issues. Another Member also expressed his frustration and that of his community, over the lack of cooperation with their local school regarding shared access to facilities. In response, the Head of Landscape and Leisure informed that he had expressed his own frustration to the leader of Devon County Council about these issues and would continue with ongoing discussions to try and bring about progress and would provide a further update when appropriate;
- b) With regard to utilising leisure facilities, a Member asked if Tone Leisure could investigate the possibility of the routes taken by the supermarket free buses including a drop off point near the leisure centre at Ivybridge, as many residents in remote rural areas were restricted in being able to use the centre due to a lack of transport;
- c) A Member commented on the increased attendance at the organised Youth nights in Kingsbridge. This had required a lot of work on programming but had reaped great dividends;

The Landscape and Recreation Officer then presented the Monitoring Report. The leisure contract with Tone was now in its third year of operation. The report included an update on the financial performance of the company, system and quality matters, innovation and improvement, repairs and maintenance, partnership arrangements and free swimming offer for the over 60s. For April and May this 2009, Tone Leisure was on budget, and for the full year, was set for a break even position. The budget included a number of planned actions to achieve savings that had been put into place to meet the challenges presented by the recession.

Following the discussion, the following points were raised:

- i) A number of Members raised their concerns over the ongoing underground leak at Ivybridge swimming pool which had been an issue for a considerable length of time. They sought answers on the financial cost, environmental cost and on why it had not already been resolved. Officers advised that engineers had been on site to investigate but further issues had been noted with the outside pool.

The Strategic Director (Community) advised that any repairs undertaken could involve major works and could be very expensive, therefore, there needed to be a sound business case as well as an understanding of the environmental impact, prior to undertaking the works. The Head of Landscape and Leisure advised that works could also disturb the area and create other problems for the aging infrastructure. A discussion was therefore required to assess whether it would be more cost effective to leave the leak unrepaired and compensate Tone Leisure for the cost of water lost.

It was then **PROPOSED** and **SECONDED** and subsequently **CARRIED** that a progress report on the situation with the leak be presented to a future Scrutiny Group meeting;

- ii) A Member commented that the agenda report had not given sight of the balance sheet, and queried the strong cash position, and further asked for clarification about cuts in costs, as this suggested there might be cuts in services as a result. In response, the Managing Director advised that the Council was in receipt of the end of year unaudited accounts and that they did not anticipate any changes. The cash position represented working cash and not reserves. The nature of the contract did not enable large reserves from the outset and these would have to be built up. However, as a charitable trust there would be a balancing act regarding what would be a sensible amount of available operational funding. In addition, it was noted that not all savings were negative in terms of service delivery, for example the 7% utility cost savings were a key saving that did not represent a cut in services.

The Strategic Director (Community) reminded Members that the motivation for the contract was to continue to provide a leisure service to the community but at a reduced cost to the Council. Leisure had been judged by Members to be important to local people, but as a discretionary service, it was not considered a top Corporate Priority. The Council had a monitoring role and had stipulated annual savings, therefore the business had to be effectively managed to survive, particularly in the current economic climate. This required the Council to balance the achievement of key service delivery targets with operational autonomy for Tone to enable it to deliver the agreed business plan. Another Member expressed appreciation for the good job that Tone Leisure was doing in a difficult climate and hoped that this would continue.

It was then:-

RESOLVED

- 1) That the Group had noted the report and commented upon it; and
- 2) That a progress report regarding the current position of the leak at Ivybridge Swimming Pool be presented to the Group at a future meeting.

SC.13/09 LOCAL GOVERNMENT REVIEW – VERBAL UPDATE

The Strategic Director (Community) provided an update on the latest situation concerning the Local Government Review, during which he highlighted the failure of the Boundary Committee to make its recommendations to the Secretary of State on 15 July 2009. It was noted that this had followed the outcome of the Judicial Review in relation to the ongoing review in Suffolk.

At this stage, it was unknown whether the Boundary Committee would appeal this decision. The Devon district councils were maintaining the pressure on the government, to ensure it remained fully aware of the issues. It was also hoped that the Council Leaders would meet the Minister during autumn 2009 and those local MPs who agreed with the views of the majority of district councils continued to work on behalf of the Council. The county council now appeared to be promoting the Integrated Devon approach as the most appropriate model for future governance in Devon.

SC.14/09 SCRUTINY SHADOWING ROLES

With the exception of the one Member who was still not wholly satisfied with his relationship with his Executive Counterpart, the remaining Members informed that they were kept fully briefed by their Executive colleagues, and continued to meet frequently.

SC.15/09 AGENDA ITEMS FOR FUTURE MEETINGS OF SCRUTINY**POLICING IN DARTMOUTH**

A Member wished for the matter of policing in Dartmouth to be raised due to concerns that he shared with a number of other Members. This was in relation to the rise in public disorder due to drunkenness and cited the recent press reports regarding a mass brawl that had taken place in the town. He also raised concerns about the local staffing levels and felt they were in need of review due to the fact that staff from the nearby naval college had to be deployed to the incident in question.

Similarly, the matter of late night anti-social behaviour in Totnes was also expressed.

Another Member, who was also the Chairman of the Licensing Committee, appreciated the concerns raised with regard to alcohol related anti social behaviour and informed that a Joint Presentation was to be held with the Police Superintendent regarding the licensing application process. This presentation was to be presented to Informal Council on 17 December 2009 and he felt it would be most beneficial for Members to attend to gain a greater understanding in the related issues.

It was requested by the Member who had raised the item that the local Superintendent be asked to attend a future Scrutiny Group meeting to give an account as to why policing had failed to resolve or lessen local public disorder.

It was therefore agreed that a formal letter of invitation be written to Superintendent Sharpe.

DEEP CLEANING PCT

A Member raised concerns about the proposed two month hospital closures for deep cleaning which would potentially cause considerable difficulties for elderly residents in particular. It was requested that a letter expressing these concerns be written to the Chief Executive of the PCT.

SC.16/09 CHAIRMAN'S CONCLUDING REMARKS

The Chairman and Vice Chairman updated the Group on courses they had recently attended. The Chairman advised that she had attended a course run by the Improvement and Development Agency for Local Government who had advised that funding was available to provide an independent review of an authority's Overview and Scrutiny function, which she felt would be a useful exercise. The Vice Chairman had also attended an Understanding Scrutiny Course run by South West Employers and he also felt there were other Scrutiny function methods of working which could be considered.

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

Chairman