

SCRUTINY COMMITTEE

Minutes of the Meeting held on 7 December 2017 at 3.30 pm

Present:

Councillor P H MurphyChairman
Councillor N ThwaitesVice-Chairman

Councillor I Aldridge
Councillor A Kingston-James
Councillor J Parbrook
Councillor R Woods
Councillor S Dowding
Councillor B Maitland-Walker
Councillor P Pilkington

Members in Attendance:

Councillor M Chilcott
Councillor M Dewdney
Councillor B Heywood
Councillor D Westcott
Councillor H Davies
Councillor A Hadley
Councillor A Trollope-Bellew

Officers in Attendance:

Assistant Director – Resources and Support (P Carter)
Assistant Director – Operational Delivery (C Hall)
Car Park Operations Manager (T Biss)
Economic Regeneration and Tourism Manager (C Matthews)
Corporate Strategy and Performance Officer (R Doyle)
Democratic Services Officer - Scrutiny (M Prouse)
Democratic Services Officer (K Kowalewska)

Others:

Chief Executive of the West Somerset Academy Trust (P Rushforth)
Department of Education West Somerset Opportunity Area Manager (J Downie)
Head of Vulnerable Learners SCC (J Ridge)

SC 46 Apology for Absence

An apology was received from Councillor R Clifford.
Councillor A Kingston-James substituted for Councillor R Clifford.

SC 47 Minutes

(Minutes of the Meeting of the Scrutiny Committee held on 23 November 2017
– circulated with the Agenda.)

RESOLVED that, subject to the inclusion of a final bullet point to Minute No. SC44 to read, “Concern was raised about the transparency of charging for the use of council land. The Portfolio Holder for Resources stated that the Asset Management Group had this under review.”, the Minutes of the Scrutiny Committee held on 23 November 2017 be confirmed as a correct record.

SC 48 Declarations of Interest

Members present at the meeting declared the following personal interests in their capacity as a Member of a County, Parish or Town Council:-

Name	Minute No.	Description of Interest	Personal or Prejudicial or Disclosable Pecuniary	Action Taken
Cllr I Aldridge	All items	Williton	Personal	Spoke and voted
Cllr A Kingston-James	All items	Minehead	Personal	Spoke and voted
Cllr B Maitland-Walker	All items	Carhampton	Personal	Spoke and voted
Cllr P Murphy	All items	Watchet	Personal	Spoke and voted
Cllr J Parbrook	All items	Minehead	Personal	Spoke and voted
Cllr P Pilkington	All items	Timberscombe	Personal	Spoke and voted
Cllr N Thwaites	All items	Dulverton	Personal	Spoke and voted
Cllr A Trollope-Bellew	All items	Crowcombe	Personal	Spoke
Cllr M Chilcott	All items	SCC	Personal	Spoke
Cllr H Davies	All items	SCC	Personal	Spoke
Cllr D Westcott	All items	Watchet	Personal	Spoke

In addition, the following interests were declared:

Name	Minute No.	Description of interest	Personal or Prejudicial	Action Taken
Cllr A Kingston-James	SC53	Chair of Governors at Danesfield School	Personal	Spoke and voted
Cllr I Aldridge	SC53	Works for National Education Union, in a retired capacity	Personal	Spoke and voted

SC 49 Public Participation

No members of public spoke at the meeting on any items on the agenda.

SC 50 Cabinet Key Decisions and Actions

(Copy of the Cabinet Key Decisions from the meeting held on 30 November 2017, circulated at the meeting)

The Chairman drew Members' attention to the Cabinet decision pertaining to Fees and Charges 2018/19 and it was noted that the recommendation from the Scrutiny Committee held on 23 November 2017 relating to not progressing the proposed charge for the Watchet Sea Scouts had not been accepted by Cabinet. An explanation was provided by the Assistant Director for Operational Delivery on the amendment to Appendix F of the Fees and Charges report being presented to Full Council on 13 December 2017. Specific reference to the Sea Scouts had been removed and a new line entered for "non-standard use for any community group/charities" which had a fee of £100. With the Portfolio Holder's permission there was an intention to delay the imposition of the charge for the Sea Scouts for 12 months to give time for both parties to review the content of the 1948 agreement.

RESOLVED that the Cabinet Key Decisions from the meeting held on 30 November 2017 be noted.

SC 51 Cabinet Forward Plan

(Copy of the Cabinet Forward Plan published 28 November 2017, circulated at the meeting)

It was noted that the Budget Monitoring Report for Quarter 3 would be presented to Cabinet in February, and not in January as circulated.

RESOLVED that the Cabinet Forward Plan published on 28 November 2017, be noted.

SC 52 Chairman's Announcements

The Chairman wished everyone a good Christmas and new year.

SC 53 West Somerset Opportunity Area

The report WSC 138/17 was presented by Councillor M Chilcott, Lead Member for Resources and Central Support.

The purpose of the report was to inform Members about the implementation and activity to date of the Department for Education's West Somerset Opportunity Area Programme.

In 2016 the Social Mobility Commission published its State of the Nation report. West Somerset was ranked 324th out of 324 local authority areas, against the measure that a child from a disadvantaged background would do well at school and would get a good job.

In October 2016 the Secretary of State for Education announced that a programme of Department of Education support would be implemented in the six worst performing areas which were called Opportunity Areas. West Somerset was designated as one of the areas and subsequently a further six had been created which made twelve in total.

The Opportunity Areas had been tasked to develop specific plans to put in place interventions which would measurably make improvements. Funding to support the activities would be made available for a three year period with a share of circa £72,000,000 across the twelve areas.

The West Somerset Opportunity Area had a Plan that was developed by the Board and other local stakeholders and was signed off by the Secretary of State in October 2017. The Plan identified four key priority areas:-

- Every child had a great start in life;
- Educational excellence in the priority areas;
- Transition to adulthood; and
- Skills for employment and business.

The Lead Member for Resources and Central Support introduced the report and provided background information. The Social Mobility Delivery Plan was being delivered ahead of schedule and the huge amount of work being undertaken would greatly benefit and make a big difference to the young

people in the district. It was hoped that subsequently an update on the delivery of the schemes would be given at a future meeting.

Paul Rushforth, Chief Executive of the West Somerset Academy Trust, provided a brief overview of the educational excellence in the classroom priority area. An analysis had been carried out on the attainment and achievement of children to look at their levels of development from entry level through to GCSE level. Last year in both of the West Somerset Middle Schools children made more progress than they would have done nationally in an average primary school, and KS2 was the highest performing in the County. The quality of teaching and leadership was established, and figures showed the children in West Somerset were making accelerated progress - the progress between KS2 and GCSE of students last year was in the top 15% in the country, and the third highest achieving in the county. Mr Rushforth went on to explain how the funding would be used to deliver even more accelerated progress and safeguard stronger attainment by improving children's level of phonic understanding; ensuring effective transition work within the two and three tier systems; and opportunities to gain national professional qualifications and receive further leadership training and teacher assistant training.

Julia Ridge, SCC Head of Vulnerable Learners, stated that following significant concerns from the community about education in West Somerset, standards at the West Somerset College had considerably improved over the last 18 months. The results for the last academic year were stunning, with substantial improvements in GCSE and A Levels passes. SCC were very impressed with the College's achievements and were proud of the results for West Somerset, and it was stressed that the public could be confident knowing that students going to West Somerset College were going to do very well. Research has shown that those students on low income or with special needs found it disproportionately hard to travel to Taunton or Bridgwater, therefore there were plans to reintroduce a selection of vocational training and as part of the opportunity funding, Level 1 and 2 training would be brought back into the College, as well as bringing those buildings which had been mothballed back into use. Each course would require about 16 people to make it financially viable and the courses would be subsidised in the first two years to encourage participation. The Opportunity Area programme had come at an excellent time for the College because it allowed the vocational element to be moved forward more quickly than it would have been able to do without its support.

Two other key areas of work which were reported on included early years – there would be a whole programme of work to identify what activities were provided in nurseries to ensure children were ready for the first school; and working for employment which looked at a number of opportunities to bring women back into work and provide family support.

Jan Downie, Department of Education West Somerset Opportunity Area Manager informed Members of an additional programme namely 'Essential Life Skills' – this was funding to help young disadvantaged people access out of school provision, i.e. non-cognitive skills, and targeted the 9-14 year old age group.

During discussion, the following points were raised:-

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- It was requested the presentation by the Chief Executive of the Bridgwater College Academy Trust detailing the Opportunity Areas Programme be made available to the Scrutiny Committee.
- Clarification was provided on how much funding would be made available to West Somerset. Each 12 Opportunity Area had a share of the £72 million funding and it was very important to work with partners to establish the amount of money needed in the district to deliver the activities programme.
- The Department of Education and numerous community groups and organisations were working together to support and improve the lives of children and young people in West Somerset.
- In terms of whether the funding could be directed towards sustaining the network of children centres in West Somerset, it was explained the funding was not intended to backfill where money had been withdrawn from local services, it would be used to engender capacity building to leave a sustainable legacy of success in the area.
- It was reported that the college would look very carefully at reintroducing vocational training courses, however agriculture would not be brought back online in the first instance. The first stage of courses to be run included hairdressing, multi-ops construction and tourism and hospitality. The Ellicombe farm site would be used by the school for the most vulnerable learners to teach horticultural skills and gardening.
- A broad range of enrichment activities were available at the West Somerset College to take young people beyond the A level stage.
- Concerns were expressed about the premise of social mobility, as it was perceived to be a lifetime experience, and the lack of job opportunities was also raised.
- The programme would focus on the provision of greater enhanced opportunities for the area's indigenous industries, e.g. tourism, to improve job quality and pay. It was noted that a virtual tourist academy project called West Coast 360 was also being developed with the significant tourist providers in the area.
- There was a need to liaise with local employers to understand their needs in terms of making apprenticeships more accessible.
- Concern was expressed about the impacts upon the stability to deliver high quality education resulting from low morale and high turnover of teachers, and various issues concerning teacher recruitment and retainment were raised.
- The college was congratulated on its performance relating to the good exam results.
- In response to a question raised about the ambition of the targets, assurance was provided that the Plan would be delivered and achieved. All those involved in the programme aspired to go beyond meeting the targets, this comprised of exploring the very best opportunities for young people in the area to succeed.
- An enquiry on what level of support and resources would be available in the long term to maintain the good exam result and keep percentages rising was raised.
- The quality of leadership and the quality of teachers was key in school performance, and the community should be incredibly proud of the results.
- A specific point was raised about the need to recognise issues relating to special needs within the plan.

- It was explained that for initiatives targeting school level, e.g. professional education for teachers, funding would be exclusively available for schools within the West Somerset district, however where initiatives targeted at children or young people separate from the school they attended, then potentially children who attended secondary schools outside the district, such as in Wiveliscombe and Bridgwater, could benefit from the funding.
- The Chairman thanked the guest speakers for attending the meeting and for comprehensively answering questions. The Committee looked forward to receiving a progress report in the future.

RESOLVED that the comments and views of Scrutiny Committee be taken into account and where relevant be given due regard in respect of the final operational plan.

SC 54 Quarter 2 of 2017-2018 Performance Report

The report WSC 140/17 was presented by Councillor A Trollope-Bellew, Leader of Council.

The purpose of the report was to provide Members with key performance management data up to the end of Quarter 2 of 2017-2018 to assist in monitoring the Council's performance.

Performance monitoring was a key element of the Council's Performance Management Framework.

There were 29 individual measures which were reported within the Corporate Scorecard.

The information given within the WSC's Scorecard was at 30 September 2017 and contained 14 green measures, 2 amber measures and 1 red measure.

The red measure was highlighted:-

- KPI 123 – Customer Complaints. In Quarter 1, 8 complaints had been received and all were dealt with within 20 days. In Quarter 2, 5 complaints had been received and only 4 had been dealt with within 20 days.

During discussion, the following points were raised:-

- A concern was raised regarding the Asset Management Team as it was currently experiencing considerable personnel churn, and Members requested assurance that there would be adequate capacity to provide a service that Councillors, stakeholders and the public expected especially during the period of transformation.
- The Leader of Council acknowledged there was a staff resource issue within the Team which consequently had a major impact on the continuity of asset projects. It was confirmed that the Cabinet was looking at matters relating to increasing capacity. This was seen as an immediate problem which needed addressing, not connected to transformation.
- Officers were congratulated on the low sickness reporting figures and it was confirmed that the Council took absence management very seriously.

RESOLVED that the Council's performance be noted.

Note: With the agreement of the Chairman this item was brought forward on the Agenda.

SC 55 **Call-In of the decision made by Cabinet Member for Resources and Central Support, Councillor M Chilcott, to increase Councillor representation on the Planning Obligations Panel**

At this point the Chairman vacated the Chair and the Vice-Chairman chaired the meeting during discussion of this item.

The report WSC 141/17, which included the Call In Statement, was presented by Councillor P Murphy.

Cabinet Member Councillor Mandy Chilcott's decision to invite Councillor Martin Dewdney to join the Planning Obligations Panel was taken on the 26 October 2017 and was announced via email to all Councillors on the 9 November that in accordance with the Constitution the decision would only come into force on the sixth working day after publication. Until that time the decision would be subject to call-in. The email contained an attached Executive Decision Record Sheet which set out the decision made and the reasoning:-

Following an internal review of the process and procedures involved with the allocation of Section 106 funding it was decided to increase Councillor representation from two to three councillors and allow substitution of Members where needed. This could be for example to cover for holidays or where there was a declaration of interests. This would make the panel more robust and reduce the risk of deferred meetings. The meeting would still be quorate with two Councillors and the chair (Tim Burton, Assistant Director). The membership of POG and the key officers associated with the panel were shown on the attached sheet. Councillor Martin Dewdney had been invited to join the panel as Cabinet member with responsibility for the Environment, which included planning.

The decision had now been called in by Councillors Ian Aldridge, Thomas Hall, Ivor Jones, Peter Murphy and Peter Pilkington for the reasons set out below (and on the completed Call-In Request form which was signed and dated 10 November 2017 and received and validated by the Proper Officer on the 13 November 2017):-

The decision failed to satisfy the following principles of decision-making:

- i) Proportionality of the decision - it was disproportionate and unreasonable to exclude Councillor D Westcott on grounds stated in the Executive Decision as the reasons were deemed flawed.
- ii) Due consultation and taking of officers professional advice – Cabinet was not consulted on the Executive Decision and this was considered not to be good practice.
- iii) A presumption in favour of openness as a result of the lack of consultation.
- iv) Clarity of aims and desired outcomes – the desired outcome could be achieved by other decision choices.

Councillor Murphy asked Councillor Westcott the following questions –

- Could he confirm whether or not he was consulted about this decision?
Until the Executive Decision was published, he knew nothing about it.
- To his knowledge, was Cabinet consulted during the making of the Executive Decision?

There was no discussion at any meeting of Cabinet or informal Cabinet.

Councillor Murphy proposed that the Scrutiny Committee consider his Call In Statement and resolve to refer the decision back to the decision maker and recommend that the decision be reconsidered taking into account the above points. This was seconded by Councillor Aldridge.

The Assistant Chief Executive and Monitoring Officer advised that the decision to appoint a Councillor to the Planning Obligations Panel was an Executive Decision taken by a Portfolio Holder, thereby the procedure taken was constitutionally correct.

In response to a question as to whether consideration had been given to non-Cabinet Members to join the Panel, the Lead Member for Resources stated she took the Leader's advice on the matter regarding who should be considered.

A concern was raised about the decision making process and the reasons for excluding Councillor Westcott from the decision remained unclear.

Councillor B Maitland-Walker expressed support for the Executive Decision believing the appointment had been sensibly made. She understood the reasons and recognised there should be no conflict of interests during the consideration of applications for S106 funding. For these reasons she proposed an amendment that the Scrutiny Committee do nothing and let the decision stand without review. This was seconded by Councillor J Parbrook.

Councillor M Dewdney confirmed he was asked to be a member of the Planning Obligations Panel and as he represented a community that had very little likelihood of S106 benefit, he would be able to look objectively at any applications for funding.

On being put to the vote the amendment was CARRIED.

This then became the new substantive motion on which there was no further debate.

RESOLVED that the Scrutiny Committee do nothing and let the decision stand without review.

Note: With the agreement of the Chairman this item was brought forward on the Agenda.

SC 56 **Parking Overview**

The report WSC 139/17 was presented by Councillor A Hadley, Lead Member for Regeneration and Economic Growth.

The purpose of the report was to enable a debate on the service provided and to offer an opinion on the effectiveness of the current provision.

West Somerset Council (WSC) held the responsibility for off street parking and the associated Traffic Regulation Orders (TRO). Only WSC could implement or vary the TROs on WSC land. WSC did not have responsibility for on street parking, this was controlled by Somerset County Council (SCC).

The Parking Services Team, through Council approval, administered the fees and charges process. They also set the tariffs for pay and display, pay by phone and permits for the car park.

WSC had bought into a county wide parking enforcement contract which was administered by SCC. SCC also processed the first stage appeals.

WSC managed the income from our service charges, processed second stage appeals for fixed penalty notices and progressed prosecutions through the courts when required.

WSC had a mixed user base, the service managed the needs of residents, visitors and businesses. There were times when those needs were conflicted and Members must make decisions on how best to operate the service for the community as a whole.

The purpose of a designated car park was to clearly state its purpose to the users. A short stay car park would allow for churn because users were restricted to the length of time they could stay. A long stay car park allowed for an unrestricted stay which suited locations that were further from the amenities or served a particular amenity, for example, a railway station.

The current Parking Strategy was out of date in West Somerset, it ran from 2005 to 2011 and history had shown that the work needed to refresh the strategy was significant and was likely to be expensive with no budget in place. Consideration had to be given to the value of the activity with both Councils working toward the potential New Council in 2019, at which point there would be a need to combine a number of strategies.

Service budgets contained the key elements of the operational costs but did not cover everything, it therefore appeared that a surplus was made by the Council beyond its costs. Income was spent either directly through the parking budget or on costs associated with the delivery of the functions.

Consideration could be given to revising the budgets to include all costs and account for all legitimate income to the appropriate service.

Whilst not all the information was contained, the budget managed to ensure that critical services to the parking operation remained funded and that public safety was managed as a priority. It had not been necessary to revise the budget for operational reasons and there had been no negative impact on the

Council's budgets or service standards by operating in this way.

It was noted that the harbour operation was one area where a change could be made in the accounting process.

Tariffs could be used as a means of influencing driver behaviour and WSC would consult with SCC when considering changes that may impact on on-street arrangements.

During discussion, the following points were raised:-

- Currently there were a number of car parks which required costly repairs.
- It was acknowledged that the Car Parking Strategy was no longer fit for purpose, however it was not prudent to spend money to revise the strategy at the present time.
- Various concerns were raised pertaining to parking tariffs and the setting of fees based around operating costs and the transparency of charges across the district.
- Reference was made to a report on the car park maintenance budget which was presented to Members at a recent Audit Committee.
- It was explained that it was WSC's policy to appoint independent assessors to undertake the work of refreshing the car park strategy. New data would be assessed from every car park in the area, conducted over one day, and the data would analyse the pattern of behaviour, providing a true reflection of usage.
- The Lead Member emphasised the cost, timing and resource implications associated with updating the strategy.
- Concerns were expressed about increased on-street parking and low car park usage, particular points were raised regarding Alexandra Car Park in Minehead.

Councillor J Parbrook proposed to set up a task and finish group to look at parking issues within the district which was seconded by Councillor B Maitland-Walker.

RESOLVED (1) that the content of the report be noted.

RESOLVED (2) that the creation of a Task and Finish Group to look at parking issues in the West Somerset district be endorsed.

SC 57

Appointment of the West Somerset Council Representatives on the Joint Waste Scrutiny Panel

Scrutiny Committee considered the Council's representation on the Joint Waste Scrutiny Panel.

The Democratic Services Officer for Scrutiny explained the need to clarify the membership prior to the next Joint Waste Scrutiny Panel meeting which was being held the following week. He reported that at a meeting of the Scrutiny Committee held on 16 June 2016, Councillors I Aldridge and J Parbrook were appointed as members on the Joint Waste Partnership Board, however the Minutes should have been recorded to read the Joint Waste Scrutiny Panel.

In the light of this information being brought to the Committee's attention, it was reaffirmed that Councillors Aldridge and Parbrook be West Somerset Council's representatives on the Joint Waste Scrutiny Panel.

RESOLVED that Councillors I Aldridge and J Parbrook be duly appointed to the Joint Waste Scrutiny Panel.

SC 58 **Scrutiny Committee Work Plan**

The following items were highlighted from the Forward Plan:-

- Clarification would be sought as to whether the Draft Treasury and Investment Strategy would be considered by the Audit Committee.
- Quarter 3 Budget Monitoring to be brought forward to January

RESOLVED that the content of the Work Plan be noted.

The meeting closed at 6.35 pm.