

**MINUTES OF THE MEETING OF SCRUTINY  
HELD AT FOLLATON HOUSE, TOTNES ON THURSDAY, 20 MARCH 2008**

**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

\* Denotes attendance

Also in attendance at the invitation of the Chairman:

Cllrs H D Bastone, B E Carson, T J Hewitt, P W Hitchins, C W Jones, D W May, D M O'Callaghan, J T Pennington, M F Saltern and M Stone.

Also in attendance but not participating:

Cllrs J I G Blackler and M J Howarth.

Officers in attendance for all items: Member Support Services Manager.

Item 5: Head of Landscape and Leisure and Leisure and Recreation Officer.

Item 6: Strategic Director (Community), Senior Engineer and Solicitor.

Item 7: Strategic Director (Operations), Head of Environment Services and Acting Head of Operations;

**SC.48/07 MINUTES**

The minutes of the meeting of Scrutiny, held on 21 February 2008, were confirmed as a correct record and signed by the Chairman.

**SC.49/07 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 R D Gilbert declared a personal interest in item 5: 'Tone Leisure – Progress Update' (minute SC.50/07 below refers) and remained in the meeting and took part in the discussion and vote thereon.

Cllr P H Cook declared a personal interest in item 5: 'Tone Leisure – Progress Update' (minute SC.50/07 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 C W Jones declared a personal interest in item 5: 'Tone Leisure – Progress Update' (minute SC.50/07 below refers), by virtue of him previously holding the position of Chair of the now disbanded South Hams Community Leisure Trust and remained in the meeting and took part in the discussion.

**SC.50/07 TONE LEISURE – PROGRESS UPDATE**

The Chairman welcomed Juliette Dickinson, Managing Director for Tone Leisure, to the meeting. Juliette proceeded to give Members a brief presentation of progress made in the last 12 months. The Group was informed that the business plan operated around the balanced scorecard. The scorecard had a number of categories contained within it. Such categories were finance and performance, systems and quality, customers and people, innovation and improvement, and finally, development programmes. As part of the development programme, an audit of activities undertaken in village halls had been conducted with 61 questionnaires being sent, for which 31 questionnaires were completed and returned enabling good understanding of current activities being taken.

During discussion, particular reference was made to:-

- a) the problems with the IT system. A Member had been notified by Tadpool that the IT system kept freezing and also that there was a lack of clarification over whether cash paying customers were up to date with their membership. The Group was informed that the problems with the IT system had now been resolved and all cash payers had been back tracked to ensure all data was up to date. Tadpool was reportedly satisfied and relieved that the problem was not as serious as had been expected;
- b) a Member informed the Group that Tadpool was greatly encouraged with the level of data that they were now receiving;
- c) the lack of information available regarding the Trustees. In response to concern expressed by a non-Group Member the Group was informed that the profile of the Trustees was slowly being raised and the January newsletter had included a Trustee update and their photos were to be placed on the website. The Group was informed that the trustees were responsible for setting strategy and policy and not day to day operations;
- d) Tone Leisure's pledge to take outreach facilities to villages. The Group was informed that the village hall audit was now completed. It was noted that the audit would allow Tone Leisure to focus its attention on areas that presented the greatest need;
- e) the number of youths attending the youth nights. The Group was informed that attendance tended to be seasonal with the greatest drop in attendance during the summer months. Totnes and Dartmouth Leisure Centres had high attendance numbers, with South Dartmoor Leisure Centre also having in the region of 40 to 50 youths attending. The Group was informed that Quayside Leisure Centre had struggled to generate attendance, which was in part due to another club in the area running at a similar time.

The activities at the youth nights included sporting and non-sporting activities, for an example, South Dartmoor Leisure Centre recently held a battle of the bands night. The Youth Service had key workers at all four sites and there were discussions with the Primary Care Trust to find a way of promoting the health agenda;

- f) the vacant Human Resources and Leisure Facilities Manager positions. The Group was informed that applicants for the Human Resources position had been now short-listed. A Leisure Facilities Manager had been recruited and the successful applicant was expected to commence employment at the beginning of May 2008 and would be responsible for the overall management of all four South Hams Leisure Centres;
- g) the governance arrangements between Tone Leisure South Hams Limited and the Tone Leisure Group. The Group was informed that the structure of the Tone Leisure Group was a tried and tested model, and tended to be the norm particularly for Housing Associations. Following a lengthy discussion it was agreed that a report would be prepared for the next Scrutiny meeting outlining the governance arrangements;
- h) the relationship breakdown between Tone Leisure and Tadpool. The Group was informed that Tone Leisure and Tadpool had acknowledged they had different agendas, missions and goals. However, both parties had recognised where they differed and where they shared common aims. It was hoped that by having a Tadpool member on the board it would help to cement this improved relationship enabling all parties to understand each others situation;
- i) the name South Dartmoor Leisure Centre not being immediately associated with Ivybridge. The Group was informed that during contract negotiations, the need for a name change was identified. (The name change had not been budgeted for in the first year of the contract, leaflet, and marketing board material and would need to change in addition to the many brown signs around Ivybridge). The Ivybridge board member was investigating ways of accessing possible funds to help with the cost of replacing the signage for any such name change;
- j) customer service. The Group was informed that Tone Leisure was committed to the continual development and training of staff, and commended staff for the way that they had embraced change.

### **RESOLVED**

- i) that Tone Leisure looks for ways to speed up targeted outreach services to villages;
- ii) that officers and the Audit Committee be vigilant for any financial threats as a result of a possible downturn in the economy;

- iii) that a report be prepared for the next meeting of Scrutiny on, 24 April 2008, by South Hams District Council's Legal Department on the governance arrangements for Tone Leisure South Hams;
- iv) that Tone Leisure review its arrangements for welcoming customers; and
- v) that high priority be given to changing the name of South Dartmoor Leisure Centre.

**SC.51/07 CASTLE COVE, DARTMOUTH**

In accordance with Procedure Rule 18, Scrutiny considered the process by which the Executive had come to its decision on 'Castle Cove, Dartmouth' (minute E.105/07 refers).

The Chairman advised Members that the 'call-in' procedure had been invoked because of a concern that the decision had not been made in accordance with Article 13.02 (b) (Principles of Decision Making – Council's Constitution), which required decisions to be based on 'proportionality, for example, the ongoing cost implications.' In this respect, concern had been expressed that the Executive had not considered that the Council may have a greater liability in relation to the cliffs stability above the new path.

The Chairman informed the Group that the decision to 'call-in' this item had not been taken lightly. The Chairman expressed her thanks to officers who had worked extremely hard to gather relevant information prior to this meeting.

The Executive Member for Prosperity informed the Group that South Hams District Council inherited the pathway in 1974 as part of arrangements for Local Government reorganisation at that time. Prior to the Executive meeting on 6 March 2008, officer advice had been sought. Whilst receiving this advice, he was assured that the unpredictability regarding the cost implications would be resolved and liability for the pathway would be transferred to a local trust.

Since the meeting and subsequent call-in, the Executive Member had been further informed that the construction of such a pathway would invalidate the Council's insurance policy due to it drawing people closer to the cliff face. In the light of this new information becoming apparent (for example the insurance difficulties), the Member stated that he would welcome the opportunity for the Executive to reconsider the proposal.

In invoking this call-in, the Chairman wished to make it clear that the Group was not singling out Dartmouth and thanked those residents who had written to her regarding this issue and hoped they understood the reasoning for the call-in, with the Group wishing to ensure that all relevant issues had been considered. The call-in had led to the clarification of some issues and it was felt that the Executive should have the opportunity to re-evaluate their decision.

During discussion, reference was made to:-

- a) the view that the Executive had not given due concern to the Senior Engineer's comments in the Executive report. On this point, officers informed the Group that the report tried to present a balanced view of the local community's support for such a pathway whilst weighing up the Health and Safety implications of such a project;
- b) the financial concerns. A non-group Member expressed the opinion that no matter how desirable a project was, the Council's current financial situation needed to be taken into account. The Senior Engineer made reference in the Executive report to the possibility that the Council might be exposed to further costs for cliff stabilisation works. It was the Member's belief that the Council should undertake essential works and be careful when attributing costs to desirable projects such as this one;
- c) the local support for the re-instatement of the pathway. A non-group Member conveyed the level of support and length of time that the local community had been campaigning to have such a path installed to Castle Cove;
- d) the cliff maintenance. A Group Member expressed the view that the cliff would be maintained with or without a pathway and felt that such a project would comply with the Council Priorities 2 and 4 and sincerely hoped that the Council would find a way forward to complete the work;
- e) the Devon County Council pathway. A non-group Member informed the Group that a pathway maintained by Devon County Council already led down to the beach and suggested that enquiries be made into Devon County Councils liability insurance;
- f) an Executive Member highlighted to the Group that questions had been asked during the Executive meeting with regard as to whether a satisfactory solution could be found to avoid the pathway being vulnerable to debris. In response to this question at the meeting, officers had highlighted the issue of insurance;

- g) the raised expectations of the local community. A Member expressed concern at the local community's expectations having been raised through this Executive report. The Member also emphasised and that the community should be involved in any future plans surrounding the pathway.

Members were informed that if it was their desire for the Executive to reconsider their decision on this item, a Special Executive would have to be convened within 10 working days of this meeting (in accordance with the Council's constitution), as any decision outside of this period could be open to a judicial review. The general feeling amongst Members was that referral to the next Council meeting would not provide enough time for information to be made available.

The following recommendation was then **PROPOSED** and **SECONDED** and upon being put to the vote declared **CARRIED**:

### **RESOLVED**

That in light of the concerns highlighted in the minutes of the Scrutiny meeting (detailed above) of 20 March 2008, this matter be referred back to a Special meeting of the Executive.

## SC.52/07 **HOUSEHOLD WASTE COLLECTION SERVICE PROGRESS**

Members considered a report that provided an update on the progress of the household waste collection services within the District. The Group was informed that whilst there remained a budget overspend, significant amounts had been recouped to reduce the deficit.

During discussion, particular reference was made to:-

- a) the refuse collection staff being informed of the new collection rounds as soon as possible. The Group was informed that as soon as the rounds had been confirmed, the routes would be communicated to staff;
- b) the vehicle renewal programme. The Group was informed that the renewal programme was to be reviewed, with some market testing being undertaken to find the most cost effective method of replacing vehicles;
- c) joint waste authorities. The Group was informed that the Local Government and Public Involvement in Health Act 2007 introduced new powers to allow the creation of Joint Waste Authorities. officers would be reviewing the consultation paper but did not believe there to be any great advantage to Devon in becoming a Joint Waste Authority, although they recognised the merits of investigating the sharing of waste collection services;

- d) Town and Parish Councils being notified of the round changes as soon as possible, as they were a vital link in the communication chain.

### **RESOLVED**

That the Scrutiny Group:-

- i) note the progress made in reviewing the service and that they support the actions as described in this report; and
- ii) indicates its outline support to the proposals as detailed in paragraph 13 of the presented report.

#### **SC.53/07 SCRUTINY SHADOWING ROLES**

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

Cllr Squire informed the Group that he continued to attend the Devon County Council's Health and Adult Services Overview and Scrutiny Committee.

#### **SC.54/07 AGENDA ITEMS FOR FUTURE MEETINGS OF SCRUTINY**

##### **Jay Talbot, Chief Executive for the Community Council for Devon**

The Chairman informed the Group that the Community Council for Devon may be integrated into another organisation and requested contact be made to advise that this matter be referred to at the meeting.

##### **Highways Agency**

The Group was informed that the Highways Agency had declined the invitation to attend Scrutiny. The Group felt that the local Members of Parliament should be informed in the hope that they may be able to exert some influence over the Highways Agency.

##### **Postwatch**

Cllr Baverstock (as a representative of Postwatch) agreed to address the Group at 12 June 2008 Scrutiny Meeting.

##### **Environment Agency**

A Member advised that he had still not received of a response regarding the Emergency Planning process for the lower part of Dartmouth which was raised at 21 February 2008 Scrutiny meeting (minute SC.44/07 refers). In response, officers agreed to contact Mr Weiler again for a response.

(Meeting commenced at 10.00 am and concluded at 12.40 pm).

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Chairman