

# South Hams Overview and Scrutiny Panel



<b>Title:</b>	<b>Agenda</b>												
<b>Date:</b>	<b>Thursday, 1st November, 2018</b>												
<b>Time:</b>	<b>10.00 am</b>												
<b>Venue:</b>	<b>Cary Room - Follaton House</b>												
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b> Cllr Saltern <b>Vice Chairman</b> Cllr Smerdon</p> <p><i>Members:</i></p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Cllr Baldry</td> <td>Cllr Hicks</td> </tr> <tr> <td>Cllr Birch</td> <td>Cllr Huntley</td> </tr> <tr> <td>Cllr Blackler</td> <td>Cllr May</td> </tr> <tr> <td>Cllr Cane</td> <td>Cllr Pennington</td> </tr> <tr> <td>Cllr Green</td> <td>Cllr Pringle</td> </tr> <tr> <td>Cllr Hawkins</td> <td></td> </tr> </table>	Cllr Baldry	Cllr Hicks	Cllr Birch	Cllr Huntley	Cllr Blackler	Cllr May	Cllr Cane	Cllr Pennington	Cllr Green	Cllr Pringle	Cllr Hawkins	
Cllr Baldry	Cllr Hicks												
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Cllr Green	Cllr Pringle												
Cllr Hawkins													
<b>Interests – Declaration and Restriction on Participation:</b>	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.												
<b>Committee administrator:</b>	Member.Services@swdevon.gov.uk												

<b>1. Apologies for Absence</b>	
<b>2. Minutes</b>	<b>1 - 8</b>
to approve as a correct record and authorise the Chairman to sign the minutes of the Panel held on 4 October 2018;	
<b>3. Urgent Business</b>	
brought forward at the discretion of the Chairman;	
<b>4. Division of Agenda</b>	
to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information;	
<b>5. Declarations of Interest</b>	
Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests they may have in any items to be considered at this meeting;	
<b>6. Public Forum</b>	<b>9 - 10</b>
A period of up to 15 minutes is available to deal with issues raised by the public;	
<b>7. Executive Forward Plan</b>	<b>11 - 16</b>
If any Member seeks further clarity, or wishes to raise issues regarding any future Executive agenda item, please contact Member Services before <b>5.00pm</b> on <b>Monday, 29 October 2018</b> to ensure that the lead Executive Member(s) and lead officer(s) are aware of this request in advance of the meeting	
<b>8. Customer Satisfaction Action Plan</b>	<b>17 - 26</b>
<b>9. Town Centres Strategy</b>	<b>27 - 32</b>
<b>10. Ombudsman Annual Review Letter 2018</b>	<b>33 - 48</b>
<b>11. Regulation of Investigatory Powers Act 2000 (RIPA) Policy and Update</b>	<b>49 - 100</b>
<b>12. General Data Protection Regulation (GDPR) &amp; Data Protection Policy Update</b>	<b>101 - 116</b>

<b>13. Member Induction 2019: Draft Programme</b>	<b>117 - 128</b>
<b>14. Q2 2018/19 Performance Report</b>	<b>129 - 146</b>
<b>15. Task and Finish Group Updates (if any)</b>	
<b>16. Actions Arising / Decisions Log</b>	<b>147 - 152</b>
<b>17. Draft Annual Work Programme</b>	<b>153 - 154</b>

to consider items for programming on to the annual work programme of the Panel, whilst having regard to the resources available, time constraints of Members and the interests of the local community

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**MINUTES OF THE MEETING OF THE  
OVERVIEW & SCRUTINY PANEL  
HELD AT FOLLATON HOUSE, TOTNES ON  
THURSDAY, 4 OCTOBER 2018**

<b>Panel Members in attendance:</b>			
* Denotes attendance		∅ Denotes apology for absence	
*	Cllr K J Baldry	*	Cllr E D Huntley
*	Cllr J P Birch	*	Cllr D W May
∅	Cllr J I G Blackler	*	Cllr J T Pennington
*	Cllr B F Cane	∅	Cllr K Pringle
*	Cllr J P Green	*	Cllr M F Saltern (Chairman)
*	Cllr J D Hawkins	*	Cllr P C Smerdon (Vice Chairman)
∅	Cllr M J Hicks		

<b>Other Members also in attendance:</b>
Cllrs H D Bastone, I Bramble, J Brazil, T R Holway, N A Hopwood, J A Pearce, R Rowe, R J Vint and S A E Wright

Item No	Minute Ref No below refers	Officers in attendance and participating
All		Group Manager – Commercial Services; and Senior Specialist – Democratic Services
8	O&S.48/18	Group Manager – Support Services and Customer First and Commissioning Manager
9	O&S.49/18	Case Management Manager and Place Making Community Of Practice Lead
10	O&S.50/18	Senior Specialist – Environmental Health
11(a)	O&S.51/18(a)	Senior Specialist – Environmental Health and Community Safety and Safeguarding Specialist

**O&S.43/18 MINUTES**

The minutes of the meeting of the Overview and Scrutiny Panel held on 6 September 2018 were confirmed as a correct record and signed by the Chairman.

**O&S.44/18 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 B F Cane declared a potential Disclosable Pecuniary Interest (DPI) in Item 7: 'Executive Forward Plan' (Minute O&S.47/18 below refers) and advised that, in the event of any questions being raised or discussion taking place on the 'Brixton Community Housing Scheme' he would leave the meeting room; and

Cllr B F Cane also declared a potential DPI in Item 9: 'Section 106 Agreements Schedule' (Minute O&S.49/18 below refers) and advised that, in the event of any questions being raised or discussion taking place in relation to Venn Farm, Brixton he would leave the meeting room.

**O&S.45/18 URGENT BUSINESS**

The Chairman informed that he had no items of urgent business to be raised at this meeting.

**O&S.46/18 PUBLIC FORUM**

In accordance with the Public Forum Procedure Rules, the Chairman informed that there were no questions that had been received for consideration during this agenda item.

**O&S.47/18 EXECUTIVE FORWARD PLAN**

The Panel was presented with the most recently published Executive Forward Plan and proceeded to make the following comments:

- (a) It was noted that consideration of the agenda items entitled: 'Adoption of Clean Air Strategy' and 'Adoption of Business Continuity Plan' would be deferred to a meeting of the Executive during early 2019;
- (b) The Panel was informed that the Peer Review Report would be presented to the Executive meeting on 7 February 2019;
- (c) Members acknowledged that the recent Central Government announcement about lifting the borrowing limit for Councils who owned their own housing stock was not relevant to the Council;
- (d) Some Members made the point that there were a number of particularly significant agenda items that were scheduled for consideration at the Executive meeting on 22 November 2018.

**O&S.48/18 CUSTOMER SATISFACTION SURVEY**

The Panel considered a report that detailed the scores that had been achieved by the Council as part of a recent Institute of Customer Service Customer Satisfaction Survey.

The lead Executive Member introduced the report and highlighted the recent all staff training days that had focused on Customer Satisfaction. Following these sessions, the Member informed that an Action Plan would be developed and, subject to agreement at this meeting, it was intended that it would be presented to the next Panel meeting.

Finally, once this Plan had been adopted, it was the wish of the Member for the Executive Forward Plan to be updated to ensure that 'Progress on the Action Plan' was a standing agenda item at future Executive meetings.

In the ensuing discussion, the following points were raised:-

- (a) For clarity, the Panel was informed that the 'Net Promoter Score' could be defined as being the likelihood that a respondent would recommend the organisation to somebody else;
- (b) When questioned, officers confirmed that 538 responses had been made to the Survey. Of these 538, 318 respondents had made a comment. However, Members were also advised that some of these written responses had referred to functions and services that were not within the remit and/or responsibility of the District Council (e.g. potholes). It was noted that a common theme throughout these responses had been identified as the need for the Council to improve its communication methods;
- (c) A number of Members were of the view that the Survey results had simply confirmed what they had already known. In expressing their disappointment and concerns over the Survey results, particular reference was made to:-
  - the results supporting the longstanding (and continued) failings in some officers not responding to their customers. Members reiterated their repeated frustrations that certain officers did not respond to calls, acknowledge emails or provide progress updates to customers;
  - the Survey illustrating the systemic failures of the Transformation Programme. Some Members felt the need to change the current systems was of paramount importance and, whilst the financial objectives of the Transformation Programme had been achieved, this had sadly resulted in a negative impact upon customer services;
  - the removal of individual service areas resulting in a complete lack of ownership and accountability; and
  - the Programme placing too great an onus upon channel shift and the ability (and willingness) of customers to self-serve;
- (d) A Member took exception to the term 'customers' and, in emphasising the lack of choice available to them, felt that the Council should consider its customers to be 'residents'. Indeed, such was the lack of choice, that some Members were of the view that this tended to breed a certain degree of resentment that in fact resulted in residents having an even higher expectation of customer service from their local council(s);

- (e) Having been informed that the Salcombe Harbour Authority had not been included as part of the Survey, some Members felt this to be unfortunate. These Members made reference to the exemplar Customer Service standards that were achieved by the Harbour staff and it was felt that lessons could be learned from them that would benefit the wider organisation;
- (f) Some Members were of the view that, in response to concerns being raised from Town and Parish Council Clerks, they should be encouraged to make contact with the Council through the Localities Team. Furthermore, a Member questioned whether the wider membership had got to grips with the Transformation Programme and specifically the working methods that underpinned the Operating Model;
- (g) In respect of the formal complaints process, a Member felt that the corporate timescales to resolve a complaint (30 days) was excessive and sent the wrong message. As a consequence, the Member requested that this matter be reviewed imminently;
- (h) An alternative recommendation was **PROPOSED** and **SECONDED** as follows:-

*'That the Panel notes with concern the results from the Council's recent Customer Satisfaction Survey and requests the production of a comprehensive Action Plan that will include the measures outlined between Sections 5.1(b) and 5.1(e) of the presented agenda report. In so doing, the Panel requests that this Action Plan be presented to its next meeting on 1 November 2018.'*

In discussion, Members considered this alternative wording to be more reflective of the general view of the Panel and, when put to the vote, it was declared **CARRIED**.

It was then:

### **RESOLVED**

That the Panel notes with concern the results from the Council's recent Customer Satisfaction Survey and requests the production of a comprehensive Action Plan that will include the measures outlined between Sections 5.1(b) and 5.1(e) of the presented agenda report. In so doing, the Panel requests that this Action Plan be presented to its next meeting on 1 November 2018.

## O&S.49/18 **SECTION 106 AGREEMENTS UPDATE**

The Panel considered a report that provided an update on the latest position regarding Section 106 Agreements.



In discussion, reference was made to:-

- (a) the 'Review into the Process for Spending Section 106 Deposits for Affordable Housing'. The Panel was reminded of the debate at the Executive meeting held on 14 June 2018 (Minute E.04/18 refers) and the subsequent recommendation arising from this meeting:

*'That the Overview and Scrutiny Panel be asked to undertake a review into the process for Spending Section 106 Deposits for Affordable Housing.'*

In light of this request, the Panel agreed that this matter should be added to its Work Programme for consideration at its next meeting on 1 November 2018.

- (b) the local town and parish council for each development site. The Panel requested that an additional column be added to the Schedule that listed the local town and parish council for each site. Furthermore, Members asked that consideration be given to the Schedule being revised to include the Devon County Council requirements and their respective trigger points.

The point was also made by the Panel that there was a need for Members and town and parish councils to be able to access (and/or obtain copies of) the Schedule as it evolved. To reflect this view, it was **PROPOSED** and **SECONDED** and on being put to the vote declared **CARRIED**:-

*'That officers consider the most appropriate means of disseminating the Schedule to all Members and Town and Parish Councils.'*

- (c) the non-compliance issues. Having been informed that officers were monitoring non-compliance issues, the Panel requested that this information also be made available to the wider membership;
- (d) pursuing Section 106 monies. In response to a question, officers gave a firm commitment that outstanding funding contributions from Developers were robustly pursued via the Council's Debtor Systems;
- (e) the Langage Energy Centre. During the debate, it became apparent that a number of Members would find an update on the Langage Energy Centre useful. As a consequence, it was **PROPOSED** and **SECONDED** and when put to the vote declared **CARRIED** that:-

*'A 'Langage Energy Centre Update' be considered by the Panel at a meeting during early 2019.'*

- (f) the Member role in the process. Some Members emphasised the important role to be played by Members in this process. In particular, the importance of Members regularly checking and monitoring the schedule and ensuring that their local town and parish councils were kept fully informed was highlighted.

In conclusion, a number of Members welcomed the report and it was requested that this be reflected in the Panel resolution.

It was then:

### **RESOLVED**

1. That the report, progress and improvements made in monitoring and administering Section 106 Agreements be welcomed;
2. That, in the future, the monitoring of administration of Section 106 Agreements be reported through the Internal Audit Reporting Cycle;
3. That the Panel Work Programme be updated to include a 'Review into the Process for Spending Section 106 Deposits for Affordable Housing' at its meeting on 1 November 2018;
4. That a 'Langage Energy Centre Update' be considered by the Panel at a meeting during early 2019; and
5. That officers consider the most appropriate means of disseminating the Schedule to all Members and Town and Parish Councils.

### **O&S.50/18 BUSINESS CONTINUITY PLAN – VERBAL UPDATE**

The Senior Specialist – Environmental Health attended the meeting to provide verbal assurances that the Council was undertaking its responsibilities in relation to Business Continuity planning. In so doing, the officer advised that:-

- work was ongoing to update the Plan in line with the Council's Transformation Programme and Future Operating Model;
- a training session on Business Continuity had recently been arranged for members of the Senior Leadership Team and Extended Leadership Team;
- work was being undertaken in partnership with colleagues at Devon County Council and the Emergency Planning Partnership;
- the extreme winter weather earlier in the year had provided an ideal demonstration that the Council's resilience was very good;
- once the Plan was ready for formal adoption, it was recommended that, in the first instance, the final draft version should be considered by the Audit Committee before further consideration by the Executive. The Panel proceeded to express its support for this proposal and noted the intention for the draft Plan to be formally presented to Members during early 2019.

Upon the conclusion of his update, the Panel thanked the lead officer for all his hard work in this area and was suitably assured that adequate progress was being made.

## O&S.51/18 **TASK AND FINISH GROUP UPDATES**

### **(a) Drug and Alcohol Abuse – Outcome Report**

A report was presented that outlined the conclusions of the Drug and Alcohol Abuse Task and Finish Group.

During the ensuing debate, reference was made to:-

- recognition of the hard work that had been put into the Review by lead officers and the Task and Finish Group Members;
- the re-establishment of the Youth Leisure Nights at Totnes Pavilions. Whilst it was still very much in its infancy, the general feedback had been positive;
- the severity of drug misuse in Totnes. A Member felt that the Group recommendations were particularly helpful and specifically highlighted an upcoming meeting between community representatives, the local MP and the local Police and Crime Commissioner to discuss this matter further;
- the responsibilities undertaken by the Council's Anti-Social Behaviour Officer;
- the potential Budget implications arising from the Group recommendations. To ensure that the Group recommendations were taken into account as part of the Council's wider budget setting exercise, some amendments were **PROPOSED** and **SECONDED** and when put to the vote were declared **CARRIED**.

It was then:

#### **RESOLVED**

1. That the Executive **RECOMMEND** to Council that it support and participate (wherever possible) in Police and Public Health England campaigns around drug reporting, harm minimisation and education;
2. That the Panel acknowledge the response from the Task and Finish Group that CCTV linking into a central hub is cost prohibitive;
3. That the Member Budget Workshop explore the possibility of obtaining annual funding for youth activities / engagement as a diversionary approach to Crime and Disorder (including drug use) within the South Hams District;
4. That the Member Budget Workshop explore the possibility of obtaining funding from Outside Bodies so to enable the Council to support recommendation 3 (above) by a part-time post or by other means;

5. That, subject to the availability of funding, the Council proactively supports and participates in Junior Life Skills as part of a preventative approach and early intervention / education for young people; and
6. That the Council supports and proactively participates in partnership working with multi agencies and other initiatives relating to the prevention of drug use and anti-social behaviour amongst young people. Such support and activity to be explored by Members of the Task and Finish Group with subsequent referral back to the Overview and Scrutiny Panel.

#### O&S.52/18 **ACTIONS ARISING / DECISIONS LOG**

The contents of the latest version of the Log was presented for consideration and was duly noted without further comment.

#### O&S.53/18 **DRAFT ANNUAL WORK PROGRAMME**

The Panel noted the contents of its latest Annual Work Programme and made the following comments, additions and amendments:-

- It was agreed that the Panel meeting that had been initially scheduled for 14 February 2019 should be moved to take place on the afternoon of 24 January 2019 (1.30pm start);
- The Panel then agreed that the meeting on the afternoon of 24 January 2019 should include the following agenda items:
  - o The Peer Review;
  - o Community Safety Partnership Annual Report;
  - o An update on Safeguarding;
  - o A review into the Standards Complaints Procedure;
  - o An update on Universal Credits; and
  - o A Langage Energy Centre Update;
- Members also endorsed the proposal for the following additional items to be added to the Work Programme for the next Panel meeting agenda on 1 November 2019:
  - o Customer Satisfaction Action Plan;
  - o Draft Member Induction Programme 2019/20;
  - o RIPA Annual Review; and
  - o Review into the process for spending Section 106 Deposits for Affordable Housing.

(Meeting started at 10.00 am and concluded at 12.30 pm)

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Chairman

## **PUBLIC FORUM PROCEDURES**

### **(a) General**

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

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

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

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

An issue may be rejected by the Monitoring Officer if:

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

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

This is the Leader of Council's provisional forward plan for the four months starting November 2018. 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 monthly basis. The Plan is published in hard copy and on the Council's website ([www.southhams.gov.uk](http://www.southhams.gov.uk))

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

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

*Cllr John Tucker – Leader of the Council*

*Cllr Simon Wright – Deputy Leader*

*Cllr Keith Wingate – lead Executive Member for Business Development*

*Cllr Rufus Gilbert – lead Executive Member for Commercial Services*

*Cllr Hilary Bastone – lead Executive Member for Customer First*

*Cllr Nicky Hopwood – lead Executive Member for Customer First and Support Services*

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

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

## INDEX OF KEY DECISIONS

Service	Title of Report and summary	Lead Officer and Executive member	Anticipated date of decision
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### KEY DECISIONS:

For the purpose of the Executive Forward Plan, a key decision is a decision that will be taken by the Executive, and which will satisfy either of the following criteria:

'to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates

(For this purpose significant expenditure or savings shall mean:

**Revenue** – Any contract or proposal with an annual payment of more than £50,000; and

**Capital** – Any project with a value in excess of £100,000); or

to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority, in the opinion of the Monitoring Officer (or the Democratic Services Manager in his/her absence).

A key decision proforma will be attached for each key decision listed above.



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

Service	Title of Report and summary	Lead Officer and Executive Member	Decision maker	Anticipated date of meeting	
				Executive	Council
Customer First	<b>Brixton Community Housing Scheme</b>	RE/Cllr Tucker	Council	22 November 2018	6 December 2018
Strategy and Commissioning	<b>Commercial Development Opportunities</b>	DA/Cllr Tucker	Council	22 November 2018	6 December 2018
Customer First	<b>Council Tax Reduction New Scheme</b>	IB/Cllr Bastone	Council	22 November 2018	6 December 2018
Commercial Services	<b>Waste and Cleansing Procurement</b>	HD/Cllr Gilbert	Council	22 November 2018	6 December 2018
Strategy & Commissioning	<b>Adoption of Health and Safety Policy Statement</b>	IL/Cllr Tucker	Council	22 November 2018	6 December 2018
Commercial Services	<b>Public Conveniences</b>	CA/Cllr Gilbert	Council	22 November 2018	6 December 2018
Support Services	<b>Revenue Budget Monitoring to September 2018 (quarter 2 position)</b>	PH/Cllr Wright	Executive	13 December 2018	21 February 2019
Support Services	<b>Capital Budget Monitoring to September 2018 (quarter 2 position)</b>	PH/Cllr Wright	Executive	13 December 2018	21 February 2019
Support Services	<b>Write Off Report – Quarter 2 2018/19</b>	LB/Cllr Wright	Executive	13 December 2018	21 February 2019
Support Services	<b>Draft Revenue Budget Proposals 2019/20</b>	LB/Cllr Tucker	Council	13 December 2018	21 February 2019
Support Services	<b>Draft Capital Programme Proposals 2019/20</b>	LB/Cllr Tucker	Council	13 December 2018	21 February 2019
Customer First	<b>Section 106 Spend</b>	AH/Cllr Bastone	Executive	13 December 2018	21 February 2019
Customer First	<b>Joint Local Plan</b>	TJ/Cllr Bastone	Council	7 February 2019	21 February 2019
SLT	<b>Peer Review Report</b>	SH/Cllr Tucker	Council	7 February 2019	21 February 2019
Commercial Services	<b>Fleet Replacement Programme – deferred to 2019</b>	HD/Cllr Gilbert	Council		

Customer First	<b>Coastal Concordat – deferred to 2019</b>	RS/Cllr Bastone	Council		
Customer First	<b>Adoption of Clean Air Strategy – deferred to 2019</b>	IL/Cllr Hopwood	Council	7 February 2019	21 February 2019
Customer First	<b>Adoption of Business Continuity Plan – deferred to 2019</b>	IL/ Cllr Hopwood	Council	7 February 2019	21 February 2019

**\* Exempt Item (This means information contained in the report is not available to members of the public)**

SH – Sophie Hosking – Executive Director Service Delivery and Commercial Development

SM – Steve Mullineaux – Group Manager Support Services and Customer First

LB – Lisa Buckle –s151 Officer

HD – Helen Dobby – Group Manager Commercial Services

IB – Isabel Blake – COP Lead Housing, Revenues and Benefits

AR – Alex Rehaag – Specialist Place and Strategy

TJ – Tom Jones – COP Lead Place Making

CBowen – Catherine Bowen – Monitoring Officer

DA – Darren Arulvasagam – Group Manager Business Development

SLT – Senior Leadership Team

CB – Chris Brook – COP Lead Assets



**South Hams**  
District Council



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# Agenda Item 8

Report to: **Overview and Scrutiny Panel**  
Date: **1 November 2018**  
Title: **Customer Satisfaction Action Plan**  
Portfolio Area: **Customer First**  
Wards Affected: **All Wards**  
Relevant Scrutiny Committee: **Overview and Scrutiny Panel**

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

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

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

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

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## **RECOMMENDATION**

**That the Panel RECOMMENDS to the Executive to:**

- 1. Endorse the proposed Customer Satisfaction Action Plan as detailed in section 5 of this report.**
- 2. Support the proposed Customer Service Standards as detailed in Appendix B of this report.**

### **1. Executive summary**

- 1.1 This report is presented by the portfolio holder for Customer First and details an action plan to improve customer satisfaction across all Council services.

### **2. Background**

- 2.1 In 6 October 2018 a report was presented to the Council's Overview and Scrutiny Panel on the results of a recent Council Customer Satisfaction Survey.
- 2.2 Overview & Scrutiny Panel Members noted with concern the results of the Customer Satisfaction Survey and requested the production of a comprehensive action plan to be presented at this, the November meeting of the Overview and Scrutiny Panel.

### 3 Outcomes/outputs

3.1 The Council is due to undertake a further Institute of Customer Service Customer Satisfaction Survey in October 2019. This section of the report details a set of suggested 2019 survey outcomes. The outcome scores have been devised by consulting with the Institute of Customer Service and by closely benchmarking the Council's existing results against the average local council scores.

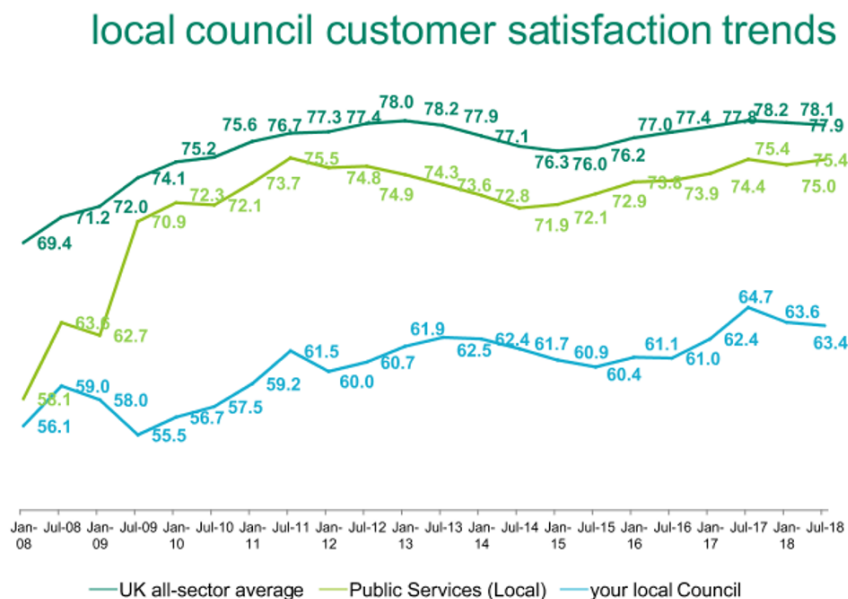
3.2 Whilst the Council will look to improve all measures and scores ahead of a follow-up survey in October 2019. There are 3 main measurable outcomes that the council will look to improve over the next 12 months. These are;

- *Improvement in the overall benchmarking score*
- *Improvement in the 'right first time' score*
- *Improvement in the 'keeping customers informed' score*

#### 3.3 Outcome 1

A minimum 5.1 point improvement in the Council's overall benchmarking score in 12 months' time when the Council conducts its next Customer Satisfaction Survey. Thereby bringing the Council's score in line with the average national UKCSI (UK Customer Service Index) for local councils of 63.4

3.4 A stretch target of a 7.5 improvement, being mindful however that Institute of Customer Service figures show that local council scores have improved on average by only 1 point per year over the last 10 years to reach the current figure of 63.4 out of 100 points. See graph below.



- 3.5 Outcome 2  
A minimum 15% uplift to the Council's 'right first time' score in next year's Customer Satisfaction Survey. Thereby bringing the Council's score to 56.3% and slightly surpassing the average national UKCSI (UK Customer Service Index) for local councils of 56.2%
- 3.6 Clearly we should strive to get all services delivered 'right first time' every time and will make every effort to exceed this 56.3% target.
- 3.7 Outcome 3  
A minimum 1.2 point uplift to the Council's 'keeping customers informed' score in next year's Customer Satisfaction Survey. Thereby bringing the Council's score to 6.2 and in line with the average national UKCSI (UK Customer Service Index) for local councils of 6.2 out of 10 points.
- 3.8 A stretch target of a 2.7 point uplift bringing the Council in line with the UKCSI average for all service sectors.

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

- 4.1 Do nothing option  
The Council could have chosen to disregard the results of the Council's recent Customer Satisfaction Survey and take no further action. However, in doing so the Council would be failing to act upon valuable customer feedback and would be at risk of reputational harm.
- 4.2 Take action option  
By setting targets as detailed in section 3 above and devising an action plan as outlined in section 5 below the Council is proactively responding to the Customer Survey results. It is therefore deemed appropriate to pursue this option.
- 4.3 It is important to note that the targets detailed in section 3 will be delivered without any additional resources. Any changes in external factors such as additional budget pressures or changes in central government priorities could impact on our ability to deliver the action plan detailed in section 5.

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

- 5.1 In order to meet the outcomes outlined in section 3 above it is recommended that officers pursue the actions illustrated in the timeline shown in Appendix A attached. A detailed description of each action is given in paragraphs 5.2 to 5.14 below.

- 5.2 Customer Service Standards  
Based on feedback from Members and comments provided by staff at the recent customer satisfaction staff away days it is apparent that there is a need for the Council to adopt a set of clear Customer Service Standards. Preliminary research has been undertaken to look at service standards operated by other local councils. Attached is a set of draft standards that officers would welcome Members views on in order that a set of service standards can be adopted by the end of November this year. Please see Appendix B.
- 5.3 Customer communication review  
Launch and promote a set of Customer Service Standards and systematically review communication to customers to ensure standards are met.
- 5.4 Standardised team meetings  
Ensure all team meetings feature customer satisfaction and routinely ask did we get it 'right first time' this week? Resulting in teams taking ownership of service failures and regularly reviewing complaints and compliments to hone their service offering.
- 5.5 Recording mechanism to review and act upon service failure  
Devise a standardised form and process to be used by teams and Members when they identify specific service failures and ideas for service improvements.
- 5.6 Focused snagging team  
Through the Council's Programme Board establish a group of officers to act as a snagging team to review and coordinate suggested service improvements. Thereby ensuring improvements complement one another and do not cause undue service failure elsewhere in the organisation.
- 5.7 End to end review of high volume services  
Assign resource to both Waste and Development Management services to conduct systematic end to end service reviews. It is envisaged these reviews will highlight ways in which processes might be simplified and improved. Thereby making the customer's experience when engaging with these services much more satisfying and less open to complaint.
- 5.8 Customer focus groups  
Establish customer focus groups to test high impact processes prior to going live and rolling out to the rest of the public.
- 5.9 Regular 'how was it for you' surveys  
Introduce weekly surveys for completed processes where customers are contacted via their preferred method of contact and simply asked 'how was it for you' and 'what could we do to improve'. The rationale for introducing these quick weekly surveys is to gauge a gradual understanding of whether service is improving as opposed to waiting 12 months for the main Customer Satisfaction Survey to be conducted.



5.10 Ongoing staff training

It is anticipated that the regular 'how was it for you' surveys and service reviews will highlight the need for staff training in areas such as inbox management, use of plain English, managing expectations, etc. Staff resource from the Council's HR and Communication Teams has been factored in to aid the delivery of necessary training.

5.11 Monitor staff performance

Ensure all staff are performance managed against each of the Council's service standards through regular one to one meetings with their manager and identify any areas for celebration or improvement.

5.12 Prominent progress reporting

In order that all Members can chart the progress made in improving customer satisfaction it is proposed regular progress reports are provided in the weekly Members' Bulletin and at monthly Executive meetings. To motivate staff it is proposed progress is reported in the weekly staff newsletter the Friday Flash and that the general public are kept informed of the Council's progress via the Annual Report published in May and via minutes of Executive meeting on Modern Gov the portal containing all Council minutes.

5.13 National Customer Service Week 2019 and survey launch

Participate in National Customer Service week commencing on 7 October 2019 and use it as a launch for the Council's second Institute of Customer Service Customer Satisfaction Survey.

5.14 Review 2019 Customer Satisfaction Results

In January 2020 present the findings of the second Institute of Customer Service Customer Survey results to the Council's Overview and Scrutiny Panel.

## 6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	Overview & Scrutiny Panel have a responsibility to assist the Council in identifying areas for improvement and to make any necessary recommendations to the Executive and Council.
Financial	Y	There are no financial implication as a result of this report that have not already been budgeted for.

Risk	Y	A failure to review and act upon customer satisfaction levels could lead to: Lack of coherent delivery Reputational harm Ineffective use of resources Poor quality service These risks are mitigated by: The recommendations outlined in this report
Comprehensive Impact Assessment Implications		
Equality and Diversity		None – no policy or service change is proposed in this report.
Safeguarding		None – no policy or service change is proposed in this report.
Community Safety, Crime and Disorder		None – no policy or service change is proposed in this report.
Health, Safety and Wellbeing		None – no policy or service change is proposed in this report.
Other implications		-

## **APPENDICES**

Appendix A – Customer Satisfaction Action Plan Timeline

Appendix B – Draft Customer Service Standards

<b>ACTION</b>	<b>DURATION</b>	<b>Q3 2018/19</b>	<b>Q4 2018/19</b>	<b>Q1 2019/20</b>	<b>Q2 2019/20</b>	<b>Q3 2019/20</b>	<b>Q4 2019/20</b>
Customer Service Standards Launch	One off						
Promotion and Review of Customer Communication	On going						
Right First Time Team Meetings	Weekly						
Introduction of Recording Mechanism for Service Failure	One off						
Snagging Team Meetings	Fortnightly						
High Volume Service Review	2 months						
Customer Focus Groups	Half day						
How was it for you?' Surveys	Weekly						
Staff Training	On going						
Staff Performance Monitoring	On going						
Progress Reporting	Weekly						
National Customer Service Week	First week in October						
Customer Satisfaction Survey	Run for up to 4 weeks						
Preparation and Review of Survey Results	2 months						

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## CUSTOMER SERVICE STANDARDS

- We will use plain English and be upfront and honest about what you can expect from us and when
- We will provide a wide choice of ways to contact us:

### **24/7 online**

Where you can pay, book, apply, report and give feedback

### **By phone**

We aim to answer your calls to our switchboard number within 5 minutes, and try to sort things out for you there and then

### **By email or letter**

If you write to us, we aim to reply within 5 working days with an acknowledgement, a named contact and a deadline for resolving your issue

- We will provide support if you are a vulnerable person or cannot access the internet
- We will keep you informed throughout your contact with us

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# Agenda Item 9

Report to: **Overview and Scrutiny Panel**  
Date: **1 November 2018**  
Title: **Town Centres Strategy**  
Portfolio Area: **Customer First**  
Wards Affected: **All**  
Relevant Scrutiny Committee: N/A

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

Date next steps can be taken: through individual Neighbourhood Plans

Author: **Tom Jones** Role: **Community of Practice Lead Place Making**

Contact: [thomas.jones@swdevon.gov.uk](mailto:thomas.jones@swdevon.gov.uk); 01803861404

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## **RECOMMENDATION**

**That the Panel expresses its support for the proposed way forward as outlined in Section 5 of the report.**

### **1. Executive summary**

- 1.1 Members have expressed concern that changes to the provision and consumption of retail services has and will continue to have a profound effect on communities in South Hams. Specifically, that in the absence of a co-ordinated approach to monitoring change and seeking to address any adverse impacts, the risk exists that the role of main (and other) centres could change in a manner that is detrimental to the well-being of residents and commercial interests.
- 1.2 At the O&S Panel meeting of 2 August 2018, Members requested that the CoP Lead Place Making, following discussion with Ward Members for each of the four main towns, brings a proposal to this Panel to set out whether and what the approach of the Council should be to the vitality of town centres.

## **2. Background**

- 2.1 Recent reports (Portas and Grimsey) commissioned by the Government / main political parties together with anecdotal evidence, including frequent reports in the media, indicate that the provision and use of on line retail services is having a profound impact on the amount and mix of retailers on the High Street.
- 2.2 Conversely, the Retail and Leisure Study (2017), which is the primary evidence to support the Joint Local Plan, suggests that the four main centres in South Hams have been successful in retaining their retail offer and that the retail offer is comparatively robust. The Report describes each of the towns as being an 'attractive centre which is considered to perform well in term of its function in the hierarchy; meeting retail needs of local residents and residents from the surrounding rural catchment'.
- 2.3 Informal research by the CoP Lead, including ad hoc interview with shopkeepers and representatives of the various Chambers of Commerce, suggests that the position is more precarious, with many retailers expressing concern about medium to long term viability.
- 2.4 There is no similar report or survey information available with respect to the wider scope of services that centres provide and / or that are provided within a Town / Parish. It is perhaps these rather than retail services that are of greatest interest since retail in itself is more about comparison goods than essential services and can be accessed on line, whereas communities rely on the physical and local provision of some services.
- 2.5 The Portas and Grimsey Reports both point to the risk that town centre decline can lead communities to fragment, and towns to lack identity and not be attractive for investment or a cradle for enterprise. From a Place Making point of view my concern would be that in the event of a collapse of town centres residents, particularly vulnerable residents, may struggle to access services and resources. The response championed by the Grimsey report is that in the face of market forces, which is for retail transactions to be increasingly on line, we are to ... 'Forget retail for town centres, they need to become community hubs based on health, education, entertainment, leisure and arts and crafts.'
- 2.6 Whilst I concur largely with this view, there is a significant proportion of the South Hams population that does not enjoy good access to the internet and / or is not comfortable using it. In addition, as a major destination for vacations the towns of the South Hams provide a valued tourist resource with shopping being a key activity.



- 2.7 With reference to the Council's Corporate Plan and key responsibilities we can see that relevant objectives within this subject area include supporting enterprise; protecting, conserving and enhancing our built and natural environment; supporting positive, safe and healthy lifestyles; and helping those most in need.
- 2.8 It is the view of the CoP Lead, therefore, that it is in the public interest and in keeping with the Corporate Objectives of the Council to co-ordinate the approach to town centres and / or 'community centres' to seek to ensure residents have good access to key services and that these centres remain vibrant for residents, visitors, service providers and general commerce alike.
- 2.9 It is recognised that each settlement has a unique combination of circumstances, although the majority of the individual issues are the same. Issues arising through conversation (as referenced in paragraph 2.3, above) include:
- Access to services and facilities;
  - Environment (built and natural) and ambience
  - Legibility and ease of movement
  - Events / marketing unique offer of each town
  - Parking provision and price
  - Business rates
- 2.10 A key area of responsibility is strategic planning since it is the regulatory planning framework that guides appropriate uses in town centres.
- 2.11 It is also notable that the scope of interested and 'responsible' parties is wider than the scope of responsibility of the Council.
- 2.12 It is the view of the CoP Lead for Place Making that the response of each community needs to be tailored to the unique combination of circumstances and that Neighbourhood Plan Groups provide an appropriate and effective vehicle through which to develop individual approach to Town Centre vitality. This activity presents opportunities for the Council to work in a supporting and co-ordinating capacity, with the emphasis being to act as a guide for a planning policy approach; a forum for discussion of the wider scope of issues; and a catalyst for community led actions.

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

- 3.1 Neighbourhood Planning Groups would act as a focus for formal and informal interest groups, providing an opportunity to discuss the wider scope of activities that affect the provision of community centre functions.
- 3.2 NPGs would provide a strong forum to act as a catalyst for community led action supported by the Council. The CoP Lead for

Place Making would provide advice with respect to the development of planning policy and act in a co-ordinating role to ensure the wider interests of the community, such as those at paragraph 2.9 above, are considered.

- 3.3 Neighbourhood Plans would provide a bespoke planning response to set a framework for a managed evolution of town (and community) centres to maintain and enhance vitality; and to secure access to key services.
- 3.4 The CoP Lead Officer is able to commit to time to support NP Groups following the appointment of a Project Manager to lead the JLP Team. It is estimated that this would be, on average, no more than one day a week.

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

- 4.1 The alternatives can be categorised broadly as either providing more resource or providing less resource.
- 4.2 A commitment by the Council to a greater resource might include more Officer time and undertaking / commissioning reports and assessment with a view to better understanding the forces and opportunities in each centre. It is the view of the CoP Lead Officer that this is likely to lead to the Council failing to meet expectations since there is insufficient Officer resource and budget available. There is also a risk that greater involvement by Council Officers would not be welcome as a key purpose of Neighbourhood Planning is for communities to lead with respect to the appropriate responses to issues within their area.
- 4.3 A lesser resource would vary from less time to no involvement. It is the view of the CoP Lead Officer that this would represent an inadequate response to addressing potentially damaging changes to communities.

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

- 5.1 It is recommended that the CoP Lead for Place Making engages with Neighbourhood Plan Groups to develop individual and a co-ordinated approach to Town Centre vitality.
- 5.2 This would predominantly entail, amongst other activities, advising with respect to appropriate planning policy responses to issues identified by a NP Group; co-ordinating meetings between interested parties; working with a NP Group to secure funding for related work / studies / activities; and providing general related support.

#### **6. Implications**

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal / Governance		In addition to supporting the preparation of Neighbourhood Plans the Council has a remit to support enterprise; protect, conserve and enhance the built and natural environment; support positive, safe and healthy lifestyles; and to help those most in need. The recommended course of action would consolidate existing actions of the Council in respect to all of these matters. The CoP Lead can operate within existing delegated authority and in conjunction with Cllrs.
Financial		There are no financial implications.
Risk		There is no known risk of any significance.
Comprehensive Impact Assessment Implications		
Equality and Diversity		No specific Equality and Diversity implication, but to be monitored, as usual, for any subsequent actions / activities. It is anticipated that NP objectives and policies would seek to support equality and diversity.
Safeguarding		No direct implications.
Community Safety, Crime and Disorder		No specific implication. It is anticipated that NP objectives and policies would seek to support safety and crime.
Health, Safety and Wellbeing		Positive outcomes are anticipated from the making of the Neighbourhood Plan.
Other implications		None

Appendices:  
None

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Report to: **Overview & Scrutiny Panel**  
Date: **1 November 2018**  
Title: **Ombudsman Annual Review Letter 2018**  
Portfolio Area: **Customer First**  
Wards Affected: **All**  
Relevant Scrutiny Committee: N/A

Urgent Decision: N Approval and clearance obtained: N/A

Date next steps can be taken: Executive meeting on 22 November 2018

Author: Sue Nightingale Role: Legal CoP Lead Specialist and Deputy Monitoring Officer

Contact: Email: [sue.nightingale@swdevon.gov.uk](mailto:sue.nightingale@swdevon.gov.uk)

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## RECOMMENDATION

### That the Panel:

- 1. review the Ombudsman Annual Letter for 2018 (attached at Appendix A) and consider what corporate lessons may be learnt and whether further service improvements are required; and**
- 2. make any necessary recommendations to the Executive.**

## 1. Executive summary

- 1.1. To consider the Local Government Ombudsman's Annual Review Letter 2018 regarding Ombudsman complaints received against the Council for the period 1 April 2017 to 31 March 2018 (attached as Appendix A to this report). This includes Annex 1 'Complaints and enquiries received' and Annex 2 'Decisions made'.
- 1.2. Members are requested to review the Annual Letter 2018 from the Ombudsman and consider what corporate lessons have been learnt (or can be learnt) from the outcome of the complaints and whether further service improvements can be made.

## **2. Background**

- 2.1. The Local Government Ombudsman's corporate strategy is based on the twin pillars of remedying injustice and improving local public services, and as part of this role the Ombudsman investigates complaints made by members of the public about public authorities. This currently excludes parish and town councils.
- 2.2. The Ombudsman will investigate a complaint if it relates to maladministration or injustice by the Council. The Ombudsman is not able to investigate all of the complaints referred to him, as some will fall outside of his remit, and the Ombudsman can only consider complaints that have first been considered through the Council's own internal complaints procedure; this is because the Council must have had the opportunity to consider, and respond to, the complaint first.
- 2.3. A complainant cannot appeal against the Ombudsman's decision, but complaints may be reviewed if new information is presented to the Ombudsman.

## **3. The Annual Letter 2018, Complaints and Decisions**

- 3.1. The Ombudsman's Annual Review Letter 2018 is attached at Appendix A and comprises a written report and two tables: Annex 1 shows the number and type of complaint received and Annex 2 shows the number, type and outcome of complaints that the LGO has decided between 1 April 2017 and 31 March 2018.
- 3.2. The Ombudsman's office changed its business processes during 2012 with the Annual Review Letter presenting only high level statistical information on the number of complaints received against the Council. However, the Ombudsman has recognised that presenting the total number of complaints may not, by itself, give a clear picture of how well these complaints have been responded to and in response to feedback from Local Authorities, the Ombudsman now includes data on the number of complaints upheld / not upheld, as well as highlighting the outcomes of those complaints rather than just the numbers received (see Annex 2). In making recommendations where the Ombudsman has found fault, the purpose is to remedy injustice caused to individuals and also to prevent future injustice to others by improving practice.
- 3.3. Previous Annual Letters included information on the Council's 'compliance rate' which indicated a council's compliance with the Ombudsman's recommendations to remedy a fault. However, the Ombudsman has established a new mechanism for ensuring that his recommendations are implemented and plans to report a more sophisticated suite of information about compliance and service improvement in the future.
- 3.4. A recent review of Local Government complaints for 2017/18 by the Ombudsman shows that, nationally, the Ombudsman is upholding more complaints. Significantly, the proportion of complaints it has upheld has increased to 57% - up from 54% the previous year. The Ombudsman has also issued 40% more public interest reports about local authorities in the same period).

- 3.5. The LGO's national report can be accessed at the following link:  
<https://www.lgo.org.uk/information-centre/news/2018/jul/a-tool-for-change-ombudsman-issues-annual-review-of-council-complaints>
- 3.6. The also report includes national tables of Ombudsman complaints by category and by outcome (including the compliance rate with the Ombudsman's recommendations).
- 3.7. Additionally, this year the Ombudsman has issued new guidance for planners when recording the decisions they make. The Ombudsman receives more than 2,000 complaints and enquiries each year about English local authorities' planning functions.
- 3.8. In the Annual Letter, the Ombudsman provides a breakdown of the investigations that he has upheld in order to show the number of cases where the Ombudsman's recommendations have remedied the fault, and to also show where the Council had already offered a satisfactory remedy during the local complaints part of the process. In these latter cases, the Ombudsman provides reassurance that the Council had satisfactorily attempted to resolve the complaint through its internal complaints process.
- 3.9. Where the Ombudsman finds that the Council has acted with fault, and that fault has caused injustice to the complainant, he will make recommendations to the Council to put things right and this can include; asking the Council to make an apology (if it has not already done so), reinstating a service, making a decision on something under the right grounds, or providing information. If injustice cannot be remedied through remedial action, the Ombudsman may recommend a financial payment. Appendix 2 shows that one case cases involved a financial payment totalling £200.00
- 3.10. The following table shows the number of complaints received and decided by the Ombudsman for last four years: The disparity in numbers can be explained by the inclusion in the decided cases of those sent back by the Ombudsman or incomplete and because some received decisions are decide din the following year.

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

- 3.11. The Council is unlikely to be in a position where no complaints are referred to the Ombudsman, because some complainants will remain unsatisfied with the outcomes of the Council's investigations where there is no finding in their favour. This year the number of complaints received and decided has reduced and in only two cases fault was found. Of the three upheld cases reported in the Ombudsman Annex, note that one had already been resolved by the Council before the Ombudsman's decision.

- 3.12. A more detailed summary of the complaints and Ombudsman's decisions for 2017/18 is attached as Appendix B, and Members will note that the Ombudsman has upheld only two of those and only limited fault. The final column shows what actions or measures the Council has taken or put in place as a result of the complaint in order to improve services or processes.
- 3.13. Members will note that the complaints in the two Ombudsman tables (Annex 1 and Annex 2) do not strictly correspond with the complaints in the Council's records at Appendix B, and this is due to several factors; for example, the Ombudsman's figures include enquiries from people that they signpost back to the Council but who may not necessarily make a complaint, and not every decision will relate to a complaint made in that financial year (it may have been received in the previous financial year but a decision made this year; conversely a complaint may have been received before 31 March 2018 and the decision not made until the next financial year).

#### 4. Proposed Way Forward

- 4.1. Members will note that the overall number of complaints received by the Ombudsman, and the number of upheld complaints has gone down. It is considered that this continues to build on the implementation of the new corporate complaints policy introduced in 2015 which sets out a clear and consistent two-stage process across the Councils for considering complaints.
- 4.2. A further factor in the reduction in the number of complaints referred to the Ombudsman can be attributed to the complaints-handling training undertaken by officers across the Authority which has resulted in a more proactive approach by officers, with the aim of remedying any faults found in line with the Ombudsman's guidelines. Further officers have attended Ombudsman training in July this year. The LGO has produced an online manual for officers to refer to when dealing with complaints and this has been circulated widely across the Council.
- 4.3. It is recommended that the Council continues to embed the corporate complaints policy across the Council and endeavour to resolve complaints at a local level, and implement the learning outcomes to enable even further improvements.

#### 5. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Local Government Ombudsman is governed by the Local Government Act 1974 and is responsible for considering complaints against local authorities which the complainant considers have not been resolved locally.



		<p>The Overview &amp; Scrutiny Panel is responsible for having an overview of complaints handling and for an overview of Ombudsman complaints, and the Ombudsman Annual Review Letter is an important part of that process.</p> <p>The decisions in respect of each case are provided to the relevant service in order that any recommendations made by the Ombudsman are acted upon and lessons learnt can be implemented.</p>
Financial		<p>Where is it necessary to settle a complaint by the payment of compensation (or the Council has already offered a settlement) payment is made out of the current year's revenue budget for the service in question.</p> <p>Financial redress was offered in three of the cases that were upheld which amounted to £810.00.</p> <p>There are resource implications in the officer time spent in dealing with the complaint in both the initial stages under the Council's internal complaints policy as well as the resources required in responding to the Ombudsman complaint, but it is not currently possible to quantify this time.</p>
Risk		<p>It is important that the Council is aware of the number and type of complaints made to the Ombudsman together with the outcomes and lessons learnt.</p> <p>Whilst it is not possible to eliminate complaints, it is possible to manage the complaints efficiently and learn from the outcomes of these complaints to mitigate the risk of recurrence and deliver service improvements.</p>
Comprehensive Impact Assessment Implications		
Equality and Diversity		This has been considered in the Complaints policy and within the individual complaint's where relevant
Safeguarding		N/a
Community Safety, Crime and Disorder		N/a
Health, Safety and Wellbeing		N/a
Other implications		

### **Supporting Information**

#### **Appendices:**

Appendix A: The Local Government Ombudsman's Annual Review Letter 2017 (including Annexes 1 and 2 table of cases)

Appendix B: Table of South Hams District Council's Ombudsman Complaints for 2016/17

#### **Background Papers**

None

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18 July 2018

*By email*

Sophie Hosking & Steve Jorden  
Executive Directors  
South Hams District Council

Dear Sophie Hosking & Steve Jorden,

### **Annual Review letter 2018**

I write to you with our annual summary of statistics on the complaints made to the Local Government and Social Care Ombudsman (LGSCO) about your authority for the year ended 31 March 2018. The enclosed tables present the number of complaints and enquiries received about your authority and the decisions we made during the period. I hope this information will prove helpful in assessing your authority's performance in handling complaints.

#### **Complaint statistics**

In providing these statistics, I would stress that the volume of complaints does not, in itself, indicate the quality of the council's performance. High volumes of complaints can be a sign of an open, learning organisation, as well as sometimes being an early warning of wider problems. Low complaint volumes can be a worrying sign that an organisation is not alive to user feedback, rather than always being an indicator that all is well. So, I would encourage you to use these figures as the start of a conversation, rather than an absolute measure of corporate health. One of the most significant statistics attached is the number of upheld complaints. This shows how frequently we find fault with the council when we investigate. Equally importantly, we also give a figure for the number of cases where we decided your authority had offered a satisfactory remedy during the local complaints process. Both figures provide important insights.

I want to emphasise the statistics in this letter reflect the data we hold, and may not necessarily align with the data your authority holds. For example, our numbers include enquiries from people we signpost back to the authority, some of whom may never contact you.

In line with usual practice, we are publishing our annual data for all authorities on our website, alongside an annual review of local government complaints. The aim of this is to be transparent and provide information that aids the scrutiny of local services.

#### **Future development of annual review letters**

Last year, we highlighted our plans to move away from a simplistic focus on complaint volumes and instead turn focus onto the lessons that can be learned and the wider

improvements we can achieve through our recommendations to improve services for the many. We have produced a new [corporate strategy](#) for 2018-21 which commits us to more comprehensively publish information about the outcomes of our investigations and the occasions our recommendations result in improvements to local services.

We will be providing this broader range of data for the first time in next year's letters, as well as creating an interactive map of local authority performance on our website. We believe this will lead to improved transparency of our work, as well as providing increased recognition to the improvements councils have agreed to make following our interventions. We will therefore be seeking views from councils on the future format of our annual letters early next year.

### **Supporting local scrutiny**

One of the purposes of our annual letters to councils is to help ensure learning from complaints informs scrutiny at the local level. Sharing the learning from our investigations and supporting the democratic scrutiny of public services continues to be one of our key priorities. We have created a dedicated section of our website which contains a host of information to help scrutiny committees and councillors to hold their authority to account – complaints data, decision statements, public interest reports, focus reports and scrutiny questions. This can be found at [www.lgo.org.uk/scrutiny](http://www.lgo.org.uk/scrutiny). I would be grateful if you could encourage your elected members and scrutiny committees to make use of these resources.

### **Learning from complaints to improve services**

We share the issues we see in our investigations to help councils learn from the issues others have experienced and avoid making the same mistakes. We do this through the [reports](#) and other resources we publish. Over the last year, we have seen examples of councils adopting a positive attitude towards complaints and working constructively with us to remedy injustices and take on board the learning from our cases. In one great example, a county council has seized the opportunity to entirely redesign how its occupational therapists work with all of its districts, to improve partnership working and increase transparency for the public. This originated from a single complaint. This is the sort of culture we all benefit from – one that takes the learning from complaints and uses it to improve services.

### **Complaint handling training**

We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. In 2017-18 we delivered 58 courses, training more than 800 people. We also set up a network of council link officers to promote and share best practice in complaint handling, and hosted a series of seminars for that group. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training).

We were pleased to deliver a complaint handling course to your staff during the year. I welcome your Council's investment in good complaint handling training and trust the course was valuable.

Yours sincerely,



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

**Local Authority Report:** South Hams District Council  
**For the Period Ending:** 31/03/2018

For further information on how to interpret our statistics, please visit our website:  
<http://www.lgo.org.uk/information-centre/reports/annual-review-reports/interpreting-local-authority-statistics>

## Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
0	1	1	0	1	3	0	9	1	16

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## Decisions made

				Detailed Investigations			
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate	Total
2	0	3	9	3	3	50%	20

### Notes

Our uphold rate is calculated in relation to the total number of detailed investigations.

The number of remedied complaints may not equal the number of upheld complaints. This is because, while we may uphold a complaint because we find fault, we may not always find grounds to say that fault caused injustice that ought to be remedied.

### Complaints Remedied

by LGO	Satisfactorily by Authority before LGO Involvement
2	1

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Reference	Authority	Category	Received
16010173	South Hams District Council	Planning & Development	19/07/2017
16019028	South Hams District Council	Environmental Services & Public Protection & Regulation	04/04/2017
17000209	South Hams District Council	Benefits & Tax	11/04/2017
17002229	South Hams District Council	Planning & Development	11/05/2017
17002406	South Hams District Council	Highways & Transport	15/05/2017
17004126	South Hams District Council	Planning & Development	14/06/2017
17006410	South Hams District Council	Corporate & Other Services	19/07/2017
17007014	South Hams District Council	Planning & Development	28/07/2017
17007872	South Hams District Council	Planning & Development	14/08/2017
17011086	South Hams District Council	Null	06/10/2017
17012677	South Hams District Council	Planning & Development	03/11/2017
17013490	South Hams District Council	Highways & Transport	20/11/2017
17013885	South Hams District Council	Highways & Transport	27/11/2017
17015494	South Hams District Council	Planning & Development	09/01/2018
17017563	South Hams District Council	Planning & Development	09/02/2018
17020081	South Hams District Council	Planning & Development	23/03/2018

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Reference	Authority	Category	Decided	Decision	Remedy
16008331	South Hams District Council	Benefits & Tax	04/10/2017	Upheld	Null
16010173	South Hams District Council	Planning & Development	07/08/2017	Referred back for local resolution	Null
16010798	South Hams District Council	Corporate & Other Services	05/06/2017	Upheld	Apology,Procedure Change,Other Remedy
16012286	South Hams District Council	Planning & Development	22/05/2017	Upheld	Financial Redress
16014898	South Hams District Council	Planning & Development	20/09/2017	Not Upheld	Null
16019028	South Hams District Council	Environmental Services & Public Protection & Regulation	12/05/2017	Closed after initial enquiries	Null
16019458	South Hams District Council	Planning & Development	29/06/2017	Closed after initial enquiries	Null
17000209	South Hams District Council	Benefits & Tax	11/04/2017	Referred back for local resolution	Null
17002229	South Hams District Council	Planning & Development	26/06/2017	Closed after initial enquiries	Null
17002406	South Hams District Council	Highways & Transport	05/06/2017	Closed after initial enquiries	Null
17004126	South Hams District Council	Planning & Development	29/06/2017	Closed after initial enquiries	Null
17006410	South Hams District Council	Corporate & Other Services	19/07/2017	Incomplete/Invalid	Null
17007014	South Hams District Council	Planning & Development	28/07/2017	Referred back for local resolution	Null
17007872	South Hams District Council	Planning & Development	20/12/2017	Not Upheld	Null
17011086	South Hams District Council	Null	06/10/2017	Incomplete/Invalid	Null
17012677	South Hams District Council	Planning & Development	23/02/2018	Not Upheld	Null
17013490	South Hams District Council	Highways & Transport	21/12/2017	Closed after initial enquiries	Null
17013885	South Hams District Council	Highways & Transport	23/01/2018	Closed after initial enquiries	Null
17015494	South Hams District Council	Planning & Development	30/01/2018	Closed after initial enquiries	Null
17017563	South Hams District Council	Planning & Development	09/03/2018	Closed after initial enquiries	Null

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

	Ref	Category	Brief Description	Decision date	Decision	Decision Details	Learning Outcomes
1	16 010 798	Carparks	Inadequate consultation on carparking changes; unfair charging; intimidation of market traders & plans to develop area; vandalism to his van; staff behaviour; implementation of vexatious policy	05/06/2017	Limited fault	No fault found save explaining to Mr X how staff investigations were carried out and clearer on implementation of vexatious policy.	Agreed actions to apologise for faults found, explain process of staff investigation, and clarified vexatious policy implementation with ability to appeal
2	16 008 331	Revs and Bens	racism, stress, staff behaviour - wants compensation	04/10/2017	No fault		
3	16 012 286	Planning	Pre app advice request and staff behaviour	22/05/2017	Limited fault	Some fault only in consideration of the advice app. £200 compensation due to Mr X put to avoidable time and trouble as review of further info later than promised	Ensure better communication between planners when transferring cases
4	16 014 898	Planning	Complaint regarding how a planning decision was made for the neighbour	20/09/2017	No fault		
5	16 019 028	Waste	Failure to provide proper refuse collection, not responding properly, refuse collectors behaving unreasonably;	12/05/2017	Not investigating	Injustice insufficient to warrant investigation, which would not produce a different outcome anyway	
6	17 002 406	Carparks	PCN issued although signage at car park inadequate and delay in responding to his informal challenge	05/06/2017	Not investigating	Mr X could use appeals process and delay caused no injustice	
7	17 002 879	Enforcement?	Unclear whether vexatious policy has been invoked	13/06/2017	Not investigating	Council has already apologised and explained policy not invoked, therefore nothing to add	

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

8	16 019 458	Planning	planning variation wrongly agreed for neighbour's application	29/06/2017	Not investigating	Complainant has already appealed to Planning Inspectorate	
9	17 002 229	Planning	Planning permission granted for change of use and operational dev for neighbour's field	26/06/2017	Not investigating	Insufficient evidence of fault or injustice therefore no investigation warranted	
10	16 010 173	Planning	Neighbours allowed clear glazing in development	07/08/2017	Not investigating	Premature - not completed Council's complaints process	
11	17 007 872	Planning	complaint re provision of pre-app planning advice and subsequent manner app was handled	20/12/2017	No fault		
12	17 013 490	Carparks	Fee to use park and ride was £15 instead of usual £5	21/12/2017	Not investigating	Any injustice would not justify investigation	
13	17 015 494	Planning	Council failed to properly consider planning app near Ms X	30/01/2018	Not investigating	No evidence of fault	
14	17 017 563	Planning	Council's handling of Mr Y's pre app advice and planning application	09/03/2018	Not investigating	Late complaint and Mr Y could have appealed if he was unhappy	
15	17 012 677	Enforcement	Area being misused and left unsightly and Council not enforcing action	23/02/2018	No fault		
16	17 013 885	Carparks	Issues with parking near a beach and in the local area	23/01/2018	Not investigating	Unlikely to find evidence of fault nor significant injustice to Mr B	

Report to: **Overview & Scrutiny Panel**  
Date: **1 November 2018**  
Title: **Regulation of Investigatory Powers Act 2000 (RIPA) Policy and Update**  
Portfolio Area: **Support Services**  
Wards Affected: **All**  
Relevant Scrutiny Committee: N/A

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

Date next steps can be taken: Executive meeting  
(e.g. referral on of recommendation or implementation on 22 November  
of substantive decision) 2018

Author: **Sue Nightingale** Role: **Deputy Monitoring Officer**

Contact: [sue.nightingale@swdevon.gov.uk](mailto:sue.nightingale@swdevon.gov.uk)

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## Recommendations:

### That the Panel:

- 1. welcomes the IPCO report and recommendations attached at Appendix A;**
- 2. approves the updated policy attached at Appendix B;**
- 3. acknowledges that there have been no RIPA Authorisations since the annual update to this Panel in September 2017 and makes any recommendations to the Executive arising from this report; and**
- 4. note the amendments to the RIPA Act 2000 effective from 1 November 2018.**

## 1. Executive summary

1.1. The purpose of this report is to:

- 1.1.1. review and approve the Council's RIPA policy;
- 1.1.2. update Members on the use of RIPA; and
- 1.1.3. report on training for Officers.

- 1.2. The Regulation of Investigatory Powers Act 2000 (RIPA) was designed to regulate the use of investigatory powers, and its effect is that formal authorisation must be obtained before carrying out certain surveillance, monitoring and other evidence gathering activities. RIPA ensures that the right balance is achieved between public interest and individual human rights.
- 1.3. RIPA requires the Council to have in place procedures to ensure that when required, surveillance is seen as necessary, proportionate and is properly authorised. These procedures are set out in the RIPA Policy attached to this report (Appendix A) and they are designed to protect the Council against a claim of a breach of Article 8 of the Human Rights Act if correctly followed (right to respect for private and family life, home and correspondence).
- 1.4. The last report by the Investigatory Powers Commissioner's Office was produced by the Assistant Surveillance Commissioner His Honour Norman Jones QC on 7 September 2017 (Appendix A) following a 'paper review' of the Council's procedures and records. The report contained a number of recommendations set out at paragraph 30 of the report.
- 1.5. The Surveillance Commissioner's guidance requires an annual update on RIPA is brought to the Council's Overview & Scrutiny Committee; the last report was brought to this Committee on 5 September 2017/9 November 2017 (SH).

## 2. RIPA Policy

- 2.1. The Council's revised RIPA Policy is attached at Appendix B. It has been amended following the 2017 report to reflect the amendments recommended by the Inspector, and to also reflect further changes to the Authorising Officers
- 2.2. From the 1st November 2018 two changes are being made to the RIPA Act.

### Change One.

Three statutory removals – involving reasons for which data can be retained or acquired;

Data can no longer be acquired or retained for;

S 22 (2) (e) - for the purpose of public health

S 22 (2) (f) – for the purpose of assessing or collecting any tax, duty, levy or other impositions or contributions payable to a government department.

S 22 (2) (j) – for the purposes of exercising functions relating to the regulations of financial services and markets or to financial stability.

## Change Two

Where the statutory purpose is crime, there is a new serious crime threshold for the acquisition of service or traffic data. Subscriber data can still be acquired for any crime – where necessary and proportionate to do so.

Serious crime is described in the guidance and includes offences punishable by 12 months imprisonment or more – for example Fly-tipping.

### **3. RIPA activity**

3.1. No RIPA authorisations have been applied for, or granted, since the report to Members in September 2017

3.2. The reasons are due a combination of factors, including the fact that for local authorities, the only statutory reason for a RIPA authorisation was for the purposes of preventing or detecting a criminal offence where that offence is punishable by a minimum term of at least 6 months imprisonment. In the past the OSC has also cited reduced resources, greater access to data-matching and overt, rather than covert law enforcement.

### **4. OSC report**

Inspections by the OSC are scheduled every three years but recent changes mean that the Commissioner's inspectors can conduct this by a 'paper' review (as was the last inspection in August 2017) rather than a visit; the Commissioner can decide to repeat the paper review or make a planned visit for the next inspection due in 2020.

### **5. Training**

5.1. The Senior Leadership Team (the Authorising Officers) together with the Monitoring Officer, and officers who would be responsible for carrying out any RIPA investigations, attended RIPA training in February 2017.

5.2. The relevant Officers will need to attend annual refresher and further training has been arranged for February 2019.

In addition the Deputy Monitoring Officer and RIPA Co-ordinating Officer are attending annual refresher training on November 28<sup>th</sup> 2018. . The training will include a review and update of;

- RIPA and Local Authorities
- Surveillance
- CHIS
- Communications Data
- Role of authorising officers
- Necessity and proportionality
- Judicial Approval
- Social Networks

- The Investigatory Powers Act 2016
- 2018 amendments to RIPA

## 6. Outcomes/outputs

- 6.1. The Council aims to achieve compliance with the RIPA requirements and where authorisations are granted, that these are authorised as necessary and proportionate and in accordance with Policy.
- 6.2. Regular reviews of Council Policy, monitoring and reporting of any RIPA activity will ensure that compliance is achieved.

## 7. Options available and consideration of risk

- 7.1. The Council is obliged under the Regulation of Investigatory Powers Act, a series of regulations and Home Office guidance, to have a RIPA Policy in place and ensure compliance with that Policy. Home Office guidance also requires that officers are trained in RIPA in the future event that the Policy needs to be applied and authorisations granted.
- 7.2. Failure to review the Policy and non-compliance with the Policy, exposes the Council to the risk that it breaches the Human Rights Act, and is unable to legally enforce against unlawful activity.

## 8. Proposed Way Forward

- 8.1. To consider the current Policy attached at Appendix B in line with the 2017 IPCO report.

## 9. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Council's duties for covert surveillance are set out in RIPA and these requirements are reflected in the Council's RIPA Policy at Appendix A. The Home Office guidance on covert surveillance recommends that Members should review the RIPA policy annually, and regularly consider reports on the use of RIPA. Reports on the use of RIPA will be brought to O&S if the Council grants any authorisations.
Financial	N	There are no direct financial implications to this report.



Risk	Y	Adoption of (and compliance with) a RIPA policy will minimise any risk to the Council of breaches of the Human Rights Act in any future investigations involving covert surveillance. Regular review of Policy and RIPA use, together with reporting to O&S will further mitigate that risk and ensure consistent application of the policy.
Comprehensive Impact Assessment Implications		
Equality and Diversity		There are no direct implications to this report but these issues are considered in each individual application and RIPA authorisation
Safeguarding		There are no direct implications to this report but these issues are considered in each individual application and RIPA authorisation
Community Safety, Crime and Disorder		There are no direct implications to this report but these issues are considered in each individual application and RIPA authorisation
Health, Safety and Wellbeing		There are no direct implications to this report but these issues are considered in each individual application and RIPA authorisation
Other implications		N/a

### **Supporting Information**

#### **Appendices:**

**Appendix A:** IPCO Report November 2017 (EXEMPT); and  
**Appendix B:** Draft revised RIPA Policy.

#### **Background Papers:**

Report to Overview & Scrutiny Panel on 9 November 2017

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**SOUTH HAMS DISTRICT Council  
And  
WEST DEVON BOROUGH COUNCIL**

**Regulation of Investigatory Powers Act 2000  
Joint Policy**

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# Introduction

## **Overview**

The Regulation of Investigatory Powers Act 2000 (RIPA) means that formal authorisation from a senior officer must be obtained before carrying out certain surveillance, monitoring and other evidence-gathering activities. The Council may not carry out any other types of surveillance at all.

It is important to remember that RIPA must always be complied with, regardless of whether the information obtained is to be used as evidence in court proceedings. Failure to comply with RIPA doesn't just mean that the evidence cannot be used in court; it means that the whole procedure is illegal and that the officers concerned do not benefit from the above protection.

This Policy applies to South Hams District Council and West Devon Borough Council.

## **What is this document for and why is it needed?**

The Councils' are allowed and required to carry out investigations in relation to their duties. Such investigations may require surveillance or information gathering of a covert nature.

Article 8 of the European Convention on Human Rights provides:

- Article 8.1: Everyone has the right to respect for his private and family life, his home and his correspondence.
- Article 8.2: There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of rights and freedoms of others.

This right is not absolute, it is a qualified right. This means that in certain circumstances the Council *may* interfere with the right if the interference is:

- in accordance with the law
- necessary, and
- proportionate

Covert Surveillance and information gathering may constitute an interference with the right to respect for private and family life. To ensure that such an action is not unlawful under the Human Rights Act 1998, the Council needs to meet the requirements of the Regulation of Investigatory Powers Act 2000 (RIPA).

In simple terms, RIPA requires the Council to have in place procedures to ensure that when required, surveillance is seen as necessary and is properly authorised. Surveillance is usually a last resort that an investigator will use to prove or disprove an allegation. RIPA sets out a statutory mechanism for authorising covert surveillance and the use of covert human intelligence sources (see below). RIPA seeks to ensure that any interference with

an individual's rights under Article 8 is necessary and proportionate and that, therefore, there is a balance between public interest and an individual's human rights. Covert surveillance will only be undertaken where there is no reasonable and effective alternative means of achieving the desired objective.

### **What is meant by necessary?**

It is essential to consider whether an investigation requiring surveillance or information gathering can be done overtly rather than covertly. What would the result be if you carried out the investigation overtly?

If an investigation can be reasonably carried out by any means other than by using covert surveillance, then the use of covert surveillance is not necessary.

It must then be considered whether it is necessary to conduct covert surveillance or use covert human intelligence sources in the circumstances of the particular case for the **purpose of preventing or detecting crime where the offence is punishable by imprisonment of a term of six months or more.**

### **What is meant by proportionate?**

This is an important concept, and it means that any interference with a person's rights must be proportionate to the intended objective. The action must be aimed at pursuing a legitimate aim. Interference will not be justified if the means used to achieve the aim are excessive in all the circumstances.

The use of surveillance must be designed to do no more than meet the objective in question; it must not be unfair or arbitrary, and the impact on the individual (or group of people) concerned must not be too severe. In deciding whether the use or action is proportionate, the risk of intrusion into the privacy of persons other than those who are the object of the investigation must be considered, and the measures proposed to minimise such intrusion must be properly assessed. You must be satisfied that, on balance, the principle of the subject's right to privacy is outweighed by the purpose of the investigation. Clearly, the more serious the matter being investigated, the more likely that surveillance will be proportionate.

The proportionality test will also require you to consider whether there are any other appropriate means of obtaining the information and whether there is a risk of collateral intrusion. The least intrusive method will be proportionate. Some of the things you may also wish to consider in terms of proportionality are whether covert surveillance is the only option, what other options have been considered, the intended length of the investigation, the number of officers to be deployed in the investigation.

The activity will not be proportionate if it is excessive in the circumstances of the case or if the information which is sought could reasonably be obtained by other less intrusive means.

### **What is covered by the Regulation of Investigatory Powers Act 2000?**

The main purpose of the Regulation of Investigatory Powers Act 2000 is to ensure that the relevant investigatory powers are used in accordance with human rights. The Act sets out

these powers in more detail. Part II of the Act sets out the powers available to local authorities.

The Council is able to carry out investigations using covert surveillance and/or by using a covert human intelligence source under RIPA following the formal authorisation procedures and codes of practice as set out in this document. RIPA applies to the Council's core functions. Please ask the RIPA Co-ordinating Officer for advice if you are unsure as to whether RIPA will apply.

RIPA not only covers the surveillance of members of the public but would also cover the observation of staff and members as part of an internal investigation.

### **Do we need to follow these rules?**

Although RIPA does not impose a requirement for local authorities to comply with it, it is essential for the Council to do so to ensure that:

- it is less vulnerable to a challenge under the Human Rights Act and
- any material gathered is admissible by the civil and criminal courts.

Following the requirements of RIPA and acting in accordance with this Policy, will therefore protect the Council against potential challenges to its decisions and procedures. Not following the procedures specified in this document could also lead to a complaint of maladministration or a complaint to the independent Tribunal set up under RIPA, details of which are to be found at the end of this document.

### **What is the relevant legislation?**

- The Regulation of Investigatory Powers Act 2000
- The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010
- Protection of Freedom Act 2012
- Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment ) Order 2012, SI 2012/1500

Authorisation may only be granted if it is necessary for the reason permitted by RIPA. For local authorities the only statutory reason is **for the purposes of preventing or detecting a criminal offence where that offence is punishable (whether on summary or indictment) by a minimum term of at least 12 months imprisonment.**

These penalties only apply to the authorisation of *directed surveillance* and not CHIS

This means that directed surveillance cannot be used for minor offences.

### **What is the Council's Policy on RIPA?**

This document is the Council's policy on RIPA. As such, it should be adhered to unless it is in conflict with either of the Government Codes of Practice which have been made under RIPA. The Codes of Practice are admissible as evidence in court and **must** be complied with.

Copies of the Codes of Practice are available on the Home Office site:  
[www.homeoffice.gov.uk](http://www.homeoffice.gov.uk). These are:

- Covert Surveillance Code Of Practice
- Covert Human Intelligence Sources Code Of Practice

### **When will this document be reviewed?**

This document shall be subject to review once a year. An earlier review may take place should circumstances in the law so require it. Minor amendments may be made from time to time.

### **Who is responsible for reviewing and monitoring this document and the use of RIPA?**

West Devon Borough Council's **Overview and Scrutiny Committee** and South Hams District Council's **Corporate Performance & Scrutiny Panel** are responsible for the overview of the RIPA policy and the Councils' use of RIPA. The Committees will not be involved in making decisions on specific authorisations.

The RIPA Co-ordinating Officer is responsible for;

1. Training and awareness across the Councils
2. Oversight of Authorisations
3. Maintaining and storing records including a retrievable Central Register of authorisations
4. Annual reports to the relevant scrutiny committees
5. Updates and implementation of the RIPA Policy
6. Quarterly reports to the Community Safety Committee (do we have one of these?)

### **How do I find out more?**

General guidance on RIPA may be found on the Home Office site:  
<http://www.homeoffice.gov.uk/>

Please contact the Council's Legal Section if you require any further advice on RIPA, this document or any of the related legislative provisions.

For the Benefits Section – further guidance may be found in the DWP Circulars.

# Surveillance

## What is Surveillance?

“**Surveillance**” includes

- monitoring, observing, listening to persons, watching or following their movements, listening to their conversations and other such activities or communications
- recording anything mentioned above in the course of authorised surveillance
- surveillance, by or with, the assistance of appropriate surveillance device(s)
- the interception of a communication in the course of its transmission by means of a postal service or telecommunication system if it is one sent by, or intended for, a person who has consented to the interception of the communication.

Surveillance can be overt or covert.

### **Overt Surveillance**

Most of the surveillance carried out by the Council will be done overtly.

General observations made by officers in the course of their duties constitutes overt surveillance.

Warning the person about the surveillance (preferably in writing) constitutes overt surveillance. Consideration should be given to how long the warning should last. This must be a reasonable length of time (three months may be appropriate in many cases), but each case must be assessed as to what is reasonable having regard to the circumstances. Whatever period is chosen, this **must** be set out in the written warning. At the expiry of the period, further written warning should be given otherwise the surveillance will become covert.

Overt surveillance does not require authorisation under RIPA.

### **Covert Surveillance**

“Covert Surveillance” means surveillance which is carried out in a manner calculated to ensure that the persons subject to the surveillance are unaware that it is or may be taking place.

Covert surveillance does require authorisation under RIPA.

## What are the different types of covert surveillance?

RIPA regulates two types of covert surveillance:

- Directed Surveillance, and
- Intrusive Surveillance;

RIPA also regulates the use of Covert Human Intelligence Sources.

### **Directed Surveillance**

Directed surveillance is defined as surveillance which is:

- covert,
- not intrusive (see definition below)
- undertaken for the purposes of a specific investigation or specific operation;
- carried out in such a manner as is likely to result in the obtaining of private information about a person (whether or not that person is the target of the investigation or operation); and
- undertaken in a planned manner, and not as an immediate response to events or circumstances.

### **Intrusive surveillance**

Intrusive surveillance is surveillance of any activities on any residential premises or in any private vehicle by a person (other than a Covert Human Intelligence Source) on those premises or in that vehicle or is carried out by means of a surveillance device on the premises or in the vehicle or which provides information of the same quality and details as if it was on the premises or in the vehicle

However, directed surveillance authorisation may be granted for parts of residential premises, such as gardens or driveways which can be observed from the public highway. Further guidance on this point may be obtained from the Council's Legal Section.

It is important to get this right because:

## **COUNCIL OFFICERS CANNOT CARRY OUT INTRUSIVE SURVEILLANCE**

### **Covert Human Intelligence Sources (CHIS)**

The term Covert Human Intelligence Sources is used to describe people who are more commonly known as informants or officers working "undercover". Throughout this document these people are referred to as "Sources"

This does not include members of the public who volunteer information to the Council as part of their normal civic duties or to contact numbers set up to receive information.

A person is a Source if he/she:

- establishes or maintains a covert personal or other relationship for the purposes of:
    - obtaining information; or
    - providing access to information to another person; or
  - discloses information obtained by the use or existence of that covert relationship
- RIPA authorisation is required for using a Source.

There are special rules for using juvenile or vulnerable persons as sources, and only the Director (HoPS) or in his/her absence the appointed deputy can authorise such surveillance. Further advice should be sought from the Council's Legal Section in such cases.

### **Interception of Communications**

Local authorities can carry out interception of communications in a restricted number of circumstances.

These are:

#### **In the course of normal business practice**

The Councils are permitted without authorisation under RIPA to lawfully intercept its employees' e-mail or telephone communications and monitor their internet access for the purposes of prevention or detection of crime or the detection of unauthorised use of these systems.

The Councils' policies on use of the internet and e-mail are set out on the intranet site under Policies and Procedures/ICT policies.

The Council also has regard to the Employment Practices Data Protection Code – Part 3: Monitoring at Work produced by the Information Commissioner. A copy of this code and its supplementary guidance can be found at: [www.ico.org.uk](http://www.ico.org.uk)

#### **Interception with the consent of both parties.**

Such interception does not require RIPA authorization, but should be properly recorded.

#### **Interception with the consent of only one of the parties.**

Such interception would require RIPA authorisation because it would fall within the definition of surveillance (either directed or using a Source). The main type of interception

envisaged here is the recording of telephone calls where either the caller or the receiver has given consent to the recording.

Where as part of an already authorised Directed Surveillance or use of a Source a telephone conversation is to be recorded by the Officer or the Source then no special or additional authorisation is required.

### **Interception without the consent of either of the parties**

The recording of telephone calls between two parties when neither party is aware of the recording **CANNOT BE UNDERTAKEN**, except under a Warrant granted by the Secretary of State under Part 1 of RIPA. Such warrants are only granted by the Secretary of State and it is not envisaged that such activity would fall within the remit of local authority investigations.



## **Procedures**

### **What is the procedure for obtaining authorisation under RIPA?**

Directed surveillance and the use of a Source can only be lawfully carried out if properly authorised, and in strict accordance with the terms of the authorisation.

All directed surveillance and use of a Source operations shall be:

- Applied for in writing or verbally in cases of urgency
- Approved
- Monitored
- Renewed when necessary
- Cease when no longer authorised

All the above actions will be carried out in accordance with this document and the relevant Codes of Practice and will be recorded on the Standard Forms listed below:

The Standard Forms are available from the Home Office web-site [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)

### **Directed Surveillance**

- Application for directed surveillance authorisation
- Review of directed surveillance authorisation
- Application for cancellation of directed surveillance authorisation
- Application for renewal of directed surveillance authorisation

### **Use of a Source**

- Application for conduct-use of a CHIS authorisation
- Review of use of a CHIS authorisation:
- Application for renewal of use of a CHIS authorisation
- Application for cancellation of conduct-use of a CHIS authorisation

Copies of all these documents will be retained and kept on the investigation file as part of the evidence to show that the information gained by directed surveillance or the use of a Source has been obtained legally.

This document provides guidance on the Procedures required to be undertaken by the Investigating Officer and the Authorising Officer for the different stages specified above.

## • **The Senior Responsible Officer's Duties**

### **Who is the Senior Responsible Officer?**

The Councils' Senior Responsible Officer is listed in the annex to this document.

### **What are my duties?**

In accordance with the recommendations of the Codes of Practice, you are responsible for the following areas:-

- the integrity of the process in place within the Council for the management of Covert Human Intelligence Sources and Directed Surveillance
- compliance with Part II of RIPA and the Codes of Practice
- oversight of the reporting of errors to the relevant oversight Commissioner and the identification of both the cause(s) of errors and the implementation of processes to minimise repetition of errors
- engagement with the OSC inspectors when they conduct their inspections
- oversight of the implementation of any post-inspection action plan approved by the relevant oversight Commissioner
- ensuring that all Authorising Officers are of an appropriate standard in light of any recommendations in the inspection reports by the Office of the Surveillance Commissioner

- **The Investigating Officer's Duties under RIPA.**

### The Application

The application for authorisation is the responsibility of the Investigating Officer

#### What do I need to do?

You will need to consider:

- Whether covert surveillance is needed
- Whether directed surveillance or use of a Source is needed
- Whether directed surveillance or use of a Source is necessary for statutory reasons
- Whether directed surveillance or use of a Source is proportionate
- The risk of collateral intrusion
- Safety and welfare arrangements (use of Source only)

These are discussed in more detail below.

#### What do I need to consider?

- **Consideration: Whether covert surveillance is needed**

Consideration must be given as to whether covert surveillance is needed. You are advised to discuss the need to undertake directed surveillance or the use of a Source with your line manager before seeking authorisation. All options for the use of overt means **must** be fully explored. Remember: if the investigation can be carried out by overt means, then covert surveillance is not necessary.

- **Consideration: Whether directed surveillance or use of a Source is needed**

You must establish which type of "surveillance" is required for the investigation or operation having regard to the guidance contained in this document. The type of surveillance you require affects which application forms you need to complete. Additional considerations are needed for using a Source. Further detail is found below. Combined authorisations for both directed surveillance and the use of a Source may be applied for where appropriate.

- **Consideration: Whether directed surveillance or use of a Source is necessary for the statutory reason**

Authorisation may only be granted if it is necessary for the reason permitted by RIPA. For local authorities the only statutory reason is for the purposes of preventing or detecting a criminal offence where that offence is punishable (whether on summary or indictment) by a minimum term of at least 12 months imprisonment.

This means that directed surveillance cannot be used for minor offences.

You must set out this ground in your application form and provide details of the reasons why it is necessary to use covert surveillance.

- **Consideration: Whether directed surveillance or use of a Source is proportionate**

You must consider why it is proportionate to use covert methods to collect evidence. Please see the definitions set out on page 2 “what is proportionate?” Remember, the use of covert methods must do no more than meet your objective. The proportionality test will also require you to consider whether there are any other appropriate means of obtaining the information and whether there is a risk of collateral intrusion (see consideration below). The least intrusive method will be proportionate. The following aspects of proportionality must be considered and evidenced:-

- balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or offence
  - explaining how and why the methods to be adopted will cause the least possible intrusion on the target and others
  - considering whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the necessary result
  - evidencing, as far as reasonably practicable, what other methods have been considered and why these were not implemented.
- **Consideration: The risk of collateral intrusion**

Collateral intrusion is the risk of intrusion into the privacy of persons other than the target. You are required to assess the risk of collateral intrusion. Details of any potential collateral intrusion should be specified. Measures must be taken wherever practicable to avoid or minimise collateral intrusion and a plan should be included in your application specifying how the potential for collateral intrusions will be minimised. You should give as much detail as possible, insufficient information may lead to the rejection of the application.

- **Consideration: Surveillance from private premises**

It is preferable for surveillance to be carried out from a public place, such as a public highway. However, there may be circumstances where private premises may be required for the carrying out of surveillance. In which case, it is essential that you obtain the consent of the owner and/or occupier of the premises prior to authorisation being sought. You should seek further guidance from the Council’s Legal Section on this point.

- **Consideration: safety and welfare arrangements – use of a Source**

You must provide a risk assessment as to the likely risks to be faced by an officer or other person both during the conduct of the investigation and after the cancellation of the authorisation. Details must also be included setting out the arrangements for the safety of the Source, this should include:

- the name of the Officer who has day to day responsibility for:
  - Dealing with the Source
  - Directing the day to day activities of the Source

- Recording the information supplied by the Source
  - The Source's security and welfare
- The name of the Officer responsible for recording and monitoring the use made of the Source
  - Arrangements for ensuring the security of the records which identify the Source
  - Records relating to the Source meet the requirements of the Statutory Instrument: The Regulation of Investigatory Powers (Source Records) Regulations 2000 (SI 2000 No. 2725) – please see either the Home Office website: [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk) or the Office of Public Sector Information website: [www.opsi.gov.uk](http://www.opsi.gov.uk)

### **How do I apply?**

All applications must be made in writing on the standard forms as set out in this document. The relevant forms are:

- An application for directed surveillance authorisation, and/or
- An application for use of a Source

The considerations set out above, form part of the application form.

The application form must be fully completed and passed to the Authorising Officer. The annex to this document contains details of the Council's Authorising Officers.

**NB. All authorisations and renewals must have the prior approval of the Magistrates' before they take effect.**

### **What if authorisation is urgent?**

The 2012 Home Office Guidance states that in most emergency situations where the police have power to act, then they are able to authorise activity under RIPA without prior JP approval. Therefore local councils may need to work with the police if faced with an emergency.

NB. Urgent authorisation may not be necessary if, under section 26(2) of the Act, an officer suddenly sees something relevant to his duties and takes an immediate note, observation of follow-up activity (within reason).

### **Monitoring**

#### **How long will an authorisation last for?**

The authorisation for Directed Surveillance will last for **three months** from the date of authorisation unless renewed.

The authorisation for use of a Source will last for **12 months** from the date of authorisation (i.e. date of Magistrates' Order) unless renewed.

Review dates for the authorisation will be set by the Authorising Officer.

## **I now have my authority for surveillance, is there anything else I should be aware of?**

It will be the responsibility of the Investigating Officer to ensure that any Directed Surveillance or use of a Source is only undertaken under an appropriate and valid authorisation.

During the surveillance, you should ensure:

- Surveillance is carried out in accordance with the approval
- Collateral intrusion is minimised as far as possible
- Intrusive surveillance is not carried out
- All information obtained is recorded contemporaneously or as soon as possible thereafter

During the use of a Source, you should also ensure:

- That the source is aware that:
  - Only the tasks authorised are carried out
  - Third party collateral intrusion is minimised as far as possible
  - Intrusive surveillance is not carried out
  - Entrapment is not committed
  - They must regularly report to you

You should also be mindful of the date when authorisations and renewals will cease to have effect. Please see the notes on Renewals and Cancellation below.

## **What do I do if circumstances change during the investigation?**

You must inform the Authorising Officer if the investigation unexpectedly interferes with the privacy of individuals who are not covered by the authorisation or if there is another change in circumstances usually brought about by unforeseen action.

When the original authorisation may not be sufficient, consideration should be given to whether the authorisation needs to be amended and re-authorised (for minor amendments only) or whether it should be cancelled and a new authorisation obtained. The relevant forms should be used.

Particular care should be taken when using a Source to ensure that authorisation is sufficient. It is difficult to predict what might occur each time a meeting with a Source takes place. If unforeseen action takes place, the occurrence should be recorded as soon as possible after the event and the sufficiency of the authorisation must be considered.

You must bring to the attention of the Authorising Officer any concerns about the personal circumstances of the Source in relation to: the validity of the risk assessment; the conduct of the source; the safety and welfare of the Source.

## **Renewals**

## **Why are renewals important?**

Once the authorisation expires, surveillance must cease unless a renewal has been applied for and approved. Renewals must be authorised prior to the expiry of the original authorisation but will run from the date and time of expiry of the original authorisation.

## **What should I do?**

If it appears that the directed surveillance or use of a Source is needed beyond the authorisation date, you must seek a renewal of the authorisation.

You must consider whether covert methods are still necessary and proportionate.

An application for renewal for either Directed Surveillance and/or use of Source should be made on the relevant form and passed to the Authorising Officer for consideration.

Authorisation for renewal may be sought verbally, but only in exceptional circumstances.

**NB. All authorisations and renewals must have the prior approval of the Magistrates' before they take effect.**

## **Cancellations**

### **Why are cancellations important?**

All authorisations, including renewals, must be cancelled if the reason why Directed Surveillance or use of a Source was required no longer exists or is no longer proportionate. This will occur in most instances when the purpose for which surveillance was required has been achieved and officers must be mindful of the need to cancel any authorisation which has been issued. A cancellation should be issued at the expiry date if not before.

### **How do I cancel an authorisation?**

To cancel an authorisation, you should complete the Cancellation of Authorisation form and submit it to the Authorising Officer for endorsement.

# Authorising Officer Responsibilities under RIPA

## The Approval

### Who are the Authorising Officers?

The Council's Authorising Officers are listed in the annex to this document.

If the investigation may involve the acquisition of confidential or religious material, or require an authorisation for using juveniles or vulnerable persons as sources, the Authorising Officer is, by law, the Head of Paid Service (or in his/her absence the appointed deputy).

Authorising Officers should not be responsible for authorising investigations or operations in which they are directly involved. If this is the case, the application form for authorisation should be noted to this effect.

**NB. All authorisations and renewals must have the prior approval of the Magistrates' before they take effect.**

### What are my responsibilities?

Responsibility for authorising the carrying out of directed surveillance or using a Source rests with the Authorising Officer and requires the personal authority of the Authorising Officer.

You must be satisfied that a defensible case can be made for surveillance. Authorisation is a safeguard against the abuse of power by public authorities. Full consideration of necessity and proportionality will make the action less vulnerable to challenge under the Human Rights Act 1998.

### What do I need to consider?

You are required to consider the application for authorisation in relation to the following:

#### **Consideration: Is the directed surveillance or use of a Source necessary?**

**Firstly**, you must consider whether it is necessary to carry out the investigation by covert methods. This is an important consideration and must be recorded on the form. Please see "what is meant by necessary?" on Pages 1 and 2 of the Policy.

**Secondly**, as authorisation may only be granted if it is necessary for the reason permitted by RIPA. You should consider, having regard to the outline of the case provided by the Investigating Officer, whether authorisation is necessary for the purposes of preventing and detecting crime or of preventing disorder



### **Consideration: Is the directed surveillance or use of a Source proportionate?**

This involves balancing the intrusiveness of the activity on the target and others who may be affected by it (see “consideration: risk of collateral intrusion” below) against the need for the activity in operational terms. Please refer to “what is proportionate?” on page 2 of this Policy.

### **Consideration: The risk of collateral intrusion**

You must take into account the risk of interfering with the privacy of persons other than the target (collateral intrusion). Full details of potential collateral intrusion and the steps to be taken to minimise such intrusion must be included in the form. If there are insufficient details further information should be sought. Collateral intrusion forms part of the proportionality test and is therefore very important. Remember: the least intrusive method should be chosen otherwise the surveillance activity will not be proportionate.

### **Consideration: confidential material**

In cases where through the use of directed surveillance or the use of a Source it is likely that knowledge of confidential information will be acquired, authorisation may only be granted by the Chief Executive.

Confidential information consists of matters subject to legal privilege, confidential personal information or confidential journalistic material.

Authorisation involving the acquisition of confidential information should only be given in exceptional and compelling circumstances having full regard to the proportionality issues involved.

Further details about the type of information covered under this category are to be found in the Chapter 3 of the relevant Code of Practice. Further advice may be sought from the Council’s Legal Section.

### **Consideration: Safety and welfare arrangements of a Source**

When authorising the conduct or use of a Source, you must be satisfied:

- That the conduct and/or use of the Source is proportionate to what is sought to be achieved;
- That arrangements exist for the management and oversight of the Source, particularly the health and safety of the Source including:
  - Identifying the person who will have day to day responsibility for dealing with the Source
  - Security and welfare arrangements of the Source both during and after the investigation/operation.
  - Monitoring and recording the information supplied by the Source
  - Ensuring records disclosing the identity of the Source will not be made available to persons except where there is a need for access to them

- Records relating to the Source meet the requirements of the Statutory Instrument: The Regulation of Investigatory Powers (Source Records) Regulations 2000 (SI 2000 No. 2725) – please see either the Home Office website: [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk) or the Office of Public Sector Information website: [www.opsi.gov.uk](http://www.opsi.gov.uk)

### **Consideration: local community**

You should consider whether there any particular sensitivities in the local community where surveillance will be taking place.

**Having taken all these factors into consideration, you may either approve the application or refuse it.**

### **What do I do if I have refused the application?**

You must complete the form and give your reasons for refusal. Then follow the procedures below (“I have completed the form what do I do with it?”)

### **What do I do if I have approved the application?**

You need to follow the rest of the procedure set out below.

Regular review should be undertaken to assess the need for surveillance or use of a Source to continue and whether it is still proportionate. Where the surveillance or use of a Source provides access to confidential information or involves collateral intrusion, review should be more frequent.

You will therefore need to consider a Review Date(s). Both types of authorisation require you to specify a date when the authorisation should be reviewed (the Review Date) and the frequency of the review thereafter. This must be stated on the form.

### **What do I do if the authorisation is urgent?**

The 2012 Home Office Guidance states that in most emergency situations where the police have power to act, then they are able to authorise activity under RIPA without prior JP approval. Therefore local councils may need to work with the police if faced with an emergency. NB. Urgent authorisation may not be necessary if, under section 26(2) of the Act, an officer suddenly sees something relevant to his duties and takes an immediate note, observation of follow-up activity (within reason).

### **What do I do with the completed form?**

You must send the completed application form(s) to the RIPA Co-ordinating Officer as soon as you are able. This includes any forms in which you have refused authorisation. You should retain a copy of the form and send a further copy to the relevant Investigating Officer for retention on the investigation file.

### **Monitoring**

## **How long will an authorisation last for?**

The authorisation for **Directed Surveillance** will last for **three months** from the date of authorisation unless renewed.

The authorisation for use of a **Source** will last for **12 months** from the date of authorisation unless renewed.

It is important to set a review date which gives the opportunity to cancel if the authorisation is no longer required. If the surveillance is still required, set another review date (see below)

## **I have now given the authority for surveillance, what should I do next?**

After authorisation the Authorising Officer is responsible for continuing to oversee the progress of the investigation. You must ensure that whatever was authorised does actually happen, and that actions do not exceed the boundaries of the authorisation.

Progress of the investigation or operation should be reviewed in accordance with the review dates set by the authorisation using the relevant review form. In any case, as soon as the investigation or operation objectives have been achieved the authority should be cancelled.

You will regularly monitor the surveillance to ensure:

- Surveillance is being carried out in accordance with the authority given
- There is still a need for the approved surveillance or use of the Source
- The surveillance is achieving the intended results
- The risks of collateral intrusion are still minimal
- The risks associated with the surveillance or use of the Source are within an acceptable level
- The security and/or welfare of the Source has not been jeopardised. You must consider any concerns raised by the Investigating Officer relating to the personal circumstances of the Source.

You should record the outcome of such monitoring and take whatever action is appropriate.

## **Renewals**

### **Why are renewals important?**

Once the authorisation expires, surveillance must cease unless a renewal has been applied for and approved.

**NB.** All authorisations and renewals must have the prior approval of the Magistrates' before they take effect.

**What are my responsibilities in respect of renewals?**

You may renew an authorisation before it expires if it is necessary for the authorisation to continue for the purpose for which it was given.

You must consider the application for renewal in relation to the original purpose for which authorisation was granted, taking into account any change in circumstances. You should be satisfied that:

- There is a need to renew the authorisation (applying the test of necessity)
- That such a renewal is likely to contribute to the investigation or operation (it is proportionate to the aim)
- That the information could not be reasonably obtained by other less intrusive means.
- The risk of collateral intrusion is minimal – you should consider what collateral intrusion has occurred
- The risks associated with the use of a Source have not increased beyond an acceptable level

The outcome of a consideration for renewal may lead to:

- Approval
- A new application
- Refusal

### **Approval**

If you decide to approve a renewal you will need to provide details of why in your opinion you believe the renewal is justified, and state the date and time when the renewed authorisation will commence and expire on the application form.

The maximum time that renewal of authorisation can be approved for, is three months at a time for directed surveillance and 12 months for the use of a Source, but you may consider shorter periods if this is more appropriate to the circumstances.

You should also set Review Dates and continue to monitor the progress of the investigation or operation.

### **A new application for authorisation**

If the reason for requiring the authorisation has changed from the purpose for which it was originally granted, then the outstanding authorisation should be cancelled and new authorisation sought by way of a new application. You will need to note the refusal to renew the application on the renewal form setting out the reasons for your decision. You will also need to follow the procedures for cancellation see below and advise the Investigating Officer to seek new authorisation.

### **Refusal**

If in your opinion surveillance is no longer required, or justified, or proportionate, the renewal should be refused and the authorisation cancelled. See the paragraph on cancellation below. You will need to note on the renewal form your reasons for refusal.

### **What do I do with the completed form?**

You must send the completed renewal form to the RIPA Co-ordinating Officer as soon as you are able. This includes forms where you have refused a renewal. You should retain a copy of the form and send a further copy to the relevant Investigating Officer for retention on the investigation file.

## **Cancellations**

### **Why are cancellations important?**

All authorisations, including renewals, must be cancelled if the reason why directed surveillance or use of a Source was required no longer exists or is no longer proportionate. This will occur in most instances when the purpose for which surveillance was required has been achieved and officers must be mindful of the need to cancel any authorisation which has been issued. A cancellation should be issued at the expiry date if not before.

### **What are my responsibilities in respect of cancellations?**

The responsibility to ensure that authorisations are cancelled rests with the Authorising Officer. If you think cancellation should have been applied for, then you should make enquiries of the Investigating Officer as part of your monitoring of the authorisation. On receipt of the cancellation form from the Investigating Officer, you must consider the reasons for cancellation and if acceptable endorse the form.

As soon as the decision is taken that directed surveillance or use of a Source should be discontinued, the instruction must be given to those involved to stop all surveillance of the subject. The date and time when such an instruction was given should be recorded on the cancellation form.

Where necessary the safety and welfare of the Source should continue to be taken into account after the authorisation has been cancelled.

### **What do I do with the completed form?**

You must send the completed renewal form to the RIPA Co-ordinating Officer as soon as you are able. This includes forms where you have refused a renewal. You should retain a copy of the form and send a further copy to the relevant Investigating Officer for retention on the investigation file.

## **Working with or through other Agencies**

### **What do I do if I want to instruct another organisation to carry out surveillance?**

When some other agency has been instructed on behalf of the Council to undertake some action under RIPA, this Document and the forms in it, must be used in the normal way and the agency advised as necessary of the various requirements. They must be made aware explicitly what they are authorised to do.

### **What do I do if I want to carry out an investigation with another organisation?**

It is possible for two public authorities to carry out a joint directed surveillance investigation or use of a Source. It must be decided which of the authorities is to take the lead role. The Authorising Officer from the lead organisation must make the decisions on the necessity and proportionality of the surveillance or use of a Source. The Investigating Officer must make it clear on the application form that it is a joint investigation and provide details of Officers involved from both authorities.

Where joint surveillance is authorised by the lead organisation, it is good practice for the Investigation Officer of the other organisation to advise their Authorising Officer of the surveillance activity. It is important for each organisation's Authorising Officer to be aware of all surveillance activity being undertaken by their own Investigating Officers, regardless of which organisation authorised the activity.

## **Record-Keeping**

### **What records must I keep?**

The Council must keep a detailed record of all authorisations, renewals, cancellations and rejections in Departments and a Central Register of all these forms will be maintained and monitored by the RIPA Coordinating Officer.

In all cases, the relevant department should maintain the following documentation:

- a copy of the application and a copy of the authorisation together with any supplementary documentation and notification of the approval given by the Authorising Officer;
- The Magistrates' Order
- a record of the period over which the surveillance has taken place;
- the frequency of reviews prescribed by the Authorising Officer;
- a record of the result of each review of the authorisation;
- a copy of any renewal of an authorisation, together with the supporting documentation submitted when the renewal was requested;
- the date and time when any instruction was given by the Authorising Officer.
- A record of the use made of any Source

### **How long must I keep these records?**

The Council will retain records in accordance with the Council's Record Management Policy. Retention of a record will therefore depend on an assessment of the need to retain the record.

### **How should the records relating to a Source be maintained?**

Records kept relating to an investigation or operation using a Source should be maintained in such a way as to preserve the confidentiality of the Source and the information provided by the Source. Regard should be had to the Council's Record Management Policy.

## **Material obtained from Directed Surveillance and/or use of a Source operations**

### **How should material be handled and stored?**

Material, or product, such as: written records (including notebook records); video and audio tape; photographs and negatives; and electronic files, obtained under authorisation for Directed Surveillance or use of a Source investigations or operations should be handled, stored and disseminated according to the following guidance and with regard to the Council's Records Management Policy, which is available on the intranet.

Where material obtained during the course of an investigation may be relevant to pending or future criminal or civil proceedings, it should be retained in accordance with the established disclosure requirements having regard to the Criminal Procedure and Investigations Act 1996 and Civil Procedure Rules.

Where material is obtained which is not related to a criminal or other investigation, or to any person who is the subject of the investigation, and there is no reason to suspect that it will be relevant to any future civil or criminal proceedings, it should be assessed for retention or destruction under the Council's Record Management Policy.

Material may be used in investigations other than the one which authorisation was issued for. However, use of such material outside the Local Authority or the Courts should only be considered in exceptional circumstances.

### **What about confidential material?**

This is privileged information from, for example, lawyers, doctors, priests etc. Where such persons are involved, and there is a possibility that you maybe obtaining confidential material, then further additional precautions must be taken. If this is the case, please seek appropriate advice from the Legal Section or from the statutory RIPA Code of Practice.

(Lord Coleville advised that reference only to confidential material is needed, as we are very unlikely to ever use these provisions.)



## **Complaints**

The Regulation of Investigatory Powers Act has established an Independent Tribunal. This Tribunal is made up of senior members of the judiciary and the legal profession and is independent of the Government. The Tribunal has full powers to investigate and decide any cases within its jurisdiction. It also has the power to award compensation.

Details of the relevant complaints procedure can be obtained from the following address:

Investigatory Powers Tribunal  
PO Box 33220  
London  
SW1H 9ZQ

Other actions that could be taken against the Council for failing to meet the requirements of RIPA are civil proceedings under the Human Rights Act 1998 or a complaint to the Ombudsman.

## **Annex A**

### **AUTHORISING OFFICERS**

The following Officers shall be designated Authorising Officers on behalf of West Devon Borough Council and South Hams District Council under the Regulation of Investigatory Powers Act 2000.

**EXECUTIVE DIRECTOR (Head of Paid Service) – Sophie Hosking**

**COMMERCIAL SERVICES GROUP MANAGER – Helen Dobby**

**CUSTOMER FIRST & SUPPORT SERVICES GROUP MANAGER – Steve  
Mullineaux**

**BUSINESS SUPPORT GROUP MANAGER – Darren Arulvasagam**

NB. Only the Executive Director (Head of Paid Service) or in his/her absence the appointed deputy has the authority to grant authorisation for the acquisition of confidential information or where the authorisation would involve juvenile or vulnerable CHIS.

### **SENIOR RESPONSIBLE OFFICER**

The following Officer shall be designated Senior Responsible Officer on behalf of the Councils' under the Codes of Practice.

**EXECUTIVE DIRECTOR (Head of Paid Service) – Sophie Hosking**

### **RIPA CO-ORDINATING OFFICER**

**Legal Specialist and Solicitor – Becky Fowlds**

## ANNEX B

### Guidance on the use of Social Networking Sites for investigations

It is recognised that the use of the internet and, in particular, social networking sites, can provide useful information for South Hams District Council and West Devon Borough Council staff carrying out investigations. These investigations may relate to the various enforcement roles within the council – for example Fraud, Planning Enforcement, Licensing or Environmental Health, but will equally apply to some non-enforcement teams, such as Debt Collection or Housing. The use of the internet and social networking sites may fall within the definition of covert directed surveillance. This is likely to result in the breaching of an individual's Article 8 rights under the Human Rights Act (the right to privacy).

#### Social Networking Sites

There is a fine line between general observation, systematic observation and research and it is unwise to rely on a perception of a person's reasonable expectations or their ability to control their personal data.' The Councils' policy in relation to the use of social media for the gathering of evidence to assist in its enforcement activities is set out below:

- Officers of South Hams and West Devon must not 'friend' individuals on social networks as part of undertaking their roles and should not use their own private social networking accounts to view the social networking accounts of other individuals as part of their professional role
- officers viewing an individual's profile on a social networking site should do so only once in order to obtain evidence to support or refute their investigation
- further viewing of open profiles on social networking sites to gather evidence or to monitor an individual's status, must only take place once RIPA authorisation has been granted and approved by a Magistrate
- officers should be aware that it may not be possible to verify the accuracy of information on social networking sites and, if such information is to be used as evidence, steps must be taken to ensure its validity.

The **purpose** of this guidance note is to provide clarity on the Councils' position:

9. It is not possible to provide a definitive list of social networking sites, so this should be taken to mean any site which involves individuals creating a profile which contains personal information and is viewable by others, whether accepted as 'friends' or otherwise.

This might include sites such as 'Facebook' and 'LinkedIn'.

9. As the definition of 'private information' under RIPA includes:

'any information relating to a person's private or family life and should be taken generally to include any aspect of a person's private or personal relationship with others, including family and professional or business relationships'

Sites used to advertise goods and services should be included within the definition. Although there is likely to be a reduced expectation of privacy with this type of site, there is still the possibility of obtaining private information which may be subsequently used in any enforcement proceedings.

9. If an allegation is received or, as part of an investigation into an individual, it is necessary to view their social networking site, officers may access the main page of the individual's profile once in order to take an initial view as to whether there is any substance to the allegation or matter being investigated.
4. The initial viewing must be reasonable – for example, it would not be reasonable to spend any significant amount of time searching through various pages of the individual's profile or to print out several pages just in case they may reveal something useful.
5. In some cases where, for example, a link to a site is provided by a complainant, it may be relevant for the receiving officer to view the link before passing it onto the investigating officer to also view. This would count as one viewing. However, it would not be reasonable for each officer in a team to view the site in turn so that they may each gather some information.
6. Each single viewing of an individual's social networking site must be recorded on the log maintained by Legal Services (RIPA Co-ordinating Officer). This is to enable the reporting of the number of viewings to the Overview & Scrutiny Committee of each Council.
7. If it is considered that there is a need to monitor an individual's social networking site, authorisation must be obtained from an Authorising Officer.
8. If the offence being investigated falls under RIPA, a formal RIPA application must be completed, authorised by one of the Councils' Authorising Officers and then approved by a Magistrate.
9. If the offence being investigated falls outside of RIPA (for example if the offence does not carry a custodial sentence of at least 12 months imprisonment or is not a core function of the council) a non-RIPA form must be completed. General guidance on RIPA and appropriate forms can be found on the Councils' Intranet and in the main RIPA Policy document.

**Annex C**

**Procedure to be adopted for obtaining the approval of a magistrate**

The government guidance for obtaining authorisation from a magistrate for surveillance is contained in full at Annex D.

The relevant form is set out below as Form 1.

**FORM 1**

Application for judicial approval for authorisation to obtain or disclose communications data, to use a covert human intelligence source or to conduct directed surveillance. Regulation of Investigatory Powers Act 2000 sections 23A, 23B, 32A, 32B.

Local authority:.....

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Local authority department:.....

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Offence under investigation:.....

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Address of premises or identity of subject:.....

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Covert technique requested: (tick one and specify details)

Communications Data

Covert Human Intelligence Source

Directed Surveillance

Summary of details

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Note: this application should be read in conjunction with the attached RIPA authorisation/RIPA application or notice.

Investigating  
Officer:.....  
.....

Authorising Officer/Designated  
Person:.....

Officer(s) appearing before  
JP:.....

Address of applicant  
department:.....  
.....

Contact telephone  
number:.....  
.....

Contact email address  
(optional):.....

Local authority  
reference:.....  
.....

Number of  
pages:.....  
.....

Order made on an application for judicial approval for authorisation to obtain or disclose communications data, to use a covert human intelligence source or to conduct directed surveillance. Regulation of Investigatory Powers Act 2000 sections 23A, 23B, 32A, 32B.

Magistrates'  
court:.....  
.....

Having considered the application, I (tick one):  
am satisfied that there are reasonable grounds for believing that the requirements of the Act were satisfied and remain satisfied, and that the relevant conditions are satisfied and I therefore approve the grant or renewal of the authorisation/notice.  
refuse to approve the grant or renewal of the authorisation/notice.  
refuse to approve the grant or renewal and quash the authorisation/notice.

Notes  
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Reasons  
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Signed:  
Date:  
Time:  
Full name:  
Address of magistrate

## Appendix D



Report to: **Overview & Scrutiny Panel**

Date: **1 November 2018**

Title: **General Data Protection Regulation (GDPR) & Data Protection Policy Update**

Portfolio Area: **Strategy & Commissioning, Cllr K Wingate**

Wards Affected: **All**

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

Date next steps can be taken: **Council 6 December 2018**

Author: **Darren Arulvasagam** Role: **Data Protection Officer & Group Manager Business Development**

Contact: [Darren.Arulvasagam@swdevon.gov.uk](mailto:Darren.Arulvasagam@swdevon.gov.uk) or 01803 861222

## RECOMMENDATION

That the Panel **RECOMMENDS** that the Executive **RECOMMENDS** that **COUNCIL**:

1. **APPROVES** the updated Data Protection Policy as detailed in Appendix A;
2. **DELEGATES** approval of the related codes of practice and protocol documents (as summarised in section 3 of this report) to the Council's Data Protection Officer; and
3. **NOTES** and **SUPPORTS** the approach and progress made towards GDPR readiness by the Information Governance Group.

### 1. Executive summary

- 1.1 On 25 May 2018, new rules came into force in respect of Data Protection – these are the General Data Protection Regulation (GDPR - EU regulation) and the Data Protection Act 2018 (UK Law).
- 1.2 This report provides an overview of the key requirements of the GDPR, outlines the approach that the Council has taken and recommends the adoption of an updated policy for the Council.
- 1.3 In order to be compliant with the new regulations, the Council has undertaken a comprehensive review of its policies, processes and procedures. This has resulted in the need to update the adopted policy (see appendix A).
- 1.4 GDPR places great emphasis on the documentation that the Council must maintain in order to demonstrate accountability. Compliance requires a detailed review of our approach to information governance, data protection and how we collect and process data.
- 1.5 A series of related codes of practice have also been prepared, which will underpin the work that the Council, its staff and Members will need to adhere to. These codes will be updated on a regular basis and can be viewed on the Council's intranet and ultimately, internet. Responsibility for keeping these documents updated will fall to the Council's Data Protection Officer and as

such it is recommended that the approval of these materials are delegated to the Data Protection Officer.

- 1.6 A summary of the codes of practice are shown in section 3 of this report.

## **2. Background**

- 2.1 Data protection law changed from 25 May 2018. The previous law had been in place for twenty years - since before the use of the internet, emails and cloud storage services. The General Data Protection Regulation (GDPR) is an EU regulation drafted to be fit for purpose in the digital age.
- 2.2 GDPR is an EU sourced regulation. In the UK, the existing Data Protection Act which was developed in 1995 has been updated to adopt many of the GDPR requirements and is known as the Data Protection Act 2018. This move will ensure that 'Brexit' will necessarily lead to later changes in the law.
- 2.3 The new regulation enhances the rights of data subjects and gives them more control over what happens with their data. It also allows for financial penalties to be imposed on any organisation that breaches those rights or does not comply with the accountability principle.
- 2.4 Organisations need to put technical and organisational measures in place to protect data from loss, unauthorised access, etc. and to ensure the rights of data subjects are protected.
- 2.5 Under the GDPR, the Council is required to appoint a Data Protection Officer. The regulation states that the appointment must be made on an individual's professional qualities and expert Data Protection knowledge, laws and practices. The Data Protection Officer must also have a direct reporting line to the senior tier of management and able to act independently of the Council. The Senior Leadership Team appointed the Group Manager, Business Development to this role and specific training has been undertaken to ensure compliance.
- 2.6 The Council has an Information Governance Group which is responsible for ensuring the Council is compliant with all information regulation and laws (Data Protection Act, Freedom of Information Act, Environmental Information Regulations and Data Security) as well as ensuring that suitable good practice advice and training is in place for staff. This group of officers meets monthly to monitor progress against plans. The group comprises the Data Protection Officer, Monitoring Officer, Case Management Manager, Support Services Specialist Manager, and the ICT Specialist for Information Security.
- 2.7 The six general principles under the new legislation are:
  - 2.7.1 Personal information shall be processed lawfully, fairly and in a transparent manner.
  - 2.7.2 Personal information shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
  - 2.7.3 Personal information shall be adequate, relevant, and limited to what is necessary.
  - 2.7.4 Personal information shall be accurate and, where necessary, kept up-to-date.
  - 2.7.5 Personal information shall be retained only for as long as necessary.

- 2.7.6 Personal information shall be processed in an appropriate manner to maintain security.
- 2.8 Personal data under GDPR includes:
- an identifier, e.g. a name, email address, phone number
  - personal identification numbers, e.g. bank account or national insurance numbers
  - factors specific to an individual's physical, physiological, genetic, mental, economic, cultural or social identity. This would include anything relating to a disability
  - location data - data that has any kind of geographic position attached to it, e.g. data collected by wireless networks, swipe cards and smart mobile devices that provide location tracking
  - online identifiers, e.g. mobile device IDs, browser cookies, IP addresses
- 2.9 Special Categories of Data are those which are particularly sensitive, e.g. race, ethnicity, political opinion, genetic or health related data and sexual orientation.
- 2.10 GDPR applies to 'controllers' and 'processors' – the controller says how and why personal data is processed and the processor acts on the controller's behalf. In most cases, SHDC (officers and Members) is the controller and processor, in others, data is processed by third parties.
- 2.11 The rights of individuals under the GDPR have seen some significant enhancements. Since May, individuals have:
- the right to be informed;
  - the right of access;
  - the right to rectification;
  - the right to erasure;
  - the right to restrict processing;
  - the right to data portability;
  - the right to object; and
  - the right not to be subject to automated decision-making including profiling
- 2.12 The biggest change that the Council needed to address is the ability to locate and delete individual's data across all of the Councils systems when legally required under the rules.
- 2.13 **Subject Access Requests (SARs).** The new regulations mean that we cannot charge for complying with SAR's and we have to comply with the request within a month rather than the previous 40 days allowed. Since January 2018 the Council has responded to four SARs.
- 2.14 **Lawful basis for processing personal data.** For each processing activity that the Council undertakes, the Council needs to identify the lawful basis for the processing. It is important to assess this particularly in light of the right for data to be deleted – if the only lawful basis for processing is 'Consent' then the information must be deleted on request. The lawful basis for processing the information must also be included within the Privacy Notice.

- 2.15 **Consent** – The Council has reviewed how it seeks, records and manages consent. Consent for the Council processing data must be freely given, specific, informed and unambiguous. Consent can also not be inferred. Consent for data processing must be separate for any other terms and conditions in documents, web pages or other data capture means.
- 2.16 **Children.** For the first time, GDPR brought in special protection for children’s personal data. If the Council obtains personal data in respect of children, the privacy notice must be written in a language that children will understand.
- 2.17 **Data Breaches.** The GDPR introduces a duty to report certain types of data breach to the ICO, and in some cases, to individuals. The Council will only have to report a breach to the ICO where it is likely to result in a risk to the rights and freedoms of individuals. Additionally, where there is a high risk to these rights and freedoms, resulting in potential for discrimination, reputational damage, financial loss, loss of confidentiality, etc. there is an additional requirement for the individual concerned to be notified. Not all breaches need to be reported to the ICO, but the potential breach must be assessed within the first 72 hours.
- 2.18 **Data Protection by design and Data Protection Impact Assessment.** GDPR makes ‘privacy by design’ an express legal requirement. It also makes Privacy Impact Assessments mandatory where a new technology is being deployed, where a profiling operation is likely to significantly affect individuals or where there is processing on a large scale of the special categories of data.
- 2.19 The Council has:
  - 2.19.1 Prepared a compliant General Data Protection Regulation Policy (see Appendix A)
  - 2.19.2 Delivered online training for Data Protection to all employees
  - 2.19.3 Delivered face to face training sessions for Information Asset Owners and key processing staff (60 staff already received training, with regular updates programmed to the ELT and SLT)
  - 2.19.4 Prepared an information asset register for all processing activities and identified the lawful basis for such processing
  - 2.19.5 Prepared & communicated an information / training checklist for Members to advise how they should deal with personal data
  - 2.19.6 Updated its Privacy Notices to be compliant with the new regulation & prepared a data protection impact assessment for all relevant areas of data processing – these are viewable on the Council’s website
- 1. **Outcomes**
  - 3.1 In order to ensure that the Council is compliant, the Information Governance Group commissioned an external “readiness” audit. A GDPR specialist visited the Council and interviewed key officers in order to ascertain priority areas for consideration. An action plan was created to address the points raised in the readiness audit. The first actions completed have been to appoint a Data Protection Officer (the author of this report) and to instigate a review of all of the Council’s data protection policies and procedures. The updated policy and procedure have now been produced. Updated codes of practice and procedural documents have been produced and these are in the process of being rolled out across the organisation.

- 3.2 It is requested that delegated authority is given to the Data Protection Officer, in consultation with the Information Governance Group, to finalise and keep updated the codes of practice and procedures relation to GDPR and Data Protection compliance.
- 3.3 The Codes of Practice can be found on the Council's intranet. In time, these will be published on the Council's website (as appropriate). A communications and training plan will be delivered to ensure staff understand and engage with the new and updated processes and forms. In actuality, there is little significant change from existing working practices. Operationally the Council has been working to the new regulations and following the recommended guidance since before the inception of GDPR, as the Council readied itself for the new legislation.
- 3.4 The Council has prepared and updated a series of Codes of Practice in accordance with GDPR and the Data Protection Act 2018 – these are the guidelines by which information is obtained, stored, shared and accessed. The following codes of practice have been prepared / updated:
- 3.4.1 Obtaining Personal Information
  - 3.4.2 Managing Personal Information
  - 3.4.3 Accountability and Governance
  - 3.4.4 Individuals Rights
  - 3.4.5 Disclosures and Information Sharing
  - 3.4.6 Information Security
  - 3.4.7 Privacy and Electronic Communications Regulations
  - 3.4.8 Code of Practice for Elected Members
  - 3.4.9 Security in Procurement
  - 3.4.10 Use of Surveillance Cameras and CCTV
  - 3.4.11 Processing for Law Enforcement Purposes
  - 3.4.12 Law Enforcement Policy Document for Sensitive Processing
  - 3.4.13 Special Category Information Processing Policy Document
- 3.5 These codes of practice and policy documents are intended to be living documents and will need to be updated as further guidance is received from the Information Commissioners Office. It is therefore recommended that the responsibility for the approval and review of these documents (and any further necessary codes) is delegated to the Council's Data Protection Officer, in consultation with the Information Governance Group.

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

- 4.1 Members could opt to follow, amend or reject the recommendations.
- 4.2 The updated Data Protection Policy has been designed to incorporate changes to the law, which came into force during 2018. Adoption of this updated policy will reflect the Council's compliance with this law. Operationally, the Council has already taken steps to ensure compliance. It is not felt that the Council is at risk of non-compliance.
- 4.3 Delegating approval to finalise the codes of practice will ensure that the Council retains the agility to update its operating procedures in light of changes to working practices, complaints or breaches.

4.4 So far, since January 2018, three Data Protection investigations have been undertaken by the Council. The Council has not considered, based on the regulations, that any of the investigations have warranted reporting to the ICO.

## 5 Proposed Way Forward

5.1 If the Council approves this report's recommendations and adopts the updated policy and guidance (as shown in Appendix A), officers will finalise the codes of practice and policy documents and ensure these are embedded within the organisation, in order to maintain council compliance with the new act. The existing data protection policy will be replaced with the new policy.

## 6.0 Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	<p>Compliance with the regulations is critical in ensuring that the reputation of the Council is upheld and that the rights of individuals are protected.</p> <p>Our existing Data Protection policy required updating in order to be compliant – this work has been completed and the recommended policy is shown in Appendix A.</p>
Financial	Y	<p>There are no significant financial implications from achieving compliance – however, there is risk of significant financial penalties for non-compliance. At present, resources have been absorbed / pooled from Support Services, Customer First and Strategy &amp; Commissioning to prepare for and implement the new regulations, with no new budget pressures created.</p>
Risk	Y	<p>A significant amount of work has been undertaken to ensure compliance with the regulations. An action plan is in place and is monitored regularly. A project team has been formed which meets regularly, with oversight by the Information Governance Group and SLT.</p> <p>Training has been and will continue to be arranged for individuals at an appropriate level based on their role in the organisation to ensure awareness of the new regulation &amp; the impact that this has on their activities.</p>
Comprehensive Impact Assessment Implications		
Equality and Diversity	N	<p>There are no Equality and Diversity implications. The regulations apply to all individuals equally.</p>
Safeguarding	N	<p>None – Compliance with GDPR has implicit improvement impacts on safeguarding</p>
Community Safety, Crime and Disorder	N	<p>None</p>
Health, Safety and	N	<p>This is implicit with GDPR and will be dealt with through</p>

Wellbeing		compliance and revised policies.
Other implications	N	Policies will be updated as a result of compliance with GDPR

**Supporting Information**

**Appendices:**

Appendix A – Data Protection Policy (2018)

**Background Papers:** General Data Protection Regulation (GDPR) – Readiness & Impact, presented to Audit Committee, 22<sup>nd</sup> March 2018

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**South Hams District Council**

**&**

**West Devon Borough Council**



# **Data Protection Policy (2018)**

# Data Protection Policy (2018)

## 1. What is Data Protection?

The **General Data Protection Regulation 2016 (GDPR)** and **Data Protection Act 2018 (DPA)** apply to personal information that is held by the Council about living, identifiable individuals of any age. Examples of personal information includes an individual's contact information, details of the service we provide to the individual, recordings or photographs.

This personal information may be automatically processed, such as on a computer, smartphone, recording device or CCTV system, or in manual paper records, for example, hand-written meeting notes application forms, or printouts of what is held on computer.

Personal information includes information that has been 'pseudonymised' (a term used introduced by the GDPR where personal information has been removed from data); for example, information which has been given a reference number or code so that an individual cannot be identified, and the identifiable information is kept separately.

This Policy and associated Codes of Practice and Procedures are designed to promote and maintain compliance with the GDPR and the DPA. These two pieces of legislation work together in tandem; for example, the principles and requirements for handling personal information are set out in the GDPR, and exemptions, enforcement and penalties are set out in the DPA. The DPA also includes our obligations for processing personal information for law enforcement purposes.

## 2. When do the Data Protection rules apply?

The Data Protection rules apply to personal information about living, identifiable individuals who can be identified, directly or indirectly **wherever** that personal information is held, such as:

- Computer systems
- Audio recordings (such as telephone) or video recordings (such as CCTV)
- Mobile or smart phones
- Tablets or any device that can operate automatically in response to a set of instructions (such as a computer program). It does not matter whether the device is privately owned or owned by the Council. If the information held on it is used for Council purposes, then the Data Protection rules apply.
- Paper files that are structured (for example, alphabetically or in date order) and information can be easily accessed by looking up the name/address/postcode or other information about an individual.

- Paper records that are intended to be filed or transferred to computer, such as application forms.
- Unstructured paper records (for example, handwritten notes and jottings of a meeting that are not neatly filed away or indexed, nor transferred to computer).
- Expressions of opinion and intentions (for example, views expressed about someone in an email message).

Ultimately, if the Council obtains, holds or does something with personal information the Data Protection rules apply.

The Data Protection rules **do not apply** to:

- De-personalised, anonymised or statistical information where individuals cannot be identified;
- Businesses or organisations (unless it relates to a sole trader or partner in a business partnership)
- People who are deceased, although the DPA applies to those who remain. For example, there is a duty of confidentiality to those who may be named on the deceased's records.

### **3. The Data Protection Principles**

These are legally enforceable principles and requirements which are the foundation of good information management and help us to respect the rights of individuals.

The **GDPR Principles** require that personal information must be:

- Processed lawfully, fairly and in a transparent manner
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes (purpose limitation)
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation')
- Accurate and, where necessary, kept up to date
- Kept in a form which permits identification of individuals for no longer than is necessary for the purposes for which the information is processed ('storage limitation').
- Processed in a manner that ensures appropriate security of the personal data (including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage) using appropriate technical or organisational measures ('integrity and confidentiality').
- Accountability: the controller (the Council) is responsible for, and must demonstrate compliance with the Principles.

- Individuals' rights and access to personal information must be upheld, including the right to:
  - be informed about what we do with his/her information
  - rectification
  - erasure / right to be forgotten
  - restriction of processing
  - data portability (i.e. the right to be provided with personal information in a structured, commonly used machine-readable format)
  - make an objection
  - Not to be subject to a decision based on automated individual decision-making and profiling
- Only transferring personal data to countries, territories or international organisations outside the European Union if there are adequate protections in place or safeguards.

#### **4. How do the Regulations and Data Protection Act affect me?**

The GDPR and DPA rules apply to anyone in the Council who has access to, uses or passes on personal information in his/her day-to-day work.

Breaches of the Principles may result in the Council facing substantial monetary penalties, being publicly named-and-shamed, and would result in the loss of trust from the people we provide services to.

For employees, it is a criminal offence to:

- Obtain, procure, handle, disclose or retain personal information without the Council's authorisation or consent
- Sell (or offer to sell) personal information that has been unlawfully obtained, which includes advertising it for sale.
- Re-identify personal information that has been de-identified.
- Alter, deface, block, erase, destroy or conceal information with the intention of preventing disclosure of all or part of the information that the requestor is entitled to receive.
- Force someone to make a subject access request to see information about their convictions, cautions, health records or Disclosure Barring Service information, as a method of vetting them.

#### **5. What is the Council's Data Protection Policy?**

The Council's aims are to make every effort to ensure:

- Compliance with the GDPR and DPA is maintained

- Personal information is well-managed, held securely and that the rights of individuals are respected.
- Data protection is integrated into the Council's working practices and information systems from the moment information is collected through to its destruction.
- Compliance with the accountability principle, being responsible for and able to demonstrate compliance with the other principles and requirements, such as:
  - Implementing appropriate technical and organisational measures such as internal data protection policies, procedures and codes of practice, staff reporting, provision of staff training, internal audits of processing activities, and reviews of internal Human Resources policies.
  - Maintaining documentation of our processing activities.
  - Appointing a Data Protection Officer.
  - Implementing measures that include:
    - Data minimisation
    - Pseudonymisation
    - Transparency
    - Allowing individuals to monitor processing
    - Creating and improving security features on an ongoing basis.
  - Conducting Data Protection Impact Assessments where appropriate.

This Policy is supported by the Senior Leadership Team (SLT) and commits the Council to providing the necessary resources to ensure that this Policy's aims can be achieved.

Procedures that describe the arrangements and processes for the implementation of this policy will be available on the Council's intranet.

## **6. Who is Responsible for Data Protection?**

### **Data Protection Officer**

The Council has appointed a Data Protection Officer (the DPO), Darren Arulvasagam.

The DPO reports to the Audit Committee (who will make any necessary recommendations to the Council) and is responsible for:

- Ensuring the objectives of the Data Protection Act 2018 and related legislation are achieved and assisting the Council with its compliance and maintaining standards of good practice.

- Ensure the objectives of the Information Governance Group are achieved, managing it and reporting progress to SLT.
- Providing advice to the Council for the resolution of queries and maintaining the accuracy of the Council's internal **Record of Processing Activities** and keeping it up to date.
- Managing data protection procedures, policies, codes of practice and revised documentation.
- Arranging training opportunities for employees and elected Members.
- Constructing and reviewing compliance monitoring programmes; ensuring their completion and reporting findings

### **Information Governance Group**

To ensure that the Council complies with all relevant legislation and best practice in relation to:

- Data Protection
- Freedom of Information
- Environmental Information
- Records Management / Document Retention
- Data Security

The Information Governance Group will meet regularly to maintain an overview, consider issues, monitor compliance and arrange for necessary action to be taken.

The Information Governance Group will:

- Ensure consistency and compliance with legislation and best practice
- Ensure that the Council develops and maintains corporate policy, procedures, and codes of practice
- Develop guidance for staff and Members
- Commission training for all Officers and Members
- Obtain specialist help when required
- Monitor and review performance to ensure compliance and improvement
- Devise a work plan

### **Managers and Service Area Leads**

Have overall responsibility for ensuring that personal information held within their service area is managed in a way which meets the aims of the Council's Data Protection Policy.

They should ensure that all staff responsible for managing personal information are appropriately trained or experienced and understand the need for Data Protection.

## **All Staff**

All staff who create, receive and use personal information have responsibilities under this Policy, Council Codes of Practice and to comply with the requirements of the GDPR and DPA.

It is the responsibility of managers to ensure that anyone who is sub-contracted or employed on a temporary or voluntary basis is made aware of this Policy, Codes of Practice and any relevant supporting procedures that are available.

Where personal data is disclosed to our service providers or anyone else acting on our behalf, they will ensure that there is a written contract in place that includes the requirement for them to comply with the GDPR and DPA (in particular the Security Principle).

## **7. What happens if I contravene this policy?**

Disciplinary action, including dismissal, may be taken against any member of staff who contravenes this Data Protection Policy and supporting Codes of Practice and Procedures.

On discovering that this Policy is not being complied with, or if an intentional breach of the Data Protection Principles, Undertaking, or criminal offence has taken place under the GDPR and DPA, the Data Protection Officer shall have full authority to take such immediate steps as considered necessary.

## **8. Is this policy linked to any other policies and procedures?**

This policy is linked to the following policies and information which are available on the Council's website:

- ICT Policy
- Freedom of Information Policy
- Regulation of Investigatory Powers Act Policy
- Records Management Policy
- Complaints Policy

## **Is there any guidance to help?**

You can find further help by:

- Looking at the various Codes of Practice on different aspects of Data Protection which are available on the Council's website
- Look at the guidance on the Information Commissioner's website
- Ask for further guidance from the Information Governance Group
- Contacting the Data Protection Officer via email to [data.protection@swdevon.gov.uk](mailto:data.protection@swdevon.gov.uk)

**9. Will this policy be monitored or reviewed?**

Compliance with the Data Protection Policy will be monitored by the DPO and Information Governance Group and reviewed every three years or earlier if required.

This Data Protection Policy has been authorised by the Data Protection Officer and approved by Members on **tbc** date 2018

Signed ..... Date .....

Data Protection Officer



Report to: **Overview and Scrutiny Panel**  
Date: **1 November 2018**  
Title: **MEMBER INDUCTION 2019: DRAFT PROGRAMME**  
Portfolio Area: **Support Services**  
Wards Affected: **All Wards**  
Relevant Scrutiny Committee: **N/A**

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

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

**If approved at this meeting, the Programme will then be rolled out and publicised.**

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

Contact: [darryl.white@swdevon.gov.uk](mailto:darryl.white@swdevon.gov.uk)

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## **RECOMMENDATION**

**That the Panel be RECOMMENDED to approve the Draft Member Induction Programme for 2019 (as outlined at Appendix A).**

### **1. Executive summary**

1.1 The Draft Member Induction Programme for 2019 is presented at Appendix A for the consideration and, ultimate approval, of the Panel.

### **2. Background**

2.1 Since the decision was taken for 'standards' related matters to be transferred to the Overview and Scrutiny function, the Panel is now responsible for Member Learning and Development matters;

2.2 Whilst there were some failings with the Member Induction Programme for 2015, the Panel will be aware that its timing coincided with both the new Senior Leadership Team being recruited and the main staff recruitment process for the Council's Transformation Programme;

- 2.3 That being said, there were a number of learning points that officers took away from the 2015 Programme. These included:
- The need for the Programme to be approved (and publicised) as early as was practically possible to provide as much advanced notice as was practically possible;
  - The wish of some new Members to be offered an officer and Member 'buddy';
  - The importance of a structured IT training session being scheduled early in the Programme;
  - 'Mock' Council and Development Management Committee meetings being scheduled prior to the first formal meetings of the Council and Development Management Committee;
  - A perception that the 2015 Programme was too officer led. As a consequence, the request was made for those returning Members to take on an increased role during the 2019 Programme;
  - Sessions should be scheduled to enable sufficient time for Member questions to be asked and should be designed to be more interactive than simply officers presenting and talking to Members;
  - All Members and officers should be encouraged to wear their name badges (particularly throughout the induction process);
  - The expectations of each session must be clearly laid out in advance to both Members and lead officers;
  - The initial 'sign-in' session should see a number of 'workstations' laid out with an officer and/or returning Member assigned to help (particularly new) Members; and
  - Officers should be advised that they should prepare their presentations in advance and not give the perception that they were being made up 'on the hoof';
- 2.4 In drafting the Programme for 2019, each of these learning points have been taken into account. Consideration has also been given to the Council having a shared workforce with West Devon Borough Council and the need to strike the very fine balance between enabling new Members to hit the ground running as quickly as possible, whilst not overwhelming them with too much information.

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

- 3.1 There is a constitutional requirement that requires newly elected Members (who wish to partake in the planning decision-making process) to attend two planning training sessions before they can take part. If this objective is not achieved, then this could result in delays in the Development Management decision-making process. By publicising the dates of these sessions six months before the election, it is anticipated that the impact of this risk is mitigated;

- 3.2 The importance of a comprehensive Induction Programme is vital to ensure that newly elected Members are fully conversant with all aspects of the various roles that they will undertake;
- 3.3 Approval of an appropriate Programme is also important to ensure sound decision making and an avoidance of reputational risks to the Council;
- 3.4 Officers also acknowledge that there can be a tendency for training to grind to a halt following the initial Induction Programme. In line with the findings of a recent Internal Audit, work will be undertaken to develop a rolling Member Learning and Development Schedule beyond the initial Induction Programme;

#### **4. Proposed Way Forward**

- 4.1 Members' views are sought to help to inform and shape the draft Programme prior to its approval and formal roll-out.

#### **5. Implications**

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Local Government Act 2000 recognises the importance of elected Members receiving adequate learning and development provision.
Financial	N	Any external training costs will be taken from the existing allocated Member Training Budget.
Risk	Y	The risk implications are outlined at Section 3 of the report.
<b>Comprehensive Impact Assessment Implications</b>		
Equality and Diversity		There are no equality and diversity implications directly arising from this report.
Safeguarding		There are no safeguarding implications directly arising from this report.
Community Safety, Crime and Disorder		There are no community safety or crime and disorder implications directly arising from this report.
Health, Safety and Wellbeing		There are no health, safety or wellbeing implications directly arising from this report.
Other implications		There are no other implications directly arising from this report.

#### **Supporting Information**

##### **Appendices:**

A: The Draft 2019 Member Induction Programme

**Background Papers:**

- The Council Constitution; and
- The Calendar of Meetings to September 2019.

## FUTURE MEMBER INDUCTION PROGRAMME

DATE	EVENT (* All sessions will be held at Follaton House, Plymouth Road, Totnes unless stated otherwise)	LEAD OFFICER / MEMBER
<b>PRE-ELECTION:</b>		
<b>Wednesday, 30 January 2019</b> 6.30pm – 8.00pm	<b>Prospective Candidate Evening for potential District, Town and Parish Councillors (advertised from December onwards)</b>  <i>(NB. at this session, copies of the Induction Programme and key meeting dates following the election will be made available to attendees and published on the website. Also, Group Leaders should be asked to clarify their respective procedures for the formation of a political group at this session).</i>	Democratic Services and Elections Specialists / Group Leaders
<b>Tuesday, 26 March 2019</b>	<b>Publication of Notice of Election</b>	
<b>Wednesday, 3 April 2019</b> 4.00pm	<b>Deadline for Receipt of Nominations</b>	
<b>Thursday, 4 April 2019</b> 4.00pm	<b>Publication of Statements of Persons Nominated</b> (NB. at this time, copies of this Programme will be sent to all prospective candidates.)	
<b>WEEK 1:</b>		
<b>Thursday, 2 May 2019</b>	<b>Election Polling Day</b>	
<b>Thursday, 2 – Friday, 3 May 2019</b>	<b>Election Verification and Count</b>  <i>(NB. officers in attendance at the count will have copies of the Induction Programme available to hand out to successful candidates.)</i>	

## FUTURE MEMBER INDUCTION PROGRAMME

DATE	EVENT (* All sessions will be held at Follaton House, Plymouth Road, Totnes unless stated otherwise)	LEAD OFFICER / MEMBER
<p><b>WEEK 2:</b></p> <p><b>Wednesday, 8 May 2019</b></p> <p><b>Thursday, 9 May 2019 – 12 noon to 5.00pm</b></p> <p><b>Friday, 10 May 2019 (am)</b></p>	<p><b>Annual Council Agenda to be published</b></p> <p><b>Mandatory session for all Members to attend any time between 12 noon and 5.00pm</b></p> <ul style="list-style-type: none"> <li>• Sign the Declaration of Acceptance of Office;</li> <li>• Through a series of workstations to issue: FAQ handbook / security pass / Travel Claim Forms / Member Profile form (including contact details) / opportunity to clarify details relating to the Induction Programme / Register of Interests form / Payroll forms / Business Card requests; establish bank account details; management structure; officer contact details; Council structure; introduce officer and/or Member Buddy;</li> <li>• Media Workstation;</li> <li>• Issue IT device and handbook (to include email etiquette); and</li> <li>• Individual Photographs.</li> </ul> <p><b>Welcome and Introductions</b></p> <p><b>South Hams – Setting the Scene</b> (to include introductions to the Senior Leadership Team and Extended Leadership Team and pertinent significant corporate issues (e.g. future challenges faced, Corporate Priorities and Our Plan) with there being an opportunity at each juncture for Member questions.)</p> <p><b>How the Council Works</b> (to include:</p> <ul style="list-style-type: none"> <li>• Council structure, governance arrangements (including decision making responsibilities), Meeting Procedures and Council Reports;</li> <li>• Overview and Scrutiny Panel;</li> </ul>	<p></p> <p></p> <p>Head of Paid Service and previous Leader of Council</p> <p>SLT and ELT reps and previous lead Executive Members</p> <p>Monitoring Officer, S151 Officer, Democratic Services and previous Chairman of Council</p>

## FUTURE MEMBER INDUCTION PROGRAMME

DATE	EVENT (* All sessions will be held at Follaton House, Plymouth Road, Totnes unless stated otherwise)	LEAD OFFICER / MEMBER
Friday, 10 May 2019 (pm)	<ul style="list-style-type: none"> <li>• Finance, Budget Setting and External Auditors; and</li> <li>• Code of Conduct.)</li> </ul> <p><b>Introduction to the role of the Executive, O+S Panel, DM Committee, Licensing Committee, Audit Committee and Salcombe Harbour Board</b> (to include: terms of reference of each Committee, lead Member roles and responsibilities, agenda setting etc)</p>	Head of Paid Service, Monitoring Officer, S151 Officer, Salcombe Harbour Master and Democratic Services and the previous Chairmen of these Committees (if still Members)
Friday, 10 May 2019 (pm)	<p><b>Structured IT Training Session</b> To include: IT Security; Modern.Gov; and Outlook (both email and Calendar).</p>	IT COP Lead, IT Specialists and Democratic Services Officers
<b>WEEK 3:</b>		
Monday, 13 May 2019 am	<p><b>The Planning Process (Part 1) (NB: newly elected Members will have to attend both of these sessions before they can take part in the planning decision-making process)</b> (to include:</p> <ul style="list-style-type: none"> <li>• Setting decisions in a policy context – the National Planning Policy Framework, Joint Local Plan and Neighbourhood Plans.)</li> </ul>	Place and Strategy, Development Management and Legal Specialists and previous Chairman of DM and Lead Executive Member for Strategic Planning
Monday, 13 May 2019 12 noon	<p><b>Deadline for expressions of interest to serve on the Salcombe Harbour Board</b></p>	Salcombe Harbour Master and Democratic Services
Monday, 13 May 2019 pm	<p><b>The Planning Process (Part 2)</b> (to include:</p> <ul style="list-style-type: none"> <li>• What is 'development' and what applications do we receive?</li> <li>• What is meant by pre-application?</li> <li>• 'Permission in Principle';</li> <li>• Material Planning Considerations;</li> </ul>	Development Management, Licensing, Legal and Democratic Services Specialists and previous Chairman of DM and Lead Executive Member for Development Management

## FUTURE MEMBER INDUCTION PROGRAMME

DATE	EVENT (* All sessions will be held at Follaton House, Plymouth Road, Totnes unless stated otherwise)	LEAD OFFICER / MEMBER
	<ul style="list-style-type: none"> <li>• The role of the Ward Member and the role and workings of the Development Management Committee (incl. Chairman's Briefings and Site Inspections);</li> <li>• The appeal process and awards of costs; and</li> <li>• Tree Preservation Orders.)</li> </ul>	
<b>Tuesday, 14 May 2019 am</b>	<b>Chairing Skills</b>	Trainer (either internal or external) and an experienced previous Committee Chairman
<b>Tuesday, 14 May 2019 pm</b>	<b>Media Skills (to include Social Media)</b>	Communications
	<b>Council Procedure Rules Quiz followed by a Mock Council Meeting</b>	Monitoring Officer and Democratic Services and Chairman
<b>Wednesday, 15 May 2019</b>	<b>Salcombe Harbour Board Interviews</b>	Salcombe Harbour Master and Democratic Services
<b>Thursday, 16 May 2019 9.30am</b>	<b>Chairman's Briefing for Council</b> ( <i>only for 2017/18 Chairman and 2018/19 Chairman and Vice-Chairman elect and Leader and Deputy Leader elect</i> )	Head of Paid Service
<b>11.00am – 1.00pm</b>	<b>Informal Council</b>	SLT and Democratic Services
<b>2.00pm</b>	<b>ANNUAL COUNCIL MEETING</b> ( <i>NB. this is the meeting during which appointments to Council Bodies will be considered</i> )	SLT and Democratic Services
<b>Friday, 17 May 2019 10.00am</b>	<b>Development Management Committee Chairman's Briefing</b> ( <i>only for the Committee Chairman and Vice Chairman</i> )	DM COP Lead, Legal and Democratic Services
<b>WEEK 4:</b>		



## FUTURE MEMBER INDUCTION PROGRAMME

DATE	EVENT (* All sessions will be held at Follaton House, Plymouth Road, Totnes unless stated otherwise)	LEAD OFFICER / MEMBER
Monday, 20 May 2019 (am)	<b>Development Management Committee Mock Meeting</b> <i>(NB. to also include a TPO mock application, Committee processes and procedures. Whilst this session will be targeted towards appointed DM Committee Members all Members are encouraged to attend this event.)</i>	DM COP Lead, DM Specialists, Legal and Democratic Services Specialists
Monday, 20 May 2019 (pm)	<b>DM Committee Site Inspections</b> <i>(if required)</i>	DM Specialists and Democratic Services Specialist
Wednesday, 22 May 2019 <i>(start time depending on length of the agenda)</i>	<b>DEVELOPMENT MANAGEMENT COMMITTEE</b>	Democratic Services
Thursday, 23 May 2019 (am)	<b>Safeguarding, General Data Protection Regulation, Equality and Diversity and Freedom of Information</b> <i>(NB: interactive session to include case studies and good and bad practice)</i>	Group Manager – Business Development, Legal Specialist and Safeguarding Officer(s)
Thursday, 23 May 2019 (pm)	<b>Executive Briefing</b> <i>(for Executive Members only)</i>	SLT
<b>WEEK 5</b> <i>(May Half Term):</i>		
<b>WEEK 6:</b>		
Wednesday, 5 June 2019 am  pm	<b>Licensing Committee Training</b> (NB. all Members are encouraged to attend this session)  <b>Governance Training</b> <i>(to be delivered by Bethan Evans)</i>	Licensing, Legal and Democratic Services Specialists

## FUTURE MEMBER INDUCTION PROGRAMME

DATE	EVENT (* All sessions will be held at Follaton House, Plymouth Road, Totnes unless stated otherwise)	LEAD OFFICER / MEMBER
Thursday, 6 June 2019:  10.00 am	<b>EXECUTIVE</b>	SLT
Thursday, 6 June 2019 (pm)	<b>Overview and Scrutiny Training and Draft Work Programmes</b> (NB. all Members are encouraged to attend this session)	External Trainer and Democratic Services
<b>WEEK 7:</b>		
Monday, 10 June 2019:  10.00 am	<b>Development Management Committee Chairman's Briefing</b> ( <i>only for the Committee Chairman and Vice Chairman</i> )	DM COP Lead, Legal and Democratic Services
Wednesday, 12 June 2019:  am	<b>WD Hub Committee and SH Executive Joint Member Session</b> ( <i>to be confirmed – Woolwell a suggested venue</i> )	Group Managers
pm	<b>WD and SH All Member Session</b> ( <i>to be confirmed – Woolwell a suggested venue</i> )	SLT
Thursday, 13 June 2019  am	<b>OVERVIEW AND SCRUTINY PANEL</b>	
pm	<b>Audit Committee Training</b> (NB. all Members are encouraged to attend this session)	
<b>WEEK 8:</b>		
Monday, 17 June 2019:	<b>Development Management Committee Site Inspections</b> ( <i>if required</i> )	Planning, Legal and Democratic Services Specialists
Wednesday, 19 June 2019:		

## FUTURE MEMBER INDUCTION PROGRAMME

DATE	EVENT (* All sessions will be held at Follaton House, Plymouth Road, Totnes unless stated otherwise)	LEAD OFFICER / MEMBER
<p><i>(start time depending on length of agenda)</i></p> <p><b>Thursday, 20 June 2019</b> 10.00am</p> <p>1.30pm – 3.30pm</p>	<p><b>DEVELOPMENT MANAGEMENT COMMITTEE</b></p> <p><b>AUDIT COMMITTEE</b></p> <p><b>Medium Term Financial Strategy Training</b></p>	<p>Section 151 Officer and Finance Specialists</p> <p>Section 151 Officer and Finance Specialists</p>
<p><b>WEEK 9:</b></p> <p><b>Monday, 24 June 2019:</b> 9am</p> <p>1pm</p> <p><b>Thursday, 27 June 2019:</b> All day</p>	<p><b>Salcombe Harbour Board Annual Inspection</b></p> <p><b>SALCOMBE HARBOUR BOARD MEETING</b></p> <p><b>Tour of the South Hams District</b></p>	<p>Salcombe Harbour Master</p> <p>Salcombe Harbour Master, Deputy Monitoring Officer, Democratic Services</p>

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**Report to:** Overview and Scrutiny Panel

**Date:** 1 November 2018

**Title:** Q2 2018/19 Performance Report

**Portfolio Area:** Support Services

**Author:** Jim Davis, Specialist - Performance & Intelligence

**Presented by:** Cllr Keith Wingate

**Recommendations:**

**That Members note the performance levels against target communicated in the Balanced Scorecard and the performance figures supplied in the background and the exception report.**

**1. Executive summary**

- 1.1. Measures for Quarter 2 have maintain their good level of performance in most areas with an improvement in call wait times and a slight dip in overall waste recycling rate. The dip was caused by a lower August recycling rate (often experienced due to pressure on services caused by high visitor numbers) but it is already back above target for September.
- 1.2. Quarter 2 performance had the same 3 measures at 'Red': % of Benefits Change of circumstances submitted online, a new measure to capture online take up, and % of calls answered in 20 secs, and missed bins per 100,000.
- 1.3. The % of Benefits Change of Circumstances submitted online through the online portal has levelled off still below the target level. We are still seeing an ongoing increase in the level of electronic submission rather than the more traditional routes. Although portal submission gives the most benefits to ourselves and the customer, we are undertaking changes to make other electronic routes more efficient and quicker to process as well.

**2. Background**

- 2.1. The current set of indicators came from a review of all Performance measures which was undertaken by a Task & Finish Group. The format has changed to allow better viewing in black & white and to include target information to provide context.
- 2.2. The new web-based performance dashboards provide monthly up-to-date information to provide context against the report that comes to Committee and gives access to a much larger range of data if desired.

### 3. Outcomes/outputs

- 3.1. **Appendix A** is the balanced scorecard – this contains the high level targeted performance information.
- 3.2. **Appendix B** is an information and exception report. This contains the data only performance information for context and the detail of the targeted measures which have fallen below target in the quarter being reviewed.
- 3.3. **Appendix C** contains the description of the targets chosen for the Balanced Scorecard
- 3.4. **Appendix D** contains the planning data that goes to DM committee
- 3.5. Covalent Dashboards are accessed via a web-link and users have access to more than one dashboard. All the dashboards can be 'drilled into' for more information and they can be viewed on any web-enabled device, smartphone or ipad.

### 4. Proposed Way Forward

- 4.1. Feedback from Members is encouraged to improve dashboard usability and usefulness to aid Members fulfil their scrutiny role. Further training sessions will be organised and communicated through the Member bulletin.

### 5. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	N	Whilst there are no longer statutory performance measures, some measures are still reported nationally. We collect these in the same format as required to improve consistency. Other measures aim to improve efficiency & understand workload.
Financial	N	There are no direct financial implications of the contents of the report
Risk	Y	Poor performance has a risk to the Council's reputation and delivery to our residents. These proposals should give the Scrutiny Committee the ability to address performance issues and develop robust responses to variation in delivery
<b>Comprehensive Impact Assessment Implications</b>		
Equality and Diversity	N	
Safeguarding	N	

Community Safety, Crime and Disorder	N	
Health, Safety and Wellbeing	N	
Other implications	N	

**Supporting Information**

**Appendices:**

- Appendix A – Corporate Balanced Scorecard
- Appendix B – Background and Exception Report
- Appendix C – Explanation of targets
- Appendix D – Planning Statistics

**Background Papers:**

None

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# Corporate Balanced Scorecard

## Community/Customer

Q1	Q2	
		Overall waste recycling rate %
		Residual waste per household
		Average no. of missed bins
		CST: % of calls answered
		CST: % of calls answered in 20 secs
		CST: % calls answered in 5 mins

## Processes

Q1	Q2	% of planning applications determined within time frame
		Major(Statutory)
		Non-Major

Q1	Q2	
		Avg End to End time Benefits New Claims
		Avg End to End time Benefits Change of circumstances

## Online uptake

Q1	Q2	
		% of Benefits new claims online (IEG4)
		% of Benefits change of circumstances online (IEG4/DHP)
		Ratio of web/call-post-email submissions (W2)

## Performance

Q1	Q2	
		<b>EH:</b> % of nuisance complaints resolved at informal stage
		Avg days short term sickness/FTE
		Complaint response speed

## Key

	Below target performance
	Narrowly off target, be aware
	On or above target

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# Information Report

Non-targeted (data-only) performance measures that will be reported every quarter to provide context and background information – not suitable for the Balanced Scorecard page as no targets applicable or relevant.




PI Description	Managed By	Q2 17/18	2017/18	Q2 2018/19			18/19	Comment (If Applicable)
			YTD or Total		Total	Avg Time (Days)	2018/19 YTD	
<b>Planning Enforcement (Workload)</b>	Pat Whymer	400	-	374			-	<p><i>See Appendix D for more data</i></p> <p>This is now the total figure for all enforcement caseload rather than separating out the historic backlog.</p> <p>Cases closed: Q2 - 111</p>
<p><b>All: Complaints resolved</b></p> <p>Complaints logged against each Service per quarter. Highlights changes over time and the effects of initiatives.</p>	Area	Complaints rec last qtr 2018 Q1		Total	Avg Time (Days)	2018/19 YTD	<p>This breakdown of area and average time to complete timings is only available for the completed complaints.</p> <p>90 complaints were logged during the quarter, 41 of the completed processes were service issues that were dealt with immediately and aren't formal complaints, 4 complaints were misdirected at us but were actually about other authorities. The remaining 13 processes that are yet to be completed will be a mix between service issues and formal complaints.</p> <p><b>Note:</b> Service Issues – Some issues are logged as complaints as the customer has a justified concern. Often these are simple issues resolved by talking with the customer so don't form part of our formal complaints process but still are captured for improvement and analysis purposes</p>	
	Assets	1	Assets	2	24	3		
	Case Management	-	Case Management	-	-	-		
	Council Tax	4	Council Tax/NDR	1	6	5		
	Customer Service Team	3	Customer Service Team	-	-	3		
	Environmental Health	-	Environmental Health	1	38	1		
	Environmental Protection	-	Environmental Protection	-	-	-		
	Finance	1	Finance	-	-	1		
	Housing Benefits	2	Housing Benefits	-	-	2		
	Housing Advice	-	Housing Advice	-	-	-		
ICT/Internet	-	ICT/Internet	-	-	-			

PI Description	Managed By	Q2 17/18	2017/18	Q2 2018/19			18/19	Comment (If Applicable)
			YTD or Total				YTD or total	
	Legal		1	Legal	1	44	2	
	Planning		8	Planning	8	40	16	
	Waste		24	Waste	9	21	33	
	Commercial Services		1	Commercial Services	4	26	5	
	Car Parks/Parking		1	Car Parks/Parking	4	21	5	
	Total		46	Total	32	26	78	
	Service Issues		45	Service Issues	41	N/A	86	
<b>Compliments</b>	-			Service	No.	YTD	<p>The compliments process asks for: service area, team (or staff member), type (helpfulness, solved a problem, above &amp; beyond the call of duty {ABCD}, speed), and a description, which we can make available for managers or members.</p> <p>The process is quick to do and the compliment can be captured by anyone and sent to the staff member involved or their manager for recognition.</p> <p>Reminders for staff to log them are going in the Friday flash regularly so we can simply report out the data.</p>	
				Assets	-	1		
				Commercial Services	2	3		
				Comms	-	-		
				Council Tax	-	-		
				CST	20	34		
				Domestic Waste	8	18		
				Housing Advice	1	1		
				Housing Benefits	1	2		
				ICT	1	1		
				Localities	1	1		
				Planning	1	1		
Street naming and numbering	1	1						
<b>Long term sickness (days)</b> Number of days lost due to long term sickness	Andy Wilson	715	YTD 1529	534			YTD 1030	<p>Equivalent to 1.47 days/FTE for the Qtr.</p> <p>Q1 18 figure: 1.4 days/FTE</p> <p>10 staff members have been managed back to work during the quarter. The 7 remaining that were off during the quarter, 2 have now resigned leaving 5 staff members still on long term sickness.</p>

PI Description	Managed By	Q2 17/18	2017/18	Q2 2018/19	18/19	Comment (If Applicable)
			YTD or Total		YTD or total	
<b>Short term sickness (days)</b>  Number of days lost due to short term sickness	Andy Wilson	318	YTD 537	225	YTD 463	Equivalent to 0.62 days/FTE for the quarter.  Q1 figure: 0.67 /FTE  Public sector averages for all sickness (long term and short term) are around 2-3days/FTE
<b>Top 5 call types</b>	Anita ley			1) Call dealt with on switchboard 2) General - Other Enquiry Dealt With 3) Call Transferred to Another Organisation 4) Move - (1st) Move 5) Recovery - Make Arrangement	-	Last Qtr  1) Call dealt (1st) with on switchboard 2) Call Transferred to Another Organisation 3) Move - (1st) Move 4)General - Other Enquiry Dealt With 5)Environmental Health - New enquiry, call transferred  As the CST deal with such a wide range of processes the most common call types are often the grouped types. We have always received a high number of calls for other agencies, particularly: DCC, the CAB, Housing associations or other organisations people mistakenly believe we are responsible for.
<b>Top 5 website processes</b>	Kate Hamp		-	1) Letter of Representation 2) Recycling sack/waste container request 3) Missed waste report 4) General waste enquiry 5) Planning application enquiry	-	Last Qtr  1) Recycling sack/waste container request 2) Missed waste report 3) Letter of Representation 4) Planning application enquiry 5) Commercial waste sack purchase
<b>% of customer contact through online interaction (Workflow360)</b> Demonstrating channel shift	Kate Hamp	55%	55%	49%	Q1 18 48%	Figures seem to be settling around 50% of all transactions.  Additional online routes are coming onstream to keep the channel shift progressing and improvements to existing processes to increase automation keep being made.

PI Description	Managed By	Q2 17/18	2017/18	Q2 2018/19	18/19	Comment (If Applicable)
			YTD or Total		YTD or total	
						There are additional access routes that are being offered if it provides a better customer experience, such as IEG4, Goss webforms, etc, which keeps the online interactions increasing across all services.
<b>Total number of online transactions</b>	Kate Hamp	20700	38120	Workflow360(W2): 16541	32207	The levels are beginning to level off so further rises from these levels will likely be smaller and based on additional processes coming online and in response to channel shift activities.
<b>% of calls resolved at first point of contact</b>  Percentage of calls which are resolved at initial contact with CST	Anita Ley	70%	70%	-	-	Measure no longer captured in new phone system. Online CST dashboard has more measures data updated monthly and broken down into call types and answer speed.
<b>Nuisance complaints Received</b>	Ian Luscombe	142	314	188	301	The nuisance process (covering noise, odours, smoke, etc) has now gone into Workflow360, this has moved the processes into the Customer Service Team and case management with specialist involvement only required later for more complex investigation.
<b>Average time taken for processing Disabled Facilities Grants</b> (Portion under council control) (Days)	Ian Luscombe	0 day	0 days	1 day	1 days	This is the portion of the process completely under the council's control (from application to approval). Our target is completion within 5 days  The average number of days is 1. This means on average the completed paperwork is received and completed by the next day.

## Exception Report:

Code and Name	Managed by	Prev Status	Last Qtr Q1	Jul 2018	Aug 2018	Sep 2018	Q2 2018/19		Action Response
				Value	Value	Value	Value	Target	
<b>% of Benefits change of circumstances completed online (IEG4)</b>	Lorraine Mullineaux		18.3 %	16.4 %	19.1 %	17.8 %	17.6%	25%	This is a relatively new measure and a very stretching target to try and channel shift a large proportion of customers who are used to interacting with us in more traditional ways. The uptake of new claims online has been very good (>65%) and keeps slowly increasing. The change of circumstances online process has seen a steady increase since its inception but the level of usage has levelled off in this quarter. This measure deals specifically with submission of processes through IEG4 and the benefits portal but there is an increased number of documents received through other electronic means. Whilst submission via the IEG4 portal has the most benefits for customers and staff, further work is being planned to make work submitted by customers choosing these other routes as efficient as possible and reduce the administrative workload further.
<b>% of calls answered in 20 secs</b>	Anita Ley		21%	30%	36%	27%	31%	50-80%	As predicted there has been an improvement in this measure, even over the busy Quarter 2 period due to the reallocation of resources within the team. There has been a corresponding improvement in total calls answered as well as calls answered in 5 minutes being back above target levels.
<b>Average number of missed bins (per 100,000)</b>	Jane Savage		240	373	285	144	267	75	The increase in pressure on services due to the influx of visitors over the summer season is seen every year. The reduction in missed bins over the quarter is a response to waste management systematically managing attitude and performance in an attempt to change the culture of the workforce. This is ongoing and should deliver continuing improvements in the rate of missed bins. Crews collectively have been trained on the use of in-cab technology across both sites and all vehicles issued with simple handbooks to improve exception reporting. This improves data quality and reduces instances of missed bins being incorrectly reported. Currently the teams are working on mini round reviews and cross training the teams on as many rounds as possible to improve route knowledge and redundancy amongst the workforce. We have also rolled out trackers to some of the smaller vehicles to ensure that they are being utilised to their maximum capacity.

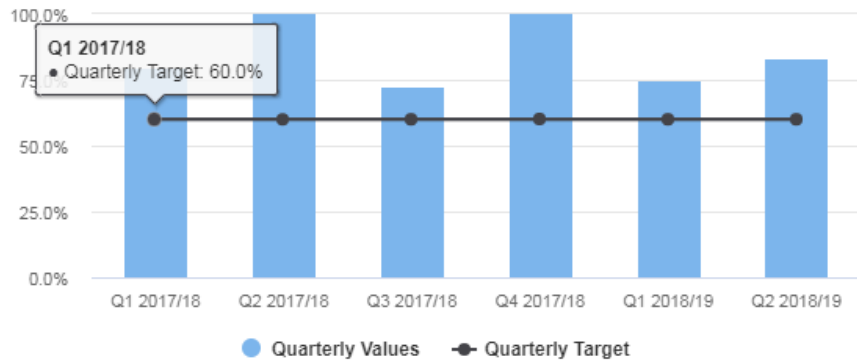
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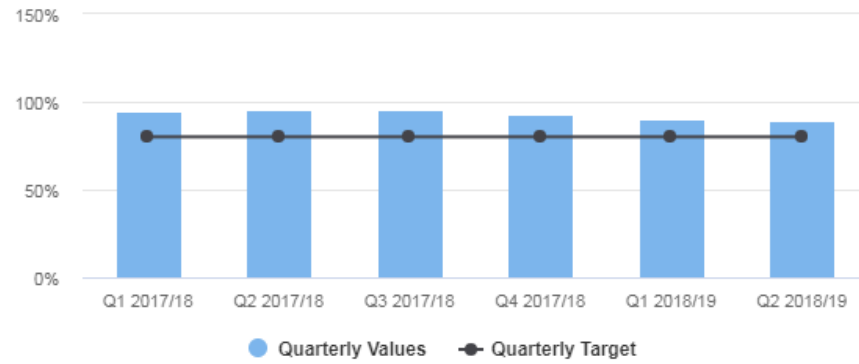
Measure	Target	Explanation
Overall waste recycling rate %	55%	A combination of recycling, re-use & composting for household waste. A self-set stretching target based on historic collection rates and current ambitions
Residual waste per household	92kg/qtr	The residual waste left after recycling and re-use. Equivalent to c.14kg per fortnightly collection per household
Avg number of missed bins	<75 per 100,000	Recently changed calculation. Previous counted all possible collections, now assume a 70% rate for presenting recycling and hence a lower number of possible collections
<i>*Average Call Answer Time No longer captured</i>	<i>1 min</i>	<i>Additional information captured in CST Dashboard but overall figure not collated. Individual areas have % of calls answered in 5 minutes</i>
<i>*% of enquiries resolved at first point of contact: No longer captured</i>	<i>60%</i>	
% of calls answered	80%	Target set at this level as we would expect some calls dropped as customers choose to follow recorded message recommendations, automated payments and submit requests online rather than hold on the phone
% of calls answered in 20 secs	50%-80%	A goldilocks measure that captures how much time CST have without a queue. Being too high would signify over-resourcing
% calls answered in 5 minutes	70%	New measure added to capture long waits.
% of Applications determined within time frame Major	60%	Statutory performance measure target
% of planning applications determined within time frame Non-Major	80%	New performance measure target
% of Applications determined within time frame Minor	65%	Old statutory performance measure target
% of Applications determined within time frame Other	80%	Old statutory performance measure target
Avg End to End time Benefits New Claims	24 days	Time for processing new claims
Avg End to End time Benefits Change of	11 days	Time for processing changes to existing claims

circumstances		
% of nuisance complaints resolved at informal stage	90%	Handling nuisance complaints informally saves time and money and often provides a more satisfactory outcome for all involved
Avg days short term sickness/FTE	1.5days/qtr	Private sector average of c.6 days/year, Public sector average of c.8 days has informed this initially stretching target. Agile working has had a very positive impact on sickness as people feeling under the weather have remained at home, working and reduced the likelihood of transfer of communicable infections to colleagues.
Complaint response speed	30 days	Time to respond to a Level 1 complaints
<i>T18: Programme timescales on track</i>	<i>Against Plan</i>	Superseded
<i>T18: Performance vs. Budget</i>	<i>Under/over spend</i>	Superseded
<i>T18: No. of Processes live</i>		Superseded
Ratio of web/call-post-email submissions (W2)	20% increasing over time	Ratio for customers calling vs self-servicing using integrated processes online. Customers currently fill in online forms but this then requires input into our systems. The new integrated approach inputs directly to our system and routes work where needed. Initially requires creation of account before first submission so expectation of slight drop off in ratio to begin with and then increasing as more customers sign up. Communication initiatives will be coordinated at key times during the year, for example, with annual council tax bills to drive sign ups so a stepwise increase in submissions is expected.
Ratio of benefit new claims web/post submissions (IEG4)	60%	Ratio of submissions via the new IEG4 portal
Ratio of benefit change of circumstances web/post submissions (IEG4/DHP)	25%	Ratio of online submissions via the new IEG4 portal and webforms

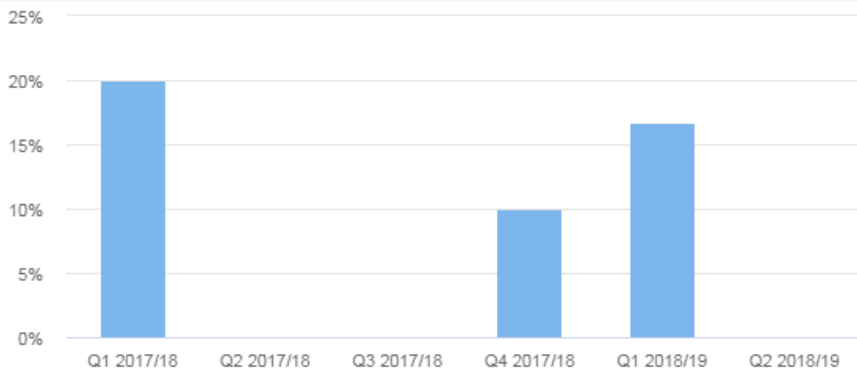
SH-P1 Major apps on target



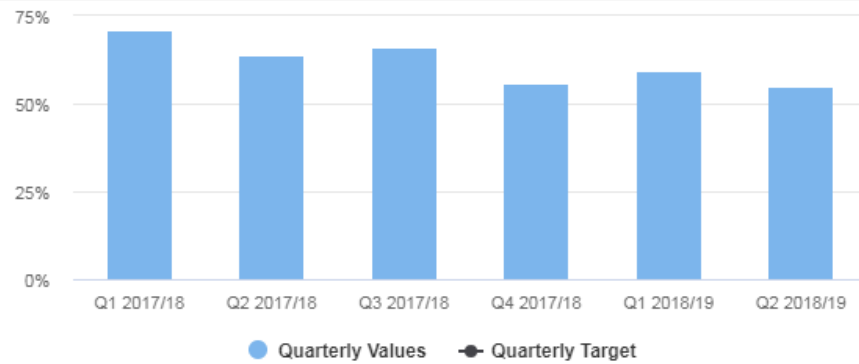
SH-P2 Non-Major apps on target

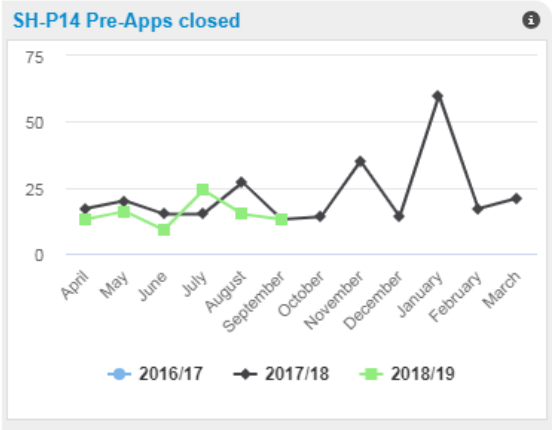
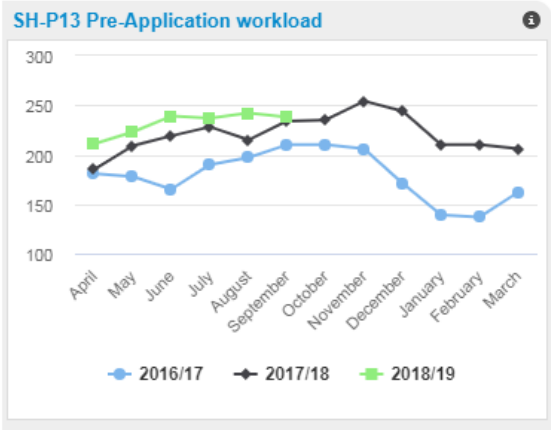
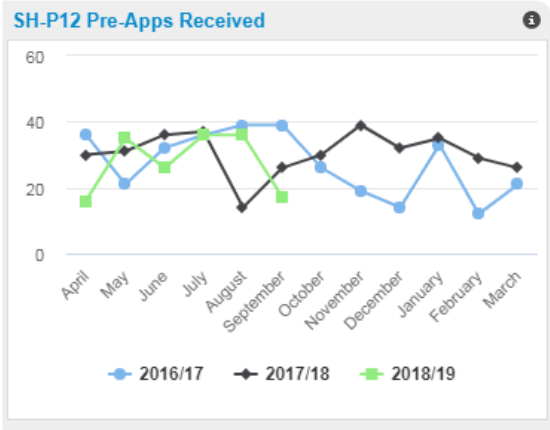
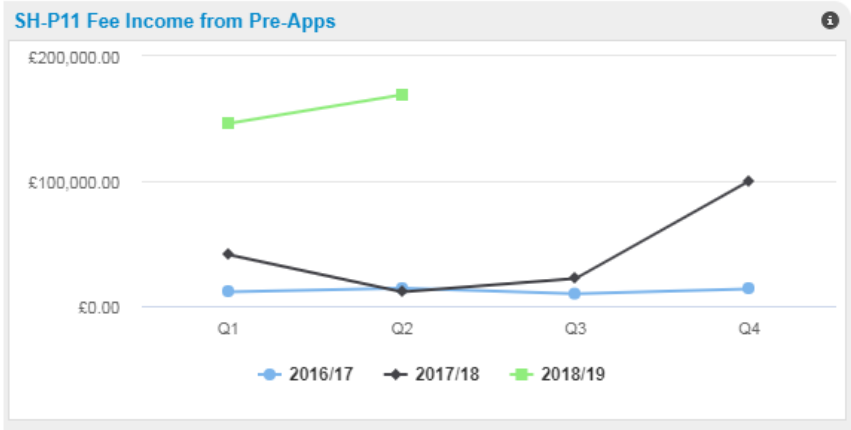
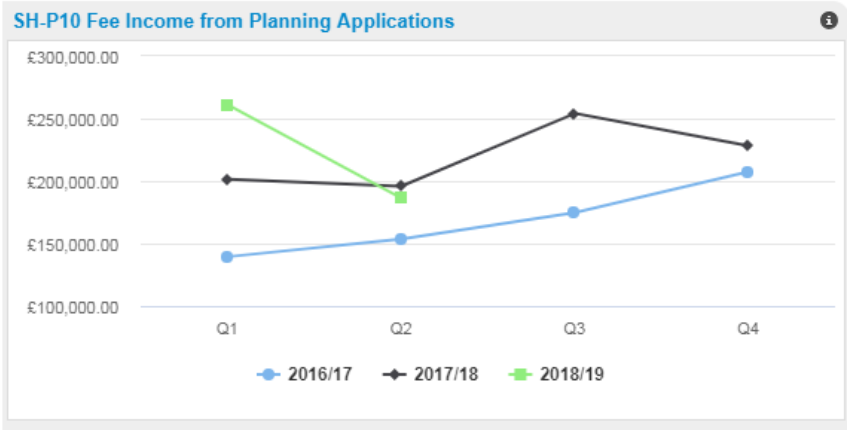
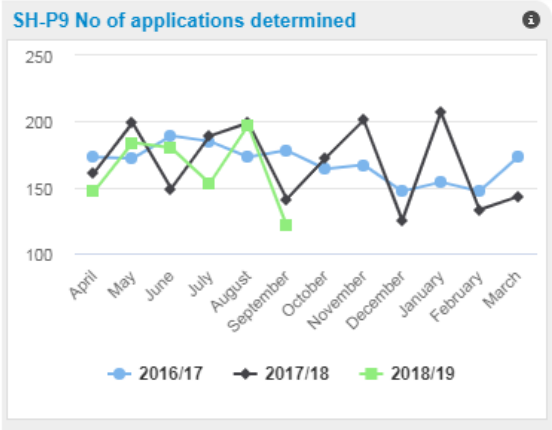
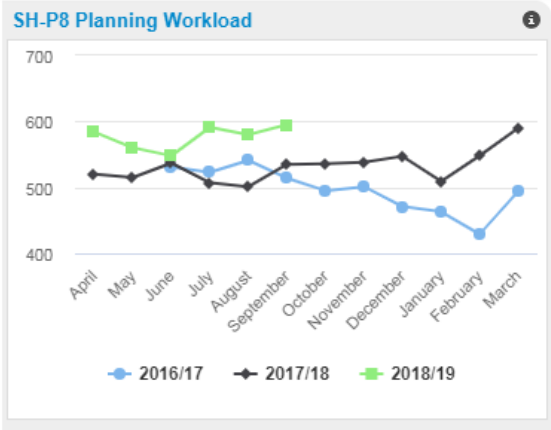
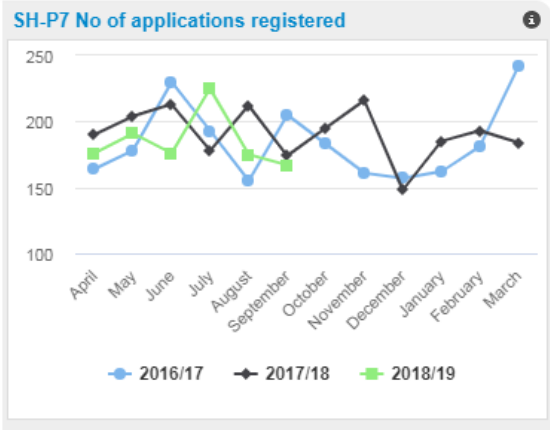


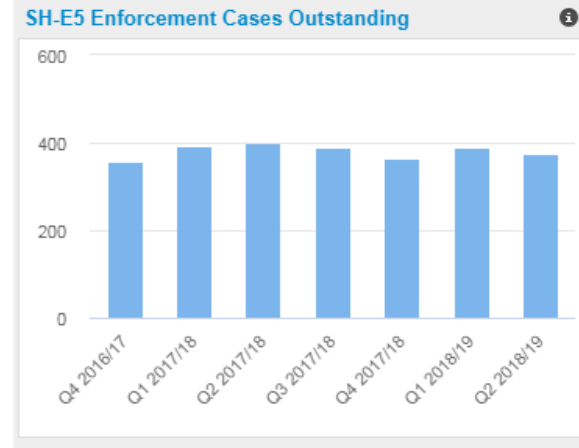
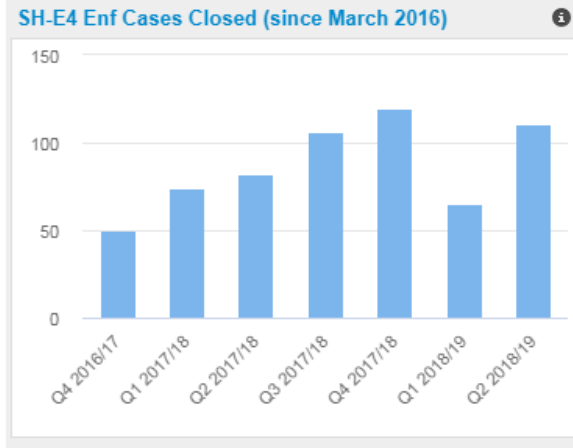
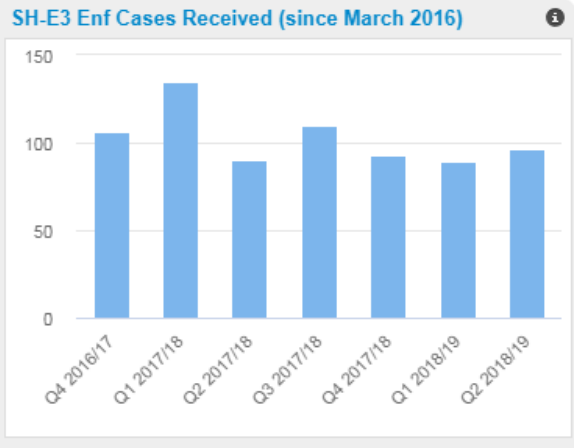
SH-P4 Major on target without eot



SH-P5 Non-Major apps on target without eot







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		<p>with the findings being presented back to a future meeting of the Overview and Scrutiny Panel;</p> <ol style="list-style-type: none"> <li>2. ask officers to write to Town and Parish Council Clerks outlining the total number of town and parish councillor complaints that had been received by the District Council and the consequent costs that were associated with their administration;</li> <li>3. <b>RECOMMEND</b> to Council that representations be sent to the Secretary of State and local MPs outlining the Council's concerns over the current regulations (e.g. the lack of any meaningful penalties and the unfairness of District Councils having to absorb the costs of administering the scheme for its local Town and Parish Councils);</li> <li>4. promote to Town and Parish Council Clerks the benefits of informally resolving complaints before a formal process is instigated;</li> <li>5. ask officers to convene a 'Code of Conduct and Councillor Behaviour' training session for town and parish clerks and councillors;</li> <li>6. convene a meeting between the Hearing Panel Members; the Monitoring Officer; and the Devon Association of Local Councils County Solicitor to express the concerns of the District Council over the number of complaints that are being received against local town and parish councillors; and</li> <li>7. encourage the Monitoring Officer to revisit the Council's pool of Investigating Officers in an attempt to build capacity to ensure that complaints are dealt with in a more timely manner.</li> </ol>	<p>Sue Nightingale</p> <p>Sue Nightingale</p> <p>Sue Nightingale</p> <p>Sue Nightingale</p> <p>Sue Nightingale</p>	<p>Approved by Council at its meeting on 27 September</p>
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6 September 2018	Executive Forward Plan <b>O&amp;S.33/18</b>  (b)Public Toilet Pay on Entry Contract Award	The process of determining exactly which facilities would become Pay on Entry would only be completed following a consultation exercise with the relevant local Ward Members.		Member drop-in session arranged for 8 November 2018
6 September 2018	Pay & Display Machines <b>O&amp;S.36/18</b>	<b>RESOLVED</b> 1. That the actions taken be endorsed and the steps being taken by the Metric Group be noted; and 2. That, in the event of their compensation offer remaining unsatisfactory, then senior representatives of Metric Group be invited to attend a future Panel meeting.	Cathy Aubertin	
6 September 2018	Actions Arising / Decisions Log <b>O&amp;S.39/18</b>	In discussion, it was agreed that the difficulties that Members were still experiencing in accessing the latest performance dashboard information on their iPads would be followed up.	Mike Ward	
4 October 2018	Executive Forward Plan <b>O&amp;S.47/18</b>	(a) It was noted that consideration of the agenda items entitled: 'Adoption of Clean Air Strategy' and 'Adoption of Business Continuity Plan' would be deferred to a meeting of the Executive during early 2019;  (b) The Panel was informed that the Peer Review Report would be presented to the Executive meeting on 7 February 2019;  (c) Some Members made the point that there were a number of particularly significant agenda items that were scheduled for consideration at the Executive meeting on 22 November 2018.	Kathy Trant  Kathy Trant  SLT	Forward Plan updated accordingly  Forward Plan updated accordingly  An additional Executive meeting has been scheduled for 13 December 2018
4 October	Customer	In respect of the formal complaints	Catherine	

2018	Satisfaction Survey <b>O&amp;S.48/18</b>	<p>process, a Member felt that the corporate timescales to resolve a complaint (30 days) was excessive and sent the wrong message. As a consequence, the Member requested that this matter be reviewed imminently;</p> <p><b>RESOLVED</b> That the Panel notes with concern the results from the Council’s recent Customer Satisfaction Survey and requests the production of a comprehensive Action Plan that will include the measures outlined between Sections 5.1(b) and 5.1(e) of the presented agenda report. In so doing, the Panel requests that this Action Plan be presented to its next meeting on 1 November 2018.</p>	Bowen  Nadine Trout	Action Plan on the agenda for the 1 November 2018 Panel meeting
4 October 2018	Section 106 Agreements Update <b>O&amp;S.49/18</b>	<p><b>RESOLVED</b></p> <ol style="list-style-type: none"> <li>1. That the report, progress and improvements made in monitoring and administering Section 106 Agreements be welcomed;</li> <li>2. That, in the future, the monitoring of administration of Section 106 Agreements be reported through the Internal Audit Reporting Cycle;</li> <li>3. That the Panel Work Programme be updated to include a ‘Review into the Process for Spending Section 106 Deposits for Affordable Housing’ at its meeting on 1 November 2018;</li> <li>4. That a ‘Langage Energy Centre Update’ be considered by the Panel at a meeting during early 2019; and</li> <li>5. That officers consider the most appropriate means of disseminating the Schedule to all Members and Town and Parish Councils.</li> </ol>	Tom Jones  Tom Jones  Tom Jones / Darryl White  Tom Jones / Darryl White  Tom Jones	Report not ready in time of agenda publication and item deferred to 24/1/19 meeting Work programme updated accordingly
4 October 2018	Task and Finish Group Updates (a) Drug and Alcohol Abuse <b>O&amp;S.51/18(a)</b>	<p><b>RESOLVED</b></p> <ol style="list-style-type: none"> <li>1. That the Executive <b>RECOMMEND</b> to Council that it support and participate (wherever possible) in Police and Public Health England campaigns around drug reporting, harm minimisation and education;</li> </ol>	James Kershaw / Louisa Daley	Recommendation to be presented to the next Exec meeting on 22/11/18

		<p>2. That the Panel acknowledge the response from the Task and Finish Group that CCTV linking into a central hub is cost prohibitive;</p> <p>3. That the Member Budget Workshop explore the possibility of obtaining annual funding for youth activities / engagement as a diversionary approach to Crime and Disorder (including drug use) within the South Hams District;</p> <p>4. That the Member Budget Workshop explore the possibility of obtaining funding from Outside Bodies so to enable the Council to support recommendation 3 (above) by a part-time post or by other means;</p> <p>5. That, subject to the availability of funding, the Council proactively supports and participates in Junior Life Skills as part of a preventative approach and early intervention / education for young people; and</p> <p>6. That the Council supports and proactively participates in partnership working with multi agencies and other initiatives relating to the prevention of drug use and anti-social behaviour amongst young people. Such support and activity to be explored by Members of the Task and Finish Group with subsequent referral back to the Overview and Scrutiny Panel.</p>	<p>James Kershaw / Louisa Daley</p> <p>Lisa Buckle</p> <p>Lisa Buckle</p> <p>James Kershaw / Louisa Daley</p> <p>James Kershaw / Louisa Daley</p>	
4 October 2018	Draft Annual Work Programme <b>O&amp;S.53/18</b>	<p>The Panel noted the contents of its latest Annual Work Programme and made the following comments, additions and amendments:-</p> <ul style="list-style-type: none"> <li>- It was agreed that the Panel meeting that had been initially scheduled for 14 February 2019 should be moved to take place on the afternoon of 24 January 2019 (1.30pm start);</li> <li>- The Panel then agreed that the meeting on the afternoon of 24 January 2019 should include the following agenda items:</li> </ul>	<p>Darryl White</p> <p>Darryl White</p>	<p>Calendar of Meetings updated accordingly</p> <p>Work programme updated accordingly</p>

		<ul style="list-style-type: none"> <li>○ The Peer Review;</li> <li>○ Community Safety Partnership Annual Report;</li> <li>○ An update on Safeguarding;</li> <li>○ A review into the Standards Complaints Procedure;</li> <li>○ An update on Universal Credits; and</li> <li>○ A Langage Energy Centre Update;</li> </ul> <p>- Members also endorsed the proposal for the following additional items to be added to the Work Programme for the next Panel meeting agenda on 1 November 2019:</p> <ul style="list-style-type: none"> <li>○ Customer Satisfaction Action Plan;</li> <li>○ Draft Member Induction Programme 2019/20;</li> <li>○ RIPA Annual Review; and</li> <li>○ Review into the process for spending Section 106 Deposits for Affordable Housing.</li> </ul>	Darryl White	Work programme updated accordingly
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## OVERVIEW AND SCRUTINY PANEL

### DRAFT ANNUAL WORK PROGRAMME: 2018/19

Date of Meeting	Report	Lead Officer
24 January 2019 (10.00am)	Draft Budget 2019/20 ( <i>joint meeting with DM Committee Members</i> )	Lisa Buckle
24 January 2019 (1.30pm)	Executive Forward Plan - Peer Review	Kathy Trant SLT
	Task and Finish Group Updates (if any)	
	Community Safety Partnership Annual Report	Louisa Daley
	Safeguarding Update	Louisa Daley
	Universal Credit Update	Issy Blake
	Review of Standards Complaints Procedure	Sue Nightingale
	Review into the Process for Spending Section 106 Deposits for Affordable Housing	Tom Jones
	Langage Energy Centre Update	Tom Jones
18 March 2019	Executive Forward Plan	Kathy Trant
	Fusion: Annual Report	Jon Parkinson
	Task and Finish Group Updates (if any)	

Future items to be programmed:-

- Renewable Energy – Income Generation Opportunities (*timing depends on outcome of Corporate Strategy*);
- ICT Resilience – Twelve Month Update (June 2019).
- Performance Measures Review (24 January 2019 (pm))?

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