

# South Hams Overview and Scrutiny Panel



<b>Title:</b>	<b>Agenda</b>										
<b>Date:</b>	<b>Thursday, 24th January, 2019</b>										
<b>Time:</b>	<b>2.00 pm</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 Hawkins</td> </tr> <tr> <td>Cllr Birch</td> <td>Cllr Hicks</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> </table>	Cllr Baldry	Cllr Hawkins	Cllr Birch	Cllr Hicks	Cllr Blackler	Cllr May	Cllr Cane	Cllr Pennington	Cllr Green	Cllr Pringle
Cllr Baldry	Cllr Hawkins										
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Cllr Blackler	Cllr May										
Cllr Cane	Cllr Pennington										
Cllr Green	Cllr Pringle										
<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										

- 1. Apologies for Absence**
- 2. Minutes** **1 - 4**

to approve as a correct record and authorise the Chairman to sign the minutes of the Panel held on 12 December 2018;
- 3. Urgent Business**

brought forward at the discretion of the Chairman;
- 4. Division of Agenda**

to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information;
- 5. Declarations of Interest**

Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests they may have in any items to be considered at this meeting;
- 6. Public Forum** **5 - 6**

A period of up to 15 minutes is available to deal with issues raised by the public;
- 7. Executive Forward Plan** **7 - 12**

**Note:** If any Member seeks further clarity, or wishes to raise issues regarding any future Executive agenda item, please contact Member Services before **5.00pm on Monday, 21 January 2019** to ensure that the lead Executive Member(s) and lead officer(s) are aware of this request in advance of the meeting.
- 8. Car Parking Pay and Display Machines - Metric Group Representatives to attend**
- 9. Community Safety Partnership Annual Report** **13 - 18**
- 10. Safeguarding Update** **19 - 24**
- 11. Review into the Process for Spending Section 106 Deposits for Affordable Housing** **25 - 30**

	<i><b>Page No</b></i>
<b>12. Review of Procedure for Dealing with Standards Complaints</b>	<b>31 - 64</b>
<b>13. Corporate Strategy</b>	<b>65 - 70</b>
<b>14. Q3 2018/19 Performance Report</b>	<b>71 - 88</b>
<b>15. Task and Finish Group Updates (if any)</b>	
<b>16. Actions Arising / Decisions Log</b>	<b>89 - 92</b>
<b>17. Draft Annual Work Programme</b>	<b>93 - 94</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  
WEDNESDAY, 12 DECEMBER 2018**

<b>Panel Members in attendance:</b>			
* Denotes attendance		∅ Denotes apology for absence	
*	Cllr K J Baldry	*	Cllr M J Hicks
*	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)

<b>Other Members also in attendance:</b>
Cllrs I Bramble, J Brazil, T R Holway, N A Hopwood, J A Pearce, R C Steer, R J Tucker 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
7	O&S.72/18	Head of Paid Service; Section 151 Officer; Environment Services Community Of Practice Lead and Deputy Monitoring Officer

**O&S.69/18 MINUTES**

The minutes of the meeting of the Overview and Scrutiny Panel held on 1 November 2018 were confirmed as a correct record and signed by the Chairman.

**O&S.70/18 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 but there were none made.

**O&S.71/18 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.72/18 CALL-IN OF EXECUTIVE MINUTE E.46/18: 'PUBLIC TOILETS REVIEW'**

The Chairman introduced the agenda item and advised that, in accordance with Overview and Scrutiny Procedure Rule 15, the resolution arising from Minute E.46/18: 'Public Toilet Review' had been formally called-in for further consideration by the Panel.

Upon the conclusion of the debate on the call-in, the Chairman advised that there would be three options available to the Panel. These were that the Panel:

1. was content with the original Executive resolution and that decision would therefore take immediate effect;
2. could refer the decision back to the next Executive meeting (on 13 December 2018) for further consideration; and
3. could opt to refer the decision to the next full Council meeting (on 17 January 2019).

At this point, the Chairman invited the signatories of the call-in to explain their reasoning behind this decision. In so doing, the signatories made specific reference to:-

- their intention for the minute to be called-in in its entirety. For clarity, the Deputy Monitoring Officer was invited to comment on this intention and confirmed that, whilst the primary focus of the call-in had been on the facilities at Steamer Quay, Totnes, a number of the points made by the Monitoring Officer (e.g. the late circulation of the report and appendices) were pertinent to the entire resolution. As a result, it was her view that the call-in did relate to all aspects of Minute E.46/18;
- their disappointment that the lead Executive Member was not in attendance at this meeting. Furthermore, these Members expressed their concerns over the way that the lead Member had led on this project;
- the variance in the costings between the production of the initial Business Plan that had been circulated to Members in August 2018 and the subsequent publication of the Executive report and appendices;
- the views of Totnes Town Council. The local Ward Members who were in attendance stated that, once the call-in had been invoked, Totnes Town Council had requested an urgent meeting with the District Council and this meeting had not yet taken place. In addition, the Members advised that the Town Council was of the view that it had not been given the same opportunity (or range of possible options available) that had been afforded to other town and parish councils in the district. These Members therefore felt that the Town Council should be allowed to consider this suite of options before the Executive then reached a final decision at its meeting on 7 February 2019; and
- there being inaccuracies in the Briefing Note that had been circulated to Members earlier this week.

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

- (a) With regard to the figures that had been presented to the Executive meeting, the Panel sought an absolute assurance that these were accurate. In response, officers confirmed that these figures had now been verified by Internal Audit and (with the exception of the facility at Fore Street, Kingsbridge) had been found to be accurate. In addition, the Leader wished to clarify that the difference between the figures that had been presented to Members in August 2018 and November 2018 had been that the in-house (e.g. support services) elements of the costings had been factored into the published Executive report. In addition, the August 2018 Business Plan had reflected the 2016/17 actual figures and the November 2018 report had taken into account more recent figures;
- (b) In referring to a recent meeting that he had held with senior representatives of Totnes Town Council, the Leader disputed some of the points that had been raised by the local Ward Members. In particular, the Town Council representatives had given the impression that the position that had been expressed earlier in the year (i.e. that the Town Council supported the installation of Pay on Entry systems at its public toilets) was still the case. This point was strongly refuted by the local Members who emphasised that this decision had been reached without the Town Council being made aware of (or given the opportunity to consider) any alternative options;
- (c) Some Members stated that, as a consequence of the flexibility in approach that had been built into the project, this had in fact presented difficulties during the consultation exercise. For example, a local Member cited an excellent example of the process that had been carried out for the facilities at South Brent whereas another Member cited that this had been the polar opposite to the process he had witnessed for the facilities at Newton Ferrers. As a result, the Panel identified that there had been significant inconsistencies in the approach that had been undertaken to the consultation exercise for this project and hoped that lessons would be learned for future projects.

(At the request of the Leader, the Chairman consented to a short adjournment at 11.10am and the meeting was subsequently reconvened at 11.25am).

Following the adjournment, the Leader confirmed that, such was the apparent confusion between Totnes Town Council and its local Ward Members, he would be content for the Panel to recommend to the Executive that the facilities at Totnes be added to the list of those that were to be deferred for further consultation.

The majority of Panel Members welcomed the comments of the Leader and it was then:

**RESOLVED**

That Minute E.46/18 'Public Toilets Review' be referred back to the Executive at its meeting on 13 December 2018 for further consideration and with the following comments:-

1. That the Panel support a further consultation exercise being carried out with those local town and parish councils who have requested that opportunity, with the outcome being reported back to the Executive meeting on 7 February 2019; and
2. That the Panel:
  - a. note that the financial information that was presented to the Executive meeting on 22 November 2018 had since been verified by Internal Audit and (with the exception of the facility at Fore Street, Kingsbridge) had been found to be accurate; and
  - b. identify that significant inconsistencies had occurred during the consultation exercise for this project and would hope that lessons would be learned for future projects.

(Meeting started at 10.00 am and concluded at 11.45 am)

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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 January 2019. It provides an indicative date for matters to be considered by the Executive. Where possible, the Executive will keep to the dates shown in the plan. However, it may be necessary for some items to be rescheduled and other items added.

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

Local authorities are required to publish updated forward plans on a 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**

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

<b>Portfolio Area</b>	<b>Report Title and Summary</b>	<b>Lead Officer/ Member</b>	<b>Documents to be considered in making decision</b>	<b>Date of Decision</b>	<b>Consultees and means of Consultation</b>
Leader	<b>Title:</b> Ivybridge Development Proposal <b>Purpose of report:</b> To consider & update on commercial property development proposals for Ivybridge following the last update on 13 December 2018	DA/ CBrook Leader	Report of Head of Assets Practice and Group Manager Business Development	14 March 2019	
<b>OTHER DECISIONS</b>					
Deputy Leader  <b>Page 8</b>	<b>Title:</b> Revenue Budget Monitoring for 2018/19 (9 month position) <b>Purpose of report:</b> A revenue budget monitoring report to monitor income and expenditure variations against the approved revenue budget for 2018/19, and to provide a forecast of the year end position.	AWa/ Cllr Wright	Report of Senior Finance Specialist	7 Feb 2019	
Deputy Leader	<b>Title:</b> Capital Programme Budget Monitoring for 2018/19 (9 month position) <b>Purpose of report:</b> The report advises Members of the progress on individual schemes within the approved capital programme, including an assessment of their financial position.	AE/ Cllr Wright	Report of Capital Finance Specialist	7 Feb 2019	
Deputy Leader	<b>Title:</b> Revenue Budget Proposals 2019/20 <b>Purpose of report:</b> The report sets out the recommendations for the Revenue Budget for 2019/20 (including the council tax level for 19/20)	LB/ Cllr Wright	Report of Section 151 Officer	7 Feb 2019	Overview and Scrutiny Panel and Development Management Committee
Deputy Leader	<b>Title:</b> Capital Budget Proposals 2019/20 <b>Purpose of report:</b> The report sets out the recommendations for the Capital Programme Budget for 2019/20	LB / Cllr Wright	Report of Section 151 Officer	7 Feb 2019	Overview and Scrutiny Panel and Development Management Committee

Deputy Leader	<b>Title:</b> Q3 Write Off report <b>Purpose of report:</b> To update on Council debts written off by the S151 Officer (in accordance with Financial Regulations) and to seek approval to write off any debts in excess of £5,000	LB / Cllr Wright	Report of Section 151 Officer	7 Feb 2019	
Customer First	<b>Title:</b> Customer Satisfaction <b>Purpose of report:</b> To provide monthly update on Customer Satisfaction Action Plan.	NT/Cllr Bastone	Report of the Commissioning Manager	7 Feb 2019	
Leader of the Council	<b>Title:</b> Business Continuity Management Strategy and Work Programme <b>Purpose:</b> To recommend to Council the adoption of the Business Continuity Management Strategy and Work Programme	JK/Cllr Tucker	Report of the Senior Specialist Environmental Health and Draft Business Continuity Management Strategy and Work Programme	7 Feb 2019	
Customer First Page 9	<b>Title:</b> Coastal Concordat <b>Purpose of report:</b> To consider the Concordat agreed between SHDC and Marine Management Organisation in respect of planning matters below the mean low tide	TJ/ Cllr Bastone	Report of the Head of Place Making Practice  Coastal Concordat	14 March 2019	
Commercial Services	<b>Title:</b> Lifeguard provision and Avon Estuary Enforcement <b>Purpose of report:</b> To consider arrangements for provision of lifeguard service and enforcement on the Avon Estuary	HD & CSS/ Cllr Gilbert	Report of Group Manager Commercial Services and Salcombe Harbour Master	14 March 2019	
Leader	<b>Title:</b> Draft Corporate Strategy Delivery Plans <b>Purpose of report:</b> To consider the draft delivery plans for each of the Corporate Strategy Themes (Homes, Communities, Enterprise, Environment, Wellbeing & Council)	NT/ Leader	Report of the Commissioning Manager  Draft Strategy Delivery Plans	14 March 2019	
Assets	<b>Title:</b> Accommodation Strategy <b>Purpose of report:</b> To consider & agree in principle the future options for SHDC accommodation.	DA/ CBrook Leader	Report of the Head of Assets Practice & Group Manager Business Development	14 March 2019	

Portfolio Area	Report Title and Summary	Lead Officer/ Member	Documents to be considered in making decision	Date of Decision	Consultees and means of consultation
Commercial Services	<b>Title:</b> Public Conveniences Update <b>Purpose of report:</b> to update members on latest negotiations with Parish and Town Councils and to consider proposal from Salcombe Harbour Board in respect of all facilities in the Salcombe estuary.	CA/ Cllr Gilbert	Report of the Head of Environment Services Practice	07 Feb 2019	Town and Parish Councils and Salcombe Harbour Board – by email, telephone and meetings.
Commercial Services  Page 10	<b>Title:</b> Partnership Board Terms of Reference for waste & cleansing <b>Purpose of report:</b> The report seeks approval of Terms of Reference for the Waste and Cleansing Contract Partnership Board (Consisting SHDC, WDBC and FCC Ltd)	HD/ Cllr Gilbert	Report of the Group Manager Commercial Services Draft Terms of Reference	07 Feb 2019	
Commercial Services	<b>Title:</b> Grounds maintenance service <b>Purpose of report:</b> To consider the future provision of a grounds maintenance service, and opportunities for income growth in respect of service area	HD & CA/ Cllr Gilbert	Report of Group Manager Commercial Services and Head of Environment Services Practice	14 March 2019	
Commercial Services	<b>Title:</b> Review of parking charges in place of PoE at public toilets (Tariff setting) <b>Purpose of report:</b> For Members to consider and agree revised parking charges where these have been requested in place of Pay on Entry at public toilets.	CA/ Cllr Gilbert	Report of Head of Environment Services Practice	07 Feb 2019	
Customer First	<b>Title:</b> Customer Satisfaction <b>Purpose of report:</b> To provide monthly update on Customer Satisfaction Action Plan.	NT/Cllr Bastone	Report of the Commissioning Manager	14 March 2019	
Commercial	<b>Title:</b> Procurement of Cleaning Services	CA/Cllr	Report of the Head of	14 March	

Services	<b>Purpose of report:</b> To procure cleaning services through tender of a new contract	Gilbert	Environment Services Practice	2019	
Customer First & Support Services	<b>Title:</b> Employee Terms and Conditions <b>Purpose of report:</b> The report will consider high level options for reviewing Employee Terms and Conditions of employment	NH/ Cllr Hopwood	Report or the Support Services Specialist Manager	14 March 2019	Trade Unions via usual TU meetings
Leader	<b>Title:</b> JLP working arrangements after adoption <b>Purpose of report:</b> A report setting out the governance arrangements for the JLP following adoption	TJ/ RG Leader	Report of the CoP Lead Place Making Practice	TBC – pending adoption of the JLP	





# Agenda Item 9

Report to: **Overview and Scrutiny Panel**  
Date: **24 January 2019**  
Title: **Community Safety Partnership**  
Portfolio Area: **Customer First**  
Wards Affected: **All**

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)

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

Contact: [Louisa.daley@swdevon.gov.uk](mailto:Louisa.daley@swdevon.gov.uk)  
[Rebecca.hewitt@teignbridge.gov.uk](mailto:Rebecca.hewitt@teignbridge.gov.uk)

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## Recommendations:

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

### 1. Executive summary

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

### 2. Background

2.1 South Devon and Dartmoor CSP operates across Teignbridge, South Hams and West Devon and is a statutory partnership that is required to report to the Overview and Scrutiny Panel on an annual basis.

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

- 3.1 The CSP is intelligence led and delivers in the context of the Devon Strategic Assessment and also the Police and Crime Plan that is owned by the Police and Crime Commissioner. The CSP continues to focus on the most vulnerable within our community in response to information provided by the Devon Strategic Assessment and any emerging threats or risks.
- 3.2 The CSP works collaboratively across Devon and the Peninsula to tackle issues such as child sexual exploitation, modern slavery, drug misuse, prejudice related crime, preventing violent extremism and domestic violence and abuse.
- 3.3 In 2017/8 the CSP received a £25,000 grant of Safer Communities funding from the PCC via the Safer Devon Partnership, in 2018/19 the CSP will receive the same amount. This funding pays for specific projects, some of which are listed below.

### **KEY ACHIEVEMENTS**

#### **Achievements across South Devon and Dartmoor**

- Introduced, working closely with Splitz (Devon's then Commissioned Service for Domestic and Sexual Abuse services) South Devon Domestic and Sexual Abuse forum
- Regular engagement with South Devon MARAC (Multi Agency Risk Assessment Conference) to create safety planning for those experiencing domestic abuse in South Devon
- Extremely positive relationships developed and maintained with secondary schools in Teignbridge, West Devon and South Hams resulting in thematic meetings and work identified around gang culture and drugs
- Identified through our close work with schools, then developed with Devon County Council, the *Healthy Relationships programme*, to be introduced to all schools in Devon
- Supported Domestic and Sexual Violence survivors by providing support equipment such as alarms
- Supported DHR (Domestic Homicide Review) number 6 and promoted the findings of this to relevant partner agencies
- Facilitated the delivery of Tender – a healthy relationship programme to schools – with SAFE (Stop Abuse For Everyone)
- Host the Vulnerability Forums through the ASB (Anti-Social Behaviour) meetings and created a process for referrals from partner agencies

- Continued close working with Integrated Offender Management
- Delivered bite size training sessions for staff and partners to understand the implications of County Lines and cuckooing
- Delivered training to over 250 taxi drivers to understand and identify risk factors in child sexual exploitation (CSE), modern slavery and trafficking
- Facilitated the delivery of Gemma's Wardrobe – a theatre style education package to Year 9 in 10 secondary schools (approximately 2000 young people) in South Devon around drugs, alcohol and exploitation
- Worked with partners to identify and mitigate risks around planned CSE units in South Devon
- Provision of ASB service across SDD which included discussions about vulnerable adults as part of ASB meeting structure
- Engagement with Operation Venus to address use of Psychoactive Substances and drug misuse in South Hams
- Engagement with Operation Hazel to address use of drugs following tragic death of teenager in Newton Abbot
- Engagement in the Devon and Torbay Prevent Partnership
- Co-ordinated and ran the annual forum event at Rattery Village Hall, attended by 86 delegates showcasing the work of the CSP
- Supported development and contributed to development of the Be Curious campaign and distributed the campaign to partners
- Engagement in Operation Huntsman to address Modern Slavery
- Engagement in work across Devon to ensure consistency with the National Referral Mechanism in relation to Modern Slavery
- Facilitated raising awareness of Extreme Right Wing symbolism to ensure reporting of any occurrences to Prevent Leads
- Facilitated and led engagement in South Devon in Project Genesis, the Neighbourhood Policing Review. Findings and feedback was sent via the Chair of the CSP to the Police Crime Commissioner following two CSP engagement events with partners
- 3 Phoenix courses held to address ASB in young people delivered
- Use of Multi Agency Response team approach around issues such as needle and drug paraphernalia finds in public toilets
- Successful in joint application to the Home Office for £528,000 funding to address Youth Gang Culture across South Hams, Teignbridge and Torbay
- Safeguarding at events products produced for delivery in 2019
- Local Delivery Plan 2017/8 72 green status, 24 amber and 4 red
- Suicide Intervention briefings to partners 262 pledges so far

### **Achievements in South Hams**

- Facilitated training on safeguarding and child sexual exploitation to 94% taxi drivers

- Task and Finish Group created in South Hams worked with CSP around drugs paraphernalia, resulting in an award winning pilot project combined with Public Health and pharmacy
- Gemma's Wardrobe - 610 Year 9 students saw a theatre production and participated in follow up workshops on alcohol, drugs and child sexual exploitation through work with Ivybridge College, Kingsbridge College, King Edward VI College and Dartmouth Academy
- Continuing to maintain and develop close working with South Hams Secondary Schools to address and raise awareness of community safety issues including drugs, Prevent and missing episodes linked to exploitation. This model is seen as best practise across Devon
- Provided all schools with materials to assist in Prevent campaigns aimed at young people such as "Run, Hide, Tell"
- Engagement in Operation Venus to address the use of Psychoactive Substances and drug misuse resulting in Drug Expert education in schools
- A main focus of the CSP's work over the last 18 months has been in response to Youth Gang activity.
- Excellent joint work and information sharing continues with Environmental Health, Housing and other departments.
- Following recommendation from the Overview and Scrutiny Committee in November 2017 Members requested training opportunities to learn more about the work and responsibilities of the CSP. This training was completed in February 2018 and 17 Members from South Hams attended.

## **Achievements in Anti Social Behaviour**

### **South Hams**

- In January 2018 the existing Alcohol Designation Orders were transferred to Public Space Protection Orders (PSPO's) relating to alcohol consumption and Anti-Social Behaviour (ASB). The areas the PSPO's covered were discussed with the local policing team to ensure that the correct areas were covered.
- In January 2018 a PSPO was created in order to deal with the issue of modified car enthusiasts (previously known as 'boy racers') driving in an anti-social manner in the Quay car park, Kingsbridge. The police, town council and SHDC had received numerous complaints from nearby residents. In addition to the creation of the PSPO, three drivers were identified as driving in an anti-social manner each were sent a 1<sup>st</sup> stage ASB letter. Two of three were later served with a Community Protection Notice (CPN) warning letter. Since this time there have been no reports of ASB driving in the area.
- A PSPO was also created preventing ball games on the pedestrian area outside of Kingsbridge Town hall and the entrance to the Quay Car Park. This was after complaints made by mainly elderly, local residents regarding youths kicking footballs around, some of which

had hit residents and two residents had been knocked over by larger teenagers playing games. Those wishing to play ball games were directed to the nearby recreation ground.

- In liaison with Devon County Council SHDC worked on an eviction of a person who resided in a caravan in Totnes who was acting in an antisocial manner. After serving the individual with a Community Protection Warning letter it was decided that the best course of action would be to evict from the area. In September 2017 a repossession order was served and the individual left the area.
- Following joint working between the ASB officer, Livewest (Registered Social Landlord) and police in Kingsbridge, Livewest applied to Plymouth County Court for an Injunction in order to control the anti-social behaviour of a tenant in the Kingsbridge area. The injunction was granted and served on the tenant. Since then no further issues have been reported.

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

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

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

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

5.1 The main considerations for members include –

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

## 6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The CSP works under several sections of legislation including –  Crime and Disorder Act 1998 Police Reform Act 2002 Anti-Social Behaviour Act 2003 Police and Justice Act 2006 Policing and Crime Act 2009 Section 9 of the Domestic Violence, Crime and Victims Act (2004). Anti-Social Behaviour , Crime & Policing Act 2014
Financial	Y	2017/8 income to the CSP included a £25,000 grant of Safer Communities funding from the PCC via the Safer Devon Partnership and contributions from agencies and income to support specific projects.  South Hams District Council costs for 2017/8:  Total contribution <span style="float: right;">£ 41697</span>
Risk	N	The report is for information and as such there is no risk associated with decisions to set out.
Comprehensive Impact Assessment Implications		
Equality and Diversity	Y	The CSP addresses issues including hate crime and specific crimes relating to vulnerable members of the community such as distraction burglary.
Safeguarding	Y	CSP staff engage in a number of safeguarding forums and promote effective safeguarding practice in their work. This links to internal Council safeguarding. Currently the Community Safety Specialist is also the Safeguarding Specialist at SHDC.
Community Safety, Crime and Disorder	Y	The report details the many implications on Community Safety of South Hams engagement in the CSP.
Health, Safety and Wellbeing	Y	The CSP works closely with public health and other partners on health and wellbeing issues including alcohol and licensing.
Other implications		N/A

Report to: **Overview and Scrutiny Panel**

Date: **24 January 2019**

Title: **Safeguarding Update**

Portfolio Area: **Corporate Services**

Wards Affected: **All**

Relevant Scrutiny Committee: N/A

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

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

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

Contact: [Louisa.daley@swdevon.gov.uk](mailto:Louisa.daley@swdevon.gov.uk)

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## **Recommendations:**

### **That Members:**

- 1. review safeguarding as an annual standing agenda item;**
- 2. make suggestions for other safeguarding items to be included in the next report; should Recommendation 1 be agreed;**
- 3. are sighted on how we meet our safeguarding duties, measures in place and associated risk;**
- 4. support safeguarding briefings for new and existing Members after May 2019; and**
- 5. support a Safeguarding Policy review in 2019/20.**

## **1. Executive summary**

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

## 2. Background

South Hams and West Devon Councils Internal Audit team, working in conjunction with Devon Audit Partnership looked at Safeguarding as a separate item for the first time in September 2017. The report was published in October 2017 (appendix A), with overall Audit Opinion being that Safeguarding was of a GOOD standard.

Five areas were covered, as detailed below, with two of these areas meeting a HIGH standard.

- 1. The governance arrangements are sufficiently robust – HIGH standard
- 2. Statutory requirements are complied with – GOOD standard
- 3. There are suitable partnership agreements in place with other organisations – GOOD standard
- 4. Policies and Procedures are adequate to support the Councils work – GOOD standard
- 5. There are suitable financial arrangements – HIGH standard

## 3. Outcomes/outputs

The Safeguarding Specialist meets with other District Council Safeguarding Leads on a quarterly basis to share good practice and meet with both the Devon Adult and Children Safeguarding Boards to ensure that compliance continues and areas of risk are known, then mitigated through work with Devon County Council or within South Hams District Council (SHDC.)

Annually SHDC is obliged to complete the statutory document – Section 11 Audit Report which places duties on us to ensure that our functions and any services that we contract out to others are discharged and have regard to the need to safeguard and promote the welfare of children. This report has highlighted areas – such as our telephone welcome message – where there was not compliance. This message has now been amended.

The partnership we have between other agencies and partnerships is strong. One of the closest working partnerships is with the **Community Safety Partnership** where several safeguarding issues have been addressed. These areas include the Taxi Driver training in how to identify child sexual exploitation and trafficking and the Suicide Intervention briefings. Other areas include regular engagement with the **MARAC** (Multi Agency Risk Assessment Conference) which risk manages residents who experience Domestic and Sexual Violence, demonstrate how essential partnership working is. **The Devon and Torbay Prevent Partnership** is also a close working partner, the safeguarding lead has regular updates on any terror threats in our area and the latest updates and recommendations for local councils, including online security.



In addition to external stakeholders, the breadth of safeguarding referrals and queries being highlighted from staff other than the “traditional” routes housing staff, continues to increase. Staff from building enforcement, planning, environmental health and customer services, in addition to housing staff, have all highlighted issues within the last few months. This is likely to be directly correlated to an increase in staff briefings, small group sessions with Customer Service Teams and articles in the Friday Flash to continue to highlight safeguarding and embed as part of SHDC every day considerations. Educating and supporting staff with safeguarding queries will continue as part of daily business.

A Safeguarding plan has been created in Devon and SHDC is held in high regard by other Devon district councils as leading areas of work in this field due to the safeguarding work and projects demonstrated.

Due to collaboration with other district councils we are able to maintain a good level of Safeguarding management in areas such as policy – where all districts use the same policy, which was jointly agreed and adopted by councils in New Devon, in order that agencies such as social care and police need only reference one safeguarding policy across Devon. Procedure and delivery differ across Devon however.

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

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

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

SHDC is proactive in projects and staff training. The Suicide Intervention Toolkit arose due to the increase in calls received by Council staff from members of the public who advised staff that they were thinking of suicide. Briefing sessions were held in the Chamber at Follaton House in November. Sessions were an hour in duration and all agencies took away Suicide Intervention Toolkits, kits created to provide information and signposting for staff – the main message being “It’s safe to talk about suicide” and providing delegates with the tools to support them in such circumstances. The training was dual, to safeguard our staff when in these situations professionally but also to be able to provide information and advice to anyone calling or visiting the offices who is suicidal.

In 2019/20 the current safeguarding policy will require review, this has been factored into the work stream for the next financial year.

## 5. Proposed Way Forward

This is the first Safeguarding report for the Overview and Scrutiny Panel to consider. Members are required to confirm that Safeguarding should be included on the annual work plan for the Overview and Scrutiny Panel going forward.

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

Member training in safeguarding requires ongoing support and this has been identified as a need going forward. An online training package is currently being developed between the safeguarding lead and Human Resources team and should be rolled out before April 2019 to staff and Members. Group training and briefings are also important in addition to online training. Following elections in May 2019 a refresh in safeguarding briefings for new and existing Members would be preferable.

The safeguarding lead/specialist should continue to develop the W2 safeguarding processes in order to obtain more detailed reports as necessary.

The safeguarding lead/specialist should review the corporate safeguarding policy.

## 6. Implications

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

Safeguarding	Y	Safeguarding standards, information and signposting is open to residents, customers AND staff of SHDC.
Community Safety, Crime and Disorder	Y	Where safeguarding crosses with community safety and crime issues the safeguarding specialist will liaise with the community safety specialist.
Health, Safety and Wellbeing	Y	The safeguarding lead works closely with public health and other partners on health and wellbeing issues including drugs, suicide, trafficking.
Other implications		n/a

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Report to: **Overview and Scrutiny Panel**  
Date: **24 January 2019**  
Title: **Process for Spending 106 Funding for Affordable Housing**  
Portfolio Area: **Customer First**

Wards Affected: **All**

Relevant Scrutiny Committee: Overview and Scrutiny Panel

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

Date next steps can be taken: on-going

Author: **Thomas Jones** Role: **Head of Place Making**

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

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## **Recommendations:**

**That the Panel RECOMMEND to the Executive that an amendment be made to clarify the process for spending Section 106 Affordable Housing monies as set out in paragraph 1.3 of the report.**

### **1. Executive summary**

- 1.1 Members have requested that the process for spending funds raised through s106 funds is reviewed.
- 1.2 The process was last reviewed by the Overview & Scrutiny Panel at its meeting on 6 July 2017 (Minute O&S.16/17 refers) and is illustrated in Appendix A.
- 1.3 Stage 3 of the process allows money that accrues in one Parish to be spent, after a certain period of time, in any Parish within the District. Officers consider that this is appropriate since it is essential that where money cannot be spent in the Parish within which it accrued is spent to provide AH wherever possible within the

District rather than being returned to the developer. It is proposed, therefore, that Stage 3 retained, albeit with the clarification that where it is proposed to spend any money outside the Parish in which it accrued this is formally agreed with the relevant Ward Councillor(s).

## **2. Background**

- 2.1 Some concerns were expressed by Members at the Executive meeting held on 14 June 2018 that the process enabled for monies that had been received for a development in one town/parish to be spent elsewhere in the South Hams. As a result, the Executive resolved that (Minute E.04/18 refers):

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

- 2.2 The requirement to pay s106 money for the delivery, off site, of Affordable Housing (AH) arises in association with development in a specific location and that the s106 requirement accrues in order to make the development acceptable.
- 2.3 The delivery of AH in all Parishes is one of the top priorities of the Council since it is critically important to the sustainability of all communities. It is important, therefore, that any opportunity to do so is taken.
- 2.4 The concern of Members arose due to a specific case where the time limit was approaching for spending s106 AH money in one Parish. Rather than give the money back to the developer, Officers proposed to use the funds to deliver AH in a different Parish in the South Hams.

## **3. Outcomes/outputs**

- 3.1 The purpose of Stage 3 is to ensure that s106 AH money is spent somewhere in the District rather than being given back to the developer. Where it is not possible to spend the money on AH within the respective Parish this represents a lost opportunity to further the sustainability of the communities within that Parish.
- 3.2 Officers in Housing Enabling and in the Community Housing Team work proactively to identify opportunities. Officers also support Neighbourhood Planning Groups in identifying land for development and, subsequently in securing the means and actions to deliver AH through community led projects.
- 3.3 Where it does not prove possible to deliver AH in a specific Parish it is essential that the money is spent within the time allowed. To provide an additional check that all endeavours have been exhausted before spending the money outside the Parish it is

proposed that Stage 3 of the process is clarified to formally require agreement from the relevant Ward Councillor.

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

- 4.1 The option of not allowing money to be spent outside the Parish in which it accrues is not considered to be appropriate since it could result in money that would otherwise be spent in the District being returned to the developer.
- 4.2 It is considered that the additional check will have the effect of ensuring a timely consideration of the options for spending in the Parish concerned and that where this is not possible the next best option will be agreed.

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

- 5.1 The proposal is to clarify the process whereby s106 AH money is spent. This will help focus efforts on finding a project within the Parish where the money initially accrues, but ensure that money can be spent elsewhere in the District where necessary to avoid it not being used at all.
- 5.2 It is considered that this approach is in keeping with the Council priority to maximise the delivery of Affordable Housing in the District.

#### **6. Implications**

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		The proposed amendment is concerned with governance and has no legal implications
Financial		None
Risk		None
Comprehensive Impact Assessment Implications		
Equality and Diversity		Improved governance in decision making.
Safeguarding		None
Community Safety, Crime and Disorder		None

Health, Safety and Wellbeing		None
Other implications		None

### **Supporting Information**

#### **Appendices:**

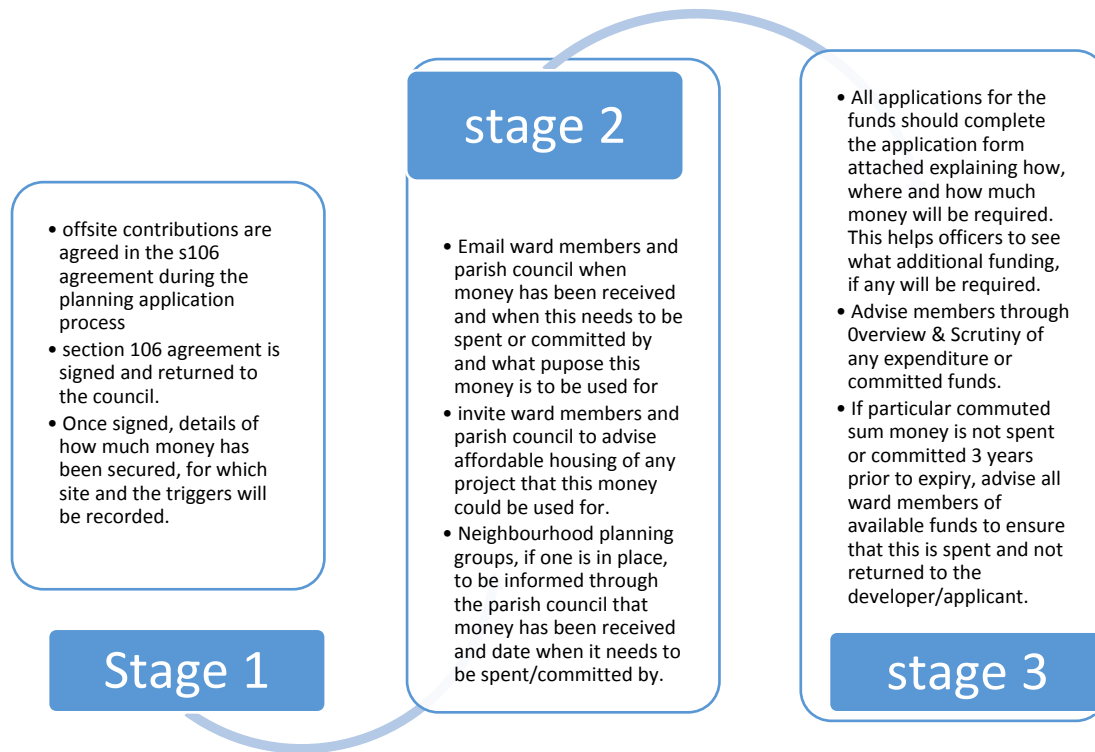
Appendix A: s106 AH funds flow chart (existing, not amended)

#### **Background Documents:**

Agendas and Minutes from the Panel meeting held on 6 July 2017 and the Executive meeting held on 14 June 2018.



FLOWCHART SHOWING THE PROCESS FOR SPENDING S106 DEPOSITS FOR AFFORDABLE HOUSING



- If funds are unspent or uncommitted, dependant on the wording of the s106 agreement, within a specified period of time, the available commuted sum will be opened up to all areas of the district on a first come first served basis to ensure that the funds are spent and not returned.
- All applications will be assessed to verify the likelihood of the funds being spent.
- If more than one application for a particular s106, the application will be assessed by affordable housing in conjunction with the ward members and the Leader, Deputy Leader and Executive Member of Customer First.
- Members will be informed of all s106 contributions which affordable housing have collected/agreed on a 6 monthly basis.

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Report to: **Overview & Scrutiny Panel**

Date: **24 January 2019**

Title: **Review of Procedure for Dealing with Standards Complaints**

Portfolio Area: **Cllr Simon Wright**

Wards Affected: **All**

Relevant Scrutiny Committee:

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

Date next steps can be taken: **Council 21 February 2019**

Author: **Catherine Bowen** Role: **Monitoring Officer**

Contact: [Catherine.Bowen@swdevon.gov.uk](mailto:Catherine.Bowen@swdevon.gov.uk)

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## **Recommendations:**

**That the Overview & Scrutiny Panel RECOMMENDS to Council to:**

- 1. adopt the revised 'Dealing with Standards Complaints' procedure attached at Appendix A to this report; and**
- 2. delegate the review of the associated hearing procedure to the Monitoring Officer in consultation with Chairman of the Overview & Scrutiny Panel.**

## **1. Executive summary**

- 1.1** The purpose of this report is to review the Council's 'Dealing with Standards Complaints' procedure. The procedure sets out how the Council deals with complaints that District Councillors and Parish/Town Councillors have broken their respective Codes of Members' Conduct.
- 1.2** The revised procedure is attached as Appendix A to this report and the proposed amendments are shown highlighted in yellow. The contents page and paragraph numbering will be completed once the final document has been agreed. The main proposed changes to the existing procedure are set out below in paragraph 2.

## **2. Background**

- 2.1 The current standards regime was introduced in 2012 by the Localism Act 2011 and the Act required councils to adopt a Code of Members' Conduct and 'principal' councils to adopt a procedure for dealing with complaints that a councillor(s) had broken his/her Code of Conduct. For District Councils, the complaints procedure must also cover Code of Conduct allegations about Parish/Town Councillors within the District Council's area.
- 2.2 The Council's current procedure 'Dealing with Standards Complaints' has worked well since 2012. However, it is considered timely for a review of this process with a focus on improving transparency, management of complainants' expectations earlier in the process (particular in relation to the Council's powers and potential outcomes/sanctions) and improving timescales for the delivery of decisions.
- 2.3 The whole procedure has been reviewed as Members will note from the highlighted parts in Appendix A, but the main proposed amendments are:
  - 2.3.1 Management of Expectations - it is accepted that the current procedure could be clearer through all stages of the process, as to what the standards procedure can and cannot consider, and what the potential outcomes could be if it is decided that the Code of Conduct has been broken. The Monitoring Officer will also amend the complaints form and accompanying guidance notes to ensure further clarity and transparency.
  - 2.3.2 The introduction of an 'Initial Assessment' stage which authorises the Monitoring Officer to reject complaints that do not satisfy three preliminary tests: the complaint must be about a named councillor, the councillor must have been a councillor at the time the allegation was made and, if proven, the complaint would disclose a breach of the Code of Conduct. The Monitoring Officer may also reject complaints at this stage if s/he considers that the complaint falls within one or more of the defined criteria set out on pages 9 and 10 of Appendix A. If there is any doubt at this stage, then the complaint will progress to the formal assessment stage of the complaint process as set out on pages 10 and 11 of Appendix A. The 'formal assessment' process is the procedure which all complaints currently follow.
  - 2.3.3 Finding of breach by the Monitoring Officer without an investigation (please see page 14 of Appendix A). The reasoning behind this provision is that, in some cases, it is not in the public interest to refer a case for investigation. For example, in some complaints it is apparent (and often accepted by the subject councillor) that there has been a breach of the Code during the assessment stage, and in some cases the Councillor has already provided a remedy for the issues raised by the complainant. Where there is any doubt, the matter will be referred for investigation. There will be a right to request a review by the Councillor where the Monitoring Officer has found a breach without an investigation (please see page 16-17 of Appendix A). The complaint will be reviewed by a different officer.
  - 2.3.4 Where a matter has been referred for an investigation and the Investigating Officer has found that there has been a breach of the Code, the Monitoring Officer has power to accept that decision and apply sanctions or make recommendations without the matter being referred to a hearing. Serious and complex matters will be referred to a hearing. The hearing procedure will sit (as it does now) in a separate document and Members are requested to

delegate the review of the hearing procedure to the Monitoring Officer in consultation with the Chairman of the Overview & Scrutiny Panel.

- 2.3.5 It is proposed to publish the outcomes of all decisions where there has been a breach of the Code. A summary of the complaint and the decision will continue to be referred to the Overview & Scrutiny Panel, but also published on the Council's website. Where there is a decision to take no further action at the formal assessment stage, the Councillor has the option to decide whether or not to publish the decision.
- 2.3.6 The inclusion of the sanctions in an appendix to the 'Dealing with Standards Complaints' Procedure together with a more detailed explanation about the limitations on the Council's powers in regard to sanctions. The sanctions are currently set out only in the hearing procedure and complainants are not necessarily aware of the limitations on the Council's powers in relation to standards matters.
- 2.4 Whilst the requirement is to have three Members of the Overview & Scrutiny Panel as members of the Standards Panel that will consider a standards matter, a fourth Member is identified and fully briefed to ensure that we have capacity in the event of conflict or illness etc.

### 3. Options available and consideration of risk

- 3.1 The Council has the option of retaining the current 'Dealing with Standards Complaints' procedure, adopting the revised procedure as set out in Appendix A, or adopting a different procedure. The risk of retaining the current procedure is that the Council does not adequately manage complainants' expectations which causes frustration to the complainants as to what the standards process can achieve and some complaints will continue to take some months before they are concluded.
- 3.2 The proposed amendments as set out in Appendix A have been arrived at through a discussion with other monitoring officers in Devon and Cornwall as to their current practice, and also following consultation with the Standards Panel and the Council's Independent Persons (these are the independent people appointed by the Council in a consultative and advisory role).

### 4. Proposed Way Forward

- 4.1 The proposal is to amend the current 'Dealing with Standards Complaints' procedure in line with the amendments set out in Appendix A in order to better manage complainants' expectations, provide more transparency and to make the process both more cost effective and timely.

### 5. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Overview & Scrutiny Panel is responsible for standards matters including reviewing policies and procedures relating to standards.

		The Localism Act 2011 does not prescribe the process for dealing with standards complaints; it states that relevant Councils must have a process but devolves the details to the relevant Councils. South Hams District Council is a relevant Council and the Localism Act also makes South Hams responsible for dealing with standards complaints made against parish and town councillors within its area.
Financial	Y	Costs are difficult to predict and quantify with standards queries and complaints, as there is no way of knowing how many complaints will be made, or of those, how many complaints will have an outcome of a 'breach'.  However, if the proposed amendments are made to the Procedure, this will reduce the amount of officer time spent on standards complaints and significantly reduce the costs of referring a matter for formal investigation. It is also anticipated that through the improved management of expectations and the Initial assessment stage, that fewer formal complaints will be received for matters which do not disclose a potential breach of the Code of Conduct.
Risk	Y	Potential risks are set out in paragraph 3 and the reasons for the proposed amendments are set out in paragraph 2.2
<b>Comprehensive Impact Assessment Implications</b>		
Equality and Diversity	Y	These are addressed with in the attached procedure and during specific standards complaints
Safeguarding	N	
Community Safety, Crime and Disorder	N	
Health, Safety and Wellbeing	N	
Other implications	N	

### **Supporting Information**

#### **Appendices:**

**Appendix A:** revised procedure 'Dealing with Standards Complaints'

# **South Hams District Council**

## **Overview & Scrutiny Panel**

### **Dealing with Standards Complaints**

## Contents

**NB – numbering and final headings to be inserted at final draft stage**

**Appendix 1:** Deciding on whether to apply sanctions / other actions where there has been a Breach of the Code



## 1. Definitions

Term	Meaning
Chairman	Chairman of the Overview & Scrutiny Panel
Clerk	The Clerk to a Parish/Town Council
Code of Conduct	<p>The South Hams District Council Code of Members' Conduct or the relevant Parish/Town Council Code of Conduct.</p> <p>The South Hams District Council Code of Conduct applies to all elected or co-opted councillors when engaged in the business of the Council or when the Councillor behaves so as to give a reasonable person the impression that s/he is acting as a representative of his/her Council.</p> <p>NB: It is important to check the relevant Council's Code; Parish / Town Councils are responsible for adopting their own Codes and may differ from the District Council Code</p>
Complainant	The person who has made the complaint to the Monitoring Officer about the Councillor
Complaint	A written allegation under the Localism Act 2011 that a Councillor has failed to comply with the relevant Council's Code of Conduct
Council	South Hams District Council
Councillor	The elected or co-opted District or Parish/Town Councillor against whom the complaint has been made
Hearing	A hearing of the Standards Hearing Panel to decide whether the Code has been broken and what (if any) sanctions should apply
Independent Person	A person appointed under the Localism Act 2011 in a consultative role in relation to Complaints.
Investigating Officer	A person appointed by the Monitoring Officer to carry out an investigation into allegations of a breach of the Code
Investigating Officer's Report	The Final Report written by the Investigating Officer following investigation
Law	The Localism Act 2011 is the law under which South Hams District Council derives its duties and powers in relation to standards and dealing with complaints that a Councillor has not complied with the Code of

	Conduct. South Hams District Council is responsible for administering its own Code and for dealing with Complaints about its own Councillors and also Parish and Town Councillors.
Monitoring Officer	The statutory officer with duties and powers in relation to standards under the Localism Act 2011. Reference to the Monitoring Officer includes her nominated representative or persons appointed on her behalf
Officer	An employee of the Council
Overview & Scrutiny Panel	The Council's Overview & Scrutiny Panel
<del>Overview &amp; Scrutiny Sub-Committee</del> Standards Panel	A sub-committee of three members appointed by the Overview & Scrutiny Panel to consider Standards matters including hearings
Parish or Town Council	The relevant Town or Parish Council with the district of South Hams
Within specified number of working days	These are the targets that the Council has set itself in order to deal with matters and will use all reasonable endeavours to meet these targets

## 2. Introduction

The Localism Act 2011 requires South Hams District Council to:

- Adopt its own Code of Members' Conduct
- Make arrangements for dealing with standards Complaints
- Appoint Independent Person(s)

### Arrangements for dealing with Complaints

This document sets out how the Council will deal with Complaints that a South Hams District Councillor or a South Hams Parish/Town Councillor has broken his/her authority's Code of Conduct. Complaints will be **considered** by the Monitoring Officer (and/or the Overview & Scrutiny Panel) in consultation with the Independent Person.

### The Code of Conduct

Members' Codes of Conduct deal with the conduct expected of **elected and co-opted** Councillors when they are acting in an official capacity. The Code also includes provisions for registering and declaring pecuniary and other interests.

The Council has adopted a Members' Code of Conduct which can be inspected on the Council's website. Parish and Town Councils are responsible for adopting their own Codes of Conduct and copies are available from the Parish/Town Clerk.

### The Overview & Scrutiny Panel and its sub-committees

The Overview & Scrutiny Panel has overall responsibility for the adoption and application of the Code of Conduct and standards functions under the Localism Act 2011. The Panel may appoint subcommittees (Standards Panel) to deal with specific matters. ~~Some parts of the process are delegated to the Monitoring Officer.~~

### The Independent Person

The Council must appoint at least one **Independent Person**. The Independent Persons are not members of the Council and their role is advisory and consultative. **The Council has appointed three Independent Persons who are allocated Complaints on a rotation basis.**

**The Independent Person's** views:

- **must be** sought by the Council before the Council makes a decision to investigate a complaint
- **may be** sought at any other stage by the:
  - Monitoring Officer
  - Councillor
  - Overview & Scrutiny Panel or **Standards Panel**

The Independent Person does not make formal decisions on Complaints, and the Council is not bound by the views of the Independent Person. The Independent Person does not represent the Councillor or the Council and must remain impartial and objective. There is no right for a Complainant to seek the views of the Independent Person.

### **Matters not covered by this procedure**

This procedure **does not** deal with complaints about matters that are not covered by the Members' Code of Conduct.

Complaints about:

- a decision or action of the Council or one of its committees/bodies
- a service provided by the Council
- Council Officers (employees, **including the Clerk**)

must be made under South Hams District Council's Corporate Complaints Procedure (please see the Council's website) or directed to the relevant Parish or Town Council.

**Example:** if a Complaint relates to a Councillor's behaviour in relation to the determination of a planning application then this Procedure will only consider the Councillor's behaviour. This Procedure cannot comment on the decision relating to the planning application and will not change the planning decision even where a breach of the Code may be found.

The Council **cannot** deal with a complaint under this Procedure which relates to:

- People who are not councillors of the relevant Council
- Conduct which occurred when the Councillor was not a member of the Council
- Conduct which applies in a Councillor's private life; the Code only applies to a councillor's behaviour as a member of the Council **i.e. when a Councillor is engaged in the business of the Council or when the Councillor behaves so as to give a reasonable person the impression that s/he is acting as a representative of the Council.**

- Conduct which occurred when the Councillor was acting as a member of another authority.
- Complaints that a Councillor has committed an offence under the Localism Act (e.g. failing to declare a Disclosable Pecuniary Interest). Such complaints may be referred to the Police (see [paragraph x below](#)).

**Example:** (obvious example of a councillor acting in private capacity)

### **Important: Potential Outcomes of a Standards Complaint**

It is important to note that not every complaint about a breach of the Code of Conduct will be referred for investigation or local resolution. The Monitoring Officer will decide what action is appropriate, based on the particular circumstances of the Complaint, the relevant Code of Conduct and in accordance with the criteria set out in this document.

Whilst the Council takes its duties and powers seriously with regards to the standards regime (and this Procedure ensures that there is a fair process for considering and dealing with standards complaints) there are limitations on the potential outcomes to standards complaints ([see paragraph x below](#)) and the potential sanctions, where a Councillor is found to have broken the Code ([see paragraph y below](#)).

The ability of the Council to impose and enforce meaningful sanctions or remedial action was severely curtailed by the changes to the standards regime introduced by the Localism Act 2011 which also repealed all of the preceding ethical governance legislation in its entirety.

**Example 1:** A Complainant makes a Complaint that a Councillor has broken his/her Code of Conduct. The Monitoring Officer considers the Complaint (after consultation with the Independent Person ) and decides that the outcome should be 'no further action' for given reasons ([see outcomes at paragraph x below](#) ). There is no right for a review or appeal of this decision by the Complainant or the Councillor and this is then the end of that matter.

**Example 2:** A Complainant makes a Complaint that a Councillor has broken his/her Code of Conduct. The Monitoring Officer refers the matter for investigation and the Investigating Officer finds that the Councillor has broken the Code. The Complainant has asked that the Councillor is suspended or removed from the Council. However, the Council has no powers to apply these sanctions and has recommended that the Councillor makes an apology and attends training on ethical standards ([see Sanctions at Paragraph y below](#))

### 3. How to make a complaint

Any complaints about the conduct of a South Hams District Councillor, or a South Hams Parish or Town councillor must be made **in writing** to:

- Email: [catherine.bowen@swdevon.gov.uk](mailto:catherine.bowen@swdevon.gov.uk) (Q. Do we want a Monitoring Officer email address that other officers can access?)
- Mail:

The Monitoring Officer  
South Hams District Council  
Follaton House  
Totnes  
Devon

There is a **Code of Conduct Complaint Form** available on the Council's website and paper copies are available from the Monitoring Officer on request. There are guidance notes attached to the form to help with completing the Code of Conduct Complaint Form. **Complainants will be required to confirm they have read and understood both the guidance notes and this procedure before submitting a complaint.**

**(NB: I will also review and update the Complaints Form as part of this process)**

#### Help

Although complaints should be made in writing, we can make reasonable adjustments to assist anyone who has a disability that prevents him/her from making a complaint in writing. We can also help if English is not the Complainant's first language.

### Receipt of complaints

#### Request for further information

~~In order to come to a decision,~~ The Monitoring Officer may request additional information or clarification (at any time) from:

- the Complainant
- the Councillor
- Clerk (where the matter relates to a parish or town councillor).

## Initial Assessment of Complaint

When a complaint is received, the Monitoring Officer will carry out an **Initial Assessment** to determine whether the Complaint falls within this Standards Complaint Procedure.

Complaints will be rejected with a decision of 'No Further Action' at this stage if the Complaint does not satisfy one or more of the following three tests:

- **The Complaint is about (one or more) named Councillors of the Council or a relevant Parish/Town Council**
- **The Councillor was a Councillor at the time of the alleged Complaint**
- **If proven, the Complaint would disclose a breach of the relevant Code of Conduct**

Complaints that are not rejected will then be considered further, but may be rejected at this stage if the Monitoring Officer considers that (based on the information contained in the Complaint) one or more of the following criteria apply:

### **Criteria: no further action at Initial Assessment**

- **The Complaint relates to a Councillor acting in his/her private capacity**
- It has not been possible to determine whether there has been a breach of the Code and the alleged conduct does not merit an investigation having regard to the public interest.
- Action has already been taken on the matter and there is no merit in pursuing the matter any further
- The Complaint is the same or substantially the same as a complaint previously dealt with
- The conduct complained of happened **more than 6 months** so long ago that **and** it is considered to be inequitable, unreasonable or otherwise not in the public interest to pursue (unless, in the Monitoring Officer's opinion, there are exceptional circumstances which would merit the complaint being progressed)
- The Complaint is **considered on an objective assessment to be** trivial or insubstantial or discloses such a minor or technical breach of the Code that it is not in the public interest to pursue
- The Complaint is (or appears to be) malicious, politically motivated, tit-for-tat or otherwise submitted with an improper motive
- The Complaint is not considered to disclose sufficiently serious potential breaches of the code to merit further consideration,
- The Complaint is covered by the Council's Persistent and Vexatious

Complaints Policy
<ul style="list-style-type: none"> <li>The Councillor has provided a satisfactory remedy to the Complaint or made reasonable endeavours to do so and the Complaint is not considered to disclose sufficiently serious potential breaches of the Code to merit further consideration.</li> </ul>
<ul style="list-style-type: none"> <li>The Complaint is about a Councillor who is no longer a councillor and there are no overriding public interest reasons to merit further consideration</li> </ul>
<ul style="list-style-type: none"> <li>The complaint is an anonymous complaint</li> </ul>
<ul style="list-style-type: none"> <li>The Complaint is from a Councillor about another Councillor in the same Council and the Monitoring Officer considers that the allegations to be such that the issues between the Councillors ought to be capable of informal resolution (with or without the assistance of the Clerk or some other person)</li> </ul>
<ul style="list-style-type: none"> <li>It would otherwise be inappropriate to expend the Council's resources on determining the Complaint having regard to the circumstances of the Complaint, any previous related complaints and the public interest.</li> </ul>

If the Complaint is rejected with a decision of 'No further Action at this **Initial Assessment** stage, the Monitoring Officer will **within [10 working] days**:

- write to the Complainant stating that the decision is No Further Action together with the reasons why
- write to the Councillor to advise that a Complaint\*\* has been received but advising that the Complaint has been rejected or that the decision is that No Further Action is to be taken, together with the reasons why
- advise the Clerk (where relevant) that a Complaint has been received against a parish/town Councillor(s) but advising that the Complaint has been rejected or that the decision is that No Further Action is to be taken, together with the reasons why

\*\* The Complainant's details will only be withheld in exceptional circumstances where a request for confidentiality has been granted (see 'Confidentiality' at [paragraph x below](#)).

## Formal Assessment of Complaint

Complaints that are not rejected at the **Initial Assessment** stage will be assessed in accordance with the following **Formal Assessment** procedure.

The Monitoring Officer will:

- acknowledge receipt of the complaint **within [10 working days]**
- write to advise the Complainant what happens next



- advise the Clerk (where relevant) that a Complaint has been received against a Parish/Town Councillor
- write to the Councillor to advise that a Complaint\*\* has been received and ask the Councillor to provide written comments on the Complaint **within 14 working days** (unless the Monitoring Officer agrees in writing to extend the time due to reasonable circumstances)
- at this **Formal Assessment Stage**, the Councillor will be asked to restrict his/her written response to two sides of A4 and supporting documents
- advise the Councillor of the Independent Person appointed and advise that s/he can consult the Independent Person throughout the process
- consult the Independent Person (providing full details of the Complaint, the Councillor's response and any other relevant factual information). The Independent Person will provide his/her views on the Complaint within [**14 working days**]

\*\* The Complainant's details will only be withheld in exceptional circumstances where a request for confidentiality has been granted (see 'Confidentiality' at **paragraph x below**).

The Monitoring Officer will consider the Complaint:

- on its merits and according to the facts,
- in the context of any written submissions and supporting documentation from the Councillor,
- taking into consideration any views from the Independent Person

The Monitoring Officer will make one (or more) of the following decisions:

<b>The Monitoring Officer will make one of the following decisions:</b>
• To take No Further Action (in accordance with the Criteria set out below)
• To make no finding as to whether there has been a breach of the Code but seek to resolve the Complaint informally
• To make no finding as to whether there has (or may have) been a breach of the Code and that No further Action be taken as the public interest does not merit further investigation
• To refer the Complaint for investigation to determine whether there has been a breach of the Code.
• A finding of a breach of the Code without an investigation.
• To refer the matter to the Police (or other relevant body) where the Complaint alleges that a criminal offence may have occurred under the Localism Act
• To refer the Complaint to the Standards Committee (or subcommittee) which will have the same options as above

Within 5 working days of making the Decision, the Monitoring Officer will issue a Decision Notice to the relevant parties explaining what decision has been made and why, in accordance with 'Notification of Decisions' (**Paragraph x below**) set out below.

**Further information on the procedure for each of these outcomes**

**To take No Further Action and/or no finding as to whether there has been of a breach of the Code**

The Monitoring Officer will take No further action if the Complaint:

- falls outside of the scope of the Code of Conduct or
- falls within one or more of the **Criteria** set out below

If no further action is to be taken then the Monitoring Officer will issue a Decision Notice. This will then be the end of the matter.

<b><u>Criteria: no further action at Formal Assessment stage</u></b>
• The Complaint relates to a Councillor acting in his/her private capacity
• The Complaint does not disclose any breach of the Code
• It has not been possible to determine whether there has been a breach of the Code and the alleged conduct does not merit an investigation having regard to the public interest.
• Action has already been taken on the matter and there is no merit in pursuing the matter any further
• The Complaint is the same or substantially the same as a complaint previously dealt with
• The conduct complained of happened more than 6 months so long ago that and it is considered to be inequitable, unreasonable or otherwise not in the public interest to pursue (unless, in the Monitoring Officer's opinion, there are exceptional circumstances which would merit the complaint being progressed)
• The Complaint is considered on an objective assessment to be trivial or insubstantial or discloses such a minor or technical breach of the Code that it is not in the public interest to pursue
• The Complaint is (or appears to be) malicious, politically motivated, tit-for-tat or otherwise submitted with an improper motive, and the Complaint is not considered to disclose sufficiently serious potential breaches of the Code to merit further consideration.
• The Complaint is not considered to disclose sufficiently serious potential breaches of the code to merit further consideration,
• The Complaint is covered by the Council's Persistent and Vexatious Complaints Policy

<ul style="list-style-type: none"> <li>• The Councillor has provided a satisfactory remedy to the Complaint or made reasonable endeavours to do so and the Complaint is not considered to disclose sufficiently serious potential breaches of the Code to merit further consideration.</li> </ul>
<ul style="list-style-type: none"> <li>• The Complaint is about a Councillor who is no longer a councillor and there are no overriding public interest reasons to merit further consideration</li> </ul>
<ul style="list-style-type: none"> <li>• The complaint is an anonymous complaint (see paragraph x below)</li> </ul>
<ul style="list-style-type: none"> <li>• The Complaint is from a Councillor about another Councillor in the same Council and the Monitoring Officer considers that the allegations to be such that the issues between the Councillors ought to be capable of informal resolution (with or without the assistance of the Clerk or some other person)</li> </ul>
<ul style="list-style-type: none"> <li>• It would otherwise be inappropriate to expend the Council's resources on determining the Complaint having regard to the circumstances of the Complaint, any previous related complaints and the public interest.</li> </ul>

### **Informal Resolution**

The Monitoring Officer may decide to seek to resolve the Complaint informally without the need for a formal investigation.

The decision to resolve the complaint informally will normally be an alternative to a referral for investigation, and the purpose will not be to determine whether or not the Councillor has broken the Code. In such cases, the Monitoring Officer will make it clear to the parties involved that no conclusion has been reached about what happened and no decision has been made as to whether or not the Councillor has breached the Code of Conduct.

If the Monitoring Officer decides (taking into account the criteria below) that informal resolution is appropriate, then the Complaint cannot be referred back to the Monitoring Officer if the informal resolution is perceived to have failed. If further concerns are raised, they will need to be reported as a new complaint.

The following actions may be appropriate for informal resolution:

- apology
- explanation
- training
- meditation or conciliation
- referring the matter back to the Parish/Town Council for local resolution (with any appropriate recommendations)
- referral to Political Group Leader
- any other steps (not including investigation) which appear appropriate

~~If the Councillor (or Parish/Town Council) makes a reasonable offer of informal resolution, but the Complainant is not willing to accept that offer, then the Monitoring Officer will take that into account in deciding whether the complaint merits formal investigation.~~ **Contradicts the above**

Complaints **should not** be referred for informal resolution when:

- An investigation / **decision by the Monitoring Officer** is in the public interest
- An allegation challenges the Councillor's honesty or integrity

<b>Criteria: Informal Resolution or Other Action</b>
<ul style="list-style-type: none"><li>• Less serious complaints</li></ul>
<ul style="list-style-type: none"><li>• The Councillor accepts that there are grounds for the complaint and offers an apology</li></ul>
<ul style="list-style-type: none"><li>• A general breakdown in relationships:<ul style="list-style-type: none"><li>• (including those between members and officers)</li><li>• evidenced by a pattern of allegations of minor breaches</li><li>• where there is interpersonal conflict</li><li>• allegations and retaliatory allegations from the same councillors particularly where this is to such an extent that it becomes difficult to conduct the business of the Council.</li></ul></li></ul>
<ul style="list-style-type: none"><li>• Poor understanding (by Councillor or Councillor's authority) of the Code and relevant procedures</li></ul>
<ul style="list-style-type: none"><li>• Where informal resolution provides the best opportunity to resolve the issue, prevent any similar issues arising in the future and promote good governance.</li></ul>

### **Finding of a breach of the Code without an Investigation**

The Monitoring Officer may make a finding that there has been a breach of the Code based on the Complaint, the Councillor's response, and any supporting documentation or information and after having consulted the Independent Person.

This will be appropriate where:

- On the balance of probabilities, the information provided at the Formal Assessment stage demonstrates that the Code has been broken, and/or
- The Councillor admits the breach of the Code (whether or not s/he has offered to remedy the breach)
- In either of the above cases:
  - it is reasonable to conclude that an investigation is unlikely to establish any further evidence regarding the Complaint, or
  - the public interest does not justify undertaking an investigation

NB. Please refer to the Councillor's Right of Review to this part of the process in **Paragraph x below**.

Where the Monitoring Officer finds that there has **been a breach of the Code**, the Monitoring Officer will (in consultation with the Independent Person):

- facilitate a local resolution (see paragraph x below), or
- In accordance with Appendix 1 below, consider whether it is appropriate to impose sanctions or recommend other action and if so, which sanctions/actions are appropriate.

## Councillor's right to request a Review

Where the Monitoring Officer has determined without an investigation, that the Councillor has broken the Code, the Councillor will have a right to request a review of that decision. This right will arise whether there has been a finding of a breach with or without the imposition of sanctions or recommended action(s).

Within **14 working days** of the issue of the Decision Notice that the Councillor has broken the Code of Conduct, the Councillor:

- May make a written request that the Decision be reviewed
- Must provide substantive reasons to support the request for a review of the decision which have not been previously provided (together with any relevant supporting documentation). Disagreement with the decision without giving substantive reasons or simply repeating the original response will result in the Request for Review being refused.

The Monitoring Officer will appoint a different officer to the one who made the original decision, to consider the Request for a Review (the **Review Officer**). The Independent Person will normally be the same Independent Person that considered the original complaint. A decision on the Request for a Review will be issued within **[14 working days]** of receipt of the request.

**Where a Request for a Review is refused**, the Review Officer will issue a Decision Notice with reasons, in accordance with the Rules set out below

**Where a request for a Review is granted**, the Review Officer will:

- Notify the Councillor that the request has been agreed
- Advise the Complainant that the Request for a Review has been received and provide a copy of the Request for Review, the reasons and any supporting documents and ask for a written response (restricted to 2 sides of A4) to be provided to the Review Officer [within 14 working days] from the date that the information is supplied
- Provide the Request for Review, the reasons and any supporting documents, together with the Complainant's response, to the Independent Person for his/her comments within [14 working days] from the date that the documents are supplied

- The Review Officer will review the Complaint in the light of all of the information using the same process, options and criteria as set out in Paragraphs x to y above for **Formal Assessment** of the Complaint.
- The Review Officer may make a different decision to the original decision made by the Monitoring Officer.
- There is no right to a further review at the conclusion of this Review stage.

### **Referral to the Police or other regulatory authorities**

If the complaint identifies potential criminal conduct under the Localism Act 2011 (or a breach of other regulations) the Monitoring Officer may refer the matter to the Police or other regulatory authority or body.

It may not be appropriate to progress the Complaint through this procedure for a potential breach of the Code in such circumstances, until the conclusion of the Police (or other appropriate body) investigation.

The Monitoring Officer will ask the Complainant at the determination of the Police (or other body's) procedure whether s/he wishes to continue with the standards Complaint.

### **Referral to the Overview & Scrutiny Panel (or sub-committee)**

~~The Monitoring Officer may refer the complaint at any stage of the complaint process to the Overview & Scrutiny Panel (or its sub-committee) for consideration.~~

~~Any such meeting of the Overview & Scrutiny Panel (or subcommittee) shall be deliberative only and shall not be open to the public. The decision as to how the matter will be progress will remain with the Monitoring Officer. Press, members of the public, the Councillor and Complainant will not be allowed to attend these meetings.~~

~~The Monitoring Officer has discretion to decide whether to refer to the Overview & Scrutiny Panel but the following factors may be relevant:~~

- ~~Seriousness of the complaint~~
- ~~Conflict of interests~~
- ~~Potential public interest~~
- ~~Political sensitivity~~

~~The Overview & Scrutiny Panel (or sub-committee) has the same options in relation to the complaint as above and will consult the Independent Person before making any decision.~~

I have deleted this as there have no instances in 6 years that have warranted this course of action

## **To refer the complaint for investigation**

Where the Monitoring Officer decides that a Complaint merits a formal investigation, the Monitoring Officer will appoint an Investigating Officer. Complaints will normally be referred for investigation where there are potentially serious breaches of the Code and/or where it would be in the public interest.

The Investigating Officer may be:

- the Monitoring Officer
- another officer of the Council
- an officer of another Authority
- an external investigator

Investigations will be carried out in accordance with the guidance on 'How to Conduct an Investigation' produced by the former Standards for England. The Investigating Officer will:

- decide whether to conduct interviews or invite statements
- decide who to interview (by phone or in person at the Investigating Officer's discretion)
- ask for relevant supporting documentation from any of the relevant parties
- produce a draft written report for comment by the Councillor and Complainant
- send a copy to the Monitoring Officer
- ask for the Independent Person's comments on the draft Report
- have regard to any comments made on the draft report and will accept those comments at his/her discretion
- submit a Final Report to the Monitoring Officer setting out (with reasons) whether s/he considers that the Councillor has broken the Code.
- whilst the investigation will be undertaken as expeditiously as reasonably practicable, it is not possible to specify a timescale within which the investigation must be concluded.

## **Outcomes of an Investigation**

The Investigating Officer will make one of the following findings:

- that the Code has not been broken
- that the Code has been broken

## **Investigating Officer decides that the Code has not been broken**

The Monitoring Officer will (**within 14 working days**) of receipt of the Investigating Officer's Final Report:

- send a copy of the Report to the Complainant and Councillor
- Advise the following of the finding of no breach:
  - Clerk - if the matter relates to a Parish/Town councillor
  - Independent Person
  - The Chairman of the Overview & Scrutiny Panel
- Advise all parties that all documents relating to the complaint will remain confidential.

This will normally be the end of the matter, and no further action will be taken. However, the Monitoring Officer has discretion to refer the Report to the Overview & Scrutiny Panel to consider whether the Investigating Officer's findings should be accepted.

### **Investigating Officer decides that the Code has been broken**

Where the Investigating Officer finds that the Code has been broken the Monitoring Officer will (in consultation with the Independent Person and Chairman):

- Facilitate a **local resolution** (where appropriate) or,
- **Agree** with the Investigating Officer's findings that there has been a breach of the Code and **apply sanctions / other action or make recommendations** in accordance with Appendix 1, or
- Refer the matter to a Standards Panel for a **Hearing** for serious or complex complaints where it is in the public interest that the Complaint is considered by the Standards Panel, and in all of the circumstances the Monitoring Officer considers that it is necessary.

The procedures for Hearings falls outside the scope of this procedure (see xxxxxxxxxx).

### **Local Resolution**

After an Investigating Officer's finding of a breach, the Monitoring Officer may consider that the matter may be reasonably resolved without the need to **impose sanctions or** to hold a formal hearing. In such cases, the Monitoring Officer will consult:

- the Independent Person
- **the Chairman**
- the Complainant
- the Councillor

to try and agree a local resolution which satisfies both parties, and which will seek to ensure a higher standard of conduct in the future.



Such resolution may include:

- the Councillor agreeing that his/her behaviour was unacceptable
- the Councillor offering an apology
- the Councillor offering other remedial action

If the Councillor complies with the suggested resolution the Monitoring Officer will report the matter to the Overview & Scrutiny Panel (and Town & Parish Council where appropriate) and that will be the end of the matter.

## Hearing

The matter may be dealt with by way of a 'paper' hearing where:

- local resolution is not appropriate or possible, or
- the Councillor accepts the findings of the Investigating Officer's Report and does not wish to make any further representations (save for written representations on possible sanctions) on the Report at a formal Hearing
- there are no overriding public interest or other reasons why the matter should be referred to a formal Hearing.

Please see Appendix B.

## Hearing

The Monitoring Officer will refer the matter to the Hearing Panel for a Hearing where:

- local resolution is not appropriate or possible, or
- the Complainant and/or the Councillor do not co-operate in any local resolution
- the Councillor does not wish to deal with the matter without a formal hearing.

A hearing will normally be a **public meeting** in which the Councillor and the Investigating Officer will be asked to make representations to the Hearing Panel before it decides:

- whether the Councillor has broken the Code of Conduct
- what action (if any) to recommend
- what sanctions (if any) as appropriate

Please see Appendix A for the **Hearing Procedure**.

## Hearing outcomes

- That there has been no breach of the Code
- That the Code has been broken

The Hearing Panel has no power to:

- suspend members
- disqualify members
- withdraw members' allowances

## Notification of Decisions

The Monitoring Officer's decision will be set out in a **Decision Notice**. Within **five working days** of the decision being made, the Monitoring Officer will send the Decision Notice to the relevant parties, including:

- the Complainant
- the Councillor
- the Independent Person
- Parish/Town Clerk (if relevant)

The **Decision Notice** will:

- Summarise the complaint
- Give the decision
- Give reasons for the decision
- Say briefly what will happen next (if relevant)
- Explain that there is no right of **review** / appeal

During the pre-election period known as 'Purdah', Complaints will be accepted and will be assessed at the discretion of the Monitoring Officer. However, no Decision Notices will be issued during the Purdah period.

## Publicity

**Finding of a breach:**

- Where there has been a finding of a breach of the Code, the Decision Notice will be published on South Hams District Council's website after 10 working days of the Decision Notice being issued to the relevant parties.
- All findings of a breach of the Code of Conduct will be reported in full to the Overview & Scrutiny Panel.

**Finding of No Further Action at formal assessment stage:**

- The Monitoring Officer will ask the Councillor whether s/he wishes the Decision to be published. If no response is received within 10 working days then the Decision will be published on the Council's website.

Decisions/rejections at the **Initial Assessment** stage will not be published.

## Other issues relating to complaints

### Confidentiality

As a matter of fairness and in the interests of natural justice, a Councillor should normally be told **at the outset** that a complaint has been made and by whom.

However, there may be instances when the Complainant asks for his/her identity to be withheld. Such requests will only be granted in **exceptional circumstances** and at the discretion of the Monitoring Officer **(or the (sub) Committee)**. The Monitoring Officer may consult the Independent Person.

#### The following criteria will be taken into account when considering requests for confidentiality:

- The Complainant has reasonable grounds for believing that s/he (or someone else) will be at a risk of physical harm if his/her identity is disclosed
- The Complainant is an officer who works closely with the Councillor and is afraid of the consequences to his/her employment if identity is disclosed
- The Complainant (or someone else) suffers from a serious health condition and there are medical risks associated with his/her identity being disclosed. In such circumstances the Monitoring Officer may wish to request medical evidence.
- The public interest: in some circumstances the public interest in proceeding with an investigation may outweigh the Complainant's wish for confidentiality.

The Complainant will be asked if s/he wishes to withdraw the complaint where:

- it is not possible to pursue the Complaint without revealing the Complainant's identity (e.g. allegations of bullying), or
- the Complainant's request for confidentiality is refused.

### Withdrawal of complaints

Requests to withdraw complaints by the Complainant will normally be granted but in considering such requests the Monitoring Officer (in consultation with the Independent Person as appropriate) will consider the following and may refuse the request:

- Does the public interest in taking some action on the complaint outweigh the Complainant's wish to withdraw it?

- |  |
|--|
| <ul style="list-style-type: none"><li>• Can the complaint be investigated without the Complainant's participation?</li><li>• Is there an identifiable underlying reason for the request to withdraw the complaint?</li></ul> |
|--|

### **Multiple complaints about the same Councillor**

Where several Complaints are received from different Complainants about the same Councillor that relate to the same matter, these may be considered by the Monitoring Officer as a single complaint. The Monitoring Officer may issue a separate decision on each individual complaint or issue a single Decision Notice but make clear that it relates to more than one complainant.

### **Anonymous complaints**

Anonymous complaints will only be referred for investigation if the complaint includes documentary or other evidence showing an exceptionally serious or significant matter.

### **Where a councillor ceases to be councillor**

If at any time during the Complaints process the Councillor ceases to be a Councillor for whatever reason, then (unless there are overriding public interest reasons to merit continuing with the process) the complaint will not be considered any further and the matter closed.

### **Other issues**

### **Public access to meetings and records**

- The assessments, review and consideration of the complaint by the Monitoring Officer (and consultations with the Independent Person) will take place in private i.e. the public and press are not allowed to attend these deliberations. This is because the Monitoring Officer may have to consider unfounded and potentially damaging complaints against councillors which it would not be appropriate to make public.
- Initial and formal assessments and consideration papers that do not progress to the initial assessment stage will not be disclosed to the public. (However the original complaint will be disclosed to the councillor – see above).
- Hearings (except paper hearings) will be open to the public and press unless exempt information under Schedule 12A of the Local Government Act 1972 is likely to be disclosed. **Please see the Hearing Procedure at Appendix X.**

- Documents relating to complaints that have not been referred for investigation **or that have a finding of No Further Action**, will be kept for 12 months.
- Other documentation will be kept in accordance with the Council's records retention policy.
- Decision Notices will be available for inspection (but not publication) for 6 years from the date that Decision has been notified to the Councillor.
- Papers relating to Committee and sub-committee meetings will be kept for 6 years from the date of the meeting. However, sections of documents relating to parts of the Hearing (or paper hearing) that were held in private will not be made available for public inspection.
- Data Protection and Freedom of Information requirements will be considered and complied with and may prevent disclosure of some documents.

### **Conflicts of interest**

The consideration of complaints must be conducted with impartiality and fairness. If any officer, member or Independent Person has any personal or professional conflict of interest in relation to a complaint s/he should have no (further) involvement in dealing with that complaint. Please see the guidelines set out below.

### **Members**

A member of the Overview & Scrutiny Panel who has been involved in an earlier part of the process can be a member of the Hearing Panel that determines the complaint at the end of the investigation.

Members must not discuss complaints with anyone who is not a member of the committee and discussion between Overview & Scrutiny Panel members should only take place at meetings of the Overview & Scrutiny Panel or its subcommittees.

### **Officers**

An officer who has previously advised the Councillor or the Complainant should consider whether s/he should take part in the complaints process having regard to public perception and the public interest.

Officers who take part in the consideration of the complaint must not take part in the investigation or review of that matter.

The role of any officer who has a conflict of interest in a matter will be undertaken by another officer.

### **Independent Person**

Where an Independent Person has a conflict, another Independent Person will be appointed to deal with that matter.

**Guidelines as to when a Committee Member, Independent Person or Officer should not take part in this procedure:**

- If s/he is the Complainant
- If s/he is closely associated with some one who is a Complainant
- S/he is a potential witness or victim relating to a complaint
- The complaint is likely to affect the well-being or financial position of the member/officer /Independent Person (or of a family member, friend, or someone with whom s/he has a close association)
- The member/officer is directly or indirectly involved in the case in any way.
- A family member, friend or close associate of the Overview & Scrutiny Panel member / officer / Independent Person is involved in the case.
- The member / officer / Independent Person has an interest in any matter relating to the case

**Complaints about dual-hatted Councillors**

Councillors who belong to more than one authority may have breached more than one Code of Conduct, and it is therefore possible that the Monitoring Officer of more than one authority may receive a complaint on the same matter.

When a complaint is received about a dual-hatted councillor, the Monitoring Officer should check if a similar complaint has been received by the other authority.

**Variation and Review of this procedure**

This Procedure may be amended from time to time by the Monitoring Officer to take in to account any changes in law, guidance as to best practice or in the light of experience.

The Monitoring Officer will review this Procedure every three years or as otherwise necessary.

Any substantial amendments or variations will be considered by the Overview & Scrutiny Panel who will make any necessary recommendations to the Executive /Council.

**Appeals**

There is no right of appeal by the Complainant or the Councillor\*\* against the decision of:

- the Monitoring Officer
- the Review Officer
- the Overview & Scrutiny Panel
- the Standards Hearing Panel

If the Complainant reasonably believes that the Council has failed to deal with his/her complaint properly s/he may make a complaint to the Local Government Ombudsman.

\*\* the Councillor has a right of review against the decision of the Monitoring Officer in accordance with paragraph xxx above where the finding is a breach of the Code

## **Appendix 1**

### **Deciding on whether to apply sanctions for breaching the Code, and if so, what sanctions are appropriate**

The powers of the Council to impose and enforce sanctions or remedial action has been severely limited since the introduction of the current standards regime under the Localism Act 2011.

If the Monitoring Officer or Review Officer finds that the Councillor has broken the Code of Conduct, s/he will have regard to the following in deciding whether to:

- apply sanction(s) and if so what form those sanctions should take
- make any recommendations to the relevant Council with a view to promoting high standards of conduct amongst Members.
- make a recommendation or stipulations as to timing of any sanctions or recommendations.

The Monitoring Officer / Review Officer may consult the Independent Person before making this decision.

### **Consideration of sanctions/actions or recommendations**

In deciding what (if any) action to take, the Monitoring Officer/Review Officer should bear in mind the aim of upholding and improving the standard of conduct expected of councillors as part of the process of fostering public confidence in local democracy.

The action taken or recommended should be designed to discourage or prevent the Councillor from any future non-compliance, discourage similar action by others, and maintain public confidence in the Code of Conduct.

Account should be taken of the actual consequences which have followed as a result of the Councillor's actions whilst at the same time bearing in mind what the possible consequences may have been even if they did not materialise.

In determining a sanction, the Monitoring Officer/Review Officer will ensure that it is reasonable and in proportion to the Councillor's behaviour.

### **Mitigating or Aggravating factors**



When making a decision on actions to take, the Monitoring Officer/Review Officer will consider the seriousness of the breach of the Code and any potential consequences, having regard to any mitigating or aggravating factors.

<b>Mitigating factors</b>
<ul style="list-style-type: none"> <li>• An honest (but mistaken) belief that the action was not a breach of the code (particularly where such a view has been formed after taking appropriate advice)</li> </ul>
<ul style="list-style-type: none"> <li>• A Councillor's previous record of good service</li> </ul>
<ul style="list-style-type: none"> <li>• The breach was a minor or technical breach</li> </ul>
<ul style="list-style-type: none"> <li>• Substantiated evidence that the Councillor's actions have been affected by ill-health</li> </ul>
<ul style="list-style-type: none"> <li>• Recognition that there has been a failure to follow the Code; co-operation in rectifying that failure; an apology to affected person where that is appropriate; self-reporting of the breach</li> </ul>
<ul style="list-style-type: none"> <li>• Compliance with the Code since the events giving rise to the finding of the breach</li> </ul>
<b>Aggravating factors</b>
<ul style="list-style-type: none"> <li>• Dishonesty</li> </ul>
<ul style="list-style-type: none"> <li>• Continuing to deny facts despite clear evidence to the contrary</li> </ul>
<ul style="list-style-type: none"> <li>• Seeking unfairly to blame other people</li> </ul>
<ul style="list-style-type: none"> <li>• Failing to follow appropriate advice or warnings</li> </ul>
<ul style="list-style-type: none"> <li>• Previous breaches – particularly if they are a similar nature</li> </ul>
<ul style="list-style-type: none"> <li>• Persisting with a pattern of behaviour which involves repeatedly failing to abide by the Code</li> </ul>

<b>The Monitoring Officer/Review Officer may impose one (or any combination of) the following:</b>	
<b>No further action</b>	One or more of the above mitigating factors may be appropriate here
<b>Censure</b>	<p>This is effectively the only real sanction that the Council impose and will be the appropriate sanction to the most serious breaches of the Code. The Monitoring Officer will consult the Independent Person and Chairman of the Overview &amp; Scrutiny panel with regards to the wording of the Censure/</p> <p>In respect of Parish/Town Councillors, the Monitoring Officer will consider whether it is appropriate for the Council to censure the Councillor or request that the Councillor's own</p>

	Council should give effect to the sanction
Other Action	<p>The Council does not have the power to compel any Councillor to comply with recommendations for remedial actions. The Council must rely on the Councillor's conscience and willingness to observe and uphold the Code of Conduct. Notwithstanding this, the Council may request or recommend some action on the part of the Councillor or the wider relevant Council.</p> <p>Examples of <b>Other Action</b> include one or more of the following:</p> <ul style="list-style-type: none"> <li>• Asking the Councillor to make an <b>apology</b></li> <li>• <b>Training for the individual Councillor</b> on the Code of Conduct and ethical standards or Council procedures to help the Councillor observe the and uphold the Code in the future</li> <li>• <b>Training for the whole Council or identified members such as the Chairman</b> on the Code of Conduct and ethical standards or Council procedures to help the wider Council address any underlying issues that the Complaint has raised</li> <li>• Recommend (or recommend to the Town / Parish Council) that the Councillor's political group (or in the case of an un-grouped Councillor, recommend to Council or a Committee) that the Councillor's membership of Committees, sub-committees or outside bodies, is reviewed where there is a link to the Conduct that has resulted in a breach of the Code.</li> <li>• Recommend (or recommend to the Town / Parish Council) that the Councillor be removed from all outside appointments to which s/he has been appointed or nominated by the Authority</li> <li>• Exclude (or recommend that the Town / Parish Council excludes) the Councillor from the Council's offices or other premises (with the exception of meeting rooms as necessary for attending council, committee or subcommittee meetings)</li> <li>• Withdraw (or recommend to the Town / Parish Council that it withdraws ) facilities provided to the councillor (e.g. computer, website, and/or</li> </ul>

	email and Internet access)
Failure to give effect to Other Action	<p>It is not possible for Council (or any other body) to enforce any of the sanctions/actions or recommendations. Refusal to do so by the Councillor is difficult to address. A further complaint for failure to comply with sanctions and recommendations could be considered but the public interest in doing so has to be weighed up with the amount of public resource that would be involved against any potential effect on the Councillor's behaviour.</p> <p>If a Parish or Town Council fails to comply with any recommendation for other action involving the whole (or part the) Council then that is a matter for that Council, and there is no action that South Hams District Council can properly take.</p>
Suspension or disqualification from office	<p>The Council has no power to suspend or disqualify the Councillor; to request this would be unlawful.</p> <p>The only way that a councillor can cease to hold office is through his/her resignation (which cannot be forced) or by the Councillor not being re-elected in the next Council election.</p>
Withdrawing allowances	The Council has no power to withdraw members' allowances.

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Report to: **Overview and Scrutiny Committee**  
Date: **24 January 2019**  
Title: **Corporate Strategy**  
Portfolio Area: **Performance and Intelligence**  
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 Overview and Scrutiny Panel RECOMMENDS to the Executive to endorse the proposed actions as detailed in section 5 of this report.**

### **1. Executive summary**

- 1.1 This report is presented by the portfolio holder for Performance and Intelligence details progress made to date in developing key performance indicators.
- 1.2 The report also includes recommended next steps to improve Corporate Strategy reporting.

### **2. Background**

- 2.1 In May 2018 Council adopted a new Corporate Strategy including a core purpose, guiding principles and six high level themes to guide Council delivery over the next 5 years, see Appendix A.
- 2.2 Throughout the summer of 2018 the Corporate Strategy themes were promoted to local residents via roadshows and an online engagement portal where residents were encouraged to share their views. Responses were varied but common responses focused on the need for truly affordable local housing, the need for car parking in new developments and the importance of keeping the District clean and tidy.

- 2.3 A Local Government Association (LGA) Corporate Peer Review visit took place 27-30 November 2018. A key element of the Peer Review being to provide feedback on the Council's understanding of local context and priority setting.

### **3 Outcomes/outputs**

- 3.1 The Peer Review recognised work on the Corporate Strategy to date but suggested the Council needed to set a powerful vision for the next 5-10 years, and develop clearer strategies aligned to each Corporate theme.

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

#### **4.1 Do nothing option**

The Council could chose to disregard the initial findings of the Peer Review. However, in doing so the Council would be failing to act on valuable feedback and a chance to hone and improve Council strategy and performance.

#### **4.2 Take action option**

By setting steps as detailed in section 5 the Council is proactively responding to Peer Review feedback and more importantly creating clear strategies in line with each corporate theme. It is therefore deemed appropriate to pursue this option.

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

- 5.1 It is recognised the KPIs currently reported to O&S Panel are a good starting point, can help inform the 2018/19 Annual Report, and are useful for officers and Members to check operational performance at any given time and track performance trends. However, more work is needed to articulate desired outcomes for our communities under each of the corporate strategic themes so that Members can scrutinise how well the Council is meeting its objectives for our communities.
- 5.2 It is therefore suggested officers develop each of the corporate themes by pulling together a comprehensive audit per theme encompassing the following for Spring 2019:
- a) Evidence
  - b) Service offering
  - c) Policies
  - d) Projects and action plans
  - e) Stakeholders and Partners
  - f) Lead officers and Members
  - g) Objectives and Outcomes
- 5.3 Once officers have completed this initial data gathering exercise it is suggested Members are canvassed for their views at Informal Council in February. It is also suggested residents are consulted for their views via targeted focus groups.

- 5.4 A clear set of strategies per theme could then be drafted and presented to Council at the beginning of the new political term and form an integral part of the Member induction process.
- 5.5 From June 2019 onwards Overview and Scrutiny Panel focus on one of the corporate themes each meeting and look in depth at how the Council is performing against the objectives and outcomes set out in the strategy. It is suggested scrutiny of each theme would not be limited to only performance statistics; but also feedback from customers and stakeholders and updates from relevant portfolio leads including upcoming service improvements.
- 5.6 Adopting the above approach would negate the need for ad hoc reports being presented to Overview and Scrutiny Panel and quarterly monitoring reports covering all services. Instead reports would be collated and presented by corporate theme and in doing so would be set in context and provide a more thorough overview of each theme.
- 5.7 Operational performance indicators will continue to be published on the Council's performance management system, which is accessible to all Members who may review any of the indicators at any time.

## 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 Peer Review feedback 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 – South Hams Corporate Strategy



# 5 year Corporate Strategy 2018 - 2023



South Hams  
District Council

## Our Core Purpose

To make a positive impact on the lives of local people by providing valued and easy to use services.

## Our Guiding Principles

- ▶ Provide value for money and good customer service
- ▶ Be open, honest, listening and responsive
- ▶ Work with partners and communities for mutual benefit
- ▶ Be open minded and embrace change

## Our Challenges

Page 69

- ▶ Withdrawal of core central government funding
- ▶ Setting a balanced budget without cutting statutory services
- ▶ It costs more to deliver services in a rural area
- ▶ High house prices and a dwindling working age population
- ▶ Managing development without compromising our high quality natural and built environment

## How we will measure success

- ▶ Provide key performance indicators for each corporate strategy theme
- ▶ Benchmark performance against national standards
- ▶ Monitor progress quarterly through our Overview & Scrutiny process
- ▶ Refine service standards through targeted annual delivery plans
- ▶ Report annually through our Annual Report process

## Corporate Strategy Themes

### COUNCIL

Delivering efficient and effective services



### HOMES

Enabling homes that meet the needs of all



### ENTERPRISE

Creating places for enterprise to thrive and business to grow



### COMMUNITIES

Council and residents working together to create strong and empowered communities



### ENVIRONMENT

Protecting, conserving and enhancing our built and natural environment



### WELLBEING

Supporting positive, safe and healthy lifestyles and helping those most in need



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**Report to:** Overview and Scrutiny Panel

**Date:** 24 January 2019

**Title:** Q3 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 3 have improved their good level of performance in most areas with improvements in call answer times and no. of missed bins.
- 1.2. Quarter 3 performance has just measures 2 at 'Red': % of Benefits Change of circumstances submitted online, a new measure to capture online take up, and % of calls answered in 20 secs.
- 1.3. The trend of fewer complaints is continuing into Quarter 3
- 1.4. The online dashboards contain all the information contained within the background report with additional historic and trend data for context: <http://swdevon.pentanarpm.uk>

**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







Q2	Q3	
		Overall waste recycling rate % (for 1 <sup>st</sup> month – awaiting DCC data)
		Residual waste per household (for 1 <sup>st</sup> month – awaiting DCC data)
		Average no. of missed bins
		CST: % of calls answered
		CST: % of calls answered in 20 secs
		CST: % calls answered in 5 mins

## Processes







Q2	Q3	% of planning applications determined within time frame
		Major(Statutory)
		Non-Major

Q2	Q3	
		Avg End to End time Benefits New Claims
		Avg End to End time Benefits Change of circumstances




## Online uptake

Q2	Q3	
		% of Benefits new claims online (IEG4)
		% of Benefits change of circumstances online (IEG4/DHP)
		Ratio of web/call-post-email submissions (W2)

## Performance

Q2	Q3	
		<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	Q3 17/18	2017/18	Q3 2018/19			18/19	Comment (If Applicable)
			YTD or Total		Total	Avg Time (Days)	YTD or total	
<b>Planning Enforcement (Workload)</b>	Pat Whymer	391	-	381			-	This is now the total figure for all enforcement caseload rather than separating out the historic backlog. Cases closed: Q - 93
<b>All: Complaints resolved</b> Complaints logged against each Service per quarter. Highlights changes over time and the effects of initiatives.	Area	Complaints rec last qtr 2018 Q2		Total	Avg Time (Days)	2018/19 YTD	This breakdown of area and average time to complete timings is only available for the completed complaints.  The reduction in the average number of complaints continues this quarter. 46 complaints were logged during the quarter, 23 of the completed processes were service issues that were dealt with immediately and aren't formal complaints. The remaining 9 processes that are yet to be completed will be a mix between service issues and formal complaints.  <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	
	Assets	2	Assets	-	-	3		
	Case Management	-	Case Management	-	-	-		
	Council Tax	1	Council Tax/NNDR	-	-	5		
	Customer Service Team	-	Customer Service Team	-	-	3		
	Environmental Health	1	Environmental Health	1	33	2		
	Environmental Protection	-	Environmental Protection	-	-	-		
	Finance	-	Finance	-	-	1		
	Housing Benefits	-	Housing Benefits	1	13	3		
	Housing Advice	-	Housing Advice	-	-	-		
	ICT/Internet	-	ICT/Internet	-	-	-		
	Legal	1	Legal	-	-	2		

PI Description	Managed By	Q3 17/18	2017/18	Q3 2018/19			18/19	Comment (If Applicable)
			YTD or Total				YTD or total	
	Planning		8	Planning	10	23	26	
	Waste		9	Waste	2	14	35	
	Commercial Services		4	Commercial Services	-	-	5	
	Car Parks/Parking		4	Car Parks/Parking	-	-	5	
	Total		32	Total	14	21	92	
	Service Issues		41	Service Issues	23	N/A	109	
<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	-		3	
				Comms	-		-	
				Council Tax	-		-	
				CST	6		40	
				Domestic Waste	4		22	
				Housing Advice	-		1	
				Housing Benefits	1		3	
				ICT	1		2	
				Localities	-		1	
				Planning	1		2	
			Street naming and numbering	-		1		
<b>Long term sickness (days)</b> Number of days lost due to long term sickness	Andy Wilson	533	YTD 2063	562			YTD 1592	<p>Equivalent to 1.58 days/FTE for the Qtr.</p> <p>Q2 18 figure: 1.47 days/FTE</p> <p>20 instances over the quarter</p> <p>8 staff members have been managed back to work during the quarter, 3 have now resigned.</p>

PI Description	Managed By	Q3 17/18	2017/18	Q3 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	423	YTD 960	340	YTD 803	Equivalent to 0.96 days/FTE for the quarter.  Q2 figure: 0.62 /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 3) Revenues - Move 4) Revenues - Change of Circs - Discount / Exemption 5) Take a Payment	-	Last Qtr  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  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) Recycling sack/waste container request 2) Letter of Representation 3) General waste enquiry 4) General planning enquiry 5) Pest control request	-	Last Qtr  1) Letter of Representation 2) Recycling sack/waste container request 3) Missed waste report 4) General waste enquiry 5) Planning application enquiry
<b>% of customer contact through online interaction (Workflow360)</b> Demonstrating channel shift	Kate Hamp	55%	55%	59%	Q1 18 49%	Figures seem to be settling around 50% of all transactions.  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

PI Description	Managed By	Q3 17/18	2017/18	Q3 2018/19	18/19	Comment (If Applicable)
			YTD or Total		YTD or total	
						<p>increasing across all services. These are still at low enough levels that they have only a minor effect on the overall online uptake percentages.</p> <p>The increase in online uptake percentage this quarter seems mainly to be driven by a drop off in phone calls rather than a native rise in online applications</p>
<b>Total number of online transactions</b>	Kate Hamp	17846	55966	Workflow360(W2): 17161	49368	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	148	462	81	382	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	0 day	0 days	<p>This is the portion of the process completely under the council's control (from application to approval). Our target is completion within 5 days</p> <p>The average number of days is 0. This means on average the completed paperwork is received and completed by the same day.</p>

## Exception Report:

Code and Name	Managed by	Prev Status	Last Qtr	Oct 2018	Nov 2018	Dec 2018	Q3 2018/19		Action Response
			Q2	Value	Value	Value	Value	Target	
<b>% of Benefits change of circumstances completed online (IEG4)</b>	Lorraine Mullineaux		17.6 %	14.2 %	11.2 %	9.1%	11.5%	25%	<p>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 levels dropped back down in the third quarter. Number of applications via other means was consistent with the previous quarter and a drop of around 80 applications was responsible for this drop in %.</p> <p>In order to improve the online uptake we are updating the form so it displays better on smaller screen devices, mobiles and tablets. The rise in the use of these devices is ever increasing and this should make it easier to navigate and fill in the form from any device. The form is currently being tested with planned deployment in early Feb.</p>
<b>% of calls answered in 20 secs</b>	Anita Ley		31%	24%	38%	54%	39%	50-80%	The measure keeps improving with December back above target level and the quarterly average approaching target level.

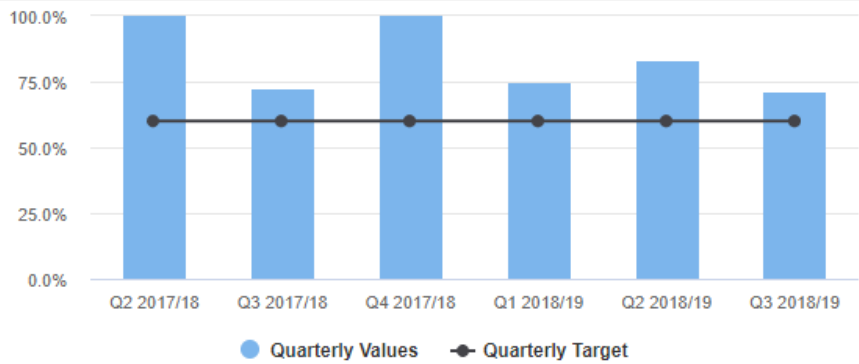
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Measure	Target	Explanation
Overall waste recycling rate %	55%	A combination of recycling, re-use & composting for household waste. A self-set stretching target based on historic collection rates and current ambitions
Residual waste per household	92kg/qtr	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

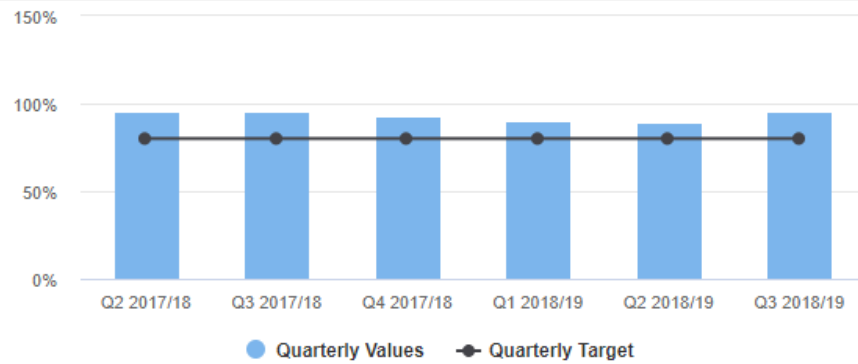
circumstances		
% of nuisance complaints resolved at informal stage	90%	Handling nuisance complaints informally saves time and money and often provides a more satisfactory outcome for all involved
Avg days short term sickness/FTE	1.5days/qtr	Private sector average of c.6 days/year, Public sector average 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. Other web submission routes are being explored but are generally low volume compared to W2 submissions
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



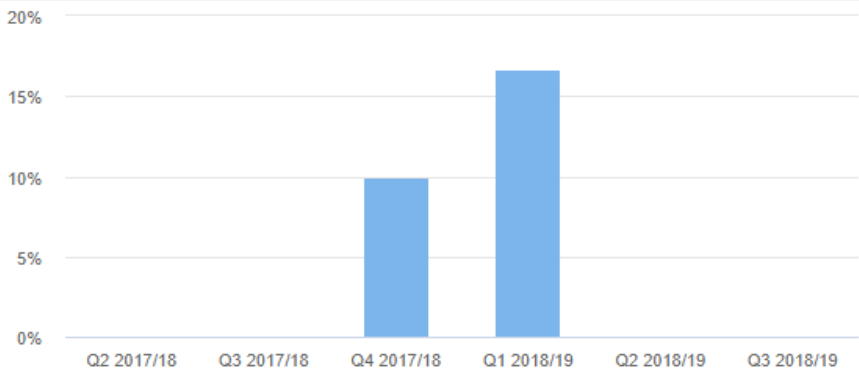
SH-P1 Major apps on target



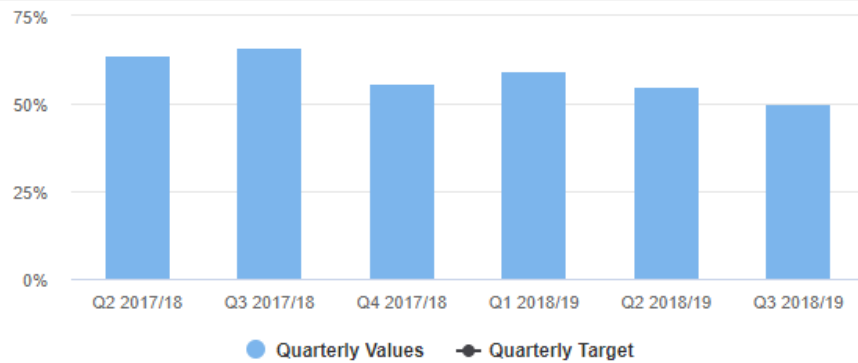
SH-P2 Non-Major apps on target

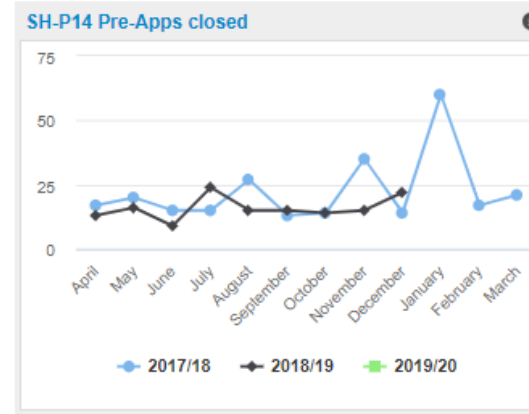
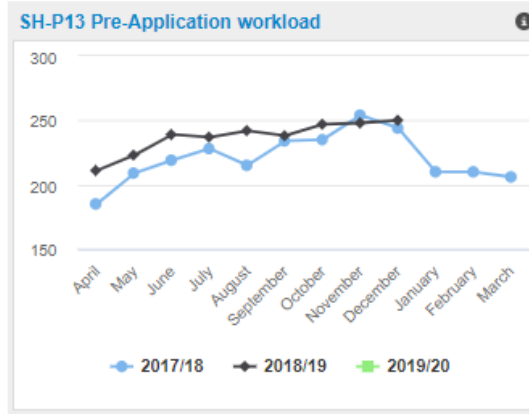
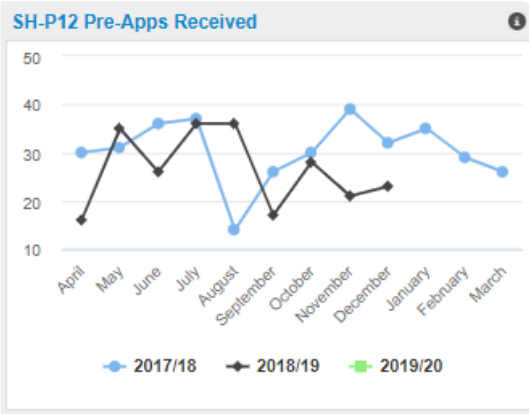
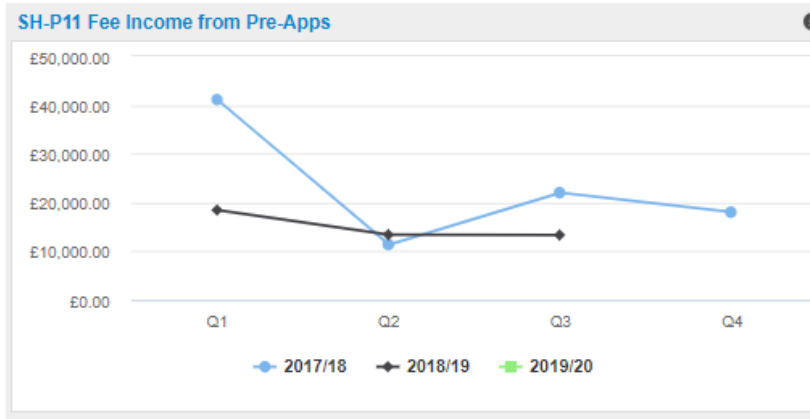
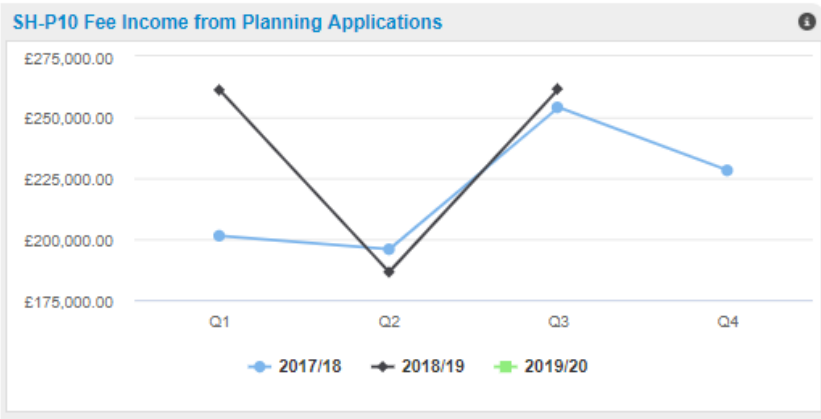
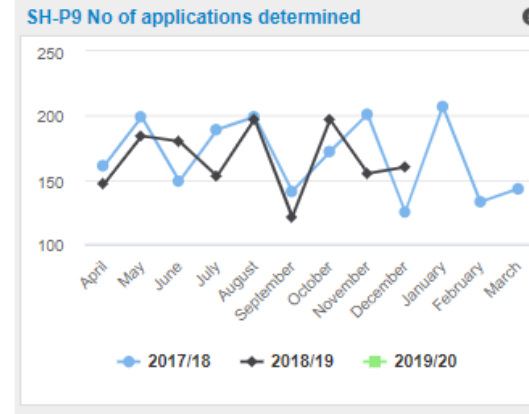
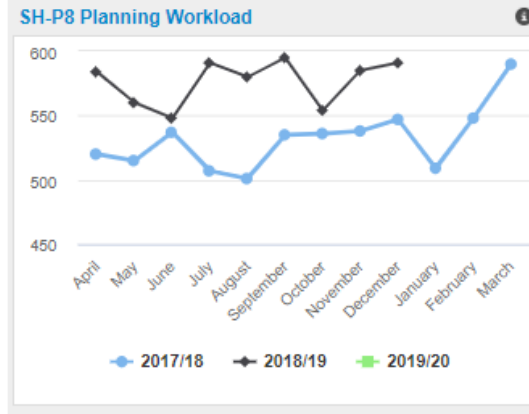
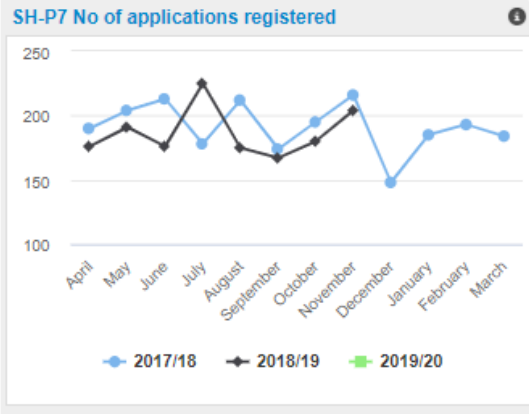


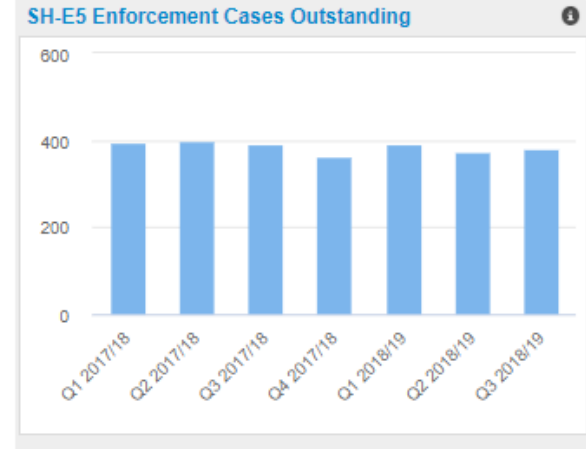
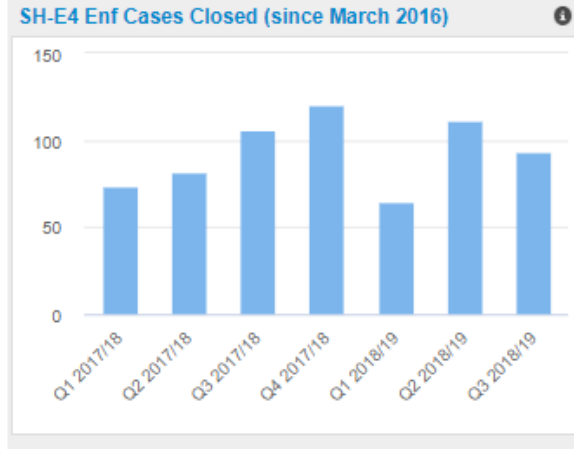
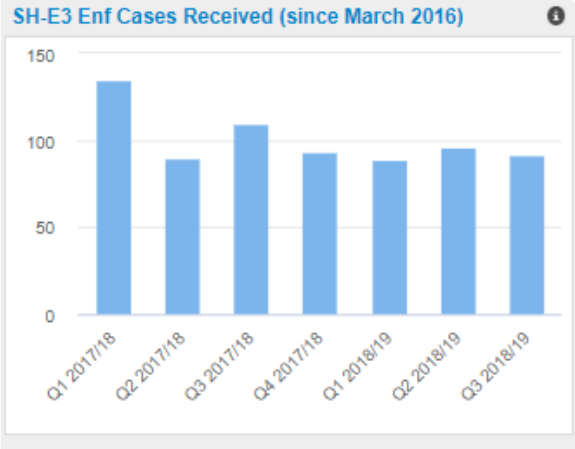
SH-P4 Major on target without eot



SH-P5 Non-Major apps on target without eot







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1 November 2018	Ombudsman Annual Review Letter 2018 <b>O&amp;S.61/18</b>	<b>RESOLVED</b> That the Ombudsman Annual Letter for 2018 (as outlined at Appendix A of the presented agenda report) has been reviewed with the overall improvement in complaint handling being welcomed.	Catherine Bowen	
1 November 2018	Regulation of Investigatory Powers Act 2000 (RIPA) Policy and Update <b>O&amp;S.62/18</b>	<b>RESOLVED</b> 1. That the Investigatory Powers Commissioner's Office (IPCO) report and recommendations (as attached at Appendix A of the presented agenda report) be welcomed; 2. That the Executive <b>RECOMMEND</b> to Council that the updated RIPA Policy (as attached at Appendix B of the presented agenda report) be approved; 3. That it be acknowledged that there have been no RIPA Authorisations since the annual update to the Panel on 24 August 2017; and 4. That the amendments to the RIPA Act 2000 (effective from 1 November 2018) be noted.	Catherine Bowen	Approved by the Council at its meeting on 6 December 2018
1 November 2018	GDPR and Data Protection Policy Update <b>O&amp;S.63/18</b>	<b>RECOMMENDED</b> That the Executive <b>RECOMMEND</b> that Council:  1. approve the updated Data Protection Policy as detailed in Appendix A of the presented agenda report; 2. delegate approval of the related Codes of Practice and Protocol Documents (as summarised in Section 3 of the presented agenda report) to the Council's Data Protection Officer; and 3. note and support the approach and progress made towards GDPR readiness by the Information Governance Group.	Darren Arulvasagam	Approved by the Council at its meeting on 6 December 2018
1 November 2018	Member Induction 2019: Draft Programme <b>O&amp;S.64/18</b>	<b>RESOLVED</b> That the Draft Member Induction Programme for 2019 (as outlined at Appendix A of the presented agenda report) be approved.	Darryl White	Programme published accordingly.

1 November 2018	Q2 2018/19 Performance Report <b>O&amp;S.65/18</b>	<b>RESOLVED</b> 1. That the performance levels against target communicated in the Balanced Scorecard and the performance figures supplied in the Background and the Exception report be noted; and 2. That all aspects of the Balanced Scorecard be reviewed.	Jim Davis	
1 November 2018	Draft Annual Work Programme <b>O&amp;S.68/18</b>	- The Panel was reminded of the earlier request for the joint meeting with the Development Management Committee on 24 January 2019 to include an agenda item entitled: 'Development Management Performance Review'. As a result, the Panel also requested that its meeting on the afternoon of this date should revert back to a 2.00pm start time; - The potential invitation for Metric Group Representative(s) to attend the Panel meeting on 24 January 2019 was formally noted; and - Members agreed that the Quarter 3 Performance Measures should also be included on the agenda for the Panel meeting on 24 January 2019.	Darryl White  Darryl White  Darryl White	Work programme updated accordingly  Work programme updated accordingly  Work programme updated accordingly
12 December 2018	Call-in of Executive Minute E.46/18: 'Public Toilets Review' <b>O&amp;S.72/18</b>	<b>RESOLVED</b> That Minute E.46/18 'Public Toilets Review' be referred back to the Executive at its meeting on 13 December 2018 for further consideration and with the following comments:-  1. That the Panel support a further consultation exercise being carried out with those local town and parish councils who have requested that opportunity, with the outcome being reported back to the Executive meeting on 7 February 2019; and  2. That the Panel:  a. note that the financial information that was presented to the Executive	Cathy Aubertin	Approved by the Executive at its meeting on 13 December 2018

		<p>meeting on 22 November 2018 had since been verified by Internal Audit and (with the exception of the facility at Fore Street, Kingsbridge) had been found to be accurate; and</p> <p>b. identify that significant inconsistencies had occurred during the consultation exercise for this project and would hope that lessons would be learned for future projects.</p>		
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**OVERVIEW AND SCRUTINY PANEL**  
**DRAFT ANNUAL WORK PROGRAMME: 2018/19**

Date of Meeting	Report	Lead Officer
28 March 2019	Executive Forward Plan	Kathy Trant
	Fusion: Annual Report	Jon Parkinson
	DM Pre-Application: Consultation Results	Pat Whymer
	Langage Energy Centre Update	Tom Jones

Future items to be programmed:-

- Renewable Energy – Income Generation Opportunities (*timing depends on outcome of Corporate Strategy*);
- ICT Resilience – Twelve Month Update (June 2019).

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