

South Hams Overview and Scrutiny Panel



Title:	Agenda												
Date:	Thursday, 23rd January, 2020												
Time:	1.30 pm												
Venue:	Cary Room - Follaton House												
Full Members:	<p style="text-align: center;">Chairman Cllr Birch</p> <p style="text-align: center;">Vice Chairman 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												
Cllr Austen	Cllr Rose												
Cllr Chown	Cllr Spencer												
Cllr Jackson	Cllr Sweett												
Cllr McKay	Cllr Thomas												
Cllr O'Callaghan													
Interests – Declaration and Restriction on Participation:	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.												
Committee administrator:	Democratic.Services@swdevon.gov.uk												

1. Apologies for Absence	
2. Minutes	1 - 12
to approve as a correct record and authorise the Chairman to sign the minutes of the Panel held on 21 November 2019;	
3. Urgent Business	
brought forward at the discretion of the Chairman;	
4. Division of Agenda	
to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information;	
5. Declarations of Interest	
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;	
6. Public Forum	13 - 14
A period of up to 15 minutes is available to deal with issues raised by the public;	
7. Executive Forward Plan	15 - 20
Note: 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 Monday 20 January 2020 to ensure that the lead Executive Member(s) and lead officer(s) are aware of this request in advance of the meeting.	
8. Pre-Application Process	21 - 46
9. Safeguarding Policy	47 - 60
10. Peer Challenge Progress Update	61 - 68
11. Member 2019 Induction Review	69 - 76
12. Food Safety Plan Progress Report	77 - 82

13. Task and Finish Group Updates:

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- a) Leisure Review – Concluding Report
- b) Locality Service

14. Annual O&S Work Programme

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**MINUTES OF THE MEETING OF THE
OVERVIEW & SCRUTINY PANEL
HELD AT FOLLATON HOUSE, TOTNES ON
THURSDAY, 21 NOVEMBER 2019**

Panel Members in attendance:			
* 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		

Other Members also in attendance:
Cllrs V Abbott, K J Baldry, H D Bastone, J Brazil, J D Hawkins, T R Holway, N A Hopwood, D W May, J A Pearce and R Rowe

Item No	Minute Ref No below refers	Officers in attendance and participating
All		Deputy Chief Executive; and Senior Specialist – Democratic Services
8 and 9	O&S.48/19 and O&S.49/19	Community Safety Partnership Representatives
10	O&S.50/19	Director of Place and Enterprise and Senior Specialist (Car Parks)
11	O&S.51/19	Commissioning Manager
12	O&S.52/19	Deputy Monitoring Officer
13	O&S.53/19	Case Management Manager
14	O&S.54/19	Director of Place and Enterprise
15	O&S.55/19	Director of Governance and Assurance

O&S.44/19 MINUTES

The minutes of the meeting of the Overview and Scrutiny Panel held on 17 October 2019 were confirmed as a correct record and signed by the Chairman.

O&S.45/19 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 J Sweett declared a Personal Interest in agenda item 15: 'Update from the Climate Change and Biodiversity Working Group' (Minute O&S.55/19 below refers) by virtue of being a solidarity hunger striker and remained in the room and took part in the debate on this agenda item.

O&S.46/19 PUBLIC FORUM

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

1. Question from Mr Robert Vint

'What scrutiny has there been by this Committee of the development of the Climate Action Plan for the South Hams since the 25th July? Is this Committee happy with progress, with any proposed draft indicators and targets and with the level of public engagement with the emerging plan so far?'

In reply, the Chairman of the Panel provided the following response:

'In answer to the question, I can report that the Overview and Scrutiny Panel has on its agenda today a report from the Climate Change and Biodiversity Working Group and, no doubt, Members of the Panel will question the Leader of the Council on progress, draft indicators, targets and the level of public engagement in respect of the emerging Plan. Such responses will be reported in the minutes of this meeting.'

Members have been informed that the draft Action Plan will be considered by the Climate Change and Biodiversity Working Group at its next meeting on 5 December 2019 and no doubt this will be circulated to all Members of the Council in advance of the said meeting.'

O&S.47/19 EXECUTIVE FORWARD PLAN

The Panel was presented with the most recently published Executive Forward Plan.

Whilst no formal requests had been made in advance, the Chairman exercised his discretion to enable for a brief discussion on the 'Formation of a Wholly Owned Company' agenda item.

(a) Formation of a Wholly Owned Company

In reply to a question, the Leader of Council advised that the principal activity of any proposal to form a Wholly Owned Company would be to build genuinely affordable housing for local people. Since the Climate Change and Biodiversity agenda was to be a golden thread throughout all of the work of the Council, the Leader also confirmed that it would be inevitable that it would be an important consideration in the event of a Company being formed.

O&S.48/19 **COMMUNITY SAFETY PARTNERSHIP – ANNUAL REPORT**

Consideration was given to a report that provided 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.

In his introduction, the Council's appointed CSP Member representative emphasised the importance of all Members contacting the lead officer if they were aware of any potential CSP related issues.

In the ensuing debate, reference was made to:-

- (a) Exploitation Prevention training sessions. Members were informed that the latest round of Exploitation Prevention training sessions were currently being held and there was one being held at Follaton House, Totnes on Wednesday, 27 November 2019. If any Members were interested in attending this session, they were encouraged to let officers know;
- (b) the dedication of lead officers. A number of Members paid tribute to the hard work and dedication of lead officers in maximising the effectiveness and success of the CSP;
- (c) a proposal for a future CSP workshop. A motion was **PROPOSED** and **SECONDED** as follows:

'That the Panel welcome the contents of the annual report and, in order to identify issues to be raised, agrees to convene an all Member Workshop in January 2020.'

When put to the meeting, this proposal was declared **CARRIED**.

It was then:

RESOLVED

That the Panel welcome the contents of the annual report and, in order to identify issues to be raised, agrees to convene an all Member Workshop in January 2020.

O&S.49/19 **SAFEGUARDING UPDATE**

The Panel considered a report that sought to provide Members with the opportunity to annually scrutinise and review Safeguarding.

In his introduction, the lead Executive Member advised that a proposal was to be presented to the next Council meeting on 19 December 2019 that would seek to approve a dementia friendly policy.

In light of the earlier decision to convene an all Member Workshop (Minute O&S.48/19 above refers), it was deemed appropriate for Safeguarding to also be considered at this session. As a result, it was felt that the proposal to recommend a revised Safeguarding Policy should be deferred to the next Panel meeting on the afternoon of Thursday, 23 January 2020 (i.e. after the Workshop had been held). This proposal was subsequently supported by the Panel.

It was then:

RESOLVED

That the Panel defer consideration of the formal Update until the next meeting on the afternoon of Thursday, 23 January 2020 to enable for Safeguarding to be considered at the all Member Workshop that is to be convened on the Community Safety Partnership (Minute O&S.48/19 above refers).

O&S.50/19 ELECTRIC CAR CHARGING POINTS – UPDATE

The Panel considered a report that provided an update in respect of the strategy for the installation of Electric Charging Points in Council Car Parks.

During the ensuing discussion, the following points were raised-

- (a) In response to some specific requests relating to charging point provision and location in Ivybridge, it was agreed that officers would discuss in more detail with an interested local Ward Member outside of this meeting;
- (b) With regard to the timescales of the DELETTI (Devon Low carbon Energy and Transport Technology Innovator) project, a number of Members expressed their disappointment that the project installations were not due to be completed in the South Hams until 2022. In response, officers advised that the Council was only one of a number of project partners and it was agreed that the programme would be circulated to all Members. That being said, officers would also like to see the South Hams installations advanced sooner and they gave a commitment to lobby the project leads in an attempt to achieve this objective. This emphasis was considered by Members to be particularly important when considered that the Council had declared a Climate Change and Biodiversity Emergency;
- (c) Members were informed that, if they disagreed with any of the proposed car parks that had been identified for installation of the initial Electric Car Charging Points, then they needed to let officers know within the next two weeks;

- (d) Officers highlighted that there were a number of sources of external grant funding that could be accessed to install Charging Points. As a result, Members were actively encouraged to advise their town and parish councils (who owned their own car parks) to submit bids to obtain grant funding;
- (e) The Panel was reminded that, as part of the current Budget Consultation Survey for 2020/21, Members were being asked for their views on any increases in car parking charges being set aside to install additional Charging Points in Council owned car parks. It was confirmed that the views of Members in this respect would be included in the 2020/21 draft budget setting reports. As an extension to the Survey, some Members felt that it would be useful for the costs associated with procuring and installing Charging Points in all Council owned Car Parks to be presented to the Panel at its meeting on 23 April 2020;
- (f) Such were the challenges being faced, that Members cited examples whereby customers were trading in their electric cars because they could not be adequately charged;
- (g) Some Members made the point that they did not wish to see any loss of car parking income to the Council as a result of this initiative.

It was then:

RESOLVED

1. That the update report, in respect of the Strategy for the installation of Electric Charging Points in Council Car Parks, be welcomed, with the exception of the concerns raised over the project installation date of 2022; and
2. That a further update report be presented to the Panel meeting on 23 April 2020 that focuses on:
 - The lobbying to be undertaken on bringing the completion date forward; and
 - The costs associated with procuring and installing Charging Points in all Council owned Car Parks.

O&S.51/19 CUSTOMER SATISFACTION SURVEY

The Panel considered a report that provided an update on the progress that detailed the scores achieved by the Council as part of a recent Institute of Customer Service Customer Satisfaction Benchmark Survey.

In discussion, reference was made to:-

- (a) the improved Survey results. The Panel paid tribute to the improved Survey results and noted that these had been achieved without any additional resources being allocated. Moreover, it was confirmed that the proposed Customer Service Improvement Manager post would be funded through the existing Staffing Establishment budget;
- (b) IT Procurement and Improvement. Some Members echoed the comments in the presented agenda report that the Council's work processing software was not as slick as it could be. These Members hoped that this would be rectified during the new IT Procurement project which would then directly lead to further improvements in Customer Satisfaction levels;
- (c) increased access to services online. In reiterating the comments in the presented agenda report whereby there was a need to build on the progress that had been made, some Members emphasised the importance of promoting increased access to Council services online and ensuring that residents were kept regularly informed.

It was then:

RESOLVED

1. That the results from the recent Customer Satisfaction Survey be noted; and
2. That the Executive be **RECOMMENDED** to approve the actions contained within Section 5 of the presented agenda report that are headed as follows:
 - Customer Service Improvement Manager;
 - Complaint Handling Review;
 - Staff Meetings, Performance Monitoring and Training;
 - IT Procurement and Improvement;
 - Continued Surveying; and
 - Progress Reporting.

O&S.52/19 GUIDANCE OF INFORMATION COMMISSIONER'S OFFICE PROCEDURE

Consideration was given to a report that recommended a procedure to inform Members and the public of decisions made by the Information Commissioner's Office (ICO) in relation to requests for information.

During the debate, some Members questioned why the recommendation was for local Ward Members to only be notified if an ICO request related to a planning matter. These Members felt that other matters (e.g. an Environmental Health matter) may also be of interest (and relevance) to local Ward Members.

In response, officers advised that the guidance was drafted to take into account the potential sensitivities around matters such as Housing and Benefits and it was recognised that it would not be appropriate for these to be shared with local Ward Members. As a way forward, it was agreed that the Deputy Monitoring Officer would consider the appropriateness of disclosing a matter to local Ward Members on a case by case basis.

It was then:

RECOMMENDED

That Council be **RECOMMENDED** that the following procedure be adopted to inform Members and the public of decisions made by the Information Commissioner's Office in relation to requests for information:

1. That 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 Section 45 Code of Practice;
2. That the Council reviews its Publication Scheme in the light of requests for information it receives annually;
3. When the Council is advised by the ICO that a request has been referred to it, the Leader and relevant lead Executive Member be notified and, if the matter relates to a planning issue, the local Ward Members are also notified. For non-planning issues, the Deputy Monitoring Officer will determine on a case by case basis whether it could be disclosed to local Ward Members;
4. That all Members be notified with a copy of the Decision Notice when it is received, in addition to it being published on the Council website and the matter will be reported to the Overview and Scrutiny Panel; and
5. That, when an ICO decision recommends that further action is taken by the Council, the Freedom Of Information 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.

O&S.53/19 OMBUDSMAN'S ANNUAL REVIEW LETTER 2019

Members considered a report that presented the Local Government & Social Care Ombudsman's (LGO) Annual Review Letter 2019 regarding Ombudsman complaints that had been received against the Council for the period 1 April 2018 to 31 March 2019.

In discussion, the importance of lessons being learned from the findings of the Ombudsman was recognised.

It was then:

RESOLVED

That the Panel has reviewed the Ombudsman's Annual Letter for 2019.

O&S.54/19 HOUSING REPORT

Consideration was given to a report that presented a series of proposals that would help the Council to shape its emerging Housing Strategy.

In discussion, the following points were raised:-

- (a) Officers emphasised the importance of Member engagement in the development of the emerging Housing Strategy;
- (b) The view was expressed that there was little detail about caravan dwellers in the presented agenda report. The Panel acknowledged that there were a number of challenges around caravan dwellers and it would be essential for these to be incorporated into the emerging Strategy. In addition, it was requested that these challenges be included as part of the Gypsies and Travellers Member Session on 30 January 2020;
- (c) The Panel retained the belief that the national definition of 'affordable rent and purchase' was still too high for the South Hams. As a result, the Panel wished to note with concern:
 - the rise in recorded local Housing Need;
 - that levels of fuel poverty in the South Hams are currently above the national average;
 - the average house prices in the South Hams are currently 13 times the average salary; and
 - that rental levels are often higher than Local Housing Allowance Rates.
- (d) The need for the Council to be more imaginative in how it applied its planning policies was recognised;
- (e) A Member cited the extent of the recent development in Ivybridge and felt that the issues in that town differed significantly to those in areas such as Salcombe and Dartmouth. As a result, Members felt that the Strategy should not be generic and would need to reflect these differing issues across the district;

- (f) Whilst acknowledging that there may be barriers following the recent Public Works Loan Board interest rate increase, the Panel was still interested in the concept whereby the Council could potentially act as a lender to Developers who were struggling to obtain finance to build local housing.

It was then:

RESOLVED

That the Panel note with concern:

1. the rise in recorded local Housing Need;
2. that levels of fuel poverty in the South Hams are currently above the national average;
3. the average house prices in the South Hams are currently 13 times the average salary; and
4. that rental levels are often higher than Local Housing Allowance Rates.

and, in order to address these concerns, the Panel supports the proposals to engage positively and help shape the emerging Housing Strategy and the principle of an interventionalist approach in the market.

O&S.55/19 UPDATE FROM THE CLIMATE CHANGE AND BIODIVERSITY WORKING GROUP

Members considered an update from the Working Group and, in the subsequent discussion, reference was made to:-

- (a) the emerging draft Action Plan containing over 160 actions. In terms of process, the Panel was reminded that all Members had been invited to attend the Working Group meeting on 5 December 2019. The draft Action Plan was to be first considered at this meeting before then being recommended for approval to the Council meeting on 19 December 2019;
- (b) the carbon footprint of the Council. Officers confirmed that, once the carbon footprint baseline data of the Council had been established, then it would be possible to set a series of Key Performance Indicators within the Action Plan;
- (c) the Working Group. Since being established in July 2019, a Member expressed his disappointment that the Working Group had only met twice to date and had still not been given sight of the draft Action Plan.

The Member proceeded to question the merit of the Working Group and regretted the lack of Member involvement following the Council decision on 25 July 2019 to declare a Climate Change and Biodiversity Emergency. In reply, the Leader stated that the six-month time frame that the Council had set to develop an Action Plan had been incredibly challenging and all Members would receive a first draft version as far in advance as possible of the Working Group meeting on 5 December 2019;

- (d) the 'Call for Evidence' Themed Hearings. Some Members could not see any justification as to why they could not attend (as observers) any of the 'Call for Evidence' Themed Hearings. In reply, the lead officer advised that he had made the request to the Devon Climate Emergency Response Group, but that this had been rejected. Despite the Panel being reminded that all of the Hearings would be webcast, Members wished for the lead officer to contact the Response Group to ask that it reconsiders its decision in this regard;
- (e) the Citizens Assembly proposal. Some Members expressed their disappointment at the lack of information that had been forthcoming from Devon County Council on its Citizens Assembly proposal.

It was then:

RESOLVED

1. That the Panel requests that the lead officer makes representations to the Devon Climate Emergency Response Group calling for South Hams District Council Members to be able to attend the 'Call for Evidence' Themed Hearing at Follaton House on Wednesday, 27 November 2019;
2. That the Panel expresses its concerns over the lack of information that had been received from Devon County Council in relation to its Citizens Assembly proposal; and
3. That the Climate Change and Biodiversity Working Group be **RECOMMENDED** that the draft Climate Change Action Plan should attempt to address the dangers that Climate Change poses including, but not limited to, extreme weather events such as flood and drought. In cases where elements are outside its remit, the Council should aim to communicate with (and work alongside) those who are responsible for those elements.

O&S.56/19 **TASK AND FINISH GROUP UPDATES**

(a) Leisure Review

During his update, the Group Chairman advised that:

- the Group had conducted a very useful site tour of the four Leisure Centres in the South Hams. During the tour, the Group had met with Leisure Centre staff and managers and a further meeting with senior Fusion representatives was to be held on Thursday, 12 December 2019; and
- the Group was still on target to present its concluding report to the next Panel meeting on 23 January 2020.

(b) Locality Service

The Group Chairman provided an update to the Panel and informed that:

- the inaugural meeting had been held at which the Group had approved the Terms of Reference for the Review;
- some Group Members had already shadowed Locality Engagement and Mobile Locality Officers;
- the next Group meeting (during which Members were to interview the three Locality Engagement Officers) was to be held on Thursday, 28 November 2019;
- all Members were encouraged to complete the Member Survey on the Locality Service;
- the Group was still on target to present its concluding report to the next Panel meeting on 23 January 2020.

O&S.57/19 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 decided to defer consideration of the formal Safeguarding Update until its next meeting on the afternoon of Thursday, 23 January 2020 (Minute O&S.49/19 above refers);
- (b) Members also noted that a further update report on Electric Charging Points would be presented to the Panel meeting on 23 April 2020 (Minute O&S.50/19 above refers) that would focus on:
 - The lobbying to be undertaken on bringing the completion date forward; and
 - The costs associated with procuring and installing Charging Points in all Council owned Car Parks.

(Meeting started at 10.00 am and concluded at 1.25 pm)

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 January 2020. 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)

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

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

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

OTHER DECISIONS

Council	Title: Revenue Budget Monitoring Quarter 3 Purpose of report: 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 Page 16	Title: Capital Budget Monitoring Quarter 3 Purpose of report: 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	Title: Write Off Report for Quarter 3 Purpose of report: 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	6 February 2020	
Council	Title: Revenue Budget Proposals 2020/21 Purpose: To present Budget proposals for 2020/21	Lisa Buckle/Cllr Pearce	Report of Strategic Lead of Finance	6 February 2020	
Council	Title: Capital Programme Proposals 2020/21 Purpose: To present Capital Programme proposals for 2020/21	Lisa Buckle/ Cllr Pearce	Report of Strategic Lead of Finance	6 February 2020	

Leader – Strategic Assets	Title: Formation of a wholly owned company Purpose of Report: To consider the formation of a wholly owned company to facilitate commercial activity	Chris Brook/ Cllr Pearce	Report of Head of Assets	6 February 2020	
Council	Title: Pre Application Planning Process Purpose: To consider and approve the updated pre application process	Pat Whymer/ Cllr Bastone	Report of the Head of Development Management Practice	6 February 2020	
Customer Service and Delivery	Title: Future IT Procurement Contract Award Purpose: To consider the recommendation to award a contract for the provision of future IT Case Management and Document Management platforms	Mike Ward/ Cllr Hopwood	Report of Head of IT	6 February 2020	Service Leads IT Joint Working Group
Council	Title: Woolwell Partial Masterplan & Planning Framework Purpose: To recommend approval of a Planning Framework to provide both developers and the Local Planning Authority with an agreed strategy that meets the Plymouth and South West Devon Joint Local Plan policy objective PLY44	Gina Small/ Cllr Pearce	Report of the Urban Fringe Delivery Team Manager	6 February 2020	
Council	Title: Commercial Investment – Acquisition Report Purpose: To update Members on a recent decision related to the Commercial Investment Strategy	Chris Brook/ Cllr Pearce	Report of Director for Place and Enterprise	6 February 2020	
Health & Wellbeing	Title: Wellbeing Strategy Purpose: To recommend to Members the adoption of key wellbeing priorities and associated outcomes	Ian Luscombe/ Cllr Hawkins	Report of Head of Environmental Health	19 March 2020	
Environment	Title: Grounds maintenance service Purpose of report: To consider recommendations from the review of service performance	Steve Mullineaux/ Cllr Baldry	Report of the Head of Assets	19 March 2020	
Homes	Title: Empty Homes Premium Purpose of report: To consider an increase to the Council Tax premium on properties that have been empty for over two years	Lisa Buckle/ Cllr Pearce	Report of the s151 Officer	19 March 2020	Consultation with various Heads of Practice
Homes	Title: Draft Housing Strategy Purpose: To recommend to Council the adoption of the Draft Housing Strategy	Chris Brook/ Cllr Pearce	Report of Director of Place and Enterprise	18 June 2020	

Homes	Title: Homeless Strategy year 4 Action Plan Purpose: To provide to Members an update on the Homeless Strategy Action Plan	Isabel Blake/ Cllr Hawkins	Report of Head of Housing, Revenues and Benefits Practice	18 June 2020	
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Report to: **Overview and Scrutiny Panel**

Date: **23 January 2020**

Title: **Pre-Application Process**

Portfolio Area: **Deputy Leader – Cllr Bastone**

Wards Affected: **All**

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

Date next steps can be taken: **After Council on 13 February 2020**

Author: **Pat Whymer** Role: **Head of Development Management Practice**

Contact: patrick.whymer@swdevon.gov.uk

Recommendations:

That the Overview and Scrutiny Committee RECOMMEND that the Executive RECOMMEND to Council that the Pre-Application process (as detailed in Appendix 1) be approved.

1. Executive summary

- 1.1 Following approval by the Executive at its meeting held on 26 April 2018 (Minute Ref: E.88/17) the draft pre-application process was consulted upon. Some 20 representations were made. A summary of the representations is attached in Appendix 2 together with comments regarding the individual representations.
- 1.2 The draft process subject of the consultation has been revised to incorporate changes following the consultation and is attached at Appendix 1.
- 1.3 The key elements of the existing pre-application process are robust and remain valid. There are two main areas of the process that it is recommended are changed; the interaction with Council Members and Town and Parish Councils, and the publication of both pre-application submissions and the Councils response. These changes are set out within the proposed process at Appendix 1.

- 1.4 This report seeks the recommendation of the Overview & Scrutiny Committee to Council (via the Executive) to approve and adopt the proposed pre-app process to take effect after the meeting of full Council on 13 February 2020.

2. Background

- 2.1 Following the Planning Peer review, it was agreed that a review of the planning pre-application process be undertaken, including the planning duty service.
- 2.2 South Hams District Council is committed to supporting effective pre- application engagement with developers, applicants and local communities. However, it should be noted from the outset that the Council's pre application service is for the provision of advice and is not an approval service. It should aim to give developers/applicants very clear advice about whether Council officers may recommend approval for a scheme, or how it may need to change to be supported by a recommendation
- 2.3 The National Planning Policy Framework (NPPF) advises Local Planning Authorities (LPAs) to approach decision-taking in a positive way to foster the delivery of sustainable development. LPA's need to look for solutions rather than problems and where possible, seek to approve applications for sustainable development. In this respect, LPA's should work proactively with developers/applicants to secure developments that improve economic, social and environmental conditions of an area.
- 2.4 The NPPF clearly encourages early engagement and front loading as this has significant potential to improve the efficiency and effectiveness of the planning system for all parties. Good quality pre-application discussions enable better coordination between public and private resources and improved outcomes for the community. LPA's have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage and should encourage any developers/applicants to engage with the local community before submitting their formal planning applications.
- 2.5 The more issues that can be resolved at pre-application stage, the greater the benefits. For the planning system to be effective and positive, statutory planning consultees must take the same early, pro-active approach, and provide advice in a timely manner. This assists in issuing timely decisions, helping to ensure that there are no unnecessary delays and costs.
- 2.6 The existing pre-application process sets out that the Council will expect developers and applicants to be open and positive in their engagement with communities and follow the Council's pre-

application process. Communities have a key role in identifying issues and opportunities around community facilities. The pre-application process and interaction between developers and applicants, local communities and the LPA will allow those communities to express their thoughts and opinions on scale, nature and form of development in a way that is proportionate to the scale of the development proposal.

- 2.7 There appears only to be a small number of pre-application submissions during which the local community are involved. The Council has no power to compel developers or prospective applicants to engage with the community, other than for a relatively large scale energy project. However the pre-application process should continue to encourage community involvement
- 2.8 The planning duty service sits alongside the pre-application process. The duty planning service only provides general planning advice and not pre-application advice. There are also specific appointments for Listed Building and Heritage questions. It is recognised that this does provide a service to customers who have general planning questions.

3. Outcomes

- 3.1 The overall desired outcome would be an efficient response to an increasing number of pre-application submissions and an increasing engagement with Ward Members and communities particularly regarding larger schemes. The proposal includes revised targets for the timescales for dealing with pre-application submissions. It is acknowledged that the response times to pre-application enquiries have not been in accordance with the target timescales. The additional resources to Development Management achieved through the increase in planning fees, will provide additional capacity that will facilitate improvements in the speed of response to such enquiries. It is proposed that the target timescales for dealing with pre-applications will be as follows:

Householder/Advertisements: Meeting to take place within 4 weeks from the date of receipt of pre-app with a full response within 6 weeks from date of receipt.

Small Minor: Scoping meeting to take place within 4 weeks from the date of receipt with notes to be circulated for agreement within 7 days of the meeting.

Full pre-app meeting within 4 weeks from date of receipt or within 2 weeks if it follows a scoping meeting. Full response within a timescale agreed at the pre-app meeting. If no further information is required or no comments from other consultees needed the response should be within 3 weeks of the meeting.

Minor: Scoping meeting to take place within 4 weeks from the date of receipt with notes to be circulated for agreement within 7 days of the meeting.

Full pre-app meeting within 4 weeks from date of receipt or within 2 weeks if it follows a scoping meeting. Full response within a timescale agreed at the pre-app meeting. If no further information is required or no comments from other consultees needed the response should be within 3 weeks of the meeting.

Small Scale Major: Scoping meeting to take place within 4 weeks from the date of receipt with notes to be circulated for agreement within 7 days of the meeting.

Full pre-app meeting within 5 weeks from date of receipt or within 3 weeks if it follows a scoping meeting. Full response within a timescale agreed at the pre-app scoping meeting or at the first full pre-app meeting.

Large Scale Major: Scoping meeting to take place within 4 weeks from the date of receipt with notes circulated for agreement within 7 days of the meeting. The timescale for the rest of the pre-app will be set out in an agreed PPA.

- 3.2 Reference above to date of receipt is the date that the Council receives all of the necessary forms/plans and fee to register the pre-application submission. Performance will be measured against these targets.

4. Options available and consideration of risk

- 4.1 A pre-application submission should not be dealt with in the same way as a planning application and is not a vehicle for public consultation and the consideration by the Council of representations from the public or other non-technical consultees.
- 4.2 The Council will continue to encourage discussion between developers and land/property owners who submit pre-applications and the community, including Town and Parish Councils. There will not be formal consultation with the community by the Council unless a development forum takes place.
- 4.3 One of the main areas of concern from the consultation responses was the publication of the pre-application submissions and the response from the Council. There are three options;
- a) Do not publish pre-applications on the council website which is the current position.
 - b) Publish pre-application submissions on the website as soon as they are received
 - c) Publish the pre-application submission and the response once a planning application is made for the proposed development.

4.4 As set out above it is considered that the pre-application process needs to be transparent and it is acknowledged that pre-applications should be published on the website. However as set out in paragraph 4.1 above a pre-application should not be dealt with in the same way as an application and it is not a vehicle for public consultation. The publication of pre-applications as soon as they are submitted would give a false expectation of the level of engagement that the Council would have with third parties in the process. The publication could happen when a pre-application is submitted with notification on the website that it is for information and that the Council will not respond to representations. This is not supported by agents/developers and could result in a reduction in pre-application enquires. It is recommended that pre-application submissions and the response is published on the website if an application for the development is submitted. This would set out what the Council responded to and what the response was. The changes proposed will address a potential perception that the pre-application process is not transparent, by publicising the pre application details and advice given once a full application is received

4.5 Another option could be to stop undertaking any pre-application discussions. This would be contrary to advice in the NPPF and would lead to a loss of revenue and a probable damage to the reputation of the Council and is not recommended.

5. Proposed Way Forward

5.1 The proposed pre-application process is set out in Appendix 1.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	Paragraphs 188 - 195 of the National Planning Policy Framework set out that Local Planning Authorities should engage with a pre-application process. The EIR 2004 Regulations provide a presumption of disclosure for information including pre-apps
Financial implications to include reference to value for money	N	There are no direct financial implications of the contents of the report.
Risk		The front loading of the planning application process with early engagement is set out in the NPPF as having the significant potential to

		improve the efficiency and effectiveness of the planning application system. The risk therefore in not engaging at a pre-application stage is reducing the efficiency and effectiveness of Development Management
Supporting Corporate Strategy		
Climate Change - Carbon / Biodiversity Impact		The provision of advice early in the development of a project will enable climate change and biodiversity issues to be taken into account early an inform the design process
Comprehensive Impact Assessment Implications		
Equality and Diversity	N	
Safeguarding	N	
Community Safety, Crime and Disorder	N	
Health, Safety and Wellbeing	N	
Other implications	N	

Supporting Information

Appendices:

Appendix 1 – Proposed Pre-Application procedure

Appendix 2 – Summary of responses to the consultation

Appendix 3 – Pre-App fees

Background Papers:

None.

SOUTH HAMS DISTRICT COUNCIL – PRE-APPLICATION ADVICE POLICY

JANUARY 2020

1. Overview

- 1.1 Any advice given by Council officers in response to pre-application (pre-app) enquiries does not indicate a formal decision by the Council as local planning authority. Any views or opinions expressed are given in good faith, and to the best of ability, without prejudice to the formal consideration of any planning application following statutory public consultation, the issues raised and evaluation of all available information.

- 1.2 The response given at pre-app does not bind the Council to a decision and officers cannot give guarantees about the final formal decision that will be made on planning or related applications. It will aim to give developers/applicants very clear advice about whether Council officers are likely to support a proposed scheme or how it may need to change to be supported. . The pre-app advice is given in accordance with the circumstances at that time and is subject to the proviso that circumstances and information may change or come to light, including responses from statutory consultees, third parties or the local community that could alter the position.

- 1.3 If following a pre-app enquiry, a subsequent planning application is made on the site, the pre-app submission together with any response made by the Council will be made available for public inspection. If at any time the Local Planning Authority receives a request, under the Freedom of Information Act (FOI) or Environmental Information Regulations (EIR), to disclose information relating to this pre-application enquiry they are obliged to do so unless the information is deemed exempt under the Act. We can only withhold information under FOI or EIR if the information falls under one of the exemptions (FOI) or exceptions (EIR) set out in legislation. For certain pre-application issues the applicant would be advised to complete the section in the application form setting out why they consider the matter to be sensitive and should set out the reasons why, and for how long, they feel any information relating to the case needs to remain confidential. However, whilst we will take account of these views, the final decision on whether the information should be withheld rests with the Council. The Council maintains

compliance to the Data Protection Act and we will not release any personal information to third parties.

2. Introduction

2.1 Open and constructive pre-application discussions are an opportunity for the Council and applicants to work together to achieve developments that deliver benefits to the individual, community, environment and the economy. This can save time and costs and optimise the potential of a site.

2.2 Benefits of pre-application enquiries and discussions include:

- Saving time and resources
- Raising the quality of development
- Speeding up the validation process
- Gaining community acceptance through engagement
- Reducing the number of unsuccessful planning applications
- Identifying the need for specialist input earlier
- Provide sufficient information to support final application

2.3 The more issues that can be resolved at pre-application stage, the greater the benefits. For the planning system to be effective and positive, statutory planning consultees must take the same early, pro-active approach, and provide advice in a timely manner. This assists in issuing timely decisions, helping to ensure that there are no unnecessary delays and costs.

2.4 With this in mind, South Hams District Council will expect developers and applicants to be open and positive in their engagement with communities and follow the Council's expectations for community engagement as set out in Section 7 below. Communities have a key role in identifying issues and opportunities around community facilities. The pre-app process and interaction between developers and applicants, local communities and the LPA will allow those communities to express their thoughts and opinions on scale, nature and form of development in a way that is proportionate to the scale of the development proposal.

2.5 Any comments received by the Council from third parties will be forwarded to the applicant/developer. Developers and applicants will be expected to consider all suggestions brought forward through the community consultation process and to set

out detailed explanation and reasoning why they have either incorporated or excluded community suggestions and opinion, within any subsequent planning application

3. The cost of a pre-application

3.1 Planning application fees do not cover the cost of a pre-application advice service and Council's are permitted to charge for this service. To provide a quality pre-application advice service the Council does charge for advice and the current fee schedule is set out in the attached schedule. The fees are considered on an annual basis by the Council.

4. What Information is required with a pre-app

4.1 All pre-apps must be submitted using the pre-app application form that is available on the Council website and the appropriate fee must be paid. In addition to the application form and required fee, you are required to send us as a minimum:

- A site location plan, clearly identifying the site in question
- A sketch plan showing the proposed development work
- Photographs of the site if they would help to put the development in context
- A summary of any community consultation that has been carried out

4.2 The application form has more detail on what you need to send us. The level of additional detail required will be dictated by the complexity of the proposal. However, the more information you can give us initially, the more detailed and comprehensive the response from officers can be.

5. Pre-application Process

5.1 Within 10 working days of receiving a pre-application submission the Council will contact the applicant by either telephone or email to confirm that the pre-app has been received and that the correct fee has been paid. If the correct fee has not been paid this will be advised and the correct fee requested. If the correct fee has not been received the pre-app will be held in abeyance until the correct fee is received. The name of the case officer will be provided and a date for a meeting, either in the office or on site will be arranged.

5.2 The timescales for the Council to respond to pre-app submissions will depend upon the complexity of the proposal, the need to consult other statutory technical consultees and whether further information is required. The timescale for an initial response to a pre-app submission to acknowledge receipt and arrange a meeting with the case officer is set out in the table below, according to the nature and complexity of the pre-app. The timescale for a full response will be agreed between the case officer and the applicant at the initial meeting. The starting point for the proposed timescales is the receipt of a pre-app, with the correct fee and information requested on the form.

Action	Target timescales				
	Householder or Advert	Small Scale Minor	Large scale Minor	Small scale Major	Large scale Major
Register, allocate to case officer and contact applicant to arrange meeting	Within 2 weeks from receipt				
Scoping Meeting (if requested) and the circulation of notes for agreement after the scoping meeting.	N/A	Scoping meeting to take place within 4 weeks of the receipt. Notes from the meeting to be circulated for agreement within 7 days of the meeting – unless agreed otherwise at the scoping meeting.			
Pre-app meeting with officer either in office or on site	Within 4 weeks of receipt.	Within 4 weeks of receipt or within 2 weeks of receiving the information agreed as required at a scoping meeting	Within 5 weeks of receipt or within 3 weeks of receiving the information agreed as required at a scoping meeting	As agreed in a PPA	

Formal response to pre-app	Within 6 weeks from receipt or a period agreed at the pre-app meeting.	Within 3 weeks from the date of the meeting or a period as agreed at the pre-app meeting.	With timescale agreed at the pre-app meeting	As agreed in a PPA
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- 5.3 The purpose of a **Scoping Meeting** is narrow and is only to be used to establish initially whether the proposal is acceptable in principle in the context of planning policy. A scoping meeting will not consider any technical matters, including highways access or landscape impact and the advice given will be notwithstanding any technical matters that may arise later. No consultation is undertaken with external agencies. The scoping meeting will also establish the additional matters and details that will need to be considered if the matter is considered at a full pre-app stage. The Scoping meeting is a desktop exercise and will take place at the Council offices. Should a full pre-app be submitted as a scoping meeting request, it will not be considered until the correct fee has been paid for a full pre-app.
- 5.4 The Council recognise that there is benefit to early engagement with elected members within the planning process, including the pre-app process. Members will receive a weekly list of the pre-application submissions that have been received and once a full pre-app meeting has been arranged the relevant Ward Members will be advised of the date and time of the meeting. Should the Ward Member(s) wish to attend the meeting they should contact the case officer to arrange attendance. Members who attend any pre-app meeting should avoid expressing any detailed opinion or prior view which might be viewed as pre-determination and should following the Members Planning Code of Good Practice.
- 5.5 The full pre-app meeting could take place on site or at the Council Offices depending on the specific nature of the pre-app. If the meeting is at the office, the case officer will visit the site in advance of the meeting. There will not be a full written response to a scoping meeting, but written notes of the discussion will be circulated for agreement.
- 5.6 If an application is subsequently submitted following any pre-application advice being given, once the new application is registered, the pre-application submission and the response from the Council will be published on the Council Website with the application documents.

6. What advice is provided to a Pre-App Enquiry (Not a Scoping Meeting)

6.1 The Case Officer will undertake the following:

- Research the history of the site.
- Undertake an unaccompanied site visit prior to the pre-app meeting, if required.
- Identify and assess the prospective application against Development Plan policies and other relevant council policies, guidance and standards.
- Highlight the need for further investigations or key groups that need to be consulted.
- Provide a detailed written response to a full pre-app meeting in context to the information supplied, and specific questions asked in the initial enquiry and at meetings as far as practicable, which would include an opinion as to whether or not a planning application would be worth pursuing.
- If possible identify areas for inclusion in any Heads of Terms for S106 agreement.
- Advise on the appropriate level of community engagement
- Provide written feedback from Members, the Local Council and local residents received if a Pre-application Community Engagement Forum is held.

7. Community engagement in the pre-app process

7.1 One of the core planning principles set out in the National Planning Policy Framework (NPPF) is that planning should empower local people to shape their surroundings. The NPPF also states that applicants should be encouraged to engage with the local community before submitting their applications.

7.2 Communities have a key role to play in identifying issues and opportunities arising from development in their area. The Council is therefore committed to encouraging developers to engage with communities, where appropriate as part of the pre-application process. Engagement is expected to be open and positive and consideration given to all suggestions brought forward with feedback as to how and why these can or cannot be incorporated in the final plans. Council Officers and Members and other stakeholders should be involved in the engagement process to provide a joined-up approach.

7.3 The level of engagement should be proportionate to the size, type, scale and location of the development. Set out below is the Council's recommended engagement process based on some of these factors. This does not preclude additional engagement or consultation where agreed by the parties involved or felt necessary to address specific issues that arise.

Minor Development

- 7.4 If the pre-application enquiry relates to Minor development, whilst this type of development can be small scale there should be some form of engagement with those affected by it. In some communities even a small number of additional dwellings may be considered significant. In all cases we recommend the applicant consults with those landowners or residents whose property bounds the proposed development area, the Parish Council and any other local landowners or residents who may be affected by the development. This will assist the applicant in gaining understanding from their close neighbours and potentially avoid objections to the scheme.
- 7.5 Where more than 3 dwellings are being proposed and these are in a rural parish or smaller local centre, where such development could be considered significant, or where additional infrastructure/facilities are being delivered that will have an impact on the community as a whole it is recommended that the applicant attend a Parish Council meeting to discuss their proposals and likely timescales for application and delivery and whether wider community engagement is appropriate.

Major Development

- 7.6 As part of the scoping meeting for major developments the case officer will set out the expectations of the Council regarding the extent of community engagement to enable the local community to be involved in shaping and influencing the development.
- 7.7 For major developments the Council would expect the developer to demonstrate that the community has had a reasonable level of involvement in shaping the development. The following three stage process is suggested for large scale major development, although the developer may choose to undertake additional engagement and, particularly on some larger or more complex sites with a variety of infrastructure requirements or in local centres where such development is deemed very significant.
- 7.8 Stage one: Attendance at a Town or Parish Council meeting
The developer should advise the Town or Parish Council that they have commenced discussions with the District Council on the site. They should discuss the options for the development, any draft proposals they have and likely timescales for application and delivery and agree with the Town or Parish Council how and when the community will be engaged in shaping the development.

7.9 Stage two: Community Engagement Event

Whilst the exact format of the event will be left to the developer to agree with the Town or Parish Council they will need to demonstrate that the community has been enabled to participate in the engagement process by holding any event at an appropriate time, in an accessible location providing the right level of detail to enable the community to help shape and inform the development. An open day/ drop in event is more likely to result in a larger take-up from all sections of the community than a shorter public meeting. Developers will be expected to ask the community for their views and suggestions on options and plans for the development, and share any of their own emerging plans inviting comment on these. Where possible anticipated timescales for submission of the application and development of the site should be provided. The community views will need to be collated in order to provide feedback. Developers may wish to consider a simple form for this purpose and this and other documentation should be made available on-line through the Town or Parish Council website so that those unable to attend can comment on the proposals. Both parties may also decide that an on-line survey is appropriate.

7.10 Stage three: Development Forum

Where deemed necessary and agreed as part of the pre-application process, key stakeholders will be invited to the Development Forum where the developer will need to:

- Provide feedback on options, suggestions, comments and issues raised by the community at the previous stages of the engagement process demonstrating how the developer proposes to address these. Where options suggested by the community cannot be progressed or accommodated reasons should be given. This feedback should also be made available on the Town or Parish Council website.
- Present final proposed plans and timescales to the forum.
- Answer any questions raised and indicate when feedback will be provided on any outstanding issues.

7.11 Development Forums are to be held during the pre-application stage of the development process in order to help all people involved in making a decision understand fully both the nature of the proposal and the issues involved with major, complex and controversial developments. They enable a developer to explain proposals directly to the elected Members and officers of the District Council, Town/Parish Councils, stakeholders and

the community and enable the developer to shape a scheme to address community concerns and to provide adequate information to assist the decision takers to envisage the scheme and its impacts.

7.12 A Development Forum also provides a structured way in which Members can be involved in pre-application discussions without the risk of pre-determination and enable a developer to explain proposals directly to the elected Members and officers of the District Council, Town/Parish Councils, stakeholders and the community, addressing community concerns and providing adequate information to assist the decision takers to envisage the scheme and its impacts.

7.13 **DEVELOPMENT FORUM PROCESS**

The Development Forum will be a meeting arranged by the Council to facilitate the explanation and examination of a development proposal, prior to an application being made. Responsibility for deciding which schemes will be presented to a Development Forum will rest with the Council's Community of Practice Lead (DM) in consultation with the Chairman of the Development Management Committee who would normally chair the Development Forum meeting.

7.14 Generally, Development Forum meetings will be held at the Council Chamber at Follaton House, Totnes. In exceptional circumstances, and where practicable, such Forum meetings may be held in venues close to the development site at the discretion of the CoP Lead (DM) in consultation with the Chairman of the Development Management Committee. Publicity/notification of a Development Forum meeting will be given between three to four weeks before the meeting.

7.15 Development Forum meetings will be held in public, where a full record of the proceedings will be taken and the minutes/notes of the meeting will be published on the web site. An attendance list will be circulated at the Forum meeting for the voluntary completion by all attendees, including name (and organisation if applicable), email/postal address and reason for attendance at the meeting. In voluntarily completing the attendance list, attendees are agreeing to provide contact information to help with the running of this event and to enable the Council to notify attendees of final minutes/notes of the Forum meeting and/or any other pertinent information and details. It should be noted that any attendees who speak at the meeting will have their name included in the minutes/notes.

- 7.16 Member attendance and involvement at Development Forum meetings will be subject to normal 'interest' considerations. Development Forum meetings will be for information purposes only, i.e. no predetermination, or prejudicing of a future decision until all material considerations have been considered.
- 7.17 Development Forum meetings will be led by the Chairman and a planning officer, with other officers in attendance as appropriate (e.g. landscape, ecology, housing, highways, drainage,). The developer (and team) will be invited to present the scheme subject to a time limit. Generally, this time limit will not exceed 40 minutes. Each stakeholder and stakeholder representatives (e.g. Town/Parish Council representatives, local community group representatives), who have been invited to and accepted the invitation to speak at the Forum meeting, will be permitted up to 5 minutes to make comments and provide feedback on the developer's presentation and scheme as proposed.
- 7.18 Open questions by Members seeking clarification about aspects of the proposed scheme can be directed to the developer (and team), speakers and officers. A planning officer will summarise the main issues arising from the proposal and will explain what will happen next.
- 7.19 Minutes/notes of a Development Forum meeting will be forwarded to all Members, stakeholders (or their representatives) and attendees and will be published on the District Council's website.
- 7.20 The Development Forum is NOT a decision making body. For clarity, it is the separate Development Management Committee which makes the final decision on any submitted planning application, NOT the Development Forum.
8. Definitions
- 8.1 For the purposes of the pre-application process that following definitions apply:
- **Small Minor:** 1-2 Dwellings or non-residential floor space up to 499 sqm, telecommunications, Lawful Development Certificate Advice and changes of use except dwellings, where there is no operational development
 - **Minor Development:** between 3 – 9 dwellings or non-residential floor space between 500 – 999 sqm or a site area up to 1 Ha.

- **Small Scale Majors:** up to 30 dwellings or Non-Residential floor space between 1000 – 4999 sqm or a site area between 1 – 2 Ha
- **Large Majors:** 31 and over dwellings or Non-Residential floor space over 500sqm or a site area over 2 Ha all renewable energy proposals unless a domestic scale and all development that requires an EIA

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Appendix 2 – Summary of responses received following consultation on the draft pre-application policy.

There were 20 responses to the consultation that raised the following matters that are summarised as below, comments on the matters raised are made in red below each comment:

- *The proposed aim is misleading and may be misinterpreted as providing certainty of a recommendation*
Paragraph 1.2 does clarify this point
- *Needs to be made clear that where pre-application advice has been given both the enquiry and the advice will be published on the Council's website with the application documents*
This is clarified in Paragraph 1.4
- *Cornwall Council is a good example of pre-applications being published online*
- *How do planners respond to comments from the community and Parish/Town Councils, and what do they do if suggestions are not taken up*
All comments received will be forwarded to the developer/applicant as set out in paragraph 2.5
- *How do the community and Parish/Town Councils get feedback on their responses*
As set out in paragraph 2.5
- *Why was the consultation document not circulated to Parish/Town Councils directly*
Parish and Town Councils were consulted
- *In relation to paragraph 1.2 – the second sentence could be misinterpreted as suggests view of Planning Officers will be adhered to irrespective of views of local community or other third parties*
This is addressed in paragraph 1.3
- *Concern regarding Ward Members being invited to attend pre-application meetings as it would be difficult for them not to express a view. Should only be involved once the local community are also given the opportunity to engage in the process*
It is considered that Ward Members would be able to attend without expressing a view.
- *In relation to paragraph 6.1 the Council needs to identify and assess the proposal against the policies and proposals of emerging and adopted Neighbourhood Plans*
Paragraph 6.1 has been revised to refer to Development Plan Policies that includes Neighbourhood Plans
- *In relation to paragraph 7.5 – the words 'where more than 3 dwellings' should be omitted and the sentence changed to 'Within a rural parish or smaller local centre, where small scale development could be considered significant ...'*
It is considered that the proposed policy set out in paragraphs 7.4 and 7.5 is proportionate to the scale of development proposed
- *In relation to paragraph 8.1 – definition of minor development needs to be amended*
It is considered that definition is suitable
- *Definition of Major Development should be consistent with the NPPF*
The definition is consistent with the NPPF
- *Need to highlight the different definition for major development in the AONB*
This is not considered necessary for the purposes of the pre-app process. Part of any pre-app assessment for proposals within an AONB will be to consider if it constitutes major development in the AONB context
- *Low threshold for Large Scale Major Developments could result in significant levels of community/stakeholder engagement at a very early stage for relatively small scheme*
This concern is covered in paragraphs 7.6 and 7.7 with an appropriate level of community engagement agreed at a scoping meeting.

- *Threshold for PPA appears low with no justification, and provides no certainty about the cost of pre-application advice. Council should define cost of meetings and hourly charges*
In the context of the council area 31 dwellings isn't a low threshold
- *Publication of pre-application enquiries on the Council's website would assist and provide transparency*
See paragraph 1.4
- *No explanation as to why charitable trusts are no longer exempt from pre-application fees – this approach should be re-instated*
The fees and charges are set annually and not through this process
- *Should be potential for early confidential discussions where there is commercial sensitivity*
As set out in paragraph 1.4
- *Needs sign-posting to other statutory and non-statutory consultees who provide pre-application services*
The policy sets out how the council will deal with pre-application enquires
- *Direction to seek specialist pre-application advice on protected landscape matters directly from the South Devon AONB Unit in specified instances*
If the proposal is of a scale that the South Devon AONB would be consulted if an application was submitted then comments would be sought as part of the pre-app process
- *Reservations about charging for smaller scale developments*
The fees are commensurate to the scale of the development. The Council does not have the capacity to offer a free pre-app process
- *Time limits for responses should not become the standard response times*
It is not the intention that these become the standard response times
- *How will compliance with community consultation requirements in the revised NPPF be confirmed, will amendment to planning application form be required*
The planning application form is set at a national level
- *No indication of how much officer time included in meetings*
It is not possible to do so as will depend on the complexity of the case and site specific constraints.
- *Consultation procedure to enable identification of proposals/infrastructure for inclusion in Heads of Terms for any Section 106 Agreements*
Included in paragraph 6.1
- *Document should not give the impression the result of pre-application advice will be a foregone conclusion – could be addressed with grammatical changes*
See paragraph 1.2
- *Need notes of all meetings*
A written response will be made following the conclusion of the pre-app with notes following scoping meetings
- *At what stage will minutes/notes of meetings be published on the website*
The pre-app submission and the written response of the Council will be published when a subsequent planning application is submitted.
- *Needs clear advice on when public engagement should be carried out*
It is considered that section 7 does make this clear – the Council cannot insist that public consultation is carried out in most cases.
- *Time scales seem ambitious, pre-applications can't overtake the importance of formal applications*
The timescales are challenging but achievable
- *Fees paid need to be proportionate to Officer time spent*
The scale of the fees has been assessed based on time spent
- *Parish/Town Councils should be included in circulation of pre-application enquires at the same time as Ward Members*

There are a number of pre-applications that are commercially sensitive and should not be circulated in the public domain.

- *Parish/Town Councils should be directly involved in Development Forums
Parish/Town councils are invited to Developer Forums*
- *No specific text around importance of heritage considerations
The document sets out how the Council will process pre-app enquiries and doesn't need to set out planning considerations*
- *Parish/Town Councils should be contacted at scoping stage for Neighbourhood Plan comments
No consultations are undertaken at a scoping meeting stage, if there is merit to the scheme the developer will be encouraged to engage with the local community as set out in section 7*
- *Parish/Town Councils should be invited to pre-application meetings
The developer is encouraged to engage with Parish/Town Councils*
- *Transparency requires that any discussion on development, whether initiated by the developer, the council or any other party, be treated as a pre-application enquiry. This should be made clear.
Not all discussions on development are pre-application enquiries*
- *Timescales for public/parish consultation are not realistic or achievable
There are no timescales set out for public consultation*
- *Relationship between this process and 'Permission in Principle'
Not considered relevant to this process*
- *Planning Officer should resist giving any indication of the outcome of the planning process
A planning officer should be able to give their professional opinion on a proposed development*
- *DMC should not be involved at both decision making meetings
There is only one decision making meeting which is for planning applications*
- *Document is too long, terminology unclear
All of the sections in the document are considered necessary*
- *Development Forums should be held in the relevant parish
This can be considered on a case by case basis*
- *Capacity and capability of parish and town council websites to host consultation surveys, what support will be made available?
This would be a matter for the Parish to liaise with the developer*
- *5 working days should be sufficient for registration, additional 10 working days for meeting to be arranged. Meeting within 20 working days from registration, written note of meeting within 5 working days of the meeting
The timescales are considered appropriate*
- *Applicants need to be advised in advance of Ward Member attendance at meetings (at present they seem to invite themselves along)
This is not considered necessary.*
- *What is penalty for not meeting pledges within document e.g. refund if responses not sent set prescribed time. Should be given equal priority to formal applications
This would be looked at one a case by case basis depending on the reason for the delay*

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Activity	Current Fee £ (2019/20)	Comments
Pre-Application Fees	£180 plus £180 for any additional meeting/response required	Householder/Listed Building/Advertisements one meeting with a written response
	£180	Small Minor (1-2 Dwellings or non-residential floor space up to 499 sqm, telecommunications, Lawful development Certificate Advice and changes or use except dwellings, where there is no operational development) One Scoping meeting with agreed notes from the meeting
	£420 (£240 if it follows a scoping meeting) plus £180 for any additional meeting or response	Full pre-app – one meeting plus a written response.

Activity	Current Fee £ (2019/20)	Comments
	<p data-bbox="891 555 965 587">£240</p> <p data-bbox="801 667 1048 922">£600 (£360 if it follows a scoping meeting) plus £180 for any additional meeting or response</p>	<p data-bbox="1081 408 1760 512">Minor Development (between 3 – 9 dwellings or non-residential floor space between 500 – 999 sqm or a site area up to 1 Ha)</p> <p data-bbox="1081 555 1776 624">One Scoping meeting with agreed notes from the meeting</p> <p data-bbox="1081 667 1659 735">Full pre-app – one meeting plus a written response.</p>
	<p data-bbox="891 1225 965 1257">£480</p>	<p data-bbox="1081 1038 1749 1142">Small Scale Majors (up to 30 dwellings or Non-Residential floor space between 1000 – 4999 sqm or a site area between 1 – 2 Ha)</p> <p data-bbox="1081 1185 1776 1254">One Scoping meeting with agreed notes from the meeting</p>

Activity	Current Fee £ (2019/20)	Comments
	£1800 (£1320 if it follows a scoping meeting). Or a specific PPA.	Full pre-app – two meetings plus a written response. If more than two meetings are required the pre-app will be the subject of a specific PPA.
	<p style="text-align: center;">£720</p> <p style="text-align: center;">Specific PPA</p>	<p>Large Majors (31 or over dwellings or Non-Residential floor space over 500sqm or a site area over 2 Ha all renewable energy proposals unless a domestic scale and all development that requires an EIA)</p> <p>One Scoping meeting with agreed notes from the meeting</p> <p>Full Pre-app</p>
Exemptions:	No Charge	100% Affordable Housing schemes
	No Charge	Facilities for the disabled
	No Charge	Parish/Town Council

Activity	Current Fee £ (2019/20)	Comments
Pre-App Charges Notes:		Floor space refers to gross external floor space The fee stated are inclusive of VAT For the purposes of pre-app fees flats and holiday accommodation are considered as dwellings. Fees will be the subject of review

Report to: **Overview and Scrutiny Panel**

Date: **23rd January 2019**

Title: **Safeguarding Policy**

Portfolio Area: **Corporate Services**

Wards Affected: **All**

Relevant Scrutiny Committee: N/A

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

Date next steps can be taken:
Recommendations 2 and 3 will be presented to the Executive at its meeting on 6 February 2020

Author: **Louisa Daley** Role: **Safeguarding Specialist**

Contact: Louisa.daley@swdevon.gov.uk

RECOMMENDATIONS

That the Overview and Scrutiny Panel:

- 1. continue to formally review safeguarding annually;**

RECOMMEND to the Executive that:

- 2. the revised safeguarding policy dated January 2020 (Appendix A) be adopted; and**
- 3. a viability study be undertaken regarding DBS checks for all Members, with the outcome of this study being reported back to a future Overview and Scrutiny Panel meeting.**

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 stand-alone 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 19th 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

Appendices:

A: Draft Safeguarding Policy

Background Documents:

None.

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Safeguarding Policy

Version 1 November 2019

Working together



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, this information can be found on the Councils intranet.
- 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 ¹ 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.

¹ 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.

5.15 Elected Members are responsible for:

- Safeguarding is everyone's responsibility, Elected Members of the council whilst not required to act in an official position of trust, will come into contact with vulnerable groups on a regular basis during the course of their work.

- Elected Members should be aware of corporate safeguarding procedures and should report concerns appropriately.
- Participating in Elected Member safeguarding training.
- Considering safeguarding implications when making strategic decisions around SHDC policy.
- Ensuring that the council has a safeguarding 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 or regulation.
- Appointing a lead member for safeguarding

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.

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Report to: **Overview and Scrutiny Panel**

Date: **23 January 2020**

Title: **Peer Challenge Progress Update**

Portfolio Area: **Leader – Cllr J Pearce**

Wards Affected: **All**

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

Date next steps can be taken: **Immediate**

Author: **Neil Hawke** Role: **Head of Strategy & Projects**

Contact: neil.hawke@swdevon.gov.uk

RECOMMENDATION:

That the Overview and Scrutiny Panel notes the progress to date on delivery of the Peer Challenge action plan and the proposal to bring forward the LGA interim review to ensure a solid baseline for the new Chief Executive.

1. Executive summary

- 1.1 South Hams District Council commissioned the Local Government Association to undertake a Peer Challenge in November 2018 and developed an action plan to address key findings.
- 1.2 Significant progress has been made in delivering the actions set out within the plan
- 1.3 This report provides an overview of the progress against the Peer Challenge Action Plan to date.

2. Background

- 2.1 The Peer Challenge was a joint review of both South Hams District Council and its Shared Service partner West Devon Borough Council. The review was carried out in November 2018 by the Local Government Association ('LGA') but with individual recommendations for each Council in relation to the Governance and Political issues.
- 2.2 A number of the LGA recommendations related to ensuring effective joint working across the two Councils to ensure their future financial sustainability and to set a clear direction for both Councils. In considering the recommendations, in February 2019 Council resolved to form a Joint Working Group (with West Devon) in order to review the recommendations made by the LGA and to develop an Action Plan for the Council to implement.
- 2.3 The Joint Working Group comprising three Members of both Councils met on 25 February 2019 in order to consider measures that could be

implemented in the coming 12-18 months. The Action Plan was then considered and approved by the Executive in March 2019 (E.85/18).

- 2.4 Significant progress has been made in delivering the proposed actions following the elections in May 2019 and a progress report was considered by the Overview & Scrutiny Panel in July 2019 (OS14/19).
- 2.5 This report provides a further update on progress since the July 2019 Overview & Scrutiny meeting.

3. Outcomes/outputs

- 3.1 The Peer Challenge report set out six key recommendations for the Council to implement (some jointly with West Devon Borough Council as our shared service partner). The following sets out the key actions taken since the last report in addressing the recommendations.

Recommendation 1 – Ensure strategic capacity and direction to deliver our future aspirations

- 3.2 This recommendation is largely around ensuring that the Councils have the right structures and strategies in place to deliver the things that it considers to be important.
- 3.3 At the time of the Peer Challenge, the Council was finalising its Corporate Themes with the peer team recommending that further work be undertaken to underpin those themes. Members were given an overview of the draft corporate strategy themes during the May 2019 induction programme.
- 3.4 In September 2019, Council supported the Executive recommendation to implement a number of specific desired outcomes for each of the Corporate Themes. The adopted outcomes will now form part of planning by the Extended Leadership Team. An ELT workshop is planned for 29th January 2020 to draft delivery plans for each of the themes to ensure that resources can be prioritised to achieving the objectives.
- 3.5 A key aspect of this recommendation was around recommencing joint working with West Devon Borough Council as the shared services partner.
- 3.6 Following the May 2019 local elections, joint Leader and Deputy Leader meetings have continued with West Devon Borough Council to consider matters that are relevant to both Councils.
- 3.7 Joint member sessions were held on the Joint Local Plan and Risk Management (July 2019) and a Climate Change workshop (September 2019). The Political Structures Working Group (PSWG) of both Councils have recommended holding joint Overview & Scrutiny and Audit Committee meetings on common areas and the Chairmen of these bodies are to discuss how to take this forward. A joint Waste Working Group was held on 13 November and a Joint IT Working Group has been set up to discuss the Council's future IT platforms which will be key to delivering future efficiencies.
- 3.8 Another recommendation was that the Council ensures its organisational structure was aligned to delivering the future priorities of the Council.

- 3.9 The Chief Executive commenced a restructure of the Senior and Extended Leadership in June 2019 with the new structure fully operational from January 2020. This has refocused resources and ensured that our management structure has become clearer.
- 3.10 The recruitment process for Director posts included presentations to Members, a topic discussion with the Leaders of both Councils' and a structured interview with the Chief Executive and an external advisor. The ELT interviews included a presentation and interview with members of the Senior Leadership Team. As a result, the main changes to the structure are as follows.
- 3.11 The following roles were 'slotted in' to new posts as the new roles were broadly the same as their previous roles
- Director of Customer Service Delivery (and Deputy Chief Executive)
 - Director of Strategic Finance
 - Heads of Practice /Heads of Service (Except Assets which was vacant following the appointment of the Director Place and Enterprise)
- 3.12 The following roles were appointed to following interview process
- Director Place and Enterprise
 - Director Governance and Assurance
 - Business Manager (Case Management)
 - Business Manager (Specialists)
 - Customer Improvement Manager
 - Head of Strategy & Projects
 - Head of Assets (vacant following appointment to Director of Place and Enterprise post)
- 3.13 In addition to ensuring that our delivery structure is aligned to delivering our priorities, it has also resulted in a budget saving of £94,000 per annum for the South Hams District Council budget.
- 3.14 Following the restructure there is a renewed emphasis on continuing to implement our approach to employee continuous improvement, with all employees having regular 1:1 discussions with a manager.

Recommendation 2 – Strengthen the council's political governance arrangements

- 3.15 Following the May 2019 local elections, 15 new Councillors were elected to South Hams District Council and the Council has appointed a new Leader and Deputy Leader.
- 3.16 A full Induction Programme was carried out throughout May and June and available to all Members. Some sessions were mandatory and others optional. A separate report on the Induction Programme and Member Development is included elsewhere on this Agenda.
- 3.17 At its meeting in July 2019 the Overview & Scrutiny Panel requested further information around the perception of backbench Members and their

exclusion from the decision-making process and this is considered in the separate report on the Induction Programme.

- 3.18 The Senior Leadership Team continue to actively engage with Lead Members to further identify areas for joint briefing and training sessions with Climate change sessions being held so far with other opportunities being considered on an ongoing basis.
- 3.19 The PSWG met on 26 September and considered a variety of issues, including committee sizes and allocation of seats, appointment of independent persons on the Audit Committee.
- 3.20 The PSWG considered webcasting and agreed to stream meetings live from the Council Chamber from 1 December with a trial at the Executive meeting on 28 November 2019. Prior to the launch date, a joint training session was delivered by Communications, the Monitoring Officer and Democratic Services which included training on Member and Officer behaviour, conduct at meetings, advice on lobbying, exempt information together with formal and informal speaking.
- 3.21 As set out in 3.8, a new Director of Governance & Assurance was appointed to the Senior Leadership Team. This role has responsibility across both Councils for consistency and transparency and oversight of effective decision-making and committee processes, with a focus on ensuring that processes and procedures are carried out properly, ethically and lawfully.
- 3.22 The new Governance Directorate will also be key to ensuring that the Councils backbench members do not feel excluded from decision-making.
- 3.23 An organisational forward plan is currently in development which will ensure that early engagement with the wider membership can be undertaken through the scrutiny process (earlier sight of proposals enabling scrutiny to consider adding them to the agenda). This will enable forward planning of Member workshops and briefings to enable all Members to engage.
- 3.24 The Leader has implemented group meetings before Executive meetings to explain and discuss the papers in the Executive agendas in detail and officers have improved monitoring of all draft reports to ensure that decisions are being taken at the right level. Further report writing guidance is planned for officers for early 2020 to ensure that reports are clear and easily understood.

Recommendation 3 – Ensure a continued organisational focus on achieving financial sustainability

- 3.25 The Peer Challenge considered that we should ensure full engagement with Members from an early stage in setting the Councils budget. The Extended Leadership Team commenced planning of options in June and Member budget workshops were held in November.
- 3.26 During the workshops, Members explored options for the 2020/21 revenue budget. After the workshop, a survey was circulated to all Members asking their views on each option. The results of the survey informed the budget

report which is being considered by the Joint Development Management Committee and Overview and Scrutiny Panel meeting on 23rd January with the final budget being agreed by Council in February.

- 3.27 The Peer Challenge action plan set out that we would continue to explore options for the Councils pension deficit. The Section 151 Officer has engaged with Devon County Council Pension Fund and the Actuaries. Following the Triennial Pension Revaluation the Council has been notified that it will have no actuarial pension deficit as at 31.3.2019, resulting in a saving. This is detailed further in the Revenue Budget report being considered by the Joint Development Management Committee and Overview and Scrutiny Panel on 23rd January.
- 3.28 Ongoing monitoring of the 19/20 savings plans was a specific action. As a result, the Head of Finance Practice has added a new appendix to the quarterly revenue monitoring reports, specifically detailing the achievement of savings targets.

Recommendation 4 – Prepare a viable future accommodation strategy

- 3.29 An Accommodation Working Group has been formed to consider the options for the future accommodation of the Council. This group has met a number of times to consider the options for future short and long term accommodation requirements.
- 3.30 The group will be meeting in late January 2020 to conclude the options work and set out a proposed way forward to the Executive later in spring 2020.

Recommendation 5 – Clarify partnership priorities and seek to strengthen key sub-regional partnerships

- 3.31 A review of partnerships has been undertaken and considered through the Executive and will be further considered as part of the revenue budget report to the Joint Development Management and Overview and Scrutiny Panel meeting on 23rd January.
- 3.32 As part of the review, Council will be recommended to approve partnership funding for a three year term (giving certainty of funding to partners for that period). Furthermore, it has been agreed that we will implement Service Level Agreements with the partners rather than providing it as grant funding.
- 3.33 Regular monitoring will be undertaken with an annual report of partner performance being submitted to the Councils to ensure that funding is being effectively utilised. The frequency of this will depend on funding levels so as to not over-burden partners. The Head of Strategy and Projects (in discussion with the Executive Member) will develop Service Level Agreements with partners over the coming months for a 1st April 2020 effective date.
- 3.34 Another recommendation from the Peer Challenge report is to work closely with Town and Parish Councils and other partners to identify any joint opportunities. Later this month, the Director of Customer Service Delivery

will be undertaking a survey of all Town and Parish Councils with the aim of identifying good practice and sharing this with them all.

- 3.35 The hope is that the responses to the surveys will also identify opportunities to encourage collaboration and potentially for the District Council to support some of the initiatives.

Recommendation 6 – Clarity around what the Future IT platform is expected to deliver

- 3.36 A Member Joint Working Group has been formed to oversee the delivery of the Future IT Programme. The working group consists of 5 Members from each Council, with Cllr Barrie Spencer being the South Hams Chair of the group.
- 3.37 The Joint Working Group has so far met on two occasions to consider officer recommendations over the procurement route, contract award and project risks. The group will continue to meet throughout the implementation phase to ensure that the project is on track.
- 3.38 Lessons have been learned from the previous implementation of IT Case Management systems and a fully resourced project team will be in place to ensure that there is a continuing organisational focus on implementing on time and to budget.
- 3.39 Following supplier demonstrations in late January 2020, Executive will be asked to consider the award of contract at its meeting on 6th February 2020.
- 3.40 The project aims to have fully implemented the new technology by February 2021 when the current contract with Civica ends.

Summary

- 3.41 This report demonstrates positive progress in achieving objectives in the Action Plan since it was agreed in the spring of 2019.
- 3.42 Monthly progress updates will continue to be provided to the Senior Leadership Team via the Councils Programme Board (which oversees all corporate projects) and we will provide short updates on further progress through the Member bulletin.

4. Options available and consideration of risk

- 4.1 The Action Plan has been agreed by Members and as such this report provides an update on delivery of that plan rather than setting out options.

5. Proposed Way Forward

- 5.1 To agree the progress made to date and confirm when a further update is due along with any areas where the Panel would consider a more in depth update.

5.2 Following the recent resignation of the Chief Executive to take up a post within another local authority, the Leaders of both South Hams and West Devon are keen to bring forward the interim Peer Challenge that was due to take place during late 2020 in order to provide a solid baseline for the new Chief Executive.

5.3 This will consider the progress to date on the current action plan and also identify any further actions that are required.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	N	No direct implications – the report provides an update on an Action Plan previously agreed by Members. Any changes to governance arrangements within the Constitution will require Council approval.
Financial implications to include reference to value for money	N	No direct implications – the report does set out a number of actions being taken to contribute to the future financial sustainability of the Council however no decision is being made on these in this report.
Risk	Y	The main risk is capacity and pace to deliver the actions in line with the action plan. There is a significant amount of work to be undertaken in a short space of time however project plans are in place to manage progress and this will be reported through the programme board to SLT on a monthly basis.
Supporting Corporate Strategy	Y	Overall the Peer Challenge recommendations contribute to the Council Efficiency theme however they cut across all strands of the Corporate Strategy
Comprehensive Impact Assessment Implications		
Equality and Diversity	N	None
Safeguarding	N	None
Community Safety, Crime and Disorder	N	None
Health, Safety and Wellbeing	N	None
Other implications	N	None

Supporting Information

Appendices:

None

Background Papers:

Peer Challenge Action Plan Executive Report (Item E.85/18)

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Report to: **Overview and Scrutiny Panel**

Date: **23 January 2020**

Title: **Member 2019 Induction Review**

Portfolio Area: **Council – Cllr Judy Pearce**

Wards Affected: **All**

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

Date next steps can be taken: **Immediately**

Author: **Darryl White** Role: **Senior Specialist – Democratic Services**

Contact: darryl.white@swdevon.gov.uk or **01803 861247**

RECOMMENDATION

That the Overview and Scrutiny Panel:

- 1. notes the contents of the review into the 2019 Member Induction Programme and requests that the conclusions (as outlined at Section 3.1) be taken into account in the design of future Programmes; and**
- 2. requests that its future Work Programme be updated to include consideration of the draft 2023 Member Induction Programme.**

1. Executive summary

- 1.1 Following the District Council Elections in May 2019, an Induction Programme for all elected Members of the Council was delivered.
- 1.2 To review the effectiveness of the Programme, a short survey was circulated to all Members for completion and a total of 12 responses were received.
- 1.3 This report presents the findings of the short survey into the 2019 Induction Programme (as outlined at Appendix A).

2. Background

- 2.1 The 2019 Member Induction Programme had been designed in response to some constructive feedback to the May 2015 equivalent Programme.

- 2.2 The Overview and Scrutiny Panel ultimately approved the draft Member Induction Programme for 2019 at its meeting on 1 November 2018 (Minute O&S 64/18 refers) (subject to delegated authority being granted to the Senior Specialist – Democratic Services, in consultation with the Steering Group and Group Leaders, to make any necessary minor amendments);
- 2.3 The Programme was designed to act as both a refresher for re-elected Members and to inform newly elected Members about the operations of the Council and the role and responsibilities of District Councillors;
- 2.4 The Programme ran for approximately three months and aimed to help new (and returning) Members to settle into their roles as quickly and as effectively as possible.

3. Steering Group Views

3.1 In focusing on the results of the Member Feedback on the 2019 Induction Survey, the following conclusions have been reached:

- 12 Member responses to the Survey was somewhat disappointing;
- Overall, the Induction Programme had been well received and a vast improvement on previous versions;
- It is very difficult to strike what was a delicate balance between providing newly elected Members with sufficient information to 'hit the ground running' without overly burdening them with too much information too quickly. There was also recognition that this balance would be different for each Member and was further constrained by the Council employing a shared workforce with West Devon Borough Council;
- Future suggestions for improvements to the Programme included:
 - o Returning Members taking on an increased leadership role in the delivery of the Programme;
 - o Consideration being given to whether or not some sessions should be exclusively for newly elected Members;
 - o In light of a number of comments about the delivery styles of presenting officers, it is intended that an internal 'train the trainer' session be arranged for relevant Council officers;
 - o The possibility of providing key related sessions immediately before each Committee meets for the first time;
 - o That a smaller scale refresher programme be provided six months after the initial induction had concluded.

4. Member Learning and Development Plan

4.1 There is a recognition that Member Learning and Development should not just stop after the initial Induction Programme following an election;

- 4.2 In the demanding and fast changing environment of local government, it is also recognised that Members more than ever before have a responsibility to make sure that they have access to the ongoing Learning and Development opportunities that they need to serve their constituents.
- 4.3 As a result, officers have been tasked with being responsible for the development (and ongoing review) of the Council's Member Learning and Development Plan.
- 4.4 All Members are encouraged to engage in this process and provide their thoughts on all aspects of Member Learning and Development (including future training needs) to the Senior Specialist – Democratic Services.

5. Options available and consideration of risk

- 5.1 The key risks arising from this report relate to the failure to provide adequate training, development and/or support to Members. The result of this key risk not being properly addressed could lead to a reduction in the effectiveness of Members in their role and ultimately the democratic decision-making process. This would inevitably harm the Council's relationships with its communities and the reputation of both the Council and individual Members.

6. Proposed Way Forward

- 6.1 It is recommended that the Panel notes the contents of the review into the 2019 Member Induction Programme and requests that the conclusions be taken into account in the design of future Programmes.

7. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Council Constitution makes frequent reference to the importance of Member training. For example, a Member must have received appropriate planning related training before they can serve on the Development Management Committee.
Financial implications to include reference to value for money	Y	Whilst it is anticipated that most Member Learning and Development sessions will be conducted in-house, there is a Member Training budget of £7,500 per annum.
Risk	Y	The risk implications are identified in Section 5 of the report.

Supporting Corporate Strategy	Y	Council Theme – <i>Efficient and effective</i>
Comprehensive Impact Assessment Implications		
Equality and Diversity	N	N/A
Safeguarding	N	N/A
Community Safety, Crime and Disorder	N	N/A
Health, Safety and Wellbeing	N	N/A
Other implications	N	None

Appendices:

1 – Summary of the 2019 Induction Survey findings (*NB. the appendices that are referred to in this Summary are available upon Member request*).

Background Documents:

Council Constitution;
 Member Induction Survey;
 Member 2019 Induction Programme.

2019 Member Induction Survey - Findings

Background

Following the Local Elections in May 2019 an Induction Programme for all elected Members of South Hams District Council was undertaken. It was designed to act both as a refresher for re-elected Members and to inform newly elected Members about the operations of the Council and the role and responsibilities of District Councillors. It ran for approximately three months.

The aim of the Programme was to help new Members to prepare for and settle in to their new role as quickly and as effectively as possible and to help build their confidence. In the design of the schedule, account was taken of the vast amount of information that needed to be conveyed, balancing this where possible with the time available for training. The 2019 Programme was also created to reflect feedback given on previous Induction Programmes.

In order to help gather the most accurate information on the Members' experience, a short survey was circulated to all Members. A total of 12 responses were received.

Findings

Attached at Appendix A is a copy of the questionnaire complete with all the combined scores (where given) and comments made by Members. Appendix B includes a summary of the three month Programme undertaken. In summary, overall the programme was generally well received with some useful suggestions made for inclusion in the design of future programmes.

Programme Content

Question 1 sought Members' views on the content of the Programme and whether subjects were covered in enough depth or if they proved to be too challenging.

Overall Members indicated that they were generally happy with the level at which the sessions were pitched with ten scores given in the positive scoring bracket. A frequent observation was that there was a steep learning curve and there was perhaps too much information delivered in a very short time but Members were aware of the need to get up to speed. One Member highlighted that 'context in the learning' would have been helpful and another that more in-depth training immediately prior to the meeting it related to would have ensured that key information was fresh in the mind.

Delivery Style

Members were asked whether or not there was enough variety in the content and delivery style of the sessions, whether the amount of Interaction was appropriate and whether or not the blend of internal (officer & Member) and external training provider was successful

Ten of the 12 responders found that the sessions were generally presented in an interesting way though commented that the training was only as interesting as the topic itself. Some comments reflected that there were too many PowerPoint slides used and that in some cases too much information was presented on each slide. On a positive note, officers were seen as knowledgeable and the sessions were delivered in a friendly and easy format.

Regarding the variety in content and training style, Members were generally happy with the training received, with all but one score appearing in the top two brackets of the ratings, though one Member suggested that a greater range of delivery styles was needed.

Members liked the blend of Internal and external providers with comments reflecting a positive learning experience from the methods used. One Member reflected that more input from returning Councillors could have been beneficial and another suggested input from Members of other authorities could have added value.

In terms of interaction within the training, the scores from Members suggested that there was generally enough involvement for them in the sessions although their comments highlighted some shortcomings in this area. Interaction was deemed as 'asking questions' which was seen to cause a distraction in some cases but was also viewed as an invaluable tool in others.

When asked to identify the sessions they found most interesting, Members most frequently mentioned the sessions held on the Planning Process as the most valuable. Other topics listed included Setting the Scene/How the Council works, Universal Credit, Media Skills and the MTFS session of 5 September. Audit and Media Skills were listed as those least enjoyed for reasons of both content and delivery style.

Delivering Expectations

Members were asked a series of questions related to whether or not their expectations had been fulfilled in terms of their anticipated learning

Eight scores in the 'Agree' or 'Strongly Agree' categories were received indicating that most of those who responded learned what they were expecting to learn during the Programme. However, in terms of pacing, once again there was an even split in scores given; a number of Members suggested that sessions felt rushed and as a result were unable to deal with some of the issues raised within them and that some topics were covered in outline only. Some felt that the programme was too concentrated. Other Members recognised that there was a large amount of information to learn and one 'didn't see what else could be expected' but did suggest that refresher sessions six months later might be helpful.

Although not reflected in the scoring, the Officer Buddy System was generally well received by those who used it though many (mostly returning) Members were not aware it had been implemented.

The Council's Approach to the Induction Programme

An open question was asked at question 8, seeking Members' thoughts on what proved helpful during the programme and what changes they would make. Those who commented gave a general indication that the Programme worked well and that they appreciated the welcoming and friendly approach of the staff. Most stated they wouldn't change anything about the training, aside perhaps from the pacing of it – too congested; though one Member indicated that the schedule would have been fine for someone with no other commitments.

Overall Impressions

At Question 9, separate questions were asked of new and returning Members, looking to identify for new Members which sessions proved the most useful in equipping them to undertake their new role as quickly and as confidently as possible and for returning Members how the 2019 programme compared to any others that they had attended in the past.

As would be expected, new Members found most sessions of benefit, particularly those delivering training related to the Committees to which they had been appointed.

For re-elected Members comparing the 2019 Programme with previous Inductions, the overarching comments indicated that although there were still improvements to be made, this year's Programme was certainly better than previous Inductions experienced, particularly with the addition of dedicated IT support.

Future Training

The final question sought Members' immediate thoughts on what they would like to see included in the rolling programme of training undertaken throughout their term of office. The answers given will be considered by the Senior Specialist – Democratic Services and where appropriate will make up part of the ongoing Training Programme for the 2019-2023 Council term

Overall Scores

Given the opportunity to provide an overall score of the Programme, all twelve Members rated it Satisfactory or better (with one splitting their score between 'satisfactory' and 'unsatisfactory') providing comments supportive of their view. Again, time and intensity were listed as the negatives but some recognised that this was a necessary part of the process in order to become as effective as possible, as quickly as possible 'There is so much to take in but after a few months the confidence gets better and you understand more, so sessions later on are really good But you do have to hit the road running at first and just get through it'

Conclusion

As can be seen from the scoring given, overall the Programme was relatively well received and seen to have generally delivered on its requirement to prepare Members for their new roles and responsibilities. Many lessons have been learned and improvements made on past Induction programmes, however, there is always room for further improvement and delivery of training can be developed further in terms of content, variety and in better preparing Officers, who are not trainers, to deliver their sessions. A key point to consider for 2023 would be to investigate the possibility of providing key sessions immediately before the Committees they relate to and also to investigate the value in providing a smaller scale refresher programme six months after the initial Induction when Members had acquired more knowledge and experience in their role. To some extent this is already addressed by the ongoing and robust training programme continuing throughout the 2019-2023 term.

The issues raised in this survey will be considered and where possible implemented for the next Induction Programme in 2023.

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Report to: **Overview and Scrutiny Panel**
Date: **23 January 2020**
Title: **Food Safety Plan progress report**
Portfolio Area: **Wellbeing – Cllr Hawkins**
Wards Affected: **Which Wards/all**
Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken:

Author: **Ian Luscombe** Role: **Head of Environmental Health and Licensing**
Contact: **01822 813713 Ian.Luscombe@swdevon.gov.uk**

RECOMMENDATION:

That the Panel consider the progress made with the Food Safety Service Plan 2019/20.

1. Executive summary

- 1.1 This Food Safety Service Plan has been produced in order to give clear details of the food safety services provided across South Hams District Council and how they will be carried out during the financial year 2019/2020. It also shows how the function contributes to the Corporate Themes and the Environmental Health Community of Practice Work plan.
- 1.2 This Service Plan attempts to show the variety, depth and complexity of the work carried out. Food safety is a statutory function and has serious implications to public health and wellbeing should food safety standards fail
- 1.3 The Food Safety Plan 2019/20 was accepted by Members of the Overview and Scrutiny Panel on 13th June 2019
- 1.4 The Panel resolved that ; "The Food Safety Service Plan 2019/20 be approved, subject to, a six-monthly progress report being presented to the Panel that makes reference to opportunities available to the service to increase income and the areas identified for improvement and future development."

- 1.5 This report updates Members on the income opportunities and areas for improvement and future development.

2. Background

- 2.1 The Food safety plan presented to the Panel was discussed by Members.
During the ensuing discussion, reference was made to:-
(a) the potential impact of a no deal Brexit. Whilst the implications were potentially very significant, officers did assure the Panel that the Council was fully prepared for this eventuality;
(b) the achievement of maintaining a 100% food safety inspection rate in each of the last two years. The Panel paid tribute to the team's performance and noted that very few local authorities achieve this level of performance. As a general point, a Member asked whether there was any scope to slightly reduce the inspection levels on the traditionally highest scoring establishments in order to release some time for officers to undertake alternative duties;
(c) areas for improvement and future development. In referring to the list of areas identified, the Panel did pay particular attention to the importance of 'continuing to integrate Case Managers, Specialists and Locality Officer roles into the related work streams, with a view to freeing up officers to deliver service at the appropriate level';
(d) working relationships with the NHS and Clinical Commissioning Groups (CCGs). Officers advised that they were developing good working relationships with the NHS and local CCGs and it was recognised that there was significant opportunities for the Council in this respect;
(e) income generation opportunities. The importance of the service investigating all possible options to increase income was recognised.
Indeed, such was the importance, that the Panel requested a six monthly update on this matter.

3. Outcomes/outputs

- 3.1 Specifically the Areas for Improvement and Future Development in the Food Safety Service Plan 2019/20 are;
- (a) Continue to integrate case managers, specialist and locality officer roles into the related work streams with a view to freeing up of officers to deliver service at the appropriate level.
(b) Critically examine the cost elements of our work and identify opportunities for greater business development and competitive within the marketplace.
(c) Identify further areas for cost saving within the service and the apportionment of work.

- (d) Develop key performance indicators, monitor compliance and individual officer performance.
- (e) Examine opportunities for greater engagement with business
- (f) Develop further with partners our role in the wider 'Public Health Agenda'.
- (g) Continue to benchmark with other local authorities as appropriate.
- (h) Develop more fully the alternative enforcement strategy for low risk premises

3.2 The following measures have been considered/taken;

- (a) The recent reorganisation of Case Manager team leaders has identified the requirement for an enhanced L6 case manager to take specific responsibility for the Case Manager elements of this area of work
- (b) The Council has secured 2 Primary Authority partnership agreements that will enable closer working with prominent food premises in the Council area. We also have a pending Agreement which we are waiting for the Secretary of State to approve. The current remote working arrangements enable flexibility for Officers to cover large geographical areas and therefore increase their cost effectiveness.
- (c) The opportunity to develop a fully integrated mobile working solution is pending the implementation of new software solution to replace the current software. It is hoped that lessons learned can be used in developing a mobile solution with a new supplier.
- (d) Officer performance is monitored monthly , with qualitative peer review taking place each year as a competency requirement of the Food Standards Agency.
- (e) The Council is part of the Better Business for All (BBFA) partnership with local Councils and businesses. This south west regional group develops best practice in business support through regulation. The Council is also part of the Primary Authority partnership (with DCC Trading Standards and the Fire Service) that offers an enhanced regulatory business support service to individual food businesses.
- (f) The wider public health agenda will be discussed as part of the wider "Wellbeing" theme of the Council. Alternative options for wellbeing interventions will be included in a discussion with Members to be arranged in the next few weeks.
- (g) Benchmarking with other Councils continues.
- (h) The enforcement strategy for low risk businesses has been developed according to Food Standards Agency Guidelines. Chapter 5.2.1 of the Food Law Code of Practice highlights alternative interventions that local authorities can undertake. There are specific requirements in the Code of Practice for using a different intervention.

3.3 With regards to BREXIT , significant officer time has been taken up dealing with preparations for BREXIT , notably with regards to the shellfish and fishery industry. Some provision has

been made to recover costs from central government , however the time taken has deflected from normal core duties, such as carrying out food safety inspections.

Officer time has been backfilled by using food safety consultants. This financial year to date we have carried out 706 inspections (compared to 594 in 17/18 and 489 in 18/19). The number of inspections due are significantly higher this year due to the risk rating system and due to a large number of new registrations being received during the year (160).

With regards to enforcement action, although no prosecutions have been taken the Council has investigated a number of serious cases in the last 6 months, including a member of the public having a severe allergy reaction in a hotel, a health and safety accident where a member of staff had a significant eye injury, amongst other food and health and safety concerns that we have investigated that have taken a significant amount of time to investigate and resolve.

With regards to income generation the shellfish export certification revenue is predicted to exceed the income target, despite some disruption at the country of destination.

Income from providing food safety/health and safety advice on a commercial basis has not achieved the revenue target of £5000. This is due to not being able to market the service and other pressures on the service meaning the resource to carry out the work is not available. Prioritisation has been given to other income generation opportunities in the Environmental Health Community of Practice. The income from this activity will cover any revenue deficit in food safety.

4. Options available and consideration of risk

- 4.1 The Council is providing a good level of service regarding Food Safety
- 4.2 Members have the opportunity to consider the food safety service as part of a wider discussion on the Council's wellbeing theme.
- 4.3 The significant revenue target associated with Food Export Certification (£30,000) is likely to be exceeded, but the smaller revenue target relating to food business advice is not (£5000)

5. Proposed Way Forward

- 5.1 An updated Food Safety Plan will be prepared for 2020/21 period following a wider discussion by Members regarding the Wellbeing theme

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		The Food Safety service is a statutory requirement for the Council to provide. The Food Safety Service Plan is produced annually as a requirement of the regulating authority – the Food Standards Agency.
Financial implications to include reference to value for money		There are no financial implication in this report other than to report makes reference to predicted performance against revenue targets. For clarity; The significant revenue target associated with Food Export Certification (£30,000) is likely to be exceeded, but the smaller revenue target relating to food business advice is not (£5000)
Risk		The Food Safety Service is required to balance risks to health and wellbeing against available resource and to consider the most effective way of discharging its responsibility to enforce food safety legislation whilst being in compliance with the Food Standards Agency Code of Practice. The Council should also consider the wider opportunity to include Food Safety interventions in its wider responsibilities regarding its Wellbeing Theme.
Supporting Corporate Strategy		Wellbeing – good food safety is clearly beneficial to the health and wellbeing of our communities.
Climate Change - Carbon / Biodiversity Impact		There are no direct impacts on climate change arising from this report.
Comprehensive Impact Assessment Implications		
Equality and Diversity		There are no equality and diversity implications arising from the report
Safeguarding		There are no safeguarding implications arising from the report
Community Safety, Crime and Disorder		There are no safeguarding implications arising from the report

Health, Safety and Wellbeing		
Other implications		

Supporting Information

Appendices:

None

Background Papers:

The Food Safety Service Plan

Report to: **Overview and Scrutiny Panel**
Date: **23 January 2020**
Title: **Leisure Contract – Task and Finish Group
Concluding Report**
Portfolio Area: **Customer First / Commercial Services**

Wards Affected: **All**

Relevant Scrutiny Committee: Overview and Scrutiny

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

Date next steps can be taken:
Immediately

Author: **Cllr Peter Smerdon** Role: **Chair Leisure Task & Finish Group**
Jon Parkinson **Specialist (Leisure) Assets**

Contact: jon.parkinson@swdevon.gov.uk

Recommendations:

That the Overview and Scrutiny Panel note the contents of the review and the recommendations arising of the Task and Finish Group.

1 Executive summary

- 1.1 The aim of the review is to focus on the relationship between Fusion Lifestyle and its local communities in South Hams. In so doing, the Review will specifically focus on the delivery of Fusion's key objectives and consequent outcomes before the organisation provides its annual report.

2 Background

- 2.1 At its meeting on 5 September 2019, the Overview and Scrutiny Panel established a Leisure Task and Finish Group (comprising of Cllrs Smerdon, Abbott, O'Callaghan, Reeve and Sweett) to undertake a review of the relationship between Fusion and our local

communities, with a concluding report being presented to the Committee meeting on 23 January 2020 (Minute *O&S 23 refers).

2.2 This report will focus on the following outcomes:

- Centre experience – including accessibility/parking;
- User experience;
- Impact of cashless;
- Community engagement;
- Communication;
- Links to health;
- How are Fusion adapting to climate change; and
- Delivery against outcomes.

2.3 The key outcomes set in the leisure contract as key performance indicators which Fusion will deliver through its plans and targets, include:

- A more active district – through increased leisure centre usage and overall levels of physical activity.
- Promoting community development – increase in use by target groups.
- Improving health and wellbeing by increased use of exercise referral schemes, targeted health programmes.
- Quality of Services – through maintaining and improving Quest scores, increased User satisfaction levels.
- Sustainability/ Environmental improvements – through reduced CO2 emissions, reduced energy use and decrease in waste.

2.4 The contract includes the lease of the facilities to Fusion on a full repairing basis, removing previous historical complexities of shared maintenance responsibilities.

3 Outcomes/outputs

3.1 Task and Finish Members highlighted the need to review how the operation of cashless across the centres had gone and its impact, customer satisfaction and issues around cleanliness and maintenance.

3.2 Group members carried out their own visits to each of the Centres, gathered feedback from centre users and groups.

3.3 Customer Experience:

- i) Dartmouth – users found the centre clean, easy to park and quieter compared to the other centres. The new swimming pool is very customer friendly and still in good condition.

- ii) Ivybridge – during the refurbishment works, swimming pool and shower temperatures had suffered poorly and recent air handling problems in changing rooms. Previous Feel Good Factory Gym users felt the new gym did not cater for their needs with less equipment available. A regular user still had concerns over going cashless and that the existing old indoor pool would be neglected when the new pool opens. New squash courts and gym kit had very positive feedback.
- iii) Kingsbridge – cleanliness in existing wet side changing rooms was a big concern, more cleaning was required. Overall the wet side changing looking grubby and tired compared to the new and improved dry side facilities.
- iv) Totnes – overall the centre is old, looks dated and is in need of major refurbishment. It is a popular community facility, especially the youth nights on Fridays which are well received by the young people attending. More activities for young people needed.

3.4 Centre Visits and Group Member Observations:

- i) Dartmouth – plenty of parking available, centre clean and tidy, staff very helpful and friendly. Though, finding qualified staff/instructors is a challenge. The dry side changing rooms are looking tired even though the College are not using the Centre as they previously did. The rugby club make good use of the changing rooms at the back with easy access to the pitches. No café available, just vending machines.
- ii) Ivybridge – Main car park nearby to Centre with good disabled access. Though, by mid-morning on visit, main car park was full. Entrance was clean and welcoming, staff friendly and helpful. Changing rooms and toilets were clean on visit. The Centre has undergone a significant refurbishment with only the new indoor swimming pool to be finished the end of December.
- iii) Kingsbridge – nice open and welcoming reception area, though there is a leaky pipe over the front entrance canopy. The bowls corridor was looking tired and some of the noticeboards needed updated. The pool side changing rooms are very well used and need upgrading. The new soft play, café and gym kit looked good.
- iv) Totnes – entrance and reception is small and unwelcoming, the Centre sign at the front has not been replaced. Overall the Centre requires a much needed significant refurbishment with a new café and crèche facility. No pricing information available at the Centre. More work needed on recycling and better separation of waste. Also for solar panels to be installed, include as part of the refurbishment.

- 3.5 Impact of Cashless: This had gone well and Members were pleased to hear the positive feedback from Fusion on how users were being helped and given support to continuing using the facilities. However

there could still be individuals and minority groups not able to use the Centres and a flexible approach was required to provide support.

- 3.6 Fusion have responsibility for delivering Sports and Community Development (SCD) across both areas, working with key local partners – Active Devon, clubs and schools. Through this work, significant community engagement takes place which is highlighted in the SCD plan and reporting.
- 3.7 Exercise referral schemes, part of the Social Prescribing Initiative, have developed good links with local Primary Care Networks. Existing schemes take place at Ivybridge and Quayside, Totnes has restarted and a new scheme in Dartmouth will launch in the New Year.
- 3.8 Climate Change and Environmental Management is a key concern for this Council through its own Emergency Action Plan to this agenda. As well more work is needed to improve recycling and have better waste management across the leisure centres.
- 3.9 Car parking was an issue for customers using the Centres at certain times. The provision of parking permits was being considered as part of a wider Council review and work with Town Councils.

4 Options available and consideration of risk – future recommendations;

- 4.1 Fusion Lifestyle to give assurance and confirm that all maintenance and cleanliness levels will be carried out to the required standards of the service specification. Concern expressed that existing centre staff had to carry out cleaning whilst undertaking their main roles. Specialist cleaning services to be implemented across all centres.
- 4.2 Centre Managers are given appropriate management support and have the necessary systems and processes in place to carry out their roles and services. For Fusion to develop a comprehensive staff training programme with a focus on retaining and improving current skills and qualifications.
- 4.3 Climate change and environmental management improvements are implemented by Fusion, such as the provision of energy efficient plant and the installation of renewable energy generation systems. Also that improved recycling is developed and for links with respective Town Councils be progressed. The overall carbon footprint of both centres are measured, monitored and actions to reduce are implemented to link with the work of this Council.
- 4.4 Whilst going cashless seems to have gone well across both centres, Fusion is requested to keep records of customers trying to use cash or having difficulties paying cashless, so future monitoring can be established.

- 4.5 The risks associated with the ongoing operation of the contract, have been minimised through the use of Sport England Standard contracts and outcomes, promoting best practice.

5 Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	Leisure is a discretionary service. The management of the council's leisure centres are agreed in a formal contract agreement with appropriate reporting structures.
Financial	Y	The investment borrowing and contract payments were approved as part of the contract award.
Risk	Y	Mitigated through the formal procurement process and the business case appraisal.
Comprehensive Impact Assessment Implications		
Equality and Diversity	Y	All leisure centres remain open and have activities open for all sections of the community
Safeguarding	Y	Relevant policies and practices in place through the contract.
Community Safety, Crime and Disorder	N	
Health, Safety and Wellbeing	Y	Improved through better facilities and part of service delivery.
Other implications		none

Supporting Information

Background Papers:

Fusion Annual Report 2018

Leisure Task and Finish group – Terms of Reference, Centre Visits, Customer Surveys

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OVERVIEW AND SCRUTINY PANEL

DRAFT ANNUAL WORK PROGRAMME – 2019/20

Date of Meeting	Report	Lead Officer
27 February 2020	Executive Forward Plan	Janice Young
	Performance Reporting	Neil Hawke
	Task and Finish Group Updates: - Locality Service Review (concluding report)	Richard Easthope
	Leisure Contract – Fusion Annual Report	Jon Parkinson
	Development Management: Service Capacity – 6 Month Review	Pat Whymer
	General Dispensations – Multi & Dual Hatted Members	Catherine Bowen
23 April 2020	Executive Forward Plan	Janice Young
	Task and Finish Group Updates (if any)	
	Electric Charging Points: Update on Lobbying and Project Costs	Chris Brook / Lisa Buckle
	Waste Contract Monitoring Report	Jane Savage

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