

**MINUTES of the MEETING of the  
OVERVIEW & SCRUTINY COMMITTEE,  
Held in the Council Chamber, Follaton House, Totnes, on  
THURSDAY, 3 NOVEMBER 2022**

<b>Panel Members in attendance:</b>			
* Denotes attendance		∅ Denotes apology for absence	
∅	Cllr L Austen	*	Cllr J Rose
*	Cllr J P Birch	*	Cllr R Rowe
*	Cllr M Chown	*	Cllr P C Smerdon (Vice Chairman)
*	Cllr R Foss (substituting for Cllr Austen)	*	Cllr B Spencer
*	Cllr S Jackson	*	Cllr J Sweett
*	Cllr L Jones	*	Cllr D Thomas (Chairman)
*	Cllr J McKay	*	Cllr B Taylor

<b>Other Members also in attendance either in person or via Teams:</b>
Cllrs K Baldry; H Bastone; J Hawkins; T Holway; K Pringle and J Pearce

<b>Item No</b>	<b>Minute Ref No below refers</b>	<b>Officers in attendance and participating</b>
All		Deputy Chief Executive; Director of Strategy & Governance; Director of Place & Enterprise; Democratic Services Manager; Head of Strategy, Corporate Projects & Partnerships (via Teams); Customer Service Improvement Manager (via Teams); Specialist – Leisure; Devon Building Control Partnership Representative and Fusion Leisure Representatives

**O&S.27/22 MINUTES**

The minutes of the meeting of the Overview and Scrutiny Committee (O&S) held on 29 September 2022 were confirmed as a correct record.

**O&S.28/22 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, but there were none made.

**O&S.29/22 PUBLIC FORUM**

In accordance with the Public Forum Procedure Rules, the Chairman informed that no questions had been received for consideration.

**O&S.30/22 DEVON BUILDING CONTROL PARTNERSHIP**

The Deputy Leader (who was also one of the Council's appointed representatives on the Devon Building Control Partnership (DBCP) Committee) introduced Mr Nigel Hunt, Head of the DBCP, who proceeded to provide Members with a verbal update on the work of the Partnership. In so doing, Mr Hunt made particular reference to:

- the establishment of a Strategy Board. Members were informed that a Strategy Board (comprising of Senior Directors from South Hams and West Devon and Teignbridge District Council, Accountants from the Councils; and the Head of DBCP) had recently been established which, in conjunction with the DBCP Committee, set the strategic direction for the provision and operation of the Building Control Service;
- the service being a statutory one. It was noted that the Partnership provided a statutory service, with its main role being to ensure that the local authorities within the Partnership completed both their statutory and regulatory duties in a timely manner with regard to the Building Control function;
- the service operating in a competitive market. Whilst providing a public service, Mr Hunt pointed out the Partnership was operating in a competitive market against private sector companies that were providing the same service. As a result, it was vital that the Partnership was competitive both in terms of cost and quality of service. When questioned, Mr Hunt confirmed that 80% of the service was self-financing, with the remaining 20% funded through the three partner local authorities;
- the Council's declared Climate Change and Biodiversity Emergency. In terms of future direction for the Partnership, Mr Hunt recognised that there was a need to be increasingly engaged with the Council's declared Emergency.

In the ensuing discussion, the following points were raised:

- a) With regard to planning enforcement, a Member sought clarification as to whether or not DBCP had enforcement powers. In response, it was confirmed that these remained within the responsibility of the Council in its capacity as the Local Planning Authority;
- b) It was confirmed that the average market share of work secured by DBCP was 87%. This compared favourably to the national average for Local Authority Building Control services;
- c) Having sought further information on the new Building Safety Regulations, Members were advised that these were due to be implemented imminently and would have an impact on both local authorities and Building Control Partnerships.

Mr Hunt also confirmed that the new Safety Regulator would sit beneath the Health & Safety Executive and would be in control of all Building Regulations. From October 2023, all operational staff would need to be licensed to differing levels and the DBCP was well on its way to securing licences at the highest level for its staff;

- d) With regard to the Climate Change and Biodiversity Emergency, Mr Hunt confirmed that DBCP would work closely with each of its partner local authorities to ensure that each Council's specific priorities were fully considered and taken into account;
- e) Having been offered by Mr Hunt, the Committee was supportive of the suggestion for an all Member Briefing to be delivered in the future on the forthcoming Legislation and new Safety Regulations and to also provide detail of the implications of these changes upon the Council.

In closing the agenda item, the Chairman thanked Mr Hunt for his attendance and for his interesting presentation and informative responses to Member questions and wished for the thanks of the Committee to be passed on to the rest of the Building Control Team.

#### **O&S.31/22 FUSION - BIENNIAL REPORT (TO INCLUDE HEALTH REFERRALS AND USAGE BY WARD)**

The lead Executive Member for Community Wellbeing introduced the report which provided an update on the current performance and the summary information for the past three months of the District's Leisure Centres.

During the introduction from the Fusion Business Manager (Devon) (Mr Peter King), the following points were made:

- The Leisure Sector nationally was experiencing difficult times due to: the slow recovery from the Covid-19 Pandemic; the current economic instability; the increase in fuel prices; the cost of living crisis; and issues with staff recruitment and retention;
- Locally, the recovery of the Council's four Leisure Centres was ongoing and usage figures were favourable when compared to the national averages, although the Totnes Leisure Centre was doing less well and this was perhaps due to its ageing facilities;
- A Sports and Community Development Officer had been recruited and had recently taken up post; and
- The decarbonisation of the Leisure Centres by means of the installation of solar panels had been delayed by the requirement for a new Tendering process to take place, but this had now been completed.

Mr King then provided Members with an update on the key issues and achievements of the previous quarter that included:

- free Memberships for December 2022 and January 2023 had been launched in the summer. In addition, free (and reduced priced sessions) had also been employed to drive up footfall and had proven to be successful;
- an increase and closer working with local Community Groups which had seen the successful return of Youth Nights and Roller Disco Sessions. Mr King also advised that Fusion had appointed a dedicated Community Outreach resource to help to improve community engagement;
- following a successful summer season, footfall and Memberships were nearing 2019 (i.e. pre Covid Pandemic) levels;
- there had been a reduction in customer satisfaction surrounding changing rooms and cleanliness but changes had been made to address this trend. Conversely, positive feedback had been received with regard to the attitude and professionalism of staff, centre facilities, the swimming pools and group exercise sessions;
- the focus of the organisation for 2023 would be on the installation of Solar Panels, Community Outreach service provision, parent and child sessions, the refurbishment of the Totnes Leisure Centre, the Pricing Strategy and the development of Centre Café facilities.

In the ensuing discussion, the following points were raised:

- a) A Member queried the likely performance in the coming quarter in view of the aforementioned Cost of Living Crisis. In response, it was confirmed that Fusion recognised the challenges and would be looking to introduce a number of Membership initiatives to help with the January to March 2023 period;
- b) Local Ward Members raised their concerns over the lack of recovery in Membership numbers at the Totnes Leisure Centre in comparison to the other Centres in the South Hams and it was queried whether this was as a direct result of the lack of investment in the facility. In reply, it was confirmed that the lack of investment was likely to have been part of the cause, but it was highlighted that there were different patterns of use at Totnes following the Pandemic, as customers were largely attending the Centre on a 'Pay and Play' basis as opposed to signing up to a membership scheme;

In expanding upon the point, a local Ward Member highlighted the comment contained in paragraph 4.2 of the presented agenda report that stated that Fusion had recently taken the decision not to proceed with the proposed investment at the Totnes Leisure facility at present. The Member proceeded to question how the much needed refurbishments would be progressed. In response, it was confirmed that the current economic conditions had resulted in the current borrowing model being deemed unviable but that a number of different funding options would be examined over the coming six to nine months to help develop a viable business case.

An amendment to the recommendation was then **PROPOSED** and **SECONDED** and, when put to the vote, was declared **CARRIED** as follows:

*“That the contents and progress of Fusion’s Quarterly Report: Q2 for 2022, be noted and that as a result of the disappointing membership figures for Totnes Leisure Centre, it be requested that proposals for progressing the much needed improvements to be made to the Totnes Leisure Centre facility, be included as part of the 16 March 2023 formal update report from Fusion to the Committee.”*

When put to the vote, the amendment was declared **CARRIED**;

- c) Whilst there had been an improvement during the summer months, staff retention continued to be a real challenge and Mr King set out some of the measures that were being undertaken by Fusion to mitigate the impact;
- d) A Member questioned the merits of continuing to benchmark performance data against pre-Covid levels, as it was now largely accepted that the changes in lifestyle and working patterns were likely to be permanent and that there was little value in referring to data sets from pre 2020. In reply it was stated that, at this point, there was little benchmarking data available from the post-Pandemic period but that going forward, it was agreed that comparisons with more current data would be of use;
- e) In response to queries raised, the role of the newly appointed Outreach worker was highlighted, further information was provided in connection with the status of the Café facilities in each Leisure Centre and an explanation of the financial benefits of Membership subscriptions above ‘Pay and Play’ customers was also outlined.

It was then:

### **RESOLVED**

That the contents and progress of Fusion’s Quarterly Report: Q2 for 2022, be noted and that as a result of the disappointing membership figures for Totnes Leisure Centre, it be requested that proposals for progressing the much needed improvements to be made to the Totnes Leisure Centre facility, be included as part of the 16 March 2023 formal update report from Fusion to the Committee.

In closing the agenda item, the Chairman highlighted that this was to be the last Committee meeting for Mr King before he left the employ of Fusion and, on behalf of the Committee, he proceeded to thank him for his engagement with the Council during his time in post and wished him well for the future.

**O&S.32/22 2021/22 PERFORMANCE MANAGEMENT**

Members were presented with a report provided closedown information and an overview of performance for the 2021/22 financial year. In line with the enhanced performance management framework, the report also set out the proposed updated and improved format for future reports to be presented to the Committee.

During discussion, particular reference was made to:

- a) the newly proposed reporting format. Members sought further detail on the newly proposed reporting format, with a request made that Members be in receipt of training on the new system at the point of its introduction;
- b) the availability of 'real time' performance information. A Member questioned as to when the membership would be able to access 'real time' performance information at any given time. In reply, it was confirmed that this facility was not yet available but that it remained the aspiration for Members and members of the public to be able to access current information on performance metrics;
- c) questions of clarity being raised regarding the telephone answering statistics, Council Tax collection targets and Recycling performance. In particular, it was agreed that the Information Board in the Car Park at Follaton House which provided the Council's recycling rates was accurate and should be removed in view of the information contained in the presented agenda report;
- d) facilities and site provision for Gypsies and Travellers. When questioned, officers confirmed that an update for the lead Executive Member was currently being produced following which the information would be circulated to the wider membership.

It was then:

**RESOLVED**

1. That the performance figures for the 2021/22 Financial Year (as shown at Appendix A of the presented agenda report) have been reviewed; and
2. That the proposed format for an enhanced performance report, for use from January 2023 (as set out in Appendix B of the presented agenda report) be noted.

**O&S.33/22 TASK AND FINISH GROUP UPDATES****(a) Electric Vehicle Charging**

The Chairman of the Task and Finish Group provided an update on the Groups' work to date and confirmed that a representative from the Devon Climate Emergency Group was due to attend the next Group meeting to be held on 10 November 2022.

**O&S.34/22 ANNUAL WORK PROGRAMME 2022/23**

In advance of discussing agenda item 11 (a), the remaining matters on the draft annual work programme for the 2022/23 year were reviewed and the amendments to the scheduling of issues were subsequently approved by the Committee.

**(a) Formal Request from Cllr Birch**

Cllr Birch made reference to the Audit and Governance Committee's recent consideration of the closure report into the Ivybridge Regeneration Project (Minute AC.22/22 refers) and proceeded to outline his request for the appointment of a Task and Finish Group to review the Consultation process undertaken for the project.

In so doing, Cllr Birch advised that he had observed the Audit and Governance Committee's deliberations at its meeting held on 20 October 2022 and felt that the Committee had failed to give adequate consideration to the compliance of the project with the Council's adopted Consultation and Engagement Strategy.

As a consequence, it was **PROPOSED** and **SECONDED** that:

*"a Task and Finish Group be set up to review the Council's adopted Consultation and Engagement Strategy and, as part of this review, the consultation process that was undertaken for the Ivybridge Regeneration project be reviewed, with the conclusions reached by the Group then reported back to the Committee meeting to be held on 12 January 2023."*

When put to the vote, by way of the Chairman's Casting Vote, the motion was declared **CARRIED**.

It was then:

**RESOLVED**

That a Task and Finish Group be set up to review the Council's adopted Consultation and Engagement Strategy and, as part of this review, the consultation process that was undertaken for the Ivybridge Regeneration project be reviewed, with the conclusions reached by the Group then reported back to the Committee meeting to be held on 12 January 2023

(Meeting started at 2.00 pm and concluded at 4.25 pm)

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Chairman