

**MINUTES OF THE MEETING OF THE  
CORPORATE PERFORMANCE AND RESOURCES  
SCRUTINY PANEL  
HELD AT FOLLATON HOUSE, TOTNES ON  
THURSDAY 30 JUNE 2011**

<b>Panel Members in attendance</b>			
* Denotes attendance		∅ Denotes apology for absence	
*	Cllr J H Baverstock (Chairman)	∅	Cllr C M Pannell (Vice Chairman)
*	Cllr C G Bruce-Spencer	*	Cllr T R Holway
*	Cllr B F Cane	*	Cllr J W Squire
*	Cllr R D Gilbert	*	Cllr J A Westacott MBE

Item No	Minute Ref No below refers	Members in attendance and participating
3	CP&R.02/11	Cllr J T Pennington & K J Baldry
7 and 8	CP&R.03/11 and CP&R.04/11	Cllr K J Baldry
8	CP&R.04.11	Cllrs R J Carter (lead Executive Member for Planning, Economy and Community) and H D Bastone (lead Executive Member for ICT and Customer Services)

<b>Members also in attendance and not participating</b>
None

Item No	Minute Ref No below refers	Officers in attendance and participating
All		Head of Corporate Services, Member Support Services Manager and Member Support Officer
3	CP&R.02/11	Head of Finance and Audit and Internal Audit Manager
8	CP&R.04/11	Improvement Delivery Manager (SHDC)

**CP&R.01/11 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 B F Cane wished to record a potentially prejudicial interest in Item 8: '*Performance Indicators*' (Minute CP&R.05/11 below refers). Cllr Cane stated that in the event of any specific debate ensuing on the Sherford development proposals, he would leave the meeting room.

**CP&R.02/11 URGENT BUSINESS – FUTURE OF LOCAL PUBLIC AUDIT CONSULTATION**

The Chairman informed the Panel that he had agreed for this item to be presented at the meeting as a matter of urgent business. This item was considered to be urgent in light of the deadline for responses to the consultation document being 30 June 2011.

The Chairman of the Audit Committee informed the Panel that he had, through his work at Devon County Council, become aware that the Government had published a consultation document on the Future of Local Public Audit that was proposing that all local public bodies with a turnover exceeding £6.5m would appoint their own independent auditor. As there had been no full Council meeting or Audit Committee meeting during this period at which the issues contained in the document could be raised, it had been discussed that the Corporate Performance and Resources Scrutiny Panel would be an appropriate forum to discuss the paper.

The Chairman of the Audit Committee strongly expressed the view that the content of the document should have been brought to the attention of his Committee Members and at a much earlier stage in the process. He noted that there were some positive developments contained in the document but he had serious concerns about the imposition of an independent (but un-elected) Chairman, Vice-Chairman and Members of the Audit Committee. There was, he said, no evidence to support the need for this change and it ignored the stewardship role of Councillors. He was in full support of localism, but there was an element of knowledge of Council matters that only serving Members and Officers had and he urged the Panel to support the responses submitted by Devon County Council (DCC) and endorse the recommendation to submit these views as representative of the Panel by the deadline date later that afternoon.

During the discussion, the following points were raised:

- a. It was asked what experience external auditors needed to possess to be eligible to apply for the work. The Head of Finance and Audit noted that public sector finance was very different to the private sector, and so it would be paramount that they had good knowledge and experience to be eligible to apply. This view was also reflected in the DCC response to the consultation. Some Members commented that suitable applicants would most likely only be very big firms who would charge much higher fees. In response, the officer informed that the 30% additional fee element which was paid to the Audit Commission would no longer be incurred and it was hoped that this, combined with increased market competition, would mitigate the introduction of the private sector. However, it was acknowledged that there were a limited number of firms with the required public sector experience.

To counter this view, a Member stated that a number of solicitors and accountants, who had been involved with schools which were making the transition to academy status, could undertake this work and it was an opportunity for local organisations to get involved, thereby aiding benchmarking;

- b. A Member expressed his concern that Government rhetoric did not tend to match their actions in regard to the increased burdens being placed on local authorities;

- c. Several Members voiced their deep concern at the late consideration of this matter and that officers had not brought this consultation document to their attention. In response, the Head of Finance and Audit stated that the Council often relied on the representative responses from bodies such as the Local Government Association (LGA). However, she was aware that there was a new protocol being drafted for the adoption of South Hams District Council and West Devon Borough Council on a formal process for handling consultations;
- d. The Chairman of the Audit Committee emphasised that all the Scrutiny Panels, and the Audit Committee, had to be independent of the Executive in order to enable them to undertake their role objectively;
- e. Members echoed the sentiments of the DCC response and expressed the wish for officers to submit a response on behalf of the Panel which reflected this views'.

It was then

### **RESOLVED**

That officers submit a response on behalf of the Panel to the Consultation on the Future of Local Public Audit, (in accordance with Appendices A and B of the presented report) before the deadline of 30 June 2011.

#### **CP&R.03/11 PUBLIC FORUM**

It was confirmed that no issues had been raised by members of the public.

#### **CP&R.04/11 EXECUTIVE FORWARD PLAN - DRAFT**

The Panel was reminded that if, upon publication of the Forward Plan, there was a future Executive agenda item which was deemed of interest, it could request that the lead Executive Member (supported by the lead officer) attend a Panel meeting, with the intention of providing more information on the item. In addition, this would also provide an opportunity for the Panel to ask relevant questions and therefore have an input into the matter before the report was prepared and considered by the Executive.

In response, Members expressed dissatisfaction at the poor future content of the Forward Plan, with very few items listed for upcoming meetings. They emphasised that this was a key document for scrutiny that was meant to highlight the forthcoming key decisions of the Executive and the Council. This was to ensure that they, stakeholders and the general public, were informed of priorities that might require further scrutiny or early input of overview such as the 'affordable rent model' and that it was paramount that notification of these items appeared several months in advance. The Head of Corporate Services was asked to again communicate this message very strongly to her Senior Management Team colleagues.

It was asked what constituted a 'key decision'. The Panel was informed that essentially it was determined by either a financial threshold (£50,000 per annum in revenue terms or any capital project with a value in excess of £100,000) or if the decision affected two or more geographical wards. As a 'key decision' involved more administrative processes, it was often an easier option for report authors to refrain from classifying their reports as such. Also, some items were not listed as a key decision for Executive (such as the Delivery Plans) as this was a decision which required the approval of full Council.

Officers were also asked to establish with the lead officer as to why the Follaton Accommodation item had been deleted from the Plan and why it had not been defined as a 'key decision on the draft.'

## CP&R.05/11 **PERFORMANCE INDICATORS**

The Improvement Manager (SHDC) presented the report and highlighted to the Panel that the drive was now to present a high level overview of performance, with a focus on exception reporting. She also informed the Panel that the national indicator set had been removed and a single data set introduced, comprising of a single transparent list of every piece of data that central government required from councils. However, Performance Indicators that were of use to the Council would continue to be collected and reported on until new measures were introduced. A project would be incorporated into the Council's new Transformation Programme which would look at performance measures which were relevant or important to the local community and non-Executive Members were invited to be included in this work perhaps in a cross-cutting task & finish group.

### **(a) Performance Indicators in relation to Planning, Economy and Community**

In accordance with procedures, the Lead Executive Member for Planning, Economy and Community had been given prior notice to attend in order to address specific concerns about the Indicators in relation to the processing of planning applications and planning appeals allowed.

The Lead Member informed the Panel of measures that had been introduced to address these issues. He highlighted that an element of the poor performance could be attributed to: a legacy of the Vanguard Review, a change of IT systems and some staff with long term sickness. However, he was very confident that the service would now reap the benefits of the recommended systems and processes now in place such as being able to monitor the workload of individual officers and to mitigate any peaks and troughs by sharing out the workloads. The long term sickness issues had been addressed by extending the contracts of some temporary staff.

The Member also intended to investigate the possibilities of South Hams District Council and West Devon Borough Council sharing the same computer system which would also help to identify peaks and troughs which would help to mitigate the need to employ temporary staff in the future. The service was also going to encourage more applications to go through a pre-application stage such as encouraging architects to present their proposals to local town and parish councils as a way to reduce the number of enquiries received when applications were received.

A Member also expressed her concern that as a result of progress being made on the Local Development Framework, the high work demands placed on Senior Planning Officers would continue and queried whether the benefits of the Vanguard Review would ever materialise. She also expressed concerns about Members who failed to take delegated decisions, which resulted in them requiring the determination of the Development Management Committee, which also added pressure to the officers. A number of Members echoed these sentiments and it was agreed that the lead Executive Member, Chairman of the Development Management Committee and the Chairman of the Panel would reflect these concerns by virtue of a Bulletin article in a future edition.

Another Member highlighted the need for training, as a good number of applications were approved on appeal suggesting that not all delegated decisions were the right ones. In response, a Member noted that appeals were not a matter of a decision being right or wrong but of a decision being upheld or not, and that all decisions were a matter of interpretation by Members, Planning Officers and ultimately potentially a Planning Inspector.

During the general discussion, the following points were raised:

**Telephone Calls Answered:** A Member expressed her concerns at the poor performance for the percentage of telephone calls answered and felt this was a priority for the authority to get right. She went on to say that callers should be able to speak to someone, if only to leave a message, if they were unable to speak directly to the officer they needed. Another Member said he had personally noticed a decline in calls being effectively answered, and felt there was an unfortunate trend beginning to emerge.

In reply, the Lead Executive Member for ICT and Customer Services informed that achieving the target of 80% of calls being answered in 20 seconds had always been a high target and there were times, such as in March when Council Tax bills were mailed out, when this target was especially hard to achieve. However, he had a scheduled meeting with the Head of Service where he would discuss these issues again.

**Sherford:** A Member raised the matter of Sherford and asked whether the matter of the reimbursement of legal fees had been resolved, and further asked whether the backlog of work in the planning department was in any way related to the work that was undertaken on Sherford. The Panel was informed that similar issues had also arisen at another Member meeting and it had therefore been agreed to provide all Members with an update by virtue of an Informal Council on 21 July 2011.

**Planning Enforcement:** It was discussed that in regard to PI's, a PI should be introduced that reflected performance on enforcement.

**Review of Performance Indicators:** It was discussed whether the PI's should be divided into groupings and considered by the relevant thematic Scrutiny Panel or considered in total by the Corporate Performance and Resources Scrutiny Panel. It was agreed that this should be considered at the next meeting of the Programming Panel.

As a general point, a Member commented that a PI in relation to Planning Enforcement would be welcomed.

**BV86 Household Waste Collection:** It was asked if the explanatory words 'per household' could be added to the notes column.

**Long Term Sickness Absence:** Reference was made to the recent report on this PI and the Head of Service confirmed that work was ongoing with occupational health at the outset of any new case and in relation to the recently undertaken stress audit.

## CP&R.06/11 **FUTURE WORK PROGRAMME**

**Transformation Programme:** The Chairman informed that it was anticipated that the Panel would be responsible for monitoring this programme. It was requested that Lead Officers be asked to attend the August meeting to provide an update briefing.

**Consultations:** Due to recent concerns raised, it was suggested that a Task and Finish Group review how the Council responded to consultations and to have an input into devising a working process for an improved way forward. Having been informed that officers were in the process of conducting this work, it was agreed that Members be provided with details of this work in advance of a meeting with the Lead Officer, in order that they could contribute and recommend a final working practice for adoption.

Cllr Baverstock, Cllr Cane and Cllr Bruce-Spencer agreed to undertake this work. In the event that the Group could recommend adoption of the working process, it was hoped that this could be presented to the next scheduled Panel meeting in August.

**Access to Rural Broadband:** Members of the Joint Rural Broadband Task and Finish Group which had been constituted before the May 2011 elections, were under the impression that a report was still to be produced by the Regeneration Officer for Members consideration. It was therefore requested that the officer attend the August meeting to present this matter to the Panel before a decision was made on the way forward on this subject area.

**Dual Use of Leisure Agreements:** It was requested that Lead Officers and the Deputy Leader of the Council be invited to attend the August meeting to provide an update on this issue. It was acknowledged that Cllr Gilbert would continue to take a lead on this matter on behalf of the Panel and it was suggested that Cllr Holway could provide some support where required.

**Public Transport:** The Panel recognised that a report was due to be considered at an imminent HATOC meeting on the reduction in public transport provision. Depending on how this matter was determined, Members felt it might be pertinent to have an update on this matter in due course.

**Exterior State of Follaton Accommodation:** The Panel was informed that works were currently out to tender to improve the state of the building.

**Role of an MEP:** It was requested that this item be scheduled for consideration at a future Informal Council session.

**Scrutiny of Crime and Disorder Reduction Partnership:** This role would now pass to the Community Life and Housing Scrutiny Panel.

**Charging Points for Car Parks:** The Panel was informed that this item would be raised at the Economy and Environment Scrutiny Panel work programming event. However, it was requested that officers inform that Panel that Cllr Westacott had some knowledge on this issue and could bring some expertise to any deliberations on this item.

(Meeting started at 10.00 a.m. and concluded at 12.30pm)

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Chairman