

# South Hams Overview and Scrutiny Panel



<b>Title:</b>	<b>Agenda</b>												
<b>Date:</b>	<b>Thursday, 21st November, 2019</b>												
<b>Time:</b>	<b>10.00 am</b>												
<b>Venue:</b>	<b>Cary Room - Follaton House</b>												
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b> Cllr Birch</p> <p style="text-align: center;"><b>Vice Chairman</b> Cllr Smerdon</p> <p><i>Members:</i></p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Cllr Pennington</td> <td>Cllr Reeve</td> </tr> <tr> <td>Cllr Austen</td> <td>Cllr Rose</td> </tr> <tr> <td>Cllr Chown</td> <td>Cllr Spencer</td> </tr> <tr> <td>Cllr Jackson</td> <td>Cllr Sweett</td> </tr> <tr> <td>Cllr McKay</td> <td>Cllr Thomas</td> </tr> <tr> <td>Cllr O'Callaghan</td> <td></td> </tr> </table>	Cllr Pennington	Cllr Reeve	Cllr Austen	Cllr Rose	Cllr Chown	Cllr Spencer	Cllr Jackson	Cllr Sweett	Cllr McKay	Cllr Thomas	Cllr O'Callaghan	
Cllr Pennington	Cllr Reeve												
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Cllr Jackson	Cllr Sweett												
Cllr McKay	Cllr Thomas												
Cllr O'Callaghan													
<b>Interests – Declaration and Restriction on Participation:</b>	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.												
<b>Committee administrator:</b>	Member.Services@swdevon.gov.uk												

<b>1. Apologies for Absence</b>	
<b>2. Minutes</b>	<b>1 - 12</b>
to approve as a correct record and authorise the Chairman to sign the minutes of the Panel held on 17 October 2019;	
<b>3. Urgent Business</b>	
brought forward at the discretion of the Chairman;	
<b>4. Division of Agenda</b>	
to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information;	
<b>5. Declarations of Interest</b>	
Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests they may have in any items to be considered at this meeting;	
<b>6. Public Forum</b>	<b>13 - 14</b>
A period of up to 15 minutes is available to deal with issues raised by the public;	
<b>7. Executive Forward Plan</b>	<b>15 - 20</b>
<b>Note:</b> If any Member seeks further clarity, or wishes to raise issues regarding any future Executive agenda item, please contact Member Services before 5.00pm on <b>Monday 18 November 2019</b> to ensure that the lead Executive Member(s) and lead officer(s) are aware of this request in advance of the meeting.	
<b>8. Community Safety Partnership - Annual Report</b>	<b>21 - 26</b>
<b>9. Safeguarding Update</b>	<b>27 - 38</b>
<b>10. Electric Car Charging Points - Update</b>	<b>39 - 42</b>
<b>11. Customer Satisfaction Survey</b>	<b>43 - 62</b>
<b>12. Guidance on Information Commissioner's Office Procedure</b>	<b>63 - 70</b>

<b>13. Ombudsman's Annual Review Letter 2019</b>	<b>71 - 90</b>
<b>14. Housing Report</b>	<b>91 - 104</b>
<b>15. Update from the Climate Change &amp; Biodiversity Working Group</b>	<b>105 - 106</b>
<b>16. Task and Finish Group Updates:</b>	
(a) Leisure Review; and	
(b) Locality Service.	
<b>17. Annual O+S Work Programme</b>	<b>107 - 108</b>

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**MINUTES OF THE MEETING OF THE  
OVERVIEW & SCRUTINY PANEL  
HELD AT FOLLATON HOUSE, TOTNES ON  
THURSDAY, 17 OCTOBER 2019**

<b>Panel Members in attendance:</b>			
* Denotes attendance		∅ Denotes apology for absence	
*	Cllr L Austen	*	Cllr H Reeve
*	Cllr J P Birch (Chairman)	*	Cllr J Rose
*	Cllr M Chown	*	Cllr P C Smerdon (Vice Chairman)
*	Cllr S Jackson	*	Cllr B Spencer
*	Cllr J McKay	∅	Cllr J Sweett
*	Cllr D M O'Callaghan	*	Cllr D Thomas
*	Cllr J T Pennington		

<b>Other Members also in attendance:</b>
Cllrs K J Baldry, H D Bastone, J Brazil, J D Hawkins, N A Hopwood, M Long, D W May, G Pannell, J A Pearce, R Rowe and B Taylor

Item No	Minute Ref No below refers	Officers in attendance and participating
All		Deputy Chief Executive; and Senior Specialist – Democratic Services
7	O&S.34/19	Deputy Monitoring Officer
8(a)	O&S.35/19(a)	Head of Housing Revenue and Benefits Practice and Senior Specialist (Benefits)
9	O&S.36/19	Director of Place and Enterprise and Senior Specialist Assets
10	O&S.37/19	Section 151 Officer and Deputy Section 151 Officer
11	O&S.38/19	Case Management Manager and Localities Team Leader
12	O&S.39/19	Head of Place Making Practice
13	O&S.43/19	Head of Environment Services Practice

**O&S.31/19 MINUTES**

The minutes of the meeting of the Overview and Scrutiny Panel held on 5 September 2019 were confirmed as a correct record and signed by the Chairman.

**O&S.32/19 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 D M O'Callaghan declared a Disclosable Pecuniary Interest in agenda item 8(a): 'Executive Forward Plan: (a) Council Tax Reduction Scheme 2020/21' (Minute O&S.35/19(a) below refers) by virtue of being in receipt of monies in accordance with this Scheme and left the meeting room during consideration of this agenda item.

**O&S.33/19 PUBLIC FORUM**

In accordance with the Public Forum Procedure Rules, the Chairman informed that five questions had been received for consideration during this agenda item.

**1. Question from Mr Guy Chapman**

*'What assistance will this Council provide to individual Town and Parish Councils in the South Hams wishing to draw up their own Climate Action Plans – and how will you help them calculate the overall emissions and biodiversity levels of their parishes?'*

In reply, the Leader of the Council provided the following response:

'At its meeting on 26 September 2019, the Council took the following decision:

*In support of its commitment to the Climate and Biodiversity crisis, this Council would welcome the Town and Parish Councils across the District that have declared a Climate and Biodiversity crisis working together to create Action Plans to address and mitigate this challenge. To support this action, South Hams District Council will set up a website, similar to the one now well established for Neighbourhood Plans and populate it with our plans, a 'carbon footprint' calculator and a blog page for groups to exchange views.*

The Council is in the process of developing this website, which will be launched as soon as is practically possible.

The Council has also arranged its joint SHDC / Devon County Council Annual Consultation Event with town and parish council representatives on the evening of Wednesday, 4 December 2019 and this session will include an open discussion on Climate Change Emergency Declarations.

**2. Question from Ms Alexandra Bridgeman**

*'In the Council's Climate and Biodiversity Action Plan, what measurable indicators of biodiversity levels will the Council be using?'*

*Do you have baseline data on the total areas of woodland, moorland, wildflower meadow etc and the number and diversity of species in these areas?'*

In response, the Leader stated that the Council was in the process of developing its Action Plan whilst also supporting the Devon Carbon Plan. It was envisaged that the Action Plan, or work emerging from the Plan, would include the use of measurable indicators but these have not been determined at this stage.

Finally, the Council would be establishing baseline data through the same process.

### **3. Question from Ms Jo Raeburn**

*'What national legal, regulatory or financial obstacles currently obstruct delivery of an effective local Climate Action Plan – and how will you help persuade the Government to remove these obstacles?'*

The Leader replied that a key part of the Council's emerging Action Plan, and the wider Devon Carbon Plan, would be determining what obstacles existed and how they may be overcome. This could include a range of actions including lobbying and influencing relevant organisations, including the Government.

### **4. Question from Ms Sima Cutting**

*'Does this Council's current electric vehicle charging points use electricity from 100% renewable (solar / hydro / wind) suppliers? And do all its properties use electricity from 100% renewable energy suppliers? If not, what steps are being taken to reduce the overall carbon footprint of the Council's energy purchases?'*

In her reply, the Leader of Council gave the following response:

At this stage, not all electricity was sourced from 100% renewable energy suppliers. A key part of the Council's emerging Action Plan was to establish a baseline of its own carbon footprint and to determine how it would achieve a net-zero position. An important component of this would be reducing the footprint of its energy purchases.

### **5. Question from Ms Dee Cunnison**

*'On 25 July, this Council committed to develop a Climate Change and Biodiversity Action Plan that will include an assessment of a 2030 target for becoming carbon neutral. As Torbay City, Plymouth City and Cornwall County Councils aim to be carbon neutral by 2030 and Teignbridge District, Dartmoor National Park and Totnes by 2025, how have you worked with these specific councils to assess this option and is this emerging assessment open to scrutiny by this committee?'*

The Leader replied that the Council was working with a range of organisations including Torbay, Plymouth, Teignbridge and Dartmoor National Park, primarily through the development of the Devon Carbon Plan. The Council was preparing an Action Plan through its Climate Change and Biodiversity Member Working Group, which was scheduled to be presented to the Council meeting on 19 December 2019 for consideration.

O&S.34/19 **RECENT INFORMATION COMMISSIONER'S OFFICE DECISION –  
VERBAL UPDATE**

By way of background to this agenda item, the Deputy Monitoring Officer advised that:

- Having been made aware of discussions between the Council and the landowner as a result of his response to the Neighbourhood Plan consultation, the Council had then received a request from the South Hams Society for information on:

*'any communication the Council had had with any party since 13 September 2017 concerning development of land off Shadycombe Road, Salcombe, otherwise known as 'The Crofts'. The land was earlier the subject of a pre-application planning enquiry to which the Council gave the reference 1739/16/PDM.'*

A review had been completed in November 2018 and information released and a further review was undertaken by legal officers during early 2019 when the Information Commissioner's Office (ICO) complaint had been re-opened;

- Officers had been exploring potential redevelopment opportunities at Batson Quay, Salcombe including land known as 'The Crofts' and had held workshops with community groups and representatives. Contrary to the media reports, these sessions had been led by Assets (and not Development Management) Officers and no formal pre-application had ever been submitted for the land in question;
- A lot of information had been released in November 2018 but not an initial drawing that had been presented to the workshop that had suggested that there may be a site for a potential Community Housing project. The Council had argued that the drawing was commercially sensitive and should not be released as to do so would adversely affect legitimate economic interests;
- The ICO test for whether or not information should be released was a high one and the ICO was not persuaded that the exception had been engaged in this instance;
- At the time the initial request had been received, there had been a robust debate between officers. Whilst the legal advice had been understood, officers had felt that, although the decision may be challenged, the Council should still argue its case on this issue.

During the subsequent debate, reference was made to a lessons learned exercise. It was noted that a review of the Development Management Pre-Application process was to be undertaken by officers and the Panel requested that this item be presented to its meeting on 28 January 2020 prior to its onward consideration by the Executive. In addition, the Panel also requested that an agenda item titled: 'Guidance on ICO Procedure' should be included on the agenda for the next meeting to be held on 21 November 2019.



Specifically with regard to the role of Members, assurances were given that, in the future, Members would be notified in respect of when ICO decisions had been published and it was agreed that this would be included as part of the Guidance report to be presented to the next Panel meeting.

It was then:

### **RESOLVED**

That the Panel Work Programme be updated whereby:

- a 'Guidance on ICO Procedure' report be presented to the next Panel meeting to be held on 21 November 2019; and
- a 'Review of the Development Management Pre-Application Process' be presented to the Panel meeting on 28 January 2020.

## **O&S.35/19 EXECUTIVE FORWARD PLAN**

The Panel was presented with the most recently published Executive Forward Plan. In accordance with Procedure Rules, formal requests had been made for two future Executive agenda items to be first considered by the Panel. These items were as follows:

### **(a) Council Tax Reduction Scheme 2020/21**

A report was presented that recommended continuation of the existing Council Tax Reduction Scheme for 2020/21 with no proposed amendments.

In the subsequent discussion, reference was made to:-

- (i) the effectiveness of the Scheme. The majority of Members were very supportive of the Scheme and acknowledged that Devon County Council recommended it as best practice to other District Councils;
- (ii) the four official complaints. Officers confirmed that they had been working with the four official complainants following the introduction of the banding scheme and they had each been offered help, assistance and support;
- (iii) some concerns over the scheme. A Member expressed some specific concerns that he had on the scheme that included:
  - the absence of a cap;
  - the website requiring a review to ensure that critical information was in the most prominent part of the webpage; and

- the need to define the Minimum Income Floor.

In light of the specific nature of some of these points, it was agreed that the Member would meet with lead officers and the lead Executive Member outside of this meeting to discuss in greater detail.

It was then:

### **RECOMMENDED**

That the Panel **RECOMMEND** to the Executive to **RECOMMEND** to Council that no amendments be made to the existing Council Tax Reduction Scheme for 2020/21.

### **(b) Draft Capital Programme Proposals 2020/21**

In connection with this future agenda item, a Member had given advanced notice of her wish to raise the following question:

*'I would like to ask the Leader if she would be able to brief the Overview and Scrutiny Panel on the implications of the unexpected rise in the Public Works Loan Board (PWLB) for Council Assets Projects including the proposed Kingsbridge Hotel and the Batson Quay/Whitestrans proposals at Salcombe.'*

In response, the Deputy Leader informed that:

*'Council officers were assessing the impact of the increase of 1% on the Public Works Loan Board (PWLB) Interest Rate currently being offered on loans, on all of the business cases that involve external borrowing. The increase in Interest Rates of 1% only affected any new borrowing and did not affect loans already taken out in the past (e.g. for leisure),*

*The increase would affect the Council's Commercial Investment Strategy in as much as the Council would need to factor in a higher Interest Rate into future Business Cases. The Commercial Investment Strategy itself still remained relevant.*

*The Council's Treasury Management Advisors had indicated that other lenders (banks) and Pension Funds were now looking to come into the lending market. Previously, such lenders could not compete with the PWLB rates being offered, but their rates now had a chance of being competitive. Any lending from banks was likely to have longer lead in times.*

*Consultation on the Kingsbridge and Ivybridge schemes would be taking place and stakeholders (e.g. Members, residents and businesses) would be made aware of how to engage in the consultation process.*

*The Whitestrand project (replacement of toilets / showers and the Harbour Office) was not affected by an increase in borrowing rates as this project was being funded by the Council's own capital resources (capital receipts) and there was no external borrowing involved.*

*Similarly, the Batson Quay project would be funded by internal borrowing (borrowing from the Council's own resources) and not external borrowing from a third provider, due to the smaller amount of borrowing involved. However, the project was undergoing a review of the specification and design to see where the tendered cost could be reduced to bring the scheme within the Budget envelope approved by Members.'*

With no further issues raised, the meeting proceeded to consider the next agenda item.

#### **O&S.36/19 ACCOMMODATION STRATEGY UPDATE**

The Panel received an update from the lead Executive Member on the Accommodation Strategy and noted the amount of outstanding work on reviewing the future of Follaton House and the Arboretum.

Whilst the Executive Forward Plan had indicated that the Strategy was to be presented to the next Executive meeting on 31 October 2019, the lead Member informed that there was a need for the Accommodation Strategy Member Working Group to meet at least once more prior to it being in a position to make a formal recommendation. As a result, the Member would be seeking a deferral of this matter to an Executive meeting during early 2020 and proceeded to encourage the wider membership to share their views with him and the lead officers.

During the ensuing debate, it was confirmed that any Member could attend future meetings of the Accommodation Strategy Member Working Group and it was agreed that the dates of these meetings would be publicised via the Members' Bulletin.

#### **O&S.37/19 REVIEW OF FEES AND CHARGES FOR 2020/21**

Consideration was given to a report that set out proposals for any changes to Fees and Charges for all services for 2020/21.

During the ensuing discussion, reference was made to:-

- (a) Zoo licensing charges. By way of background for newly elected Members, officers advised that the proposed charges were as a result of the officer review into all aspects of zoo licensing charges that had been requested during the 2018/19 Budget setting process (Minute 53/18 refers);

- (b) charging for serious private water supply sampling failures. In the event of this new charging proposal being approved, officers gave their assurances that an appropriate Communications Strategy would be implemented.

It was then:

### **RECOMMENDED**

That the Executive **RECOMMEND** to Council that:

1. the proposed Fees and Charges set out for Parks, Open Spaces and Outdoor Sports (as detailed in Appendix A of the presented agenda report) be approved;
2. the proposed Environmental Health charges (as detailed in Appendix B of the presented agenda report) be approved;
3. the proposed unchanged fees and charges for Development Management (as detailed in Appendix C of the presented agenda report) be approved;
4. delegated authority be given to the Director of Place and Enterprise, in consultation with the lead Executive Member for Enterprise, to set the Dartmouth Lower Ferry Fees to take account of market changes (including competitor charges);
5. charges be introduced for the use of the existing electric charging points at Follaton House;
6. delegated authority be given to the Commissioning Manager for Waste and the Head of Practice Lead for Waste, in consultation with the lead Executive Member for Environment, to set the Commercial Waste Fees and Charges, once the report is complete that is outlined at paragraph 3.14 of the presented agenda report;
7. the proposed Boat Storage Charges (as detailed at paragraph 3.15 of the presented agenda report) be approved;
8. the proposed 'Proof of Life' charges be approved and introduced with immediate effect;
9. the proposed changes to S257 Footpath Diversion Orders charges be approved with immediate effect; and
10. delegated authority be given to the Section 151 Officer and the lead Executive Member to set the Local Land Charges fees on a cost recovery basis.

**O&S.38/19 LOCALITY SERVICE UPDATE**

The Panel considered a report that summarised the activity and reviewed the performance of the Locality Service during 2019. In addition, the report also outlined some of the future challenges that were facing the Council over the next twelve months.

During the ensuing discussion, the following points were raised-

- (a) Having been informed that a formal service review had not been carried out since the establishment of the Service in 2015, a motion was **PROPOSED** and **SECONDED** as follows:

*'That a Task and Finish Group (comprising of Cllrs Austen, Birch, McKay, Spencer and Thomas) be established to review the role of the Locality Service with a concluding report being presented to the Panel meeting to be held on the afternoon of 23 January 2020.'*

When put to the vote, the motion was declared **CARRIED**.

- (b) Officers advised that the decision to task the Locality Engagement Officers with resolving waste related issues and monitoring had worked particularly well;
- (c) A number of Members commended the role played by the Mobile Locality Officers and were of the view that they had been one of the success stories of the Council's Transformation Programme.

It was then:

**RESOLVED**

That a Task and Finish Group (comprising of Cllrs Austen, Birch, McKay, Spencer and Thomas) be established to review the role of the Locality Service with a concluding report being presented to the Panel meeting to be held on the afternoon of 23 January 2020.

**O&S.39/19 TOWN CENTRES STRATEGY**

The Panel considered a report that provided an update on the progress that had been made on the Council's Town Centres Strategy.

In discussion, reference was made to:-

- (a) the need to give added emphasis to the Strategy. In emphasising the need to make more progress, a motion was **PROPOSED** and **SECONDED** as follows:

- 1. That four separate meetings (per Cluster area) be arranged with local Ward Members to discuss possible initiatives that could be prioritised in each local Cluster area; and*

2. *That Option 3 (namely that the Council could ‘take a more active role in promoting, leading and delivering change in the community. This might be achieved by a lead Officer / Officers and Members dedicating additional time to convening meetings, assessing opportunities and creating working groups / task and finish groups to deliver against the agenda’) be fully costed and presented to the draft 2020/21 Budget Setting Workshop on Thursday, 7 November 2019.*

Whilst the majority of Members were supportive of the motion, some Members held the contrary view that local town councils should be self-sufficient and undertake these activities for themselves. Nonetheless, when put to the vote, the motion was declared **CARRIED**;

- (b) Meetings that had already been held. Some local Ward Members informed that the formal meetings that had already taken place had been well received.

It was then:

### **RESOLVED**

1. That four separate meetings (per Cluster area) be arranged with local Ward Members to discuss possible initiatives that could be prioritised in each local Cluster area; and
2. That Option 3 (namely that the Council could ‘take a more active role in promoting, leading and delivering change in the community. This might be achieved by a lead Officer / Officers and Members dedicating additional time to convening meetings, assessing opportunities and creating working groups / task and finish groups to deliver against the agenda’) be fully costed and presented to the draft 2020/21 Budget Setting Workshop on Thursday, 7 November 2019.

## **O&S.40/19 TASK AND FINISH GROUP UPDATES**

### **(a) LEISURE REVIEW**

During his update, the Group Chairman advised that:

- one meeting had already been held at which the Group had approved the Terms of Reference for the Review;
- the second Group meeting was to take place after this Panel meeting; and
- all Members (irrespective of being on the Group or not) were welcome to share their thoughts and experiences of the leisure service and attend future meetings of the Group to feed into this Review before the final recommendations were presented to the Panel meeting on 23 January 2020.

**O&S.41/19 ANNUAL PANEL WORK PROGRAMME**

During consideration of the latest version of the Panel's Annual Work Programme, the following additions, amendments and deletions were made:

- (a) The Panel acknowledged that it had earlier agreed a request for an agenda item titled: 'Guidance on Information Commissioner's Office (ICO) Procedure' to be presented to the next Panel meeting on 21 November 2019 and a 'Review of the Development Management Pre-Application Process' to be presented to the Panel meeting on 28 January 2020 (O&S.34/19 above refers);
- (b) Members also noted that the concluding report of the Locality Service Task and Finish Group would be presented to the Panel meeting on the afternoon of 23 January 2020 (Minute O&S.38/19 above refers).

**O&S.42/19 EXCLUSION OF PUBLIC AND PRESS****RESOLVED**

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item of business as the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A to the Act is involved.

**O&S.43/19 PAY AND DISPLAY MACHINE UPDATE**

Consideration was given to an exempt report that provided an update to the Panel on actions taken and research undertaken into alternative providers.

In discussion, the Panel recognised that this was a positive update and good progress had been made. As a consequence, the Panel was supportive of the officer view in the report recommendation.

It was then:

**RESOLVED**

That the Panel support the officer view that the Council should continue its working relationship with Metric unless performance gives rise for concern, at which point officers will again evaluate alternative options.

(Meeting started at 10.00 am and concluded at 12.10 pm)

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Chairman

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## **PUBLIC FORUM PROCEDURES**

### **(a) General**

Members of the public may raise issues and ask questions at meetings of the Overview and Scrutiny Panel in relation to agenda items (and in accordance with the O&S rules in Part 4). This session will last for up to fifteen minutes at the beginning of each meeting.

### **(b) Notice of Questions**

An issue or question may only be raised by a member of the public provided that they have given written notice (which may be by electronic mail) to the Democratic Services Lead Specialist by 5.00pm on the Monday, prior to the relevant meeting.

### **(c) Scope of Questions**

An issue may be rejected by the Monitoring Officer if:

- it relates to a matter within the functions of the Development Management Committee;
- it is not about a matter for which the local authority has a responsibility or which affects the district;
- it is offensive, frivolous or defamatory;
- it is substantially the same as a question which has previously been put in the past six months; or
- it requires the disclosure of confidential or exempt information.

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## **SOUTH HAMS DISTRICT COUNCIL: EXECUTIVE LEADER'S FORWARD PLAN**

This is the Leader of Council's provisional forward plan for the four months starting November 2019. It provides an indicative date for matters to be considered by the Executive. Where possible, the Executive will keep to the dates shown in the plan. However, it may be necessary for some items to be rescheduled and other items added.

The forward plan is published to publicise consultation dates and enable dialogue between the Executive and all councillors, the public and other stakeholders. It will also assist the Council's Overview and Scrutiny Panel in planning their contribution to policy development and holding the Executive to account.

Local authorities are required to publish updated forward plans on a regular basis. The Plan is published in hard copy and on the Council's website ([www.southhams.gov.uk](http://www.southhams.gov.uk))

**Members of the public are welcome to attend all meetings of the Executive, which are normally held at Follaton House, Totnes, and normally start at 10.00 am. If advance notice has been given, questions can be put to the Executive at the beginning of the meeting.**

*The Executive consists of six Councillors. Each has responsibility for a particular area of the Council's work.*

*Leader of the Council – Cllr Judy Pearce*

*Deputy Leader – Cllr Hilary Bastone*

*lead Executive Member for Health and Wellbeing – Cllr Jonathan Hawkins*

*lead Executive Member for Communities and Enterprise – Cllr David May*

*lead Executive Member for Environment – Cllr Keith Baldry*

*lead Executive Member for Customer Service Delivery – Cllr Nicky Hopwood*

Further information on the workings of the Executive, including latest information on agenda items, can be obtained by contacting Democratic Services on 01803 861185 or by e-mail to [democratic.services@southhams.gov.uk](mailto:democratic.services@southhams.gov.uk)

**All items listed in this Forward Plan will be discussed in public at the relevant meeting, unless otherwise indicated with \***

**KEY DECISIONS TO BE TAKEN BY THE EXECUTIVE**

<b>Portfolio Area</b>	<b>Report Title and Summary</b>	<b>Lead Officer/ Member</b>	<b>Documents to be considered in making decision</b>	<b>Date of Decision</b>	<b>Consultees and means of Consultation</b>

**OTHER DECISIONS**

Leader – Strategic Assets	<b>Title:</b> Formation of a wholly owned company <b>Purpose of Report:</b> To consider the formation of a wholly owned company to facilitate commercial activity	Chris Brook/ Cllr Pearce	Report of Head of Assets	28 November 2019	
Council  Page 15	<b>Title:</b> Revenue Budget Monitoring Quarter 2 <b>Purpose of report:</b> A revenue budget monitoring report to monitor income and expenditure variations against the approved revenue budget for 2019/20, and to provide a forecast of the year end position	Pauline Henstock/ Cllr Bastone	Report of Head of Finance	28 November 2019	
Council	<b>Title:</b> Capital Budget Monitoring Quarter 2 <b>Purpose of report:</b> The report advises Members of the progress on individual schemes within the approved capital programme for 2019/20, including an assessment of their financial position	Pauline Henstock/ Cllr Bastone	Report of Head of Finance	28 November 2019	
Council	<b>Title:</b> Write Off Report for Quarter 2 <b>Purpose of report:</b> The Council is responsible for the collection of: Housing Rents, Sundry Debts including Housing Benefit Overpayments, Council Tax and National Non-Domestic Rates. The report informs members of the debt written off for these revenue streams.	Lisa Buckle/ Cllr Bastone	Report of Strategic Lead of Finance	28 November 2019	
Council	<b>Title:</b> Draft Revenue Budget Proposals 2020/21 <b>Purpose:</b> To present Budget proposals for 2020/21	Lisa Buckle/Cllr Pearce	Report of Strategic Lead of Finance	28 November 2019	

Council	<b>Title:</b> Draft Capital Programme Proposals 2020/21 <b>Purpose:</b> To present Capital Programme proposals for 2020/21	Lisa Buckle/ Cllr Pearce	Report of Strategic Lead of Finance	28 November 2019	
Customer First	<b>Title:</b> Customer Satisfaction Update <b>Purpose:</b> To provide a quarterly update on the Levels of Customer Satisfaction	Nadine Trout/ Cllr Hopwood	Report of Commissioning Manager	28 November 2019	
Strategic Planning	<b>Title:</b> Brixton Neighbourhood Plan <b>Purpose:</b> To 'make' (approve) the Brixton Neighbourhood Plan following the Referendum held on 15 October, 2019	Duncan Smith/ Cllr Pearce	Report of Neighbourhood Planning Officer	28 November 2019	Referendum
Communities	<b>Title:</b> Partnership Funding <b>Purpose:</b> To consider funding levels for Partnerships for the next three years	Nadine Trout/ Cllrs May and Hawkins	Report of the Commissioning Manager	28 November 2019	
Communities	<b>Title:</b> Public Toilet Project <b>Purpose:</b> To update Members on the project and to seek approval of revised proposals	Cathy Aubertin/ Cllr May	Report of the Head of Environment Services Practice	28 November 2019	
Environment	<b>Title:</b> Grounds maintenance service <b>Purpose of report:</b> To consider recommendations from the review of service performance	Cathy Aubertin/ Cllr Baldry	Report of the Group Manager Commercial Services and Head of Environment Services Practice	6 February 2020	
Council	<b>Title:</b> Revenue Budget Monitoring Quarter 3 <b>Purpose of report:</b> A revenue budget monitoring report to monitor income and expenditure variations against the approved revenue budget for 2019/20, and to provide a forecast of the year end position	Pauline Henstock/ Cllr Bastone	Report of Head of Finance	6 February 2020	
Council	<b>Title:</b> Capital Budget Monitoring Quarter 3 <b>Purpose of report:</b> The report advises Members of the progress on individual schemes within the approved capital programme for 2019/20, including an assessment of their financial position	Pauline Henstock/ Cllr Bastone	Report of Head of Finance	6 February 2020	
Council	<b>Title:</b> Write Off Report for Quarter 3	Lisa Buckle/ Cllr Bastone	Report of Strategic Lead of Finance	6 February 2020	

	<b>Purpose of report:</b> The Council is responsible for the collection of: Housing Rents, Sundry Debts including Housing Benefit Overpayments, Council Tax and National Non-Domestic Rates. The report informs members of the debt written off for these revenue streams.				
Council	<b>Title:</b> Revenue Budget Proposals 2020/21 <b>Purpose:</b> To present Budget proposals for 2020/21	Lisa Buckle/Cllr Pearce	Report of Strategic Lead of Finance	6 February 2020	
Council	<b>Title:</b> Capital Programme Proposals 2020/21 <b>Purpose:</b> To present Capital Programme proposals for 2020/21	Lisa Buckle/Cllr Pearce	Report of Strategic Lead of Finance	6 February 2020	
	<b>Title:</b> Pre Application Planning Process <b>Purpose:</b> To consider and approve the updated pre application process	Pat Whymer/Cllr Bastone	Report of the Head of Development Management Practice	6 February 2020	



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Report to: **Overview and Scrutiny Panel**

Date: **21 November 2019**

Title: **Community Safety Partnership – Annual Report**

Portfolio Area: **Health and Wellbeing**

Wards Affected: **All**

Relevant Scrutiny Committee: N/A

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken:  
(e.g. referral on of recommendation or implementation of substantive decision)

Author: **Rebecca Hewitt/Louisa Daley** Role: **Chair, Community Safety Partnership/Community Safety Specialist South Devon and Dartmoor Community Safety Partnership**

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**Recommendations:**

**That Members identify any issues to be raised at the next Community Safety Partnership meeting.**

## 1. Executive summary

The purpose of this report is to provide Members with the opportunity to scrutinise the work of the Community Safety Partnership (CSP) as defined by Sections 19 and 20 of the Police and Justice Act 2006 and the Crime and Disorder (Overview & Scrutiny) Regulations 2009.

## **2. Background**

South Devon and Dartmoor CSP operates across Teignbridge, South Hams and West Devon and is a statutory partnership.

## **3. Outcomes/outputs**

The CSP is intelligence led and delivers in the context of the Devon Strategic Assessment and also the Police and Crime Plan that is owned by the Police and Crime Commissioner. The CSP continues to focus on the most vulnerable within our community in response to information provided by the Devon Strategic Assessment and any emerging threats or risks.

The CSP works collaboratively across Devon and the Peninsula to tackle issues such as child sexual exploitation, modern slavery, drug misuse, prejudice related crime, preventing violent extremism and domestic violence and abuse.

In 2019/20 the CSP received a £25,000 grant of Safer Communities funding from the PCC via the Safer Devon Partnership, in 2020/21 the CSP will receive the same amount. This funding pays for specific projects, some of which are listed below. The PCC elections will take place in May 2020 so funding after 2020/21 is uncertain.

## **KEY ACHIEVEMENTS**

### **Achievements across the whole of South Devon and Dartmoor CSP area**

- Developed the South Devon and Dartmoor Sexual Violence and Domestic Violence and Abuse Forum. This is Co-chaired with Splitz. The forum is well attended by a range of agencies and voluntary sector. It has been successful in gaining £5,000 of funding from the Safer Devon Partnership to deliver an older persons toolkit.
- Regular engagement with South Devon MARAC (multi-agency risk assessment conference) to create safety planning for those experiencing domestic abuse in South Devon
- Continue to hold six monthly Community Safety meetings with secondary schools in each district resulting in extremely positive relationships in Teignbridge, West Devon and South Hams. The CSP has also provided funding for campaigns such as "Disrespect Nobody" campaign which ran in secondary schools in each area
- Supported Domestic and Sexual Violence survivors by providing support equipment such as alarms

- Continued close working with Integrated Offender Management and South Devon Police Proactive team around prolific offenders and safeguarding those vulnerable to exploitation. This includes safeguarding visits with Police during County Lines Intensification weeks in May and September 2019
- Delivered information sessions on County Lines and Youth Gangs to a range of organisations including: social care, Exeter Prison, Careers providers, Department for Work and Pensions, Young Devon, Town Councils, Rotary, registered housing providers to understand the implications of County Lines and cuckooing and how to report
- Provision of ASB service across SDD which included discussions about vulnerable adults as part of ASB meeting structure
- Engagement in the Devon and Torbay Prevent Partnership, The Anti-Slavery Partnership, The County Lines strategic meeting for Devon
- Delivered the tenth annual forum event which was held at Rattery Village Hall, attended by 108 delegates showcasing the work of the CSP
- Facilitated raising awareness of Extreme Right Wing symbolism to ensure reporting of any occurrences to Prevent Leads
- Safeguarding at events risk assessment produced for delivery in 2019 and invited to speak at the National Local Authority Event Co-ordinators Conference where we received very positive feedback. Two authorities have approached us to utilise the risk assessment
- Suicide Intervention briefings to partners. 345 pledges were received from a total of 82 different organisations. 78 people attended the half day Safetalk training which was held in Totnes and Newton Abbot
- Following feedback after the last round of Overview and Scrutiny meetings the CSP two hour briefing sessions to allow Members to have a greater insight into the workings of the partnership. These were well attended in each District and the feedback was positive
- The CSP has supported the development of the Adolescent Safety Framework for Devon. This framework is being led by Devon Children's Social Care to address risks from outside of the family
- The CSP lead the South Devon Exploitation Prevention Network which includes Torbay where partners are kept up to date on exploitation risks and reporting is encouraged
- Supported delivery of The Herbert Protocol – a system for helping to locate vulnerable missing people (often used by families of those who live with dementia)
- Presentations have been delivered to the CSP on suicide and this is an area for future work
- Successful in a joint bid to the Home Office for the delivery of the Turning Corners programme to the value of £538,000 which covers

Torbay, Teignbridge and South Hams to address Young Gang Culture

- Continued to share learning with other partners including the Metropolitan Police around Youth Gang Culture

### **Additional achievements specific to South Hams**

- Funding was provided to Kingsbridge Licensed Victuallers Association in order to recalibrate breathalysers used in the night time economy.
- Provision of youth outreach and diversionary activities through CSP - funding was made in Totnes and Dartmouth for the Youth Leisure Nights whilst working closely with Fusion Leisure
- The CSP regularly attends Ivybridge Matters meetings where Town Councillors and Police meet with community representatives such as the Street Pastors and youth outreach providers to problem solve local community safety matters
- The Turning Corners programme is fully supported and facilitated by the CSP in South Hams. The project has created parent support groups in South Hams, works collaboratively with local agencies to identify then divert vulnerable young people away from youth gang culture
- CSP representatives have trained as Dementia Champions, this has led on to the creation of the South Hams Dementia Friendly Forum and the beginning of the framework for South Hams District Council to begin working toward being a Dementia Friendly Council – subject to formal ratification in December 2019

### **Achievements in Anti Social Behaviour – South Hams**

- The monthly ASB meetings continue to be well attended with regular attendance by Police, Registered Social Landlords & South Hams District Council and Mental health teams. At this meeting individuals causing anti-social Behaviour (ASB) are discussed, together with vulnerable adults. This is to ensure that they are receiving appropriate support and that all relevant agencies are aware for safeguarding purposes.
- A possession order was obtained by Devon County Council on an individual living in a caravan in the South Hams area due to anti-social behaviour. Each location the caravan was parked in saw the individual cause anti-social behaviour. The individual was offered help and support in relation to addiction issues and also housing support through SHDC, both of which were declined. Following extensive multi-agency work with Police an application for a Criminal Behaviour Order (CBO) was sought, following a conviction for a burglary. As the Court sentenced the individual to a term of imprisonment, the Crown Prosecution Service decided not to request the CBO. This individual has recently been released from

prison on license, with a condition not to visit certain areas of the South Hams.

- Following extensive multi-agency working between LiveWest, SHDC, and the Police LiveWest obtained an ASB Injunction against a tenant in the South Hams area. The Injunction was breached on a number of occasions. This meant that in addition to the tenant’s anti-social behaviour LiveWest obtained a repossession order for the property and the tenant was evicted.

#### **4. Options available and consideration of risk**

The CSP has adopted an intelligence led approach and is directed by the findings of the Peninsula Strategic Assessment. Each year a workshop is held which includes representatives from statutory partners to review the Devon Strategic Assessment and agree the projects for the following year. This becomes the Local Delivery Plan. Spend of the budget relates to those priorities agreed annually. Due to the proactive nature of the work it is essential that responses are also made to emerging issues and threats.

A serious emerging threat, established by evidence gathered in locations inside our own area and in neighbouring districts, is co-ordinated groups of youths perpetrating ASB. The CSP is likely to prioritise and invest significant resource next year in co-ordinating partner interventions to reduce this activity and safeguard young people against this threat.

#### **5. Proposed Way Forward**

The main considerations for members include –

- The Chief Constable of Devon and Cornwall Police has a mission statement to detect and prevent crime; protect the vulnerable and reduce crime. This creates a clear focus on safeguarding. This approach is mirrored in the priorities of the CSP.
- The CSP will continue to engage all statutory partners in the development of the Local Delivery Plan which sets out the work of the CSP directed by the Peninsula Strategic Assessment.

#### **6. Implications**

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		The CSP works under several sections of legislation including –  Crime and Disorder Act 1998

		Police Reform Act 2002 Anti-Social Behaviour Act 2003 Police and Justice Act 2006 Policing and Crime Act 2009 Section 9 of the Domestic Violence, Crime and Victims Act (2004). Anti-Social Behaviour , Crime & Policing Act 2014
Financial		2019/20 income to the CSP included a £25,000 grant of Safer Communities funding from the Police and Crime Commissioner via the Safer Devon Partnership and contributions from agencies and income to support specific projects.  South Hams District Council costs for 2019/20:  Total contribution <span style="float: right;">£ 25,011</span>
Risk		The report is for information and as such there is no risk associated with decisions to set out.
Supporting Corporate Strategy		Communities, Wellbeing and Homes
Climate Change – Carbon / Biodiversity Impact		No direct carbon/diversity impact arising from the recommendations
Comprehensive Impact Assessment Implications		
Equality and Diversity		The CSP addresses issues including hate crime and specific crimes relating to vulnerable members of the community such as distraction burglary.
Safeguarding		CSP staff engage in a number of safeguarding forums and promote effective safeguarding practice in their work. This links to internal Council safeguarding. Currently the Community Safety Specialist is also the Safeguarding Specialist at SHDC.
Community Safety, Crime and Disorder		The report details the many implications on Community Safety of South Hams District Council's engagement in the CSP.
Health, Safety and Wellbeing		The CSP works closely with public health and other partners on health and wellbeing issues including alcohol and licensing.
Other implications		

Report to: **Overview and Scrutiny Panel**  
Date: **21 November 2019**  
Title: **Safeguarding Update**  
Portfolio Area: **Health and Wellbeing**  
Wards Affected: **All**  
Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken:  
(e.g. referral on of recommendation or implementation of substantive decision)

Author: **Louisa Daley** Role: **Safeguarding Specialist**  
Contact: [Louisa.daley@swdevon.gov.uk](mailto:Louisa.daley@swdevon.gov.uk)

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## **Recommendations:**

### **That the Overview and Scrutiny Panel:**

- 1. continue to review safeguarding annually; and**
- 2. RECOMMEND to the Executive to RECOMMEND to Council that the revised Safeguarding Policy (as attached at Appendix A) be adopted.**

## **1. Executive summary**

The purpose of this report is to provide Members with the opportunity to annually scrutinise and review Safeguarding practise and procedure following recommendations from Internal Audit in October 2017 that Safeguarding should be highlighted as a standalone topic due to its complexity.

## **2. Background**

Following Overview and Scrutiny recommendations in February 2019, Members agreed to review an updated Safeguarding Policy (appendix A) and also to review and scrutinise safeguarding practise and procedures on an annual basis.

The Audit Partnership has listed the next Safeguarding Internal Audit for 2020/21. The previous internal audit undertaken in 2017/8 resulted in an

overall GOOD outcome. This was published with Overview and Scrutiny papers in 2018/9.

### **3. Outcomes/outputs**

The Safeguarding Specialist meets with other District Council Safeguarding Leads on a quarterly basis to share good practice and meet with both the Devon Adult and Children Safeguarding Boards to ensure that compliance continues and areas of emerging threat and risk are known, then mitigated through work with Devon County Council or within South Hams District Council (SHDC) In 2019/20 risks identified and emerging around young people outside of the home have resulted in the Adolescent Safety Framework (ASF.) Traditionally Social Care work with young people at risk within the household, however intelligence has shown the increasing extra-familial risk of young people, these are risks outside of the household such as County Lines and Exploitation. The Safeguarding Specialist has been part of a working group led by Devon County Council in introducing the ASF and Contextual Safeguarding. Contextual Safeguarding is an approach to safeguarding that responds to young people's experiences of harm outside of the home, for example with peers, in schools and in the community. There has been some overlap with the Safeguarding and Community Safety roles, the current specialist holds both roles.

The partnerships that South Hams District Council has between other agencies and partnerships are strong. The Safeguarding and Community Safety Specialist or another relevant member of staff such as Housing Specialists regularly attend and engage in these partnerships. They include:

1. The **Community Safety Partnership** who work strategically and operationally on themes such as Drug and Alcohol reduction, Vulnerability, Suicide and provide the Council and others with free courses on issues such as Exploitation.
2. **MARAC** (Multi Agency Risk Assessment Conference) which risk manages residents who experience Domestic and Sexual Violence, demonstrate how essential partnership working is.
3. **The Devon and Torbay Prevent Partnership** (Counter Terrorism) is also a close working partner, the safeguarding specialist is also South Hams District Council Prevent Lead and receives regular updates on any terror threats in our area and the latest updates and recommendations for local councils, including online security. Recently the Senior Leadership Team received a briefing from the Counter Terrorism Advisor for the South West facilitated by the Specialist.
4. **Devon and Children's Family Partnership** (previously known as the Safeguarding Children's Board) and the **Devon Safeguarding Adults Board** remain close partners and the safeguarding specialist meets on a quarterly basis with both of these boards as



part of the Devon District Safeguarding Officers Network where good practice is developed and shared.

In 2019 a safeguarding report management system was created with the specialist and team members from ICT. The report is able to highlight types of referral, the referring department, the type of concern, differentiation between adult and child referrals and will be helpful in providing strategic overview and to identify areas of training as required. The report holds very sensitive information, therefore only two staff members currently have access to this report. Whilst the report is helpful, but does not demonstrate the time spent with clients (particularly those adults who are suicidal) who do not wish to be referred to specialist services or those children who are already part of a Child Protection Plan. It covers referrals to social care that staff at SHDC make.

The breadth of safeguarding referrals and queries being highlighted from staff other than the "traditional" routes housing staff, continues to increase. Staff from building enforcement, planning, environmental health and customer services, in addition to housing staff, have all highlighted issues. This directly correlates to staff briefings, bite size training and regular updates and information in the Friday Flash. Raising awareness of safeguarding to our staff, supporting vulnerable people in our communities and signposting where appropriate will continue as part of daily business.

#### **4. Options available and consideration of risk**

Safeguarding by its very nature carries a degree of risk. The client group is vulnerable and sometimes chaotic.

SHDC minimise these risks by the ongoing training of staff, safeguarding champions who have expert knowledge, close working relationships with agencies such as the police and the procedures put in place.

SHDC is proactive in projects and staff training. Members have requested and received briefings on themes such as County Lines, Child Sexual Exploitation, Domestic Violence and Abuse and how to report / who to report to. All of which are helping to raise awareness on safeguarding providing a top down approach.

1. The Suicide Intervention Toolkit arose due to the increase in calls received by Council staff from members of the public who advised staff that they were thinking of suicide.
2. Exploitation workshops have been held for staff and other agencies in November 2019 which provide information and reporting advice on all areas of exploitation.
3. Dementia awareness and closer working with SHDC and the Alzheimer's Society has begun, showing SHDC commitment in responding to local risks around an aging population. Recent meetings with SHDC Members have resulted in preparation of a report to Full Council on 19<sup>th</sup> December 2019 to propose that SHDC

aims to work to becoming a Dementia Friendly Council. This work will be led by the safeguarding specialist.

4. Online e-learning package for safeguarding adults is now part of the training suite and has recently been highlighted to staff to complete. This will become a mandatory course in the future.
5. The child version of the same package will come online in January 2020 and will be highlighted to staff accordingly. This will also become mandatory.

## 5. Proposed Way Forward

Members are required to review the revised safeguarding policy (Appendix A) and adopt this as the new policy.

Members are requested to confirm that Safeguarding be included on the annual work plan for Overview and Scrutiny committee.

Should Members have suggestions for items to be considered in the next report then they should advise the safeguarding specialist accordingly.

Member training in safeguarding requires ongoing support.

E-learning package for safeguarding children to come online in January 2020 and sit as part of the training suite, Members are requested to support this as mandatory for all staff and Members to complete.

## 6. Implications

Implications	Relevant to proposals Y/N	To support ongoing training for staff and members to further highlight safeguarding in all its forms.
Legal/Governance		Crime and Disorder Act 1998 The Children Act 2004 Section 9 of the Domestic Violence, Crime and Victims Act (2004). The Care Act 2014 Anti-Social Behaviour , Crime & Policing Act 2014 Modern Slavery Act 2015
Financial		Minimal training budget required for safeguarding leads and some specialist housing staff. Safeguarding lead will then train non specialist staff to an appropriate level.
Risk		The report is for information and as such there is no risk associated with decisions to set out.

Supporting Corporate Strategy		Communities, Wellbeing
Climate Change – Carbon / Biodiversity Impact		No direct carbon/diversity impact arising from the recommendations
Comprehensive Impact Assessment Implications		
Equality and Diversity		Safeguarding legislation and WDBC procedures are applied in conjunction with equality and diversity standards.
Safeguarding		Safeguarding standards, information and signposting is open to residents, customers AND staff of SHDC.
Community Safety, Crime and Disorder		Where safeguarding crosses with community safety and crime issues the safeguarding specialist will liaise with the community safety specialist.
Health, Safety and Wellbeing		The safeguarding lead works closely with public health and other partners on health and wellbeing issues including drugs, suicide, trafficking.
Other implications		n/a

**Background Documents:**

Appendices:

Appendix A – draft revised Safeguarding Policy.

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# Safeguarding Policy

(Version 1 November 2019)

*Working together*



South Hams  
District Council



West Devon  
Borough  
Council

## **1. Introduction**

1.1 This policy is based on the district council responsibilities under:

- 1.1.1 The Care Act 2014 in particular Sections 42 to 46 related to safeguarding, further information can be found at: <http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted>
- 1.1.2 The Children Act 2004, specifically Section 11 which places a duty on key people and public bodies, including district councils, to make arrangements to ensure that their functions are discharged with regard to the need to safeguard and promote the welfare of children. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2004/31/contents>
- 1.1.3 The Counter Terrorism Act section 26 which places a duty on certain bodies, in the exercise of their functions, to have due regard to the need to prevent people from becoming terrorists or supporting terrorism. The Prevent Agenda is one of four strands which makes up the Governments counter-terrorism strategy. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2015/6/contents>
- 1.1.4 The Modern Slavery Act 2015. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>
- 1.1.5 The Anti-Social Behaviour, Crime and Policing Act 2014 in particular Part 10 relating to forced marriage. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted>
- 1.1.6 The Serious Crime Act 2015 particularly Part 5 relating to female genital mutilation, child cruelty and domestic abuse. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2015/9/contents/enacted>
- 1.1.7 The policy is written with reference to the principle of Think Child, Think Parent, Think Family. Further information can be found at: <http://www.publichealth.hscni.net/publications/think-child-think-parent-think-family-0>

## **2. Policy commitment**

2.1 South Hams District Council believe that all children, young people and adults have the right to be safe, happy and healthy and deserve protection from abuse. The Council is committed to safeguarding from harm all children, young people and adults with care and support needs (see definition in point 4 relating to the Care Act 2014) using any council services and involved in any of their activities, and to treat them with respect during their dealings with the Council.

## **3. Aims of the Policy**

3.1 The aims of the policy are to:

- Clarify the roles and responsibilities of all parties within scope of the policy.
- Support the promotion of a safe working environment and a culture of care in which the rights of all children, young people and adults with care and support needs are protected and respected.
- Promote best practice in how employees and associated workers interact with children, young people and adults with care and support needs whilst providing Council services.

- Develop clear guidance and procedures for those employees working with children, young people and adults with care and support needs and ensure through training and support that they are aware of these and able to implement them.
- Provide a framework for developing partnerships with appropriate external bodies such as Devon and Children’s Family Partnership and Devon Safeguarding Adults Board, to ensure that the policy continues to reflect legal and best practice requirements in respect of the responsibility of care of children, young people and adults with care and support needs.

#### 4. Scope of the Policy

4.1 The policy is in respect of South Hams District Council’s responsibility towards:

- Children and young people, legally defined as any person under the age of 18. From this point the terms child or children will be used to refer to this group.
- Adults with care and support needs are defined under the Care Act 2014 and for the purposes of this policy, as anyone over the age of 18 who:
  - has needs for care and support (whether or not the local authority is meeting any of those needs) **and**;
  - is experiencing, or at risk of, abuse or neglect; **and**
  - as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.
- The employees of the council who have dealings with children, young people and adults with care and support needs and who are required to act in a position of trust and to act responsibly and within the law.
- The employees and elected members of the council who, while not required to act in a position of trust, will come into contact with members of these groups on a regular basis during the course of their work.
- Volunteers and other workers involved in the provision of council services but not employed by the Council, including workers in organisations with whom the Council has contracts for the delivery of services.

4.2 It covers all the functions and services of the Council, its elected members, staff and contractors.

4.3 This document is primarily concerned with protecting children, young people and adults with care and support needs from harm and providing guidance on how to deal with issues. However it is important to remember that safeguarding has a wider meaning which includes the promotion of welfare and taking action to enable all children, young people and adults with care and support needs to have the best life outcomes.

4.3 The policy does not cover health and safety issues related to safeguarding children such as use of play equipment or provision of food at events. Separate guidance on this and appropriate behaviours when dealing with children and adults with care and support needs, should be read in conjunction with this policy.

4.4 Where available this policy should also be used in conjunction with the following documents:

- Disciplinary Procedure
- Grievance Procedure
- Whistle Blowing Policy
- Access to Information Policy
- Acceptable Use Policy
- Equality Policy
- Complaints & Feedback Procedure
- Harassment and Hate Crime Policy
- Health & Safety at Work guidance

## 5. Responsibility

- 5.1 Responsibility for the implementation of this policy lies at all levels of the Council.
- 5.2 Elected Members are responsible for ensuring that South Hams District Council has a policy, which adequately provides protection for children and adults with care and support needs in receipt of its services and for the regular review of this policy in the light of changes to legislation e.g. Data Protection Act, or new legislation or regulation.
- 5.3 Elected Members should report any concerns to the Safeguarding Specialist or one of the Safeguarding Champions.
- 5.4 A designated Lead Member will be appointed lead responsibility for safeguarding.
- 5.5 The Safeguarding Specialist and the Safeguarding Champions within South Hams District Council will have operational responsibility for safeguarding advice to staff.
- 5.6 There are a number of staff across each areas of the Council situated in teams which have the most experience of dealing with safeguarding issues in their day to day work. In addition, the Safeguarding Specialist is responsible for co-ordinating the implementation of the policy and providing a single point of contact for the safeguarding boards.
- 5.7 Any staff who have a safeguarding concern should in the first instance discuss the matter with the Safeguarding Specialist or one of the Safeguarding Champions who will make a decision whether or not to refer the matter to the appropriate external organisation.
- 5.8 The Safeguarding Specialist in the first instance or then a Safeguarding Champion has responsibility for:
- Receiving concerns, discussing them with whoever has raised the concern and taking advice from the relevant partner agency/County Council service: this could include complex matters such as consent and whether parents/carers should be notified.
  - Making a decision about how to proceed and whether to make a formal referral. If there is disagreement on the appropriate course of action to take then the safeguarding specialist/champion has the final decision. Where staff are dissatisfied with the decision of the safeguarding specialist/champion, they should report their concerns to their line manager in the first instance and can still contact Devon County Council if they have strong concerns.
  - Ensuring the procedure is followed on such matters as making a referral, confidentiality and recording.
  - Working with colleagues to improve practice across the organisation.
  - In the event of an incident or query, should a safeguarding lead not be available, staff should go straight to relevant Devon County Council service. They can be supported by a senior manager but details of any incident must not be shared unless absolutely necessary.
  - Information should be documented in accordance with safeguarding and Data Protection legislation.
  - Attending appropriate courses and updating of safeguarding legislation.
- 5.9 In addition the Safeguarding Specialist has responsibility for:
- ensuring there is a secure central record relating to allegations and investigations
  - acting as multi agency partner on the Devon Children's and Family Partnership (previously known as the Devon Children's Safeguarding Board) and Devon Safeguarding Adult Board
  - advocating the importance of safeguarding to partners and customers
  - ensuring all safeguarding policies, procedures and guidelines are implemented and promoted



## 5.10 Line Managers

- Ensuring that employees, volunteers and other workers dealing with these groups are adequately trained and aware of their responsibilities in this area.
- Ensuring that external contractors delivering council services are aware of the council's expectation that workers are aware of and abide by the standards of behaviour expected of council employees.
- Ensuring that carers and/or parents of the children and adults with care and support needs are aware that, in providing services, council employees are not normally acting in loco parentis, except in relation to events for unaccompanied children who have been formally registered.
- Ensuring the carers and/or parents of the children and adults with care and support needs who are in direct receipt of council services <sup>1</sup> are made aware that services will be delivered in line with this policy.
- Ensuring that any evidence or complaint of abuse or lack of care is reported to the appropriate body e.g. Devon County Council, Safeguarding Board or the Police, and to council's Human Resources or Personnel team where members of staff are involved.
- Ensuring that employees and others do not work with children or adults with care and support needs on regulated activities without an appropriate Disclosure & Barring Service (DBS) disclosure.
- Working with other associated agencies to ensure the proper transfer of information relating to dealings with children and adults with care and support needs, where necessary.
- Ensuring that adequate supervision and support is available to those who have been directly involved in dealing with safeguarding cases, including a de-brief of the case and any relevant outcomes.

## 5.11 In addition to the above, members of the senior management team are responsible for:

- Identifying those services and posts that are likely to have an involvement with children and adults with care and support needs, and undertaking an appropriate risk assessment of posts in respect of DBS disclosure requirements.
- Ensuring that those people appointed by them to the district council, whose normal duties fall into the definition of Regulated Activity as defined in the Safeguarding Vulnerable Groups Act 2006 and amended by the Protection of Freedoms Act 2012, are subject to the appropriate level of DBS disclosure and are appropriately qualified and/or trained in working with these groups.
- Ensuring that all necessary procedures and practices are in place to provide adequate protection both for the individuals in these groups but also protection for the employees involved with them.
- Ensuring that proper records are kept of any incidents occurring within their service and that these are held securely and/or passed on to the council's Human Resources/Personnel team if the incident involves a member of staff.

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<sup>1</sup> For example: this would include arranging accommodation for a vulnerable adult or holding an event for children at the museum. It would not include arranging accommodation for a family with children where the contract is with the parents/carers.

- Ensuring that the procurement framework for the authority includes expectations upon contractors to demonstrate effective safeguarding practices for all their staff
- The Head of Paid Service/ Chief Executive is the lead officer with overall responsibility for the organisation's safeguarding arrangements.

5.12 Human Resources/Personnel are responsible for:

- Working with senior managers in maintaining a record of those posts, requiring a DBS disclosure together with the level of disclosure required.
- Ensuring that recruitment procedures are robust and that information pertinent to working with these groups is obtained during the recruitment procedure.
- Ensuring that DBS Disclosures are carried out in compliance with legislation and DBS guidance.
- Supporting senior managers in dealing with allegations of abuse or lack of care by staff.
- Referring information to the DBS and Local Authority Designated Officer (LADO) about employees who have been dismissed or removed from working with vulnerable groups (or would have been had they not left/resigned) as a result of a relevant caution/conviction, conduct that has harmed or put a child/vulnerable adult at risk of harm, or satisfied the 'Harm Test' in relation to vulnerable groups.

5.13 All employees and particularly those working with children and adults with care and support needs are responsible for:

- Ensuring that they are familiar with and understand the policies and procedures relating to their work with or in the vicinity of children and adults with care and support needs.
- Ensuring that they feel confident in working within this environment and working with their managers to ensure that they have the knowledge and skills to carry out their tasks in this context.
- Treating all those children and adults with whom they come into contact while carrying out their work equally and with respect.
- Reporting to a safeguarding lead, any concerns they may have about abuse or a lack of care of children and adults with care and support needs either from other staff, from carers, parents or those in loco parentis or between members of the group.

5.14 Volunteers, contractors and other workers are responsible for:

- Working with employees of the council, to the same standard, in ensuring the safety and well-being of children and adults with care and support needs within their scope.
- Participating in any training or development opportunities offered to them to improve their knowledge of skills in this area.

## 6. Review

- 6.1 This policy and the guidance will be reviewed annually or whenever there is a change in the related legislation or an emerging risk is identified. This will ensure these documents are up to date and fit for purpose.

Report to: **Overview and Scrutiny Panel**

Date: **21 November 2019**

Title: **Electric Car Charging Points – Update**

Portfolio Area: **Environment**

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: n/a

Author: **Cathy Aubertin** Role: **Head of Environment Services Practice**

**Emma Widdicombe** **Senior Specialist**

**Chris Brook** **Director of Place & Enterprise**

Contact: [Cathy.Aubertin@swdevon.gov.uk](mailto:Cathy.Aubertin@swdevon.gov.uk)

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**Recommendations:**

**That the update report, in respect of the strategy for the installation of electric charging points in Council Car Parks, be noted.**

**1. Executive summary**

- 1.1 In April 2018, Executive Members resolved to work in partnership with Devon County Council and other authorities and joined the Devon Low carbon Energy and Transport Technology Innovator (DELETTI) project.
- 1.2 Funding for the project has been received from the European Development Fund.
- 1.3 In addition to Devon County Council, the project is backed by Energy Savings Trust, Exeter University, Royal Devon and Exeter Hospitals Trust, Exeter City Council, East Devon District Council, Teignbridge District Council and West Devon Borough Council.

- 1.4 Electric charging points will also be installed in Ivybridge as part of the Highways England project, which is separate to the DELETTI project.
- 1.5 As a result of the DELETTI project, electric charging points will be installed in the following car parks:
  - Totnes – Nursery car park, Leechwell Lane
  - Dartmouth – Mayor’s Avenue car park and Dartmouth Park & Ride
  - Salcombe – Creek car park
  - Kingsbridge – Quay or Fore Street car park.

## **2. Background**

- 2.1 An officer group, with representatives from Assets, Environment Services and Environmental Health was formed and was tasked with identifying where the initial Electric Vehicle Charging Points (EVCPs) should be installed.
- 2.2 The following car parks were recommended by the group:
  - Totnes – Nursery car park, Leechwell Lane
  - Dartmouth – Mayor’s Avenue car park
  - Salcombe – Creek car park
  - Kingsbridge – Quay or Fore Street car park
  - Ivybridge – Glanville’s Mill.

It should be noted, that following the Highways England decision to install charging points in Ivybridge, Glanville’s Mill was removed from the list and replaced with the Dartmouth Park & Ride site.
- 2.3 The DELETTI project aims to accelerate the update of Ultra Low Emission Vehicles (ULEV) through providing additional and improved charging infrastructure and funding for integrating ULEVs into vehicle fleets in the Devon area.
- 2.4 The programme aims to utilise the funding it has received to offer South Hams Council an EVCP operator procured by Devon County Council. The procurement process will look to deliver:
  - 22kW> dual charge points
  - High levels of interoperability (no membership fee and payments using contactless technology)
  - All design, build, operational and maintenance costs covered by the contractor for the period of the lease (this includes any grid charges or on-going electricity supply)
  - Potential for rental income from the contractor (although this will be subject to negotiation, and part of the tendering undertaken by DCC)
  - Bay lighting and CCTV to ensure safety of users
  - Number-plate recognition to ensure bays are only used by electric vehicles
  - Charge point supplied with low/ zero carbon energy, potentially from each bay’s own solar carport; this

would be subject to planning and further feasibility studies

- Some control over the cost to the consumer of charging
- Establishment of a framework by which the Council can make further fully compliant installations at a later date.

2.5 Market engagement in preparation for the procurement of the electric charging points will commence in the New Year.

### **3. Outcomes/outputs**

3.1 The DELETTI project will provide single EVCPs, but South Hams District Council has resolved to pay for double EVCPs at each site, at an additional cost of £4,000 each.

### **4. Options available and consideration of risk**

4.1 It is recognised that being part of the DELETTI project will enable the District Council to take this initial step to install EVCPs with support from partners, and will ensure that there is consistency in the provision of EVCPs across Devon. In addition, the resulting cost of installation is only £4,000 per car park, due to the matched grant funding that the project group has been successful in obtaining.

4.2 The DELETTI project installations are due to be completed in 2022, although final installation dates for South Hams car parks have not yet been finalised.

4.3 The Highways England electric charging points to be installed at Ivybridge will be going ahead with installation commencing in the new year.

4.4 Further consultation in respect of the provision of EVCPs will be undertaken with Parish and Town Councils as part of the parking permit review.

### **5. Proposed Way Forward**

5.1 Once the DELETTI EVCP project has been completed, officers will monitor the use of the charging points and, where necessary, will make further recommendations for additional points in line with demand.

5.2 However, Members should be aware that the infrastructure required for the installation of EVCPs can cost up between £60k and £2m depending on scale and location. The business case for new proposed roll outs will be presented to members at a later date.

## 6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Council's Off-Street Parking Places Order has already been amended to take into consideration the use of EVCPs in car parks.  Leases will be granted for chargers installed as part of the DELETTI project.
Financial implications to include reference to value for money	Y	A rental income stream is anticipated but yet to be negotiated from the electric charge point providers in respect of the DELETTI project.
Risk		None foreseen at this time.
Supporting Corporate Strategy		Council Environment Wellbeing.
Climate Change - Carbon / Biodiversity Impact		Clear positive impacts in respect of the reduction of fossil fuels.
Comprehensive Impact Assessment Implications		
Equality and Diversity		None.
Safeguarding		None.
Community Safety, Crime and Disorder		None.
Health, Safety and Wellbeing		None.
Other implications		None.

### **Supporting Information**

#### **Appendices:**

None

#### **Background Papers:**

None

Report to: **Overview and Scrutiny Panel**

Date: **21 November 2019**

Title: **Customer Satisfaction Survey**

Portfolio Area: **Customer First – Cllr Nicky Hopwood**

Wards Affected: **All Wards**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken:  
(e.g. referral on of recommendation or implementation of substantive decision) **Executive and Council**

Author: **Nadine Trout** Role: **Commissioning Manager**

Contact: [Nadine.Trout@swdevon.gov.uk](mailto:Nadine.Trout@swdevon.gov.uk)

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**RECOMMENDATION:**

**That Overview and Scrutiny Panel notes the results from the Customer Satisfaction Survey and notes the proposed way forward in section 5 of the report and makes any necessary recommendations to the Executive.**

**1. Executive summary**

- 1.1 This report is presented by the portfolio holder for Customer First and details the scores achieved by the Council as part of a recent Institute of Customer Service customer satisfaction benchmark survey.
- 1.2 The data in Appendix A clearly shows that the Council's overall Customer Satisfaction has improved with nearly a 12% improvement in delivering service right first time; a 10.8% reduction in customers who had cause to complain; and an increase in satisfaction across all channels of communication - including a 8.5% satisfaction by phone and 7.7% satisfaction by web.
- 1.3 However, whilst the Council's scores are up on last year, it is recognised that the Council still has much to do, to be on a par with the top national performers across all sectors. This report therefore includes a recommended next steps (detailed in section 5) with a view to building on progress made to date and to further improve the Council's customer satisfaction scores.

## **2. Background**

- 2.1 In 2018 the Council in partnership with West Devon Borough Council became a Member of the Institute of Customer Service. The Institute is an independent, not for profit membership body with over 480 organisational members. 80% of members are from the private sector and 20% from the public sector. The Institute is renowned for providing customer survey, benchmarking and training services.
- 2.2 The purpose for joining the Institute of Customer Service was to obtain a true benchmark of our customers' experience against the best private and public organisations in the country; and more importantly use our membership to learn from the top performing companies as to how best we can improve our customer service.
- 2.3 It's important to note top scoring organisations include Amazon, First Direct, O2, Marks and Spencer, BMW and government agencies such as HMRC and DWP.
- 2.4 On 19 June 2018 the Council launched its first Institute of Customer Service Survey by contacting over 3,000 South Hams District Council customers. Contact was made by either email or text.
- 2.5 On 7 October 2019 (to coincide with National Customer Service Week) the survey was repeated. As before customers were only contacted if they had had dealings with the Council within the last three months. Each email was personalised with the customer's name and their reason for contacting the Council. Customers were asked to provide honest and anonymous feedback on their recent customer experience. Customers did this by clicking on a link which took them to a survey hosted on the Institute of Customer Service survey portal.
- 2.6 On the two occasions the Council has undertaken these surveys we have achieved a very good response rate of 13% thus far exceeding the Institute of Customer Services minimum return rate of 100 responses.
- 2.7 The survey responses are used by the Institute of Customer Service to benchmark the Council against the UK Customer Satisfaction Index. The index is updated twice a year and canvasses the opinions of 10,000 UK customers.
- 2.8 2019 survey results can be found in Appendix A, which for ease also includes comparison figures against the Council's 2018 results.
- 2.9 It is important to note, Appendix A shows combined scores for South Hams District and West Devon Borough Councils. The reason for this is because the Councils' share one workforce who service customers regardless of whether they are a South Hams or West Devon customer.



### **3 Outcomes/outputs**

3.1 When the Council conducted the survey last year it pledged to improve results across the board but in particular deliver the following:

- *Outcome 1 - Improvement in overall benchmarking scores*
- *Outcome 2 - Improvement in 'right first time'*
- *Outcome 3 - Improvement in 'keeping customers informed'*

#### **3.2 Outcome 1**

In 2018 the Council stated it would achieve a minimum 5.1 point improvement and a stretch target of 7.5 improvement in the Council's overall benchmarking score in the 2019 Customer Satisfaction Survey. Thereby bringing the Council's score in line with the average national UKCSI (UK Customer Service Index) for local councils of 63.4 in 2018.

##### **2019 Result:**

The Council achieved a 6.6 point improvement to 64.9 points whereas the average local council score in 2019 has dropped by 2.6 points to 60.8 points. Therefore making South Hams District and West Devon Borough Councils' score **4.1 points higher** than the national local council average.

#### **3.3 Outcome 2**

In 2018 the Council stated it would achieve a minimum 15% uplift to the Council's 'right first time' score in the 2019 Customer Satisfaction Survey. Thereby bringing the Council's score to 56.3% and slightly surpassing the average national UKCSI (UK Customer Service Index) for local councils of 56.2%

##### **2019 Result:**

The Council achieved an 11.8% improvement, resulting in a score of 53.1%. Therefore bucking the national downward trend and making South Hams District and West Devon Borough Councils' score **0.5% higher** than the national council average in 2019.

#### **3.4 Outcome 3**

In 2018 the Council stated it would achieve a minimum 1.2 point uplift and a stretch target of a 2.7 point increase to the Council's 'keeping customers informed' score in the 2019 Customer Satisfaction Survey. Thereby bringing the Council's score to 6.2 and in line with the average national UKCSI (UK Customer Service Index) for local councils or in line with the UKCSI average for all service sectors if the stretch target were achieved.

### **2019 Result:**

The Council achieved only a 1 point increase bringing its score to 6 points. Therefore making South Hams District and West Devon Borough Councils' score **0.2 points lower** than the national council average in 2019.

- 3.5 It is important to note that these results have been achieved without any additional resources. Furthermore, the progress made is considered a significant achievement considering that the Institute of Customer Services own reports show that nationally, all sectors saw a reduction in customer satisfaction by 0.8 points compared to the same period last year – see page 3 of Appendix A.

## **4 Options available and consideration of risk**

### **4.1 Do nothing option**

The Council could chose to disregard the results of the Council's recent Customer Satisfaction Survey and take no further action. However, in doing so the Council would be failing to act upon valuable customer feedback and would be at risk of reputational harm.

### **4.2 Take action option**

By taking action as detailed in section 5 below the Council would be proactively responding to the Customer Survey results. It is therefore deemed appropriate to pursue this option.

## **5. Proposed Way Forward**

- 5.1 Clearly the Council should strive to get all services delivered 'right first time', every time and in doing so ensure customers are kept well informed. To ensure customer satisfaction improves it is recommended the following actions are pursued:

### **5.2 Customer Service Improvement Manager**

As part of the Council's Extended Leadership Team restructure due to take place in December 2019 it is proposed a dedicated Customer Service Improvement Manager post is created to ensure the Council puts the customer at heart of everything it delivers. The role would particularly focus on enhancing the service we provide to our customers and communities and setting the standard for excellence in service delivery across the organisation.

### **5.3 Complaint Handling Review**

The results in Appendix A, page 11 clearly show that there is still a significant need for the Council to improve its complaint handling compared to the national top performers. It is envisaged that when in post the Customer Service Improvement Manager will conduct a review of the Council's complaint handling and ensure steps are in place to learn from complaints and ensure complaints of a similar nature do not materialise again in future.

- 5.4 Staff Meetings, Performance Monitoring and Training  
It is proposed Customer Service continues to play a pivotal role in staff away days and team meetings. Whereby staff take stock of service delivery and come together to discuss and trial potential improvements. Performance monitoring is also key and it is proposed that all staff are continued to be given very clear customer targets, relevant to their role and are monitored to ensure these target are achieved. Where targets are not met it is crucial that resources are in place to support training and development.
- 5.5 I.T. Procurement and Improvement  
It is recognised that the Council’s work processing software is not as slick as it could be which has resulted in numerous work arounds over the years and an inability to keep track of a customer requests as well as we’d like to. It is proposed that over the course of the next 12 months software is put in place to better manage and prioritise service requests and ensure functionality is in place to clearly keep customers informed and process request efficiently.
- 5.6 Continued Surveying  
The Customer Satisfaction Survey results have undoubtedly highlighted the need for continued customer service improvement. It is therefore proposed surveys continue in order to gain a clear insight on where improvement is needed. In addition to this it is recognised the importance customer focus group play in testing new ways of delivery before improvements are made. As such it is proposed a concerted effort is made to involve customers in the IT improvement programme detailed above.
- 5.7 Progress Reporting  
It is felt that in order to improve Customer Service it very much needs to remain high on the Council’s agenda. It is therefore proposed progress reports are regularly presented to Members of the Council via relevant Committees, as well as to staff via the Council’s in-house, weekly e-newsletter the Friday Flash.

## 6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	Overview & Scrutiny Panel have a responsibility to assist the Council in identifying areas for improvement and to make any necessary recommendations to the Executive and Council.
Financial	Y	There are no financial implication as a result of this report that have not already been budgeted for.
Risk	Y	A failure to review and act upon customer satisfaction levels could lead to: Lack of coherent delivery Reputational harm

		Ineffective use of resources Poor quality service These risks are mitigated by: The recommendations outlined in this report
Supporting Corporate Strategy	Y	Council Theme – Efficient and Effective
Climate change – Carbon / Biodiversity Impact		Striving to improve customer satisfaction and delivering services right first time ensures valuable resources are not wasted in re-doing work.
Comprehensive Impact Assessment Implications		
Equality and Diversity		None – no policy or service change is proposed in this report.
Safeguarding		None – no policy or service change is proposed in this report.
Community Safety, Crime and Disorder		None – no policy or service change is proposed in this report.
Health, Safety and Wellbeing		None – no policy or service change is proposed in this report.
Other implications		N/A

## **APPENDICES**

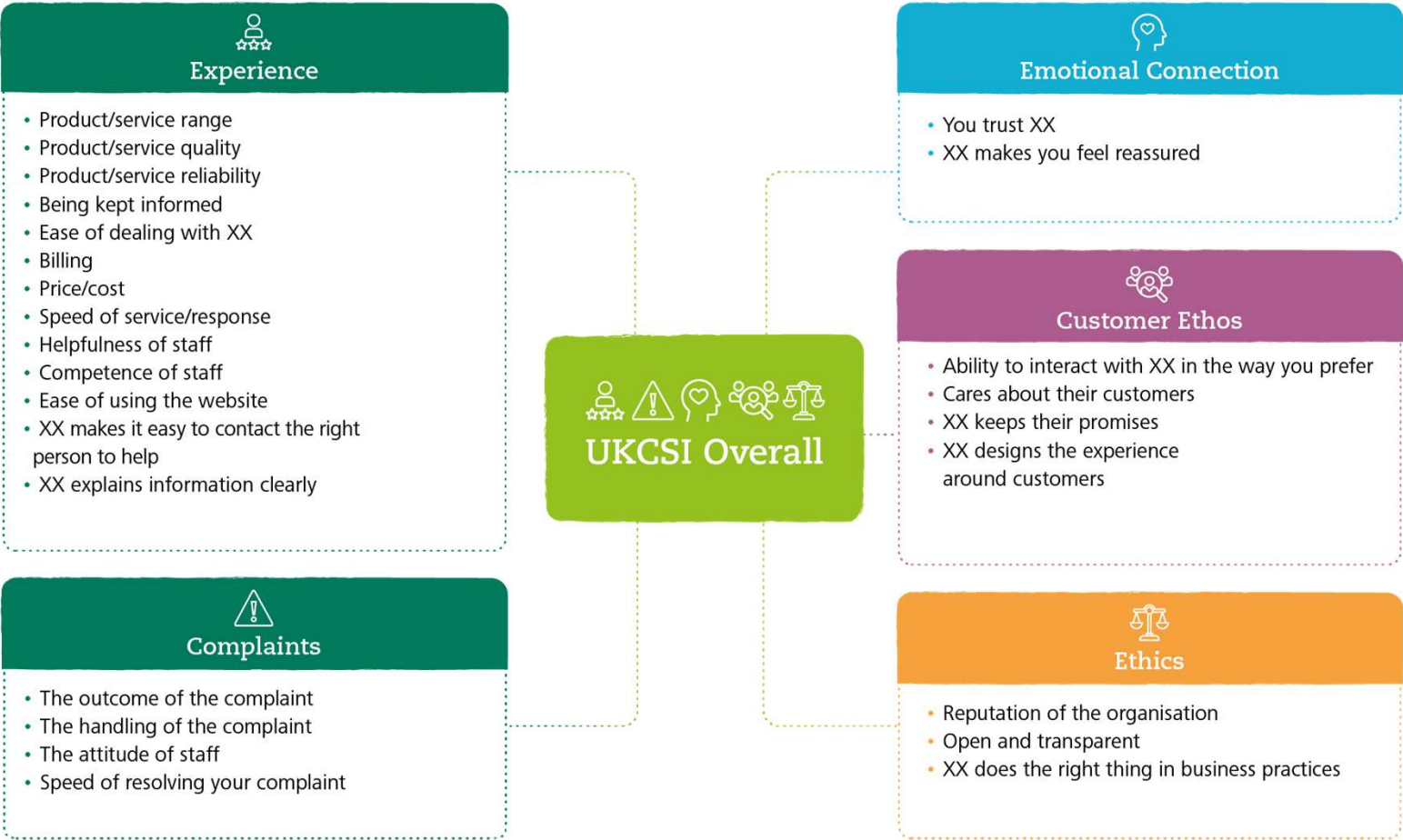
### Appendix A – Customer Survey Results



# Business Benchmarking

South Hams District Council and West  
Devon Borough Council benchmarked with  
the July 2019 UKCSI Public Services  
(Local) sector results

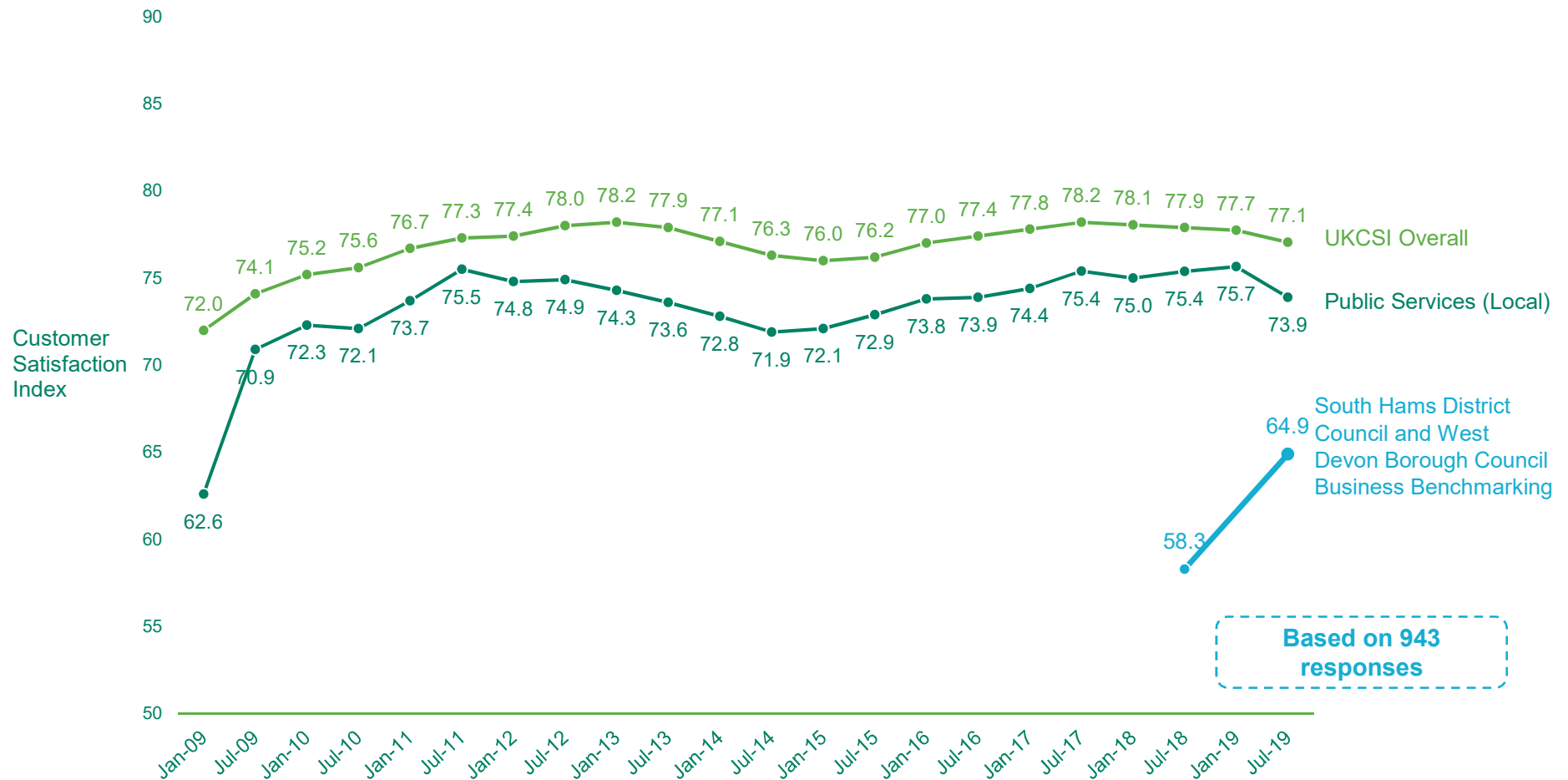
# Business Benchmarking | Top customer priorities



# Business Benchmarking | South Hams District Council and West Devon Borough Council

## Satisfaction trends

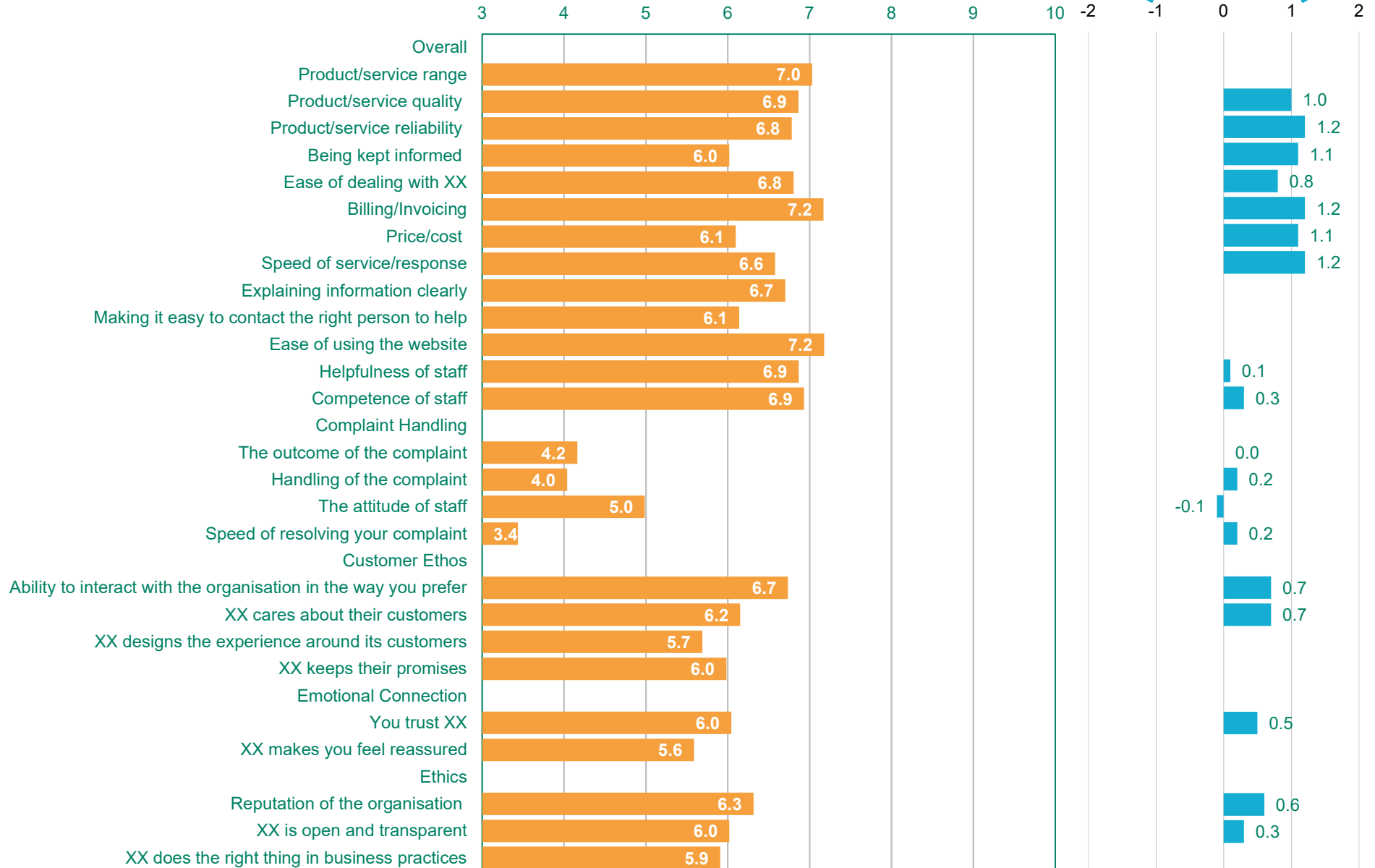
Page 51



# Business Benchmarking | South Hams District Council and West Devon Borough Council

Average satisfaction score in January 2019

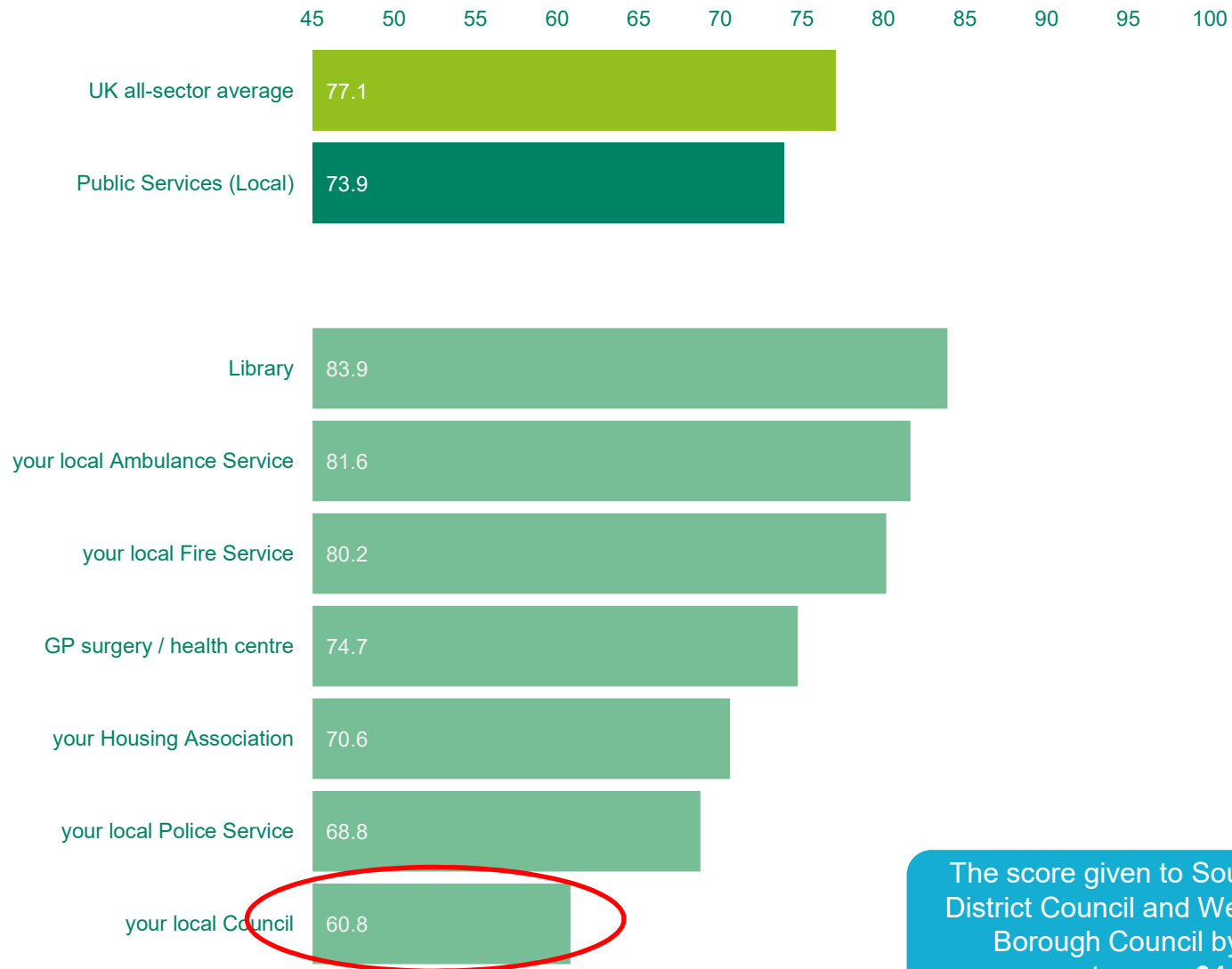
Less satisfied/more satisfied than your last survey





# Business Benchmarking | South Hams District Council and West Devon Borough Council

## UK Customer Satisfaction Index (UKCSI)

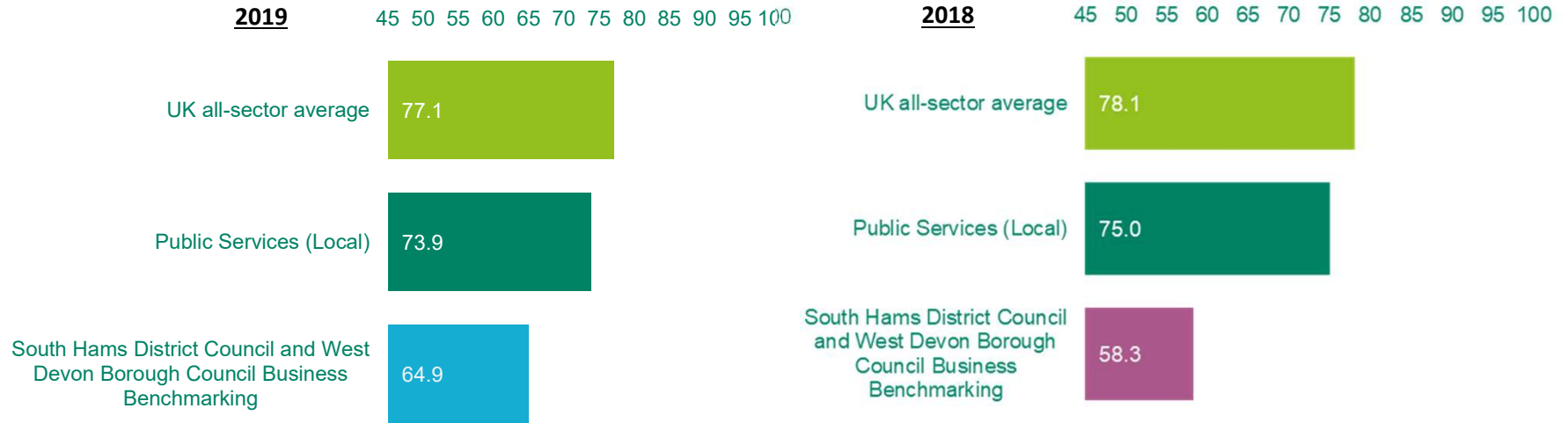


The score given to South Hams District Council and West Devon Borough Council by their customers: **64.9**

Note, "your local Council" is the national average council scoring

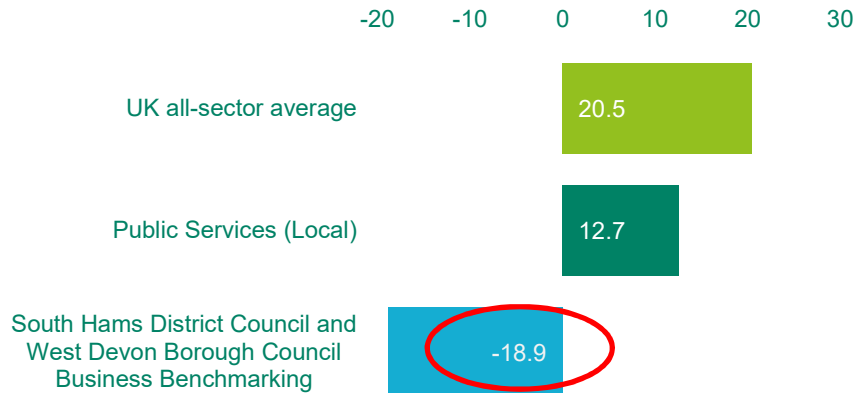
# Business Benchmarking | South Hams District Council and West Devon Borough Council

## UK Customer Satisfaction Index (UKCSI)



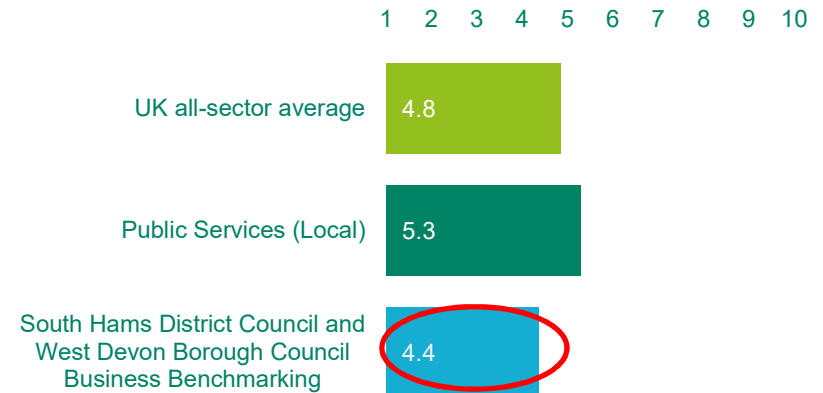
Page 54

## Net Promoter Score



An 11.7 points improvement compared to 2018 results

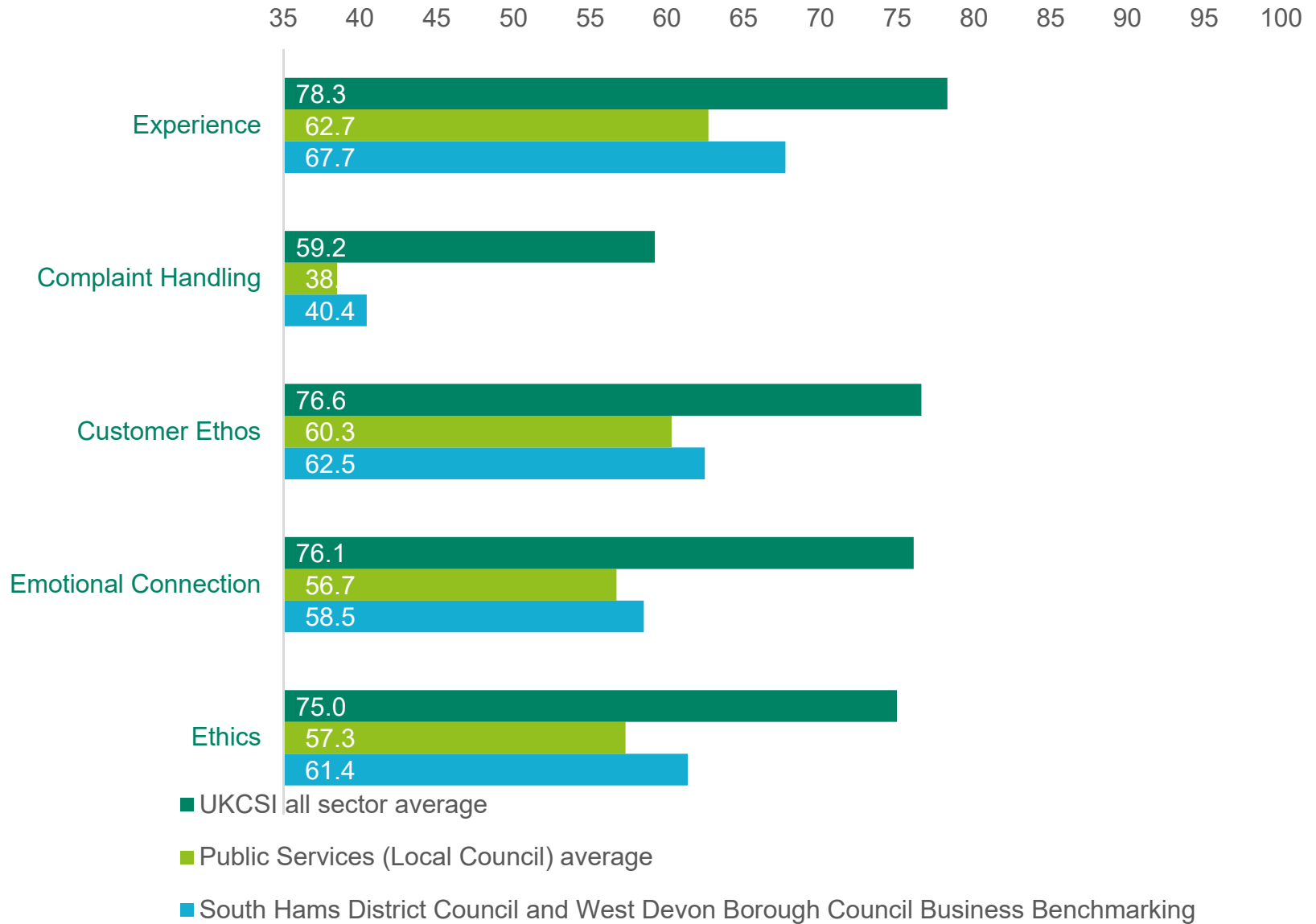
## Customer Effort



A 0.7 point improvement compared to 2018 results

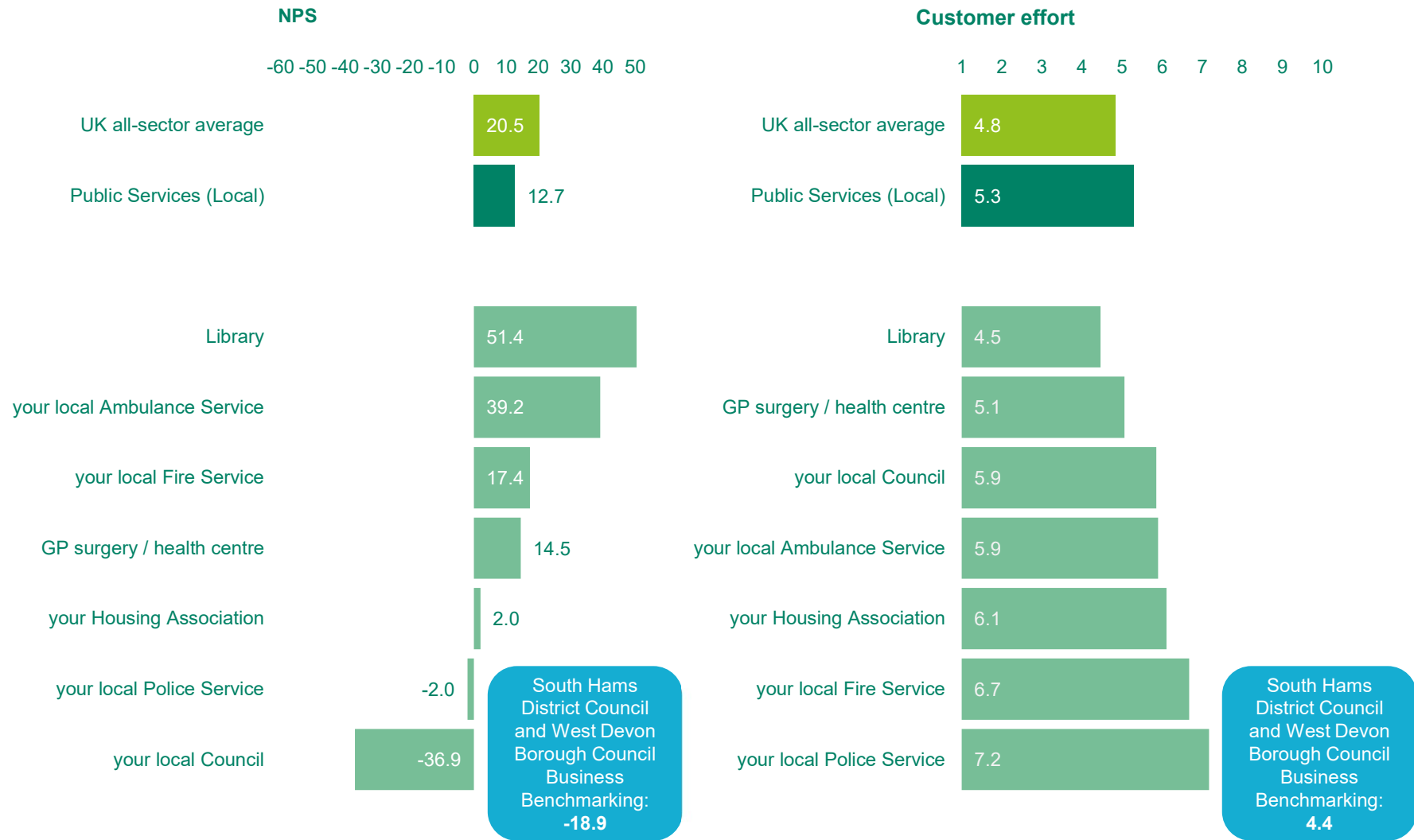
# Business Benchmarking | South Hams District Council and West Devon Borough Council

## UK Customer Satisfaction Index (UKCSI) & Customer priorities



Page 55

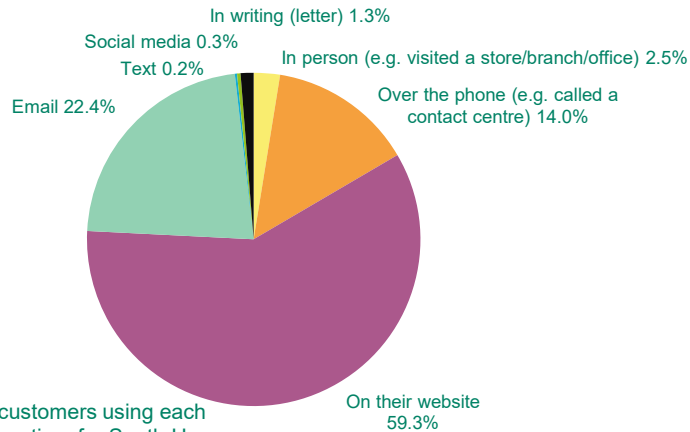
# Business Benchmarking | South Hams District Council and West Devon Borough Council Net Promoter Score and Customer Effort



Page 56

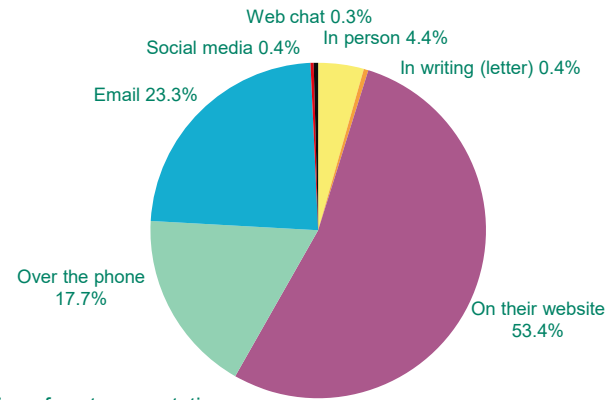
# Business Benchmarking | South Hams District Council and West Devon Borough Council

## Frequency of channel 2019



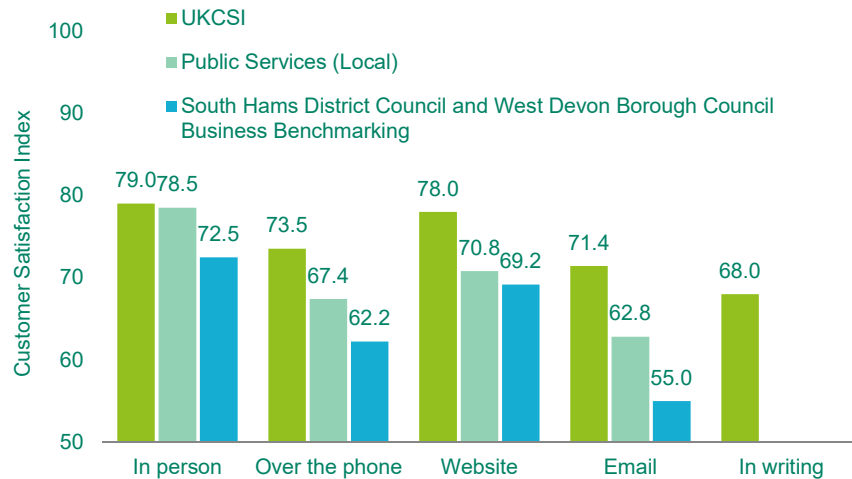
The proportion of customers using each channel for their interaction, for South Hams District Council and West Devon Borough Council

## Frequency of channel 2018

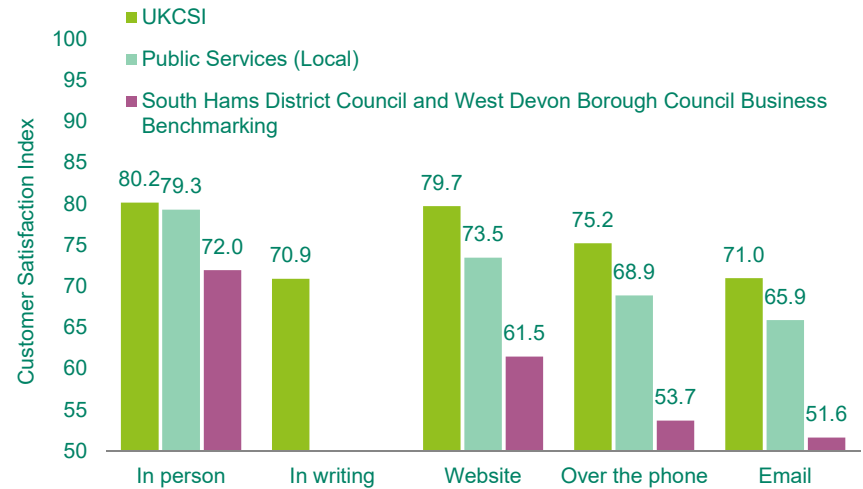


The proportion of customers stating each reason for contact, for South Hams District Council and West Devon Borough Council

## Satisfaction by channel 2019

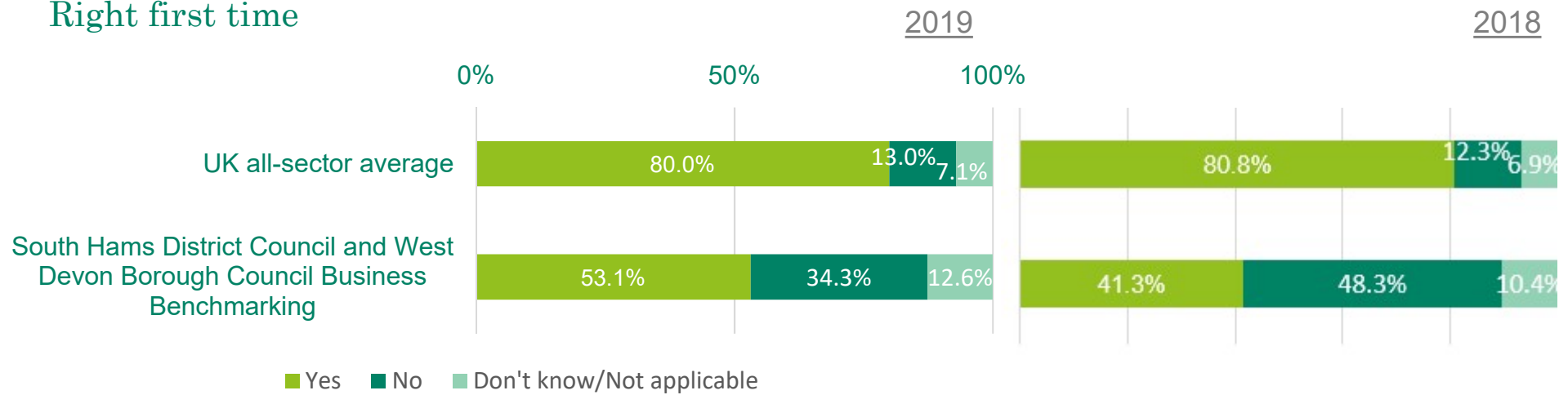


## Satisfaction by channel 2018

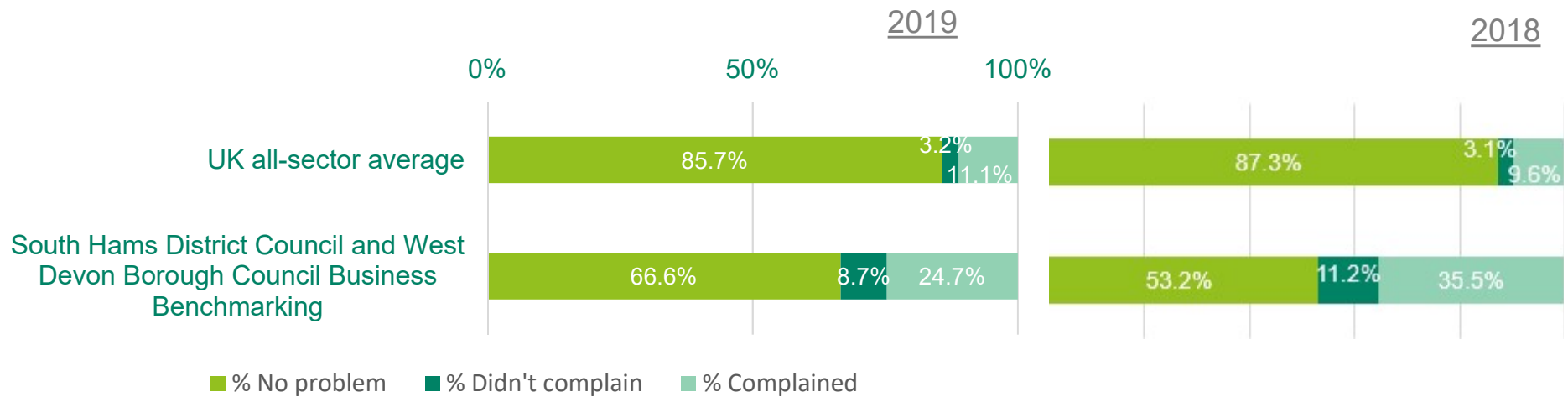


# Business Benchmarking | South Hams District Council and West Devon Borough Council

## Right first time



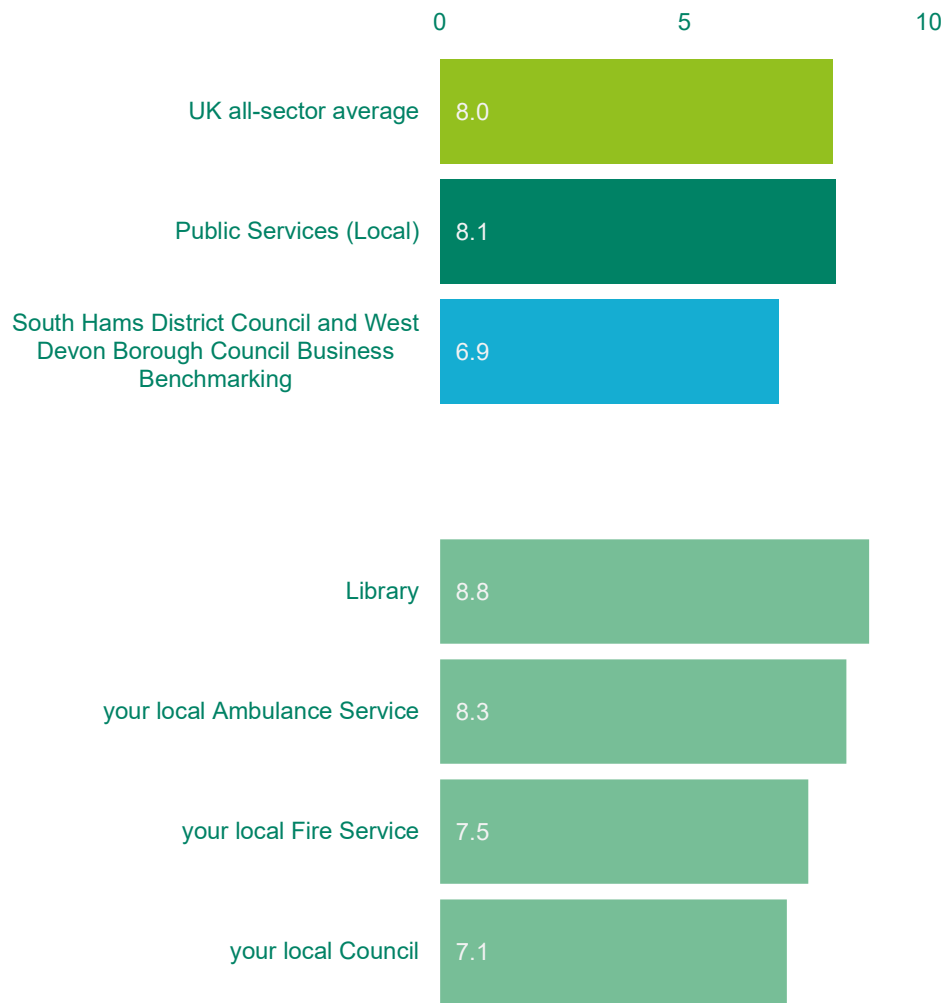
## Complaints data



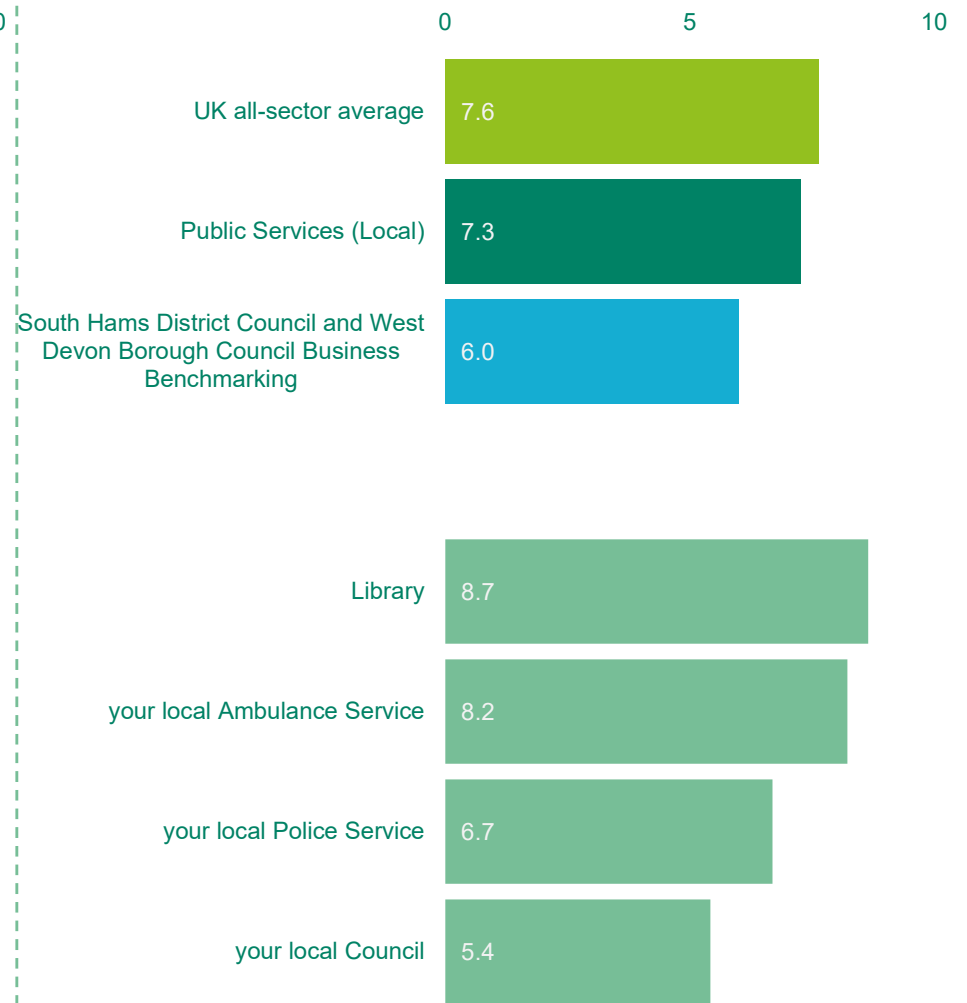


# Business Benchmarking | South Hams District Council and West Devon Borough Council

## Satisfaction and intention to remain a customer



## Satisfaction and intention to recommend



Page 60

\*organisation scores compared against top and bottom 2 in their chosen sector



# Business Benchmarking | South Hams District Council and West Devon Borough Council

## Range of scores against customer priorities

◆ South Hams District Council and West Devon Borough Council Business Benchmarking  
■ Above average sector organisations  
■ Below average sector organisations

Put last year  
alongside



Comparisons were only made between companies with base sizes over 10. Factors with less than 4 companies scoring them were removed from the analysis.



Report to: **Overview and Scrutiny Panel**

Date: **21 November 2019**

Title: **Guidance on Information Commissioner's Office Procedure**

Portfolio Area: *Leader*

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken:  
Referral of recommendation

Author: **Becky Fowlds** Role: **Senior Solicitor/Deputy Monitoring Officer**

Contact: **861251 /email: becky.fowlds@swdevon.gov.uk**

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## **Recommendations:**

**That the Panel RECOMMEND to Council that the procedure in paragraph 1.6 to inform Members and the public of decisions made by the Information Commissioners Office (ICO) in relation to requests for information be adopted.**

### **1. Executive summary**

- 1.1 Public Authorities have a statutory duty to comply with requests made by the public to receive information that it holds in accordance with the provisions of the Freedom of Information Act 2000 and the Environmental Information Regulations 2004. The Council has processes in place in order that all officers can identify requests and to ensure that the Council responds quickly on receipt of a request as the legislation requires the Council to reply within 20 working days unless an extension of time has been agreed.
- 1.2 When an individual is not satisfied with the response of the Council they can seek an internal review of the decision and if they consider the matter remains unresolved they can refer it to the Information Commissioners Office for a formal decision.

- 1.3 On the 12 September 2019 the Council received a Decision Notice from the ICO in relation to a request for environmental information. The Decision Notice required the Council to release a drawing it had sought to withhold. The Council complied with the Notice. The Decision Notice was circulated to Members who were unfamiliar with the background to the request and therefore were unable to respond to the matters raised by the public.
- 1.4 Requests are received on a daily basis but the percentage of requests that are referred to the ICO is very small. They are dealt with by officers as a matter of procedure in accordance with the legislation. On the rare occasions that a Decision Notice requires the Council to take further action, it is important that the action is taken promptly and there is a mechanism for advising the Council of the outcome and review whether any further action is appropriate.
- 1.5 Consistency and transparency is key to all Council decisions as it enables the public to have confidence in the services it provides. The Council already publishes details of the requests that it receives and the information that it discloses as a result of a request. This report reviews the current process and recommends changes are made to increase awareness among Members and the public and to demonstrate the Council is complying with its statutory obligations.
- 1.6 It is recommended that
  - i. The Council takes the necessary steps to publish on a quarterly basis details relating to the number of requests handled by the Council and the decisions taken in relation to those requests in accordance with the s45 Code of Practice.
  - ii. The Council reviews its Publication Scheme in the light of requests for information it receives annually.
  - iii. When the Council is advised by the ICO that a request has been referred the Leader and Portfolio Holder is notified and if the matter relates to a planning issue the Ward Members are also notified.
  - iv. All Members are notified with a copy of the Decision Notice when it is received, in addition to it being published on the website, and the matter will be reported to the Overview and Scrutiny Panel.

- v. When an ICO decision recommends further action is taken by the Council, the FOI Officer will ensure that the relevant officer takes the action on behalf of the Council or seeks the agreement of the Monitoring Officer if they wish to challenge the Decision.

## **2. Background**

- 2.1 The Freedom of Information Act 2000 (FOI) requires the Council to have a Publication Scheme which identifies the types of information that the Council holds, and provides details of how, where and when it will be published. There is a duty to keep this under review.
- 2.2 The Act also gives people the right to request information that the Council holds and the Council has to release the information within 20 working days or explain why it is withholding the information. A decision to withhold the information can only be made if one of the exemptions in the Act applies.
- 2.3 Similar rights and duties are also provided in the Environmental Information Regulations 2004 and these Regulations need to be applied where the information requested relates to matters affecting land, air, flora and fauna as described in the Regulations. The Council can only withhold information when an exception applies and when the public interest is assessed as being best served by withholding it.
- 2.4 The ICO publishes detailed Guidance Notes for public authorities to assist them in determining how to apply the exemptions and exceptions as well as all the Decision Notices it has issued to date. Before withholding information the Council reviews this Guidance as the presumption is always in favour of disclosure.
- 2.5 Across South Hams District and West Devon Borough Councils officers have dealt with 5,764 requests for information in the past 5 years, there tend to be on average 60 requests on going at any one time.
- 2.6 A request can be made for any information that is held by the Council. Personal information should not normally be released as part of a request as the information is protected by data protection legislation. This report is not concerned with requests for personal data and does not affect the rights of the individual to privacy.

- 2.7 Requests received by the Council can be for any information held by the Council and regularly cover all services provided by the Council. These are published on the Council website and recent examples include:-
- a. Internal emails relating to planning applications
  - b. Costs incurred by the Council in legal proceedings
  - c. Requests relating to assets
  - d. Housing or benefits advice
  - e. Environmental health queries
  - f. Human Resources
  - g. Contracts, leases licences
  - h. Commercial assets
  - i. Policies and draft documents
- 2.8 Since 2009 only five requests relating to South Hams DC have been referred to the ICO and of these the complaint was upheld in full on two occasions, upheld in part on another and not upheld on another occasion. The fifth case is ongoing.
- 2.9 In order to give the public confidence in the Council it is important that it continually reviews its procedures. This is done on a regular basis but further consideration is always necessary when an adverse decision has been received by a regulator and particularly where it concerns compliance with a statutory duty.

### **3. Outcomes/outputs**

- 3.1 The Council has worked hard in the past five years to better monitor and deal with requests for information. Attention has focussed on training officers, monitoring and responding to requests and publishing information as often as possible within the requisite timeframe.
- 3.2 The aim is to ensure all requests are dealt with fully within the timeframe and where this is not possible errors are corrected at the internal review stage. On the rare occasion a matter is referred to the ICO the aim would be that the outcome is the Council was entitled to withhold the information. When this is not the case that we act quickly to comply with the Decision Notice, publish the Decision and have regard to that Decision in future.

- 3.3 The Council provides a link on its website so the public can easily make a request and access information relating to requests already received. By monitoring the types of requests received and the information published as a consequence the Council can identify trends in the type of information the public want to routinely access.
- 3.4 Members can play an important role in assisting officers in identifying these trends and also need to be aware of the outcome of cases reviewed by the ICO as they determine whether the Council properly applied the exceptions or exemptions contained in the legislation. In particular cases often turn on an assessment as to whether the public interest is better served by withholding or disclosing the information.
- 3.5 The Cabinet Office has published a Code of Practice in pursuance of its powers under s45 of the FOI, which public authorities are encouraged to adhere to as best practice by the ICO.
- 3.6 This guidance recommends the publication of statistics relating to the number of requests the Council receives, the outcome of the requests, including the timeframe in which they were dealt on an quarterly basis and the number of requests for internal reviews annually.

#### **4. Options available and consideration of risk**

- 4.1 Given the number of requests that are received, the timeframes set down in law and the amount of information that the Council holds it is not considered practical to involve Members in respect of all requests.
- 4.2 A decision to refuse a request can only be an exemption or exception contained in the legislation is engaged. This is a matter of judgement and often involves an assessment of what is in the public interest. There is a presumption in favour of disclosure. Officers receive training on the exceptions and exemptions that apply and routinely refer to the Guidance provided by the ICO and the Decision Notices that it publishes. Internal Reviews are always carried out by a qualified lawyer.
- 4.3 Members do need to have sufficient information in order to be satisfied that the Council is complying with its statutory duties. They also need to be made aware of occasions where there is a complaint or referral to the ICO. Given the

number of requests and the number of referrals a balance needs to be struck to ensure resources are used effectively and efficiently.

## 5. Proposed Way Forward

It is recommended that

- i. The Council takes the necessary steps to publish on a quarterly basis details relating to the number of requests handled by the Council and the decisions taken in relation to those requests in accordance with the s45 Code of Practice.
- ii. The Council reviews its Publication Scheme in the light of requests for information it receives annually.
- iii. When the Council is advised by the ICO that a request has been referred the Leader and Portfolio Holder is notified and if the matter relates to a planning issue the Ward Members are also notified.
- iv. All Members are notified with a copy of the Decision Notice when it is received, in addition to it being published on the website, and the matter will be reported to the Overview and Scrutiny Panel.
- v. When an ICO decision recommends further action is taken by the Council, the FOI Officer will ensure that the relevant officer takes the action on behalf of the Council or seeks the agreement of the Monitoring Officer if they wish to challenge the Decision.

5.2 The Council has been proactive in publishing information relating to requests and increasing awareness in respect of Council decisions. It intends to build on this work as part of its commitment to improving transparency.

## 6. Implications

Implications		The purpose of the report is to improve understanding and review the way in which the Council deals with request for information.
Legal/Governance		As set out in the Report
Financial implications to include reference to value for money		There are no additional financial implications arising out of the recommendations in the report



Risk		As can be seen from the Statistics set out in the report access to information is important to members of the public and the Council. The Council has taken steps to ensure that it proactively publishes information and it responds to requests. When information is withheld without good reason the Council can be criticised which has the potential to damage its reputation. Members are in the frontline in responding to this criticism. The damage to reputation can undermine the work that is taking place on a daily basis
Supporting Corporate Strategy		Delivering Council services effectively and efficiently.
Climate Change - Carbon / Biodiversity Impact		No direct carbon/biodiversity impact arising from the recommendations
<b>Comprehensive Impact Assessment Implications</b>		
Equality and Diversity		None
Safeguarding		None
Community Safety, Crime and Disorder		None
Health, Safety and Wellbeing		None
Other implications		None

**Supporting Information**

Cabinet s45 Code Of Practice and ICO Code of Practice

<https://www.gov.uk/government/publications/freedom-of-information-code-of-practice>

<https://ico.org.uk/media/for-organisations/documents/1624144/section-45-code-of-practice-request-handling-foia.pdf>

South Hams Council Disclosure Log

<https://www.southhams.gov.uk/article/4908/Disclosure-Log>

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Report to: **Overview & Scrutiny Panel**  
Date: **21 November 2019**  
Title: **Ombudsman's Annual Review Letter 2019**  
Portfolio Area: **Portfolio Area: Council (Cllr Hopwood)**  
Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: **Executive 19  
December 2019**

Author: **Catherine Bowen** Role: **Monitoring Officer**  
**Kate Hamp** **Case Management Manager**

Contact: Email: [Catherine.bowen@swdevon.gov.uk](mailto:Catherine.bowen@swdevon.gov.uk)  
[Kate.hamp@swdevon.gov.uk](mailto:Kate.hamp@swdevon.gov.uk)

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## Recommendations:

### That the Panel:

- 1. review the Ombudsman's Annual Letter for 2019 (attached at Appendix A) and consider what further corporate lessons may be learnt and whether further service improvements are required.**
- 2. make any necessary recommendations to the Executive.**

## 1. Executive summary

- 1.1. The purpose of this report is to consider the Local Government & Social Care Ombudsman's (LGO) Annual Review Letter 2019 regarding Ombudsman complaints received against the Council for the period 1 April 2018 to 31 March 2019 (attached as Appendix A to this report). This also includes Annex 1 'Complaints and enquiries received', Annex 2 'Decisions made' and Annex 3 'Compliance with Ombudsman recommendations'.

- 1.2. Members are requested to review the Annual Letter 2019 (and attachments) from the Ombudsman and consider what corporate lessons have been learnt (or can be learnt) from the outcome of the complaints and whether further service improvements can be made.
- 1.3. Additionally, the Ombudsman publishes annual data for all authorities on the LGO website and for the first time includes data on Councils' compliance with the Ombudsman's recommendations - please follow this link:  
<https://www.lgo.org.uk/your-councils-performance/south-hams-district-council/statistics>

## 2. Background

- 2.1. The Local Government Ombudsman's corporate strategy is based on the twin pillars of remedying injustice and improving local public services, and as part of this role the Ombudsman investigates complaints made by members of the public about public authorities. This currently excludes parish and town councils. In making recommendations where the Ombudsman has found fault, the purpose is to remedy injustice caused to individuals and also to prevent future injustice to others by improving practice.
- 2.2. The Ombudsman will investigate a complaint if it relates to maladministration or injustice by the Council. The Ombudsman is not able to investigate all of the complaints referred to him, as some will fall outside of his remit, and the Ombudsman can only consider complaints that have first been considered through the Council's own internal complaints procedure; this is because the Council must have had the opportunity to consider, and respond to, the complaint first. A complainant cannot appeal against the Ombudsman's decision, but complaints may be reviewed if new information is presented to the Ombudsman.
- 2.3. The Ombudsman's Annual Review Letter 2019 is attached at Appendix A and comprises a written report and summary tables. The Ombudsman publishes data on:
  - 2.3.1. The number of complaints and enquiries received (Appendix A and Annex 1)
  - 2.3.2. Decisions made (including reason for decision) (Appendix A and Annex 2)
  - 2.3.3. Number of satisfactory remedies made by the Council (Appendix A)
  - 2.3.4. Compliance with the Ombudsman's recommendations (Appendix A and Annex 3)
- 2.4. In recognition of the resource pressures that many authorities are working in (and which are often the context for problems that the Ombudsman investigates) the Ombudsman has published a significant piece of research looking at some of the common issues that the Ombudsman is finding as a result of change and budget constraints. Please follow this link for the research report and accompanying good practice guide: <https://www.lgo.org.uk/information-centre/news/2018/dec/councils-mustn-t-throw-out-the-rule-book-in-the-face-of-pressure-says-ombudsman>

### 3. Outcomes and Outputs

- 3.1. In the Annual Letter, the Ombudsman provides a breakdown of the investigations that he has upheld in order to show the number of cases where the Ombudsman's recommendations have remedied the fault, and to also show where the Council had already offered a satisfactory remedy during the local complaints part of the process. In these latter cases, the Ombudsman provides reassurance that the Council had satisfactorily attempted to resolve the complaint through its internal complaints process.
- 3.2. Where the Ombudsman finds that the Council has acted with fault, and that fault has caused injustice to the complainant, he will make recommendations to the Council to put things right and this can include:
- 3.2.1. asking the Council to make an apology (if it has not already done so)
  - 3.2.2. reinstating a service
  - 3.2.3. making a decision on something under the right grounds, or
  - 3.2.4. providing information.
- 3.3. If an injustice cannot be remedied through remedial action, the Ombudsman may recommend a financial payment. There were no financial payments recommended or paid during this period.
- 3.4. The following table shows the number of complaints received and decided by the Ombudsman for last five years. The disparity in numbers can be explained by the inclusion in the 'decided cases' column of those complaints sent back by the Ombudsman or incomplete.

Year	Number of complaints received	Number of complaints decided
2018/19	17	17
2017/18	16	20
2016/17	22	22
2015/16	15	21
2014/15	27	19

- 3.5. The Council is unlikely to be in a position where no complaints are referred to the Ombudsman, because some complainants will remain unsatisfied with the outcomes of the Council's investigations where there is no finding in their favour. This year the number of complaints has reduced slightly and fault was found in only three cases. In two of these 'fault' cases, in one case, no remedy was required as the Ombudsman decided that the outcome would have been the same and in the other, the Council had already satisfactorily resolved the matter during its investigation.
- 3.6. The Ombudsman also found 100% compliance rate from the Council where he had made recommendations following a finding of fault and in one of the cases, the Council had already offered a satisfactory remedy before the complaint was received by the Ombudsman.

- 3.7. A more detailed summary of the complaints and Ombudsman decisions for 2018/19 is attached as Appendix B. The final column shows what actions or measures the Council has taken or put in place as a result of the complaint in order to improve services or processes.
- 3.8. Members will note that the complaints in the Ombudsman's tables do not strictly correspond with the complaints in the Council's records at Appendix B, and this is due to several factors; for example, the Ombudsman's figures include enquiries from people that they signpost back to the Council but who may not necessarily make a complaint, and not every decision will relate to a complaint made in that financial year (it may have been received in the previous financial year but a decision made this year; conversely a complaint may have been received before 31 March 2019 and the decision not made until the next financial year).
- 3.9. To put the numbers of Ombudsman complaints into context, this year the Council has resolved 172 of the complaints made by talking to the customer and reaching a resolution without proceeding with the formal process. The Council received a total of 364 stage 1 complaints and 50 stage 2 complaints. Of the stage 1 complaints, 138 concerned Waste and Recycling, 50 about Planning, 29 about Parking and 23 about Council Tax. In order to reduce complaint numbers and improve customer satisfaction, the teams have been holding weekly customer satisfaction meetings to identify and discuss complaints with the purpose of putting in place service improvements to prevent complaints from reoccurring.

#### 4. Proposed Way Forward

- 4.1. Members will note that the overall number of complaints received by the Ombudsman, and the number of upheld complaints is on par with the previous year. When compared to the number of concerns raised by customers and those complaints that are pursued through stages 1 and 2 of the Council's internal complaints process, it is evident that the Council continues to build on the corporate complaints policy introduced in 2015 which sets out the clear and consistent two-stage process across the Councils for considering complaints.
- 4.2. It is recommended that the Council continues to embed the corporate complaints policy across the Council and endeavour to resolve complaints at a local level as early as possible (particularly by contacting the customer) and fully implement any learning outcomes to enable even further improvements.

#### 5. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Local Government & Social Care Ombudsman is governed by the Local Government Act 1974 and is

		<p>responsible for considering complaints against local authorities which the complainant considers have not been resolved locally.</p> <p>The Overview &amp; Scrutiny Panel is responsible for having an overview of complaints handling and for an overview of Ombudsman complaints, and the Ombudsman Annual Review Letter is an important part of that process.</p> <p>The decisions in respect of each case are provided to the relevant service in order that any recommendations made by the Ombudsman are acted upon and lessons learnt can be implemented.</p>
Financial	Y	<p>Where is it necessary to settle a complaint by the payment of compensation (or the Council has already offered a settlement) payment is made out of the current year's revenue budget for the service in question.</p> <p>The Ombudsman did not make any recommendations of financial settlement during this period.</p> <p>There are resource implications in the officer time spent in dealing with the complaint in both the initial stages under the Council's internal complaints policy as well as the resources required in responding to the Ombudsman complaint, but it is not currently possible to quantify this time.</p>
Risk	Y	<p>It is important that the Council is aware of the number and type of complaints made to the Ombudsman together with the outcomes and lessons learnt.</p> <p>Whilst it is not possible to eliminate complaints, it is possible to manage the complaints efficiently and learn from the outcomes of these complaints to mitigate the risk of recurrence and deliver service improvements.</p>
Climate Change – Carbon / Biodiversity Impact	N	There are no direct carbon /biodiversity impacts arising from this report.
Comprehensive Impact Assessment Implications		
Equality and Diversity		This has been considered in the Complaints policy and within the individual complaint's where relevant
Safeguarding		N/a
Community Safety, Crime and Disorder		N/a
Health, Safety and Wellbeing		N/a
Other implications		N/a

## **Supporting Information**

### **Appendices:**

- **Appendix A: The Local Government Ombudsman's Annual Review Letter 2019**
  - **Annex 1: Type and number of complaints received by the Ombudsman**
  - **Annex 2: Number, type and outcome of complaints**
  - **Annex 3: compliance with the Ombudsman's recommendations.**
  
- **Appendix B: Table of South Hams District Council's Ombudsman Complaints for 2016 – 2017**

### **Background Papers**

None



24 July 2019

*By email*

Sophie Hosking  
Executive Director and Head of Paid Service  
South Hams District Council

Dear Mrs Hosking

### **Annual Review letter 2019**

I write to you with our annual summary of statistics on the complaints made to the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2019. The enclosed tables present the number of complaints and enquiries received about your authority, the decisions we made, and your authority's compliance with recommendations during the period. I hope this information will prove helpful in assessing your authority's performance in handling complaints.

### **Complaint statistics**

As ever, I would stress that the number of complaints, taken alone, is not necessarily a reliable indicator of an authority's performance. The volume of complaints should be considered alongside the uphold rate (how often we found fault when we investigated a complaint), and alongside statistics that indicate your authority's willingness to accept fault and put things right when they go wrong. We also provide a figure for the number of cases where your authority provided a satisfactory remedy before the complaint reached us, and new statistics about your authority's compliance with recommendations we have made; both of which offer a more comprehensive and insightful view of your authority's approach to complaint handling.

The new statistics on compliance are the result of a series of changes we have made to how we make and monitor our recommendations to remedy the fault we find. Our recommendations are specific and often include a time-frame for completion, allowing us to follow up with authorities and seek evidence that recommendations have been implemented. These changes mean we can provide these new statistics about your authority's compliance with our recommendations.

I want to emphasise the statistics in this letter reflect the data we hold and may not necessarily align with the data your authority holds. For example, our numbers include

enquiries from people we signpost back to your authority, some of whom may never contact you.

In line with usual practice, we are publishing our annual data for all authorities on our website, alongside our annual review of local government complaints. For the first time, this includes data on authorities' compliance with our recommendations. This collated data further aids the scrutiny of local services and we encourage you to share learning from the report, which highlights key cases we have investigated during the year.

### **New interactive data map**

In recent years we have been taking steps to move away from a simplistic focus on complaint volumes and instead focus on the lessons learned and the wider improvements we can achieve through our recommendations to improve services for the many. Our ambition is outlined in our [corporate strategy 2018-21](#) and commits us to publishing the outcomes of our investigations and the occasions our recommendations result in improvements for local services.

The result of this work is the launch of an interactive map of council performance on our website later this month. [Your Council's Performance](#) shows annual performance data for all councils in England, with links to our published decision statements, public interest reports, annual letters and information about service improvements that have been agreed by each council. It also highlights those instances where your authority offered a suitable remedy to resolve a complaint before the matter came to us, and your authority's compliance with the recommendations we have made to remedy complaints.

The intention of this new tool is to place a focus on your authority's compliance with investigations. It is a useful snapshot of the service improvement recommendations your authority has agreed to. It also highlights the wider outcomes of our investigations to the public, advocacy and advice organisations, and others who have a role in holding local councils to account.

I hope you, and colleagues, find the map a useful addition to the data we publish. We are the first UK public sector ombudsman scheme to provide compliance data in such a way and believe the launch of this innovative work will lead to improved scrutiny of councils as well as providing increased recognition to the improvements councils have agreed to make following our interventions.

### **Complaint handling training**

We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. In 2018-19 we delivered 71 courses, training more than 900 people, including our first 'open courses' in Effective Complaint Handling for local authorities. Due to their popularity we are running six more open courses for local authorities in 2019-20, in York, Manchester, Coventry and London. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training).

Finally, I am conscious of the resource pressures that many authorities are working within, and which are often the context for the problems that we investigate. In response to that situation we have published a significant piece of research this year looking at some of the

common issues we are finding as a result of change and budget constraints. Called, [Under Pressure](#), this report provides a contribution to the debate about how local government can navigate the unprecedented changes affecting the sector. I commend this to you, along with our revised guidance on [Good Administrative Practice](#). I hope that together these are a timely reminder of the value of getting the basics right at a time of great change.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M King', with a horizontal line underneath.

Michael King  
Local Government and Social Care Ombudsman  
Chair, Commission for Local Administration in England

**Local Authority Report:** South Hams District Council  
**For the Period Ending:** 31/03/2019

For further information on how to interpret our statistics, please visit our [website](#)

## Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
0	2	1	0	5	1	0	8	0	17

## Decisions made

Decisions made				Detailed Investigations			
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate (%)	Total
2	1	4	4	2	4	67	17

**Note:** The uphold rate shows how often we found evidence of fault. It is expressed as a percentage of the total number of detailed investigations we completed.

## Satisfactory remedy provided by authority

Upheld cases where the authority had provided a satisfactory remedy before the complaint reached the Ombudsman	% of upheld cases
1	25

**Note:** These are the cases in which we decided that, while the authority did get things wrong, it offered a satisfactory way to resolve it before the complaint came to us.

## Compliance with Ombudsman recommendations

Complaints where compliance with the recommended remedy was recorded during the year*	Complaints where the authority complied with our recommendations on-time	Complaints where the authority complied with our recommendations late	Complaints where the authority has not complied with our recommendations	
1	1	0	0	Number
	100%		-	Compliance rate**
<p><b>Notes:</b></p> <p>* This is the number of complaints where we have recorded a response (or failure to respond) to our recommendation for a remedy during the reporting year. This includes complaints that may have been decided in the preceding year but where the data for compliance falls within the current reporting year.</p> <p>** The compliance rate is based on the number of complaints where the authority has provided evidence of their compliance with our recommendations to remedy a fault. This includes instances where an authority has accepted and implemented our recommendation but provided late evidence of that.</p>				

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Reference	Authority	Category	Received
18002473	South Hams District Council	Corporate & Other Services	17 May 2018
18002241	South Hams District Council	Benefits & Tax	30 May 2018
18003489	South Hams District Council	Planning & Development	05 Jun 2018
18007071	South Hams District Council	Planning & Development	03 Aug 2018
18007140	South Hams District Council	Environmental Services & Public Protection & Regulation	06 Aug 2018
18002136	South Hams District Council	Planning & Development	14 Aug 2018
18009856	South Hams District Council	Planning & Development	10 Oct 2018
18011018	South Hams District Council	Highways & Transport	17 Oct 2018
18013027	South Hams District Council	Planning & Development	21 Nov 2018
18013111	South Hams District Council	Benefits & Tax	23 Nov 2018
18004968	South Hams District Council	Environmental Services & Public Protection & Regulation	10 Dec 2018
18014093	South Hams District Council	Planning & Development	11 Dec 2018
18014977	South Hams District Council	Planning & Development	09 Jan 2019
18016208	South Hams District Council	Environmental Services & Public Protection & Regulation	24 Jan 2019
18016484	South Hams District Council	Environmental Services & Public Protection & Regulation	30 Jan 2019
18009146	South Hams District Council	Environmental Services & Public Protection & Regulation	14 Feb 2019
18018687	South Hams District Council	Planning & Development	07 Mar 2019

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Reference	Authority	Category	Decided	Decision	Decision Reason	Remedy
17020081	SHDC	Planning & Development	13 Apr 2018	Previously considered and decided	Advice given	Null
18002473	SHDC	Corporate & Other Services	10 Jul 2018	Not warranted by alleged mal/service failure	Closed after initial enquiries	Null
18003489	SHDC	Planning & Development	27 Jul 2018	No worthwhile outcome achievable by investigation	Closed after initial enquiries	Null
18007140	SHDC	Environmental Services & Public Protection & Regulation	06 Aug 2018	Premature Decision - advice given	Referred back for local resolution	Null
18002136	SHDC	Planning & Development	05 Sep 2018	Not warranted by alleged mal/service failure	Closed after initial enquiries	Null
18007071	SHDC	Planning & Development	11 Sep 2018	Not warranted by alleged injustice	Closed after initial enquiries	Null
18002241	SHDC	Benefits & Tax	08 Nov 2018	mal & inj	Upheld	Apology, New appeal/review or reconsidered decision, Procedure or policy change/review
18013111	SHDC	Benefits & Tax	29 Nov 2018	Premature Decision - referred to BinJ	Referred back for local resolution	Null
18014093	SHDC	Planning & Development	11 Dec 2018	Insufficient information to proceed and PA advised	Incomplete/Invalid	Null
18014977	SHDC	Planning & Development	14 Jan 2019	Insufficient information to proceed and PA advised	Incomplete/Invalid	Null
18016208	SHDC	Environmental Services & Public Protection & Regulation	24 Jan 2019	Premature Decision - advice given	Referred back for local resolution	Null
18004968	SHDC	Environmental Services & Public Protection & Regulation	28 Jan 2019	Injustice remedied during BinJ complaint processes	Upheld	Null
18009856	SHDC	Planning & Development	01 Feb 2019	mal no inj	Upheld	Null
18009146	SHDC	Environmental Services & Public Protection & Regulation	05 Mar 2019	Premature Decision - referred to BinJ	Referred back for local resolution	Null
18013027	SHDC	Planning & Development	08 Mar 2019	At request of complainant	Not Upheld	Null
18016484	SHDC	Environmental Services & Public Protection & Regulation	19 Mar 2019	mal & inj	Upheld	Procedure or policy change/review
18011018	SHDC	Highways & Transport	22 Mar 2019	Other reason not to continue with investigation	Not Upheld	Null

**Service improvement recommendations**


Write a policy to include the criteria for considering applications for discretionary rate relief.

The Council agreed to review what happened here and make any necessary changes to procedures or staff training to minimise the chances of the identified faults recurring. In particular, the Council should ensure that the possible existence of a planning breach or other issue does not prevent prompt reaction to reports of a possible statutory nuisance.
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Reference	Authority	Category	Decided	Remedy	Remedy Target Date	Remedy Achieved Date	Satisfaction with Compliance
17010181	SHDC	Benefits & Tax	08-Nov-18	Apology New appeal/review or reconsidered decision Procedure or policy change/review	01-Mar-19	01-Mar-19	Remedy complete and satisfied

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South Hams DC  
Decisions made in period (Apr 2015 - Mar 2016)

	Ref	Category	Brief Description	Decision date	Decision	Decision Details	Learning Outcomes	Actions taken
1	18 002 473	Planning and standards	The Council did not properly investigate a complaint against a councillor for breach of code of conduct by, among other things, pre-determining a planning application. There was a delay in the Council reaching a decision on the complaint.	10/07/2018	No fault	There is no fault as the Council followed correct procedures when considering the complaint since a Standards complaint cannot look at pre-determination. This is for the Courts to do. There is no timeframe in the Council's procedure for dealing with Standards complaints and therefore no fault relating to delay in decision making.	None, although noted that the Council subsequently accepted it will make clear Standards investigations cannot look at pre-determination.	The Legal team will make it clear at the beginning of the complaints process what the Council can and cannot consider as part of a standards complaint in order to better manage expectations.
2	18 002 241	Discretionary rate relief	No Council policy on discretionary rate relief, and a decision not to grant such to the complainant's charity being based on incorrect information.	08/11/2018	Fault	The Council's lack of policy on discretionary rate relief and its failure to record how it reaches a decision on such is fault.	Write a policy, invite complainant to resubmit application and reconsider the application under that new policy.	The Council has now adopted a policy for considering discretionary rate reviews and this includes a requirement to record decisions made.
3	18 003 489	Building control	Council refusing to take action against electrician who left electric work uncompleted but willing to take action against complainant if, upon inspection, their electrics are deemed to be unsafe	27/07/2018	No fault	Officers gave correct advice, primary responsibility that building works meet standards lies with those who commission the work and those who carry it out. A dispute is a civil matter between the two. Building Control Officers may inspect building works if called upon and may serve enforcement notice on the owners if the works do not comply with regulations	None	n/a
4	18 004 968	Waste	Multiple missed bin collections and complaints about these not being investigated satisfactorily by the Council. Compensation offered was inadequate.	28/01/2019	Fault	Not investigating as unlikely the Ombudsman can add significantly to the investigation already carried out by the Council, whose response to the complaint represents a reasonable outcome.	None	n/a
5	18 007 071	Planning	The Council failed to properly advertise a neighbour's planning application.	11/09/2018	Not investigating	Not investigating as the actions complained about did not cause complainant significant injustice.	None	n/a
6	18 009 856	Planning	Failure to take enforcement action against a breach of planning control, and discharge of a planning condition relating to tree planting without necessary meeting taking place.	06/02/2019	Fault	The Council discharging the planning condition without a meeting was fault. However, no injustice was caused as the Council found the trees to be satisfactory and the quality of planting not bad enough to justify enforcement action	None	n/a

South Hams DC  
Decisions made in period (Apr 2015 - Mar 2016)

7	18 011 018	Parking	A Council consultation on changes to parking was unfair and pre-determined due to painting of lines to designate resident-only bays prior to the start of the consultation. As a result of the change to parking restrictions were imposed which removed parking facilities previously available to a disabled person.	22/03/2019	Not investigating	The complainant did not allege that fault had affected the outcome of the consultation, only that line painting gave impression of unfairness and pre-determination. Even if the Ombudsman had investigated this point and found fault any injustice arising from the fault is considered to have been too insignificant to warrant the remedy sought. As a result the investigation was discontinued.	None	n/a
8	18 013 111	Housing Benefits	Unfair that Council is asking for overpaid Housing Benefit to be paid back 3 years after the overpayment is supposed to have happened when the Council did not prove she owed it upon being challenged to do so 3 years ago.	29/11/2018	Not investigating	Premature - not completed Council's complaints process	None	
9	18 016 484	Environmental Health	Council did not deal with reports of noise, light and odour nuisance from plant near complainant's home. Consequently complainant lost amenity and sleep and cannot currently sell their property.	19/03/2019	Fault	The Council failed to pass information provided by complainant about problems caused by noise and light coming from the plant to its Environmental Health team.	Review the case and make any necessary changes to procedures or staff training to minimise the chances of the identified faults recurring. Ensure that the possible existence of a planning breach or other issue does not prevent prompt reaction to reports of a possible statutory nuisance. Evidence of remedy submitted 18/06/2019	Meeting was held to identify and discuss failure. An email reminder was sent to all staff who handle complaints, emphasising the need to take responsibility for the entire complaint. Complaints guidance was amended and commitment to include in future training.
10	18 013 027	Planning controls & Building Regulations	Complaint about the Council's handling of planning controls and Building Regulations, including how the Council explained its decisions.	08/03/2019	Not investigating	Discontinued investigation as complainant decided not to pursue complaint	None	n/a
11	18 009 146	Environmental Health	Council failed to follow guidance on responsibilities in relation to removal of abandoned vehicles and to address reported flytipping.	05/03/2019	Not investigating	Premature - not completed Council's complaints process	None	n/a

Report to: **Overview and Scrutiny Panel**  
Date: **21 November 2019**  
Title: **Housing Report**  
Portfolio Area: **Homes**  
Wards Affected: **All Wards**  
Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken:  
Any recommendations will be considered by the Executive at its meeting on 19 December 2019.

Author: **Chris Brook** Role: **Director Place and Enterprise**

Contact: [chris.brook@swdevon.gov.uk](mailto:chris.brook@swdevon.gov.uk)

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## **Recommendations:**

**That the Panel support the proposals to engage positively and help shape the emerging Housing Strategy and the principle of an interventionist approach in the market.**

## **1 Executive summary**

- 1.1 Housing affordability is a key issue in South Hams, with the ratio of house price to average earnings being a ratio of 13.
- 1.2 The district council has a number of statutory roles that influence housing outcomes as set out in section 2.
- 1.3 Housing need is recorded as rising by 10% in the last year and there are 693 people on the housing register in bands A-D.
- 1.4 The report sets out the statutory and discretionary roles the Council has to address this issue.

## **2 Background**

- 2.1 Housing is an important national, regional and local issue. It is often cited at national level as there being a "housing crisis".

What is this “crisis” and what role does the District Council have in it?

- 2.2 The cost of housing is generally agreed to be the most significant factor affecting home ownership, something that a succession of governments and government policy have been trying to make more achievable.
- 2.3 In South Hams, it is particularly acute with average salaries of £28,184<sup>1</sup> in 2019 and average house prices at £357,121<sup>2</sup> (2017 data). This makes the average house cost about 13 times the average salary. Rented accommodation is also affected as rental levels are often higher than Local Housing Allowance Rates.
- 2.4 In some parts of the district, such as the coastal towns it is far worse and in Salcombe where the average house cost £664,632, that ratio is 24.
- 2.5 The cost of housing has a direct impact on the demographics of our district and the sustainability of our communities. It hits the lowerest paid and most vulnerable parts of our society hardest, increasing the divide between those who have and those who have not.
- 2.6 Those who are in need of housing support and wish to rent or buy an “affordable home” are able to register with Devon Home Choice where they are given a band A-E, depending on their circumstances, with E being defined as no housing need.
- 2.7 In the last financial year, there were 693<sup>3</sup> people registered in bands A – D, and a further 758 in band E, in South Hams alone.
- 2.8 The government defines affordable housing as 'social rented, affordable rented and intermediate housing, provided to specified eligible households whose needs are not met by the market'.
- 2.9 It is recognised that 80% market (rent or purchase) which meets the strict criteria of affordable housing under NPPF definition is not affordable in many of the high value parts of South Hams (see Appendix A). We should strive to deliver genuinely affordable rents (at a minimum LHA rents i.e. £6,362 / yr for a 2 bed, but aspiring to provide social rent where circumstances permit) and Discount Market sale housing of 65% market value

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<sup>1</sup> <https://www.devon.gov.uk/factsandfigures/data-table/?postId=average-earnings&geography=464>

<sup>2</sup> Land Registry. © Crown copyright. Published under the Open Government Licence.

<sup>3</sup>[https://www.devonhomechoice.com/sites/default/files/DHC/dhc\\_monitoring\\_report\\_apr\\_19.pdf](https://www.devonhomechoice.com/sites/default/files/DHC/dhc_monitoring_report_apr_19.pdf)



- 2.10 In 2018, there were 551 new homes delivered in total, of which about 75 were “affordable”, which is about 10% of the actual need in bands A-D.
- 2.11 Coincidentally, the housing need increased by 10% between 2018 and 2019, from 629 to 693.
- 2.12 At the same time, levels of fuel poverty in the District are above the national average<sup>4</sup> affecting occupants of existing housing stock.
- 2.13 Landscape sensitivity (particularly within the AONB) requires the right compromise between perseveration of these sensitive areas but also recognising that to maintain the vitality of many of these communities will necessitate the provision of genuinely affordable housing (across a mix of tenures) for local people. Thus the application of exception planning policy to deliver such housing need is an important part of the housing strategy and needs to be balanced against the perseveration of important landscapes.

### **What are we currently doing about this?**

- 2.14 As a District authority we have a statutory responsibility to:
  - 2.14.1 Allocate housing in our area and are the responsible housing authority for meeting housing need in South Hams, including Dartmoor National Park (in accordance with Part 6 of The Housing Act 1996).
  - 2.14.2 Provide emergency accommodation for rough sleepers in times of severe weather.
  - 2.14.3 Provide advice and assistance and prevent homelessness wherever possible in accordance with the Part 7 of The 1996 Housing Act as amended and the Homeless Reduction Act 2017.
  - 2.14.4 Work with landlords to improve standards of rented accommodation where the standard is inadequate.
  - 2.14.5 Reduce fuel poverty by working with energy suppliers and installers to attract grant funding into the area so that we can offer heavily discounted supply and installation of heating and insulation measures to existing properties.
- 2.15 As a planning authority we are required to have an upto date local plan (the JLP), which must accord with all national legislation.
- 2.16 The JLP is where policies affecting the % of houses in a given scheme that are affordable housing are set and how the quality (in the broadest sense) of all housing is assured.

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1.1 <sup>4</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/808300/Fuel\\_poverty\\_factsheet\\_2019\\_2017\\_data .pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/808300/Fuel_poverty_factsheet_2019_2017_data.pdf)

- 2.17 Beyond these functions, it is entirely discretionary and therefore down to the elected members as to how active and engaged a district council is in the housing market.
- 2.18 This Council has a history of engaging with the market to try and improve affordable housing outcomes, above and beyond its statutory duty. It has done this in a number of ways:
  - 2.18.1 By granting top up funding through capital programme and S106 off site financial contributions to schemes with positive outcomes, reference Appendix B.
  - 2.18.2 Starting a community housing programme which has four planning permissions (34 units) providing 25 affordable homes. Also a further two schemes (22 units) are advanced in planning. These five projects are scheduled to be built out during 2020.
  - 2.18.3 High quality design and environmental standards are being deployed (striving towards Passive House and hence low running costs and whole life value).
  - 2.18.4 These houses will be for sale at a large discount to market and for rent at the Local Housing Allowance rate. Reference Appendix C for delivery programme.
- 2.19 The limit to the amount of impact the Council can have on reducing housing need is set through the housing strategy and commercial strategy. Intervention in the housing market cost money in skills, gap funding, construction and land purchase.
- 2.20 The adopted commercial strategy gives scope for investment and borrowing to support housing and we have the skills needed to deliver housing and make a positive change.
- 2.21 A housing strategy that will sit alongside and be interlinked with the commercial strategy will come to members for consideration in 2020. This will set out in full the aims and ambitions of this Council and will require engagement and input from the members if it is to be successful.
- 2.22 A full member consultation timetable will be published in early 2020 to inform and shape the strategy.

### **3 Outcomes/outputs**

- 3.1 Officers are currently working up a draft Housing Strategy for Members to shape in 2020. It will set out an "interventionalist" approach to the housing market, as it is clear from the figures in section 2, that if we are serious about addressing housing need, we can not leave it to the market to address.
- 3.2 The strategy will be underpinned by the commercial strategy as it will be predicated on borrowing from the PWLB and if successful, lead to the steady growth of housing stock controlled via the Council.

#### 4 Options available and consideration of risk

- 4.1 Should the Council not take a proactive and interventionist approach to the housing market, it is likely that housing need will not materially reduce.
- 4.2 The risks around addressing the housing need will be set out when members have helped shape the final housing strategy, but it is likely to carry more direct financial risk.

#### 5. Proposed Way Forward

- 5.1 That Members engage positively and help shape the emerging Housing Strategy and support the principle of an interventionist approach in the market.

#### 6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		N/A
Financial implications to include reference to value for money		N/A
Risk		Nothing at this stage
Supporting Corporate Strategy		Homes
Climate Change - Carbon / Biodiversity Impact		To be reconciled as part of the Housing Strategy
Comprehensive Impact Assessment Implications		
Equality and Diversity		N/A
Safeguarding		N/A
Community Safety, Crime and Disorder		N/A
Health, Safety and Wellbeing		N/A
Other implications		N/A

#### **Supporting Information**

**Appendices:**

Appendix A – National Planning Policy Framework – Definition of Affordable Homes

Appendix B – Affordable Housing Outputs

Appendix C – Community Housing Work Programme

## National Planning Policy Framework – Definition of Affordable Homes

**Affordable housing:** housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

a) **Affordable housing for rent:** meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).

b) **Starter homes:** is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.

c) **Discounted market sales housing:** is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.

d) **Other affordable routes to home ownership:** is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.





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**Appendix B**





Financial Year	Scheme Name	Funding Source	Amount	Outcome Narrative
18/19	Butter Park, Ivybridge	S106	129,136.00	6 x Learning disability flats and training house. Scheme being developed in partnership with LiveWest and Ivybridge Town Council
17/18	Clay Park, Dartington	s106	107,853.50	Construction costs to support Transition Homes Totnes. Scheme comprises 27 homes which includes 19 x Affordable Homes (70% AH)
16/17	Reeves Way, Churchstow Capital Programme		£10k (bill not yet agreed)	conversion of general needs property to provide 2 x groundfloor bedrooms and wet room. Families needs could not be met elsewhere. Partnership working with DCC and DFG team
17/18	Marldon	capital programme	£55k	Purchase of property to provide a shared ownership unit for disabled family. Needs could not be met in current stock as wanted to retain an interest in property. Shared ownership was the only option.
Annual	Tenants Incentive Scheme	capital programme	£15k PA	£29k spent in the last 3 years, freeing up 17 family sized properties
2015/16	Riverside, Totnes	capital programme	£500k	Delivery of 60 bed Extra Care scheme with Guinness and DCC
2016/17	Parsonage Farm, Newton Ferrers	capital programme	£80k	contribution to liveWest through VHI to provide 8 x rented and 7 Shared ownership homes
2016/17	Morleleigh	capital programme	£40k	contribution to South Devon Rural to provide 4 x rented houses under VHI
2015/16	Frogmore	capital programme	£78k	8 x rented homes in partnership with Hastoe Housing
2015/19	Follaton Oak, Totnes	capital programme	£80k	30 x affordable homes (50%) with Westward housing
2019/20	Derby Road, Kingsbridge	capital programme	£150k	payment to the Feoffees housing trust to enable 6 x affordable rented homes
2019/20	Oak Tree Field, Harberton	capital programme	£104,500k	Purchase of land for the CLT to enable XX affordable homes to be built which will be self build properties
Annual	pre-development fund	capital programme	£100k PA	CLT groups can apply for £25k to assist with pre-development costs. Transition Homes Totnes and Harberton have received these grants to date.

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Village/Town	No of Units	Description	Target Planning Application	Target Construction	Current Status	Next Steps
<b>St Anns Chapel</b> 	13	Exception planning site on the edge of St Ann's Chapel. SHDC working in collaboration with Parish Council (acting as community interfacing body).	<b>Planning Decision Ref: 421418/FUL GRANTED</b>	<b>Commence Build Jan 2020</b>	Land option terms signed Public works loan board finance secured S106 Monies available Bigbury NP progressing	<ol style="list-style-type: none"> <li>1) Detailed construction information/ procurement underway</li> <li>2) Principle contractor selected.</li> <li>3) Value Engineering (VE) work ongoing.</li> <li>4) Landscape Management contracts underway</li> <li>5) S106 finalisation</li> </ol>
<b>Dartmouth</b> 	4	Small parcel of amenity land owned by SHDC which formed part of a lease to Townstal Hall. Site will accommodate four innovative modular design 1 bed properties for 100% affordable rent. Dartmouth United Charities to fund development in collaboration with SHDC supervising contract	<b>Planning Decision Ref: 2186/19/FUL GRANTED</b>	<b>Commence Build Jan 2020</b>	Contractual arrangement between Dartmouth United Charities (DUC) and Hexxhome and DUC and SHDC progressing Townstal Hall lease surrender agreed	<ol style="list-style-type: none"> <li>1) The project is moving to Stage 5 (Mobilisation/Construction)</li> <li>2) Monthly Project Management Meetings agreed</li> <li>3) Financial model &amp; funding agreed</li> <li>4) Almshouse Consortium Ltd Homes England Grant application</li> </ol>
<b>South Brent</b> 	17	SHDC working in collaboration with South Brent CLT. SHDC is project managing & funding the scheme to enable serviced affordable plots to be transferred to the CLT to facilitate custom build. Close engagement with Dartmoor National Park.	<b>DNPA Planning Decision Committee Ref: 0147/19 GRANTED</b>	<b>Commence Build Early 2020</b>	Land option completed Public works loan board finance secured for construction £400,000 Homes England Infrastructure grant secured Draft Heads of Terms / S106 commitments completed	<ol style="list-style-type: none"> <li>1) Detailed construction information/ procurement underway</li> <li>2) Tender Issue to be progressed now planning consent</li> <li>3) Stage 4 design work ongoing</li> <li>4) CLT completing financial work and loan letter from SHDC</li> <li>5) Viability update</li> </ol>
<b>Brixton</b> 	7	Part owned by SHDC & part owned by third party. Flat level parcel of land with good connection to services. Development of site included in Brixton Neighbourhood Plan. Not an exception site.	<b>Pre Planning Application Ref: 1065852</b>	<b>2020</b>	Planning application to be lodged in late '19. Brixton Parish Council supportive of two story design. Land Registry issue still to be resolved	<ol style="list-style-type: none"> <li>1) The project has moved from to Stage 3 (Developed Design) to Stage 4 (Technical Design).</li> <li>2) Design changed from 8 to 7 house scheme to reduce impact on site</li> <li>3) Address possessory title claim / registration</li> <li>4) Ground Conditions / Retaining Design.</li> </ol>

<b>Stoke Gabriel</b> 	12	100% Affordable Project. Land offered FOC with unanimous Parish Council and NP support. Well organised and village supported CLT. SHDC to bring forward scheme in collaboration with SGCLT	Pre Planning Application Ref: 2855/19/PRM	2020	Access agreed for up to 12 units; landscape constraint challenging, 2 years of ecological surveys completed, SWW agreement, LVIA Survey completed	<ol style="list-style-type: none"> <li>1) The project is in Stage 2 (Brief/Concept) awaiting pre planning to progress</li> <li>2) SGCLT monthly engagement with PC and NP groups</li> <li>3) Ongoing Ecology survey work.</li> </ol>
<b>Kingsbridge</b> 	15	Owned by SHDC. A modular housing scheme, consisting of one, two and three bed units. Access to site challenging and expensive	Pre Planning Application Ref: 1090010	2020	SHDC public works loan board funding approved. Homes England infrastructure grant - decision awaited from HM Treasury Town Council support scheme Agreement reached re removing restrictive covenant on access Housing Need established	<ol style="list-style-type: none"> <li>1) The project progressing to Stage 3 (Technical design).</li> <li>2) Discussions with neighbouring school to encompass wildlife area</li> <li>3) Site clearance and security fencing underway.</li> <li>4) Local residents informed of ongoing work</li> <li>5) TC updated</li> </ol>
<b>East Prawle</b> 	18	Suitable site on edge of the village (ex RAF camp field) that will meet the needs of East Prawle, South Pool and East Portlemouth.	Pre Planning Application Ref: 1185081	2020/ 21	Unanimous support from Chivelstone Parish Council; Option agreement completed; Housing needs assessment completed	<ol style="list-style-type: none"> <li>1) The project is at Stage 2 (Brief/Concept)</li> <li>2) Ecological Assessments</li> <li>3) Ground Investigation work underway as possible contamination</li> </ol>
<b>Modbury</b>	40 units (20 affordable)	Potential to bring forward 50/50 affordable / market scheme in collaboration with Modbury Community	tbc	tbc	Dialogue with Neighbourhood Plan Group; potential site identified, landowner discussions underway;	<ol style="list-style-type: none"> <li>1) The project is at Stage 1 (Preparation and Brief) including preparation of concept drawings</li> <li>2) Land Option to be agreed</li> <li>3) Housing need to be updated</li> <li>4) Ecological assessments</li> <li>5) Highways / Access work underway</li> </ol>
<b>Thurlestone</b>	6	Neighbourhood plan supportive of Community Housing Scheme. Site options under review	tbc	tbc	Ongoing dialogue with Thurleston Parish Council. Land deal under negotiatiion	<ol style="list-style-type: none"> <li>1) Pre-app</li> <li>2) Agree land option</li> <li>3) Project design</li> <li>4) Viability feasibility</li> <li>5) Ecology underway</li> </ol>
<b>East Portlemouth</b>	3	Land owned by Waterhouse Trust keen to replace a single unit with 3 affordable units to accommodate young people.	tbc	tbc	SHDC is supporting Trust funding initial highway consultancy; topographical survey; preliminary design	<ol style="list-style-type: none"> <li>1) Complete SI</li> <li>2) Development design</li> <li>3) Planning application</li> </ol>

<b>Dittisham</b>	<b>tbc</b>	Suitable site on edge of the village (green site in JLP call for sites). Pedestrian access solution required - under review.	<b>tbc</b>	<b>tbc</b>	Willing landowner; County Highways require a pedestrian access to village ahead of progressing scheme design & community consultation	1) Pedestrian access solution 2) Agree land terms 3) Housing needs assessment 4) Progress scheme design 5) Community collaboration
<b>SHDC Community Housing Overview (IN-DIRECT INVOLVEMENT)</b>						
<b>Dartington</b> 		Dartington Trust	<b>2019</b>	<b>2020</b>	Community housing platform plus Cohousing retirement scheme	
<b>Harberton Oak Tree Field</b> 	<b>12</b>	<b>Planning consent granted</b> 10 affordable self finish and 2 open market. (One for the landowner and one for the CLT to sell on the open market to cross subsidise).	<b>2019</b>	<b>2020</b>	VHI scheme. £25k prelim grant from SHDC. CLT group meeting with SHDC Community Housing Team to provide assistance to bring forward to development	
<b>Totnes Clay Park</b> 	<b>27</b>	Planning consent granted Contractor appointed	<b>2019</b>	<b>Spring 2020</b>	<b>£322k support from SHDC Housing Capital Programme and Community Housing Fund.</b> Funding gap addressed through Homes England & SHDC S106 contribution	
<b>Totnes Atmos</b> 	<b>57</b>	Planning consent granted	<b>2019</b>	<b>2021</b>	Planning consent granted through right to build. Development design	

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## Update from the Climate Change & Biodiversity Working Group:

- The Council declared a Climate Change and Biodiversity Emergency on 25 July 2019;
- The Council has signed the Devon Wide Declaration;
- The Council is represented on both the Devon Climate Emergency Response Group (Strategic) and Tactical Working Groups;
- The Council has formed Member and Officer Working Groups
- Officers have commissioned Exeter University to establish our organisational carbon footprint – Scope 1, 2 and 3 emissions – awaiting report;
- At its meeting on 25 July 2019, the Council also resolved that a draft Action Plan should be presented back to the Council within six months. This Plan is well under preparation and has two main strands:
  1. Reducing our own carbon footprint to net-zero by a date tbc; and
  2. A District wide Carbon Plan;
- The District wide Carbon Plan will link very closely to the emerging Devon Carbon Plan that we are actively supporting. We have used the 12 decarbonisation themes from the Devon Plan as the basis of our Plan and added 'Biodiversity' as a thirteenth theme;
- 'Call for Evidence' underway for Devon Carbon Plan and Themed Hearings programmed for November/December including one on the Built Environment to be hosted at Follaton House on Wednesday, 27 November;
- Dedicated website under preparation (live) to facilitate engagement and to provide support to stakeholders including town and parish councils;
- Town and Parish Council Budget Consultation Event with DCC and SHDC representatives on 4 December 2019 will include an open discussion on Climate Change Declarations;
- Online consultation questionnaire under preparation (live);
- The draft Action Plan is well developed and will be considered by the Climate Change & Biodiversity Working Group on 5 December, with all Members being invited to attend this meeting; and
- It is intended that the draft Action Plan (as recommended by the Working Group) will be presented to the Council meeting on Thursday, 19 December for adoption.

Drew Powell

Director of Governance and Assurance

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## OVERVIEW AND SCRUTINY PANEL

### DRAFT ANNUAL WORK PROGRAMME – 2019/20

Date of Meeting	Report	Lead Officer
23 January 2020 (am)	Draft Budget 2020/21 (joint meeting with DM Committee Members)	Lisa Buckle
23 January 2020 (pm)	Executive Forward Plan	Kathy Trant
	Task and Finish Group Updates: <ul style="list-style-type: none"> <li>- Leisure Review (concluding report); and</li> <li>- Locality Service Review (concluding report)</li> </ul>	Jon Parkinson Kate Hamp
Page 107	Food Safety Service Plan: Six Monthly Update (to include: opportunities available to increase income and those areas identified for improvement and future development (with reference being made to training and public health advice)).	Ian Luscombe
	2019 Member Induction Review	Darryl White
	Review of DM Pre-Application Procedure	Pat Whymer
	Performance Reporting	Neil Hawke
	Peer Challenge Action Plan Update (to include an Update on Governance)	Neil Hawke / Catherine Bowen
27 February 2020	Executive Forward Plan	Kathy Trant
	Task and Finish Group Updates (if any)	
	Leisure Contract – Fusion Annual Report	Jon Parkinson
	Waste Contract Monitoring Report	Jane Savage
	Development Management: Service Capacity – 6 Month Review	Pat Whymer
	General Dispensations – Multi & Dual Hatted Members	Catherine Bowen
23 April 2020	Executive Forward Plan	Kathy Trant
	Task and Finish Group Updates (if any)	
	Performance Indicators	Jim Davis

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