

# South Hams Overview and Scrutiny Panel



<b>Title:</b>	<b>Agenda</b>												
<b>Date:</b>	<b>Thursday, 5th September, 2019</b>												
<b>Time:</b>	<b>10.00 am</b>												
<b>Venue:</b>	<b>Cary Room - Follaton House</b>												
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b> Cllr Birch <b>Vice Chairman</b> Cllr Smerdon</p> <p><i>Members:</i></p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Cllr Pennington</td> <td>Cllr Reeve</td> </tr> <tr> <td>Cllr Austen</td> <td>Cllr Rose</td> </tr> <tr> <td>Cllr Chown</td> <td>Cllr Spencer</td> </tr> <tr> <td>Cllr Jackson</td> <td>Cllr Sweett</td> </tr> <tr> <td>Cllr McKay</td> <td>Cllr Thomas</td> </tr> <tr> <td>Cllr O'Callaghan</td> <td></td> </tr> </table>	Cllr Pennington	Cllr Reeve	Cllr Austen	Cllr Rose	Cllr Chown	Cllr Spencer	Cllr Jackson	Cllr Sweett	Cllr McKay	Cllr Thomas	Cllr O'Callaghan	
Cllr Pennington	Cllr Reeve												
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Cllr Jackson	Cllr Sweett												
Cllr McKay	Cllr Thomas												
Cllr O'Callaghan													
<b>Interests – Declaration and Restriction on Participation:</b>	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.												
<b>Committee administrator:</b>	Member.Services@swdevon.gov.uk												

- 1. Apologies for Absence**
- 2. Minutes** **1 - 12**

to approve as a correct record and authorise the Chairman to sign the minutes of the Panel held on 11 July 2019;
- 3. Urgent Business**

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

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

Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests they may have in any items to be considered at this meeting;
- 6. Public Forum** **13 - 14**

A period of up to 15 minutes is available to deal with issues raised by the public;
- 7. Fusion Update and Feedback on their Cashless Project**

Presentation slides to follow
- 8. Executive Forward Plan** **15 - 20**

**Note:** If any Member seeks further clarity, or wishes to raise issues regarding any future Executive agenda item, please contact Member Services before **5.00pm on Monday 2 September 2019** to ensure that the lead Executive Member(s) and lead officer(s) are aware of this request in advance of the meeting.
- 9. Planning Enforcement Plan** **21 - 52**
- 10. Homeless Strategy Action Plan** **53 - 88**
- 11. Corporate Strategy Measures**

To follow

**12. Climate Change and Biodiversity Emergency:**

Working Group recommendations on the setting up of a Citizens Assembly;

**13. Exclusion of Public and Press**

to consider the following resolution to exclude the public and press:-

“That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following items of business in order to avoid the likely disclosure to them of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act”;

**14. Brexit - Main Risk Areas to the Council and Future Communication Strategy to Members**

To follow

**15. Re-admittance of Public and Press**

**16. Annual Work Programme**

**89 - 90**

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**MINUTES OF THE MEETING OF THE  
OVERVIEW & SCRUTINY PANEL  
HELD AT FOLLATON HOUSE, TOTNES ON  
THURSDAY, 11 JULY 2019**

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

<b>Other Members also in attendance:</b>
Cllrs K J Baldry, H D Bastone, J Brazil, N A Hopwood, D W May and J A Pearce

Item No	Minute Ref No below refers	Officers in attendance and participating
All		Group Manager – Customer First; and Senior Specialist – Democratic Services
7(a)	O&S.12/19(a)	Head of Assets Practice
7(b)	O&S.12/19(b)	Head of Assets Practice
8	O&S.13/19	Head of Assets Practice
9	O&S.14/19	Support Services Specialist Manager
10	O&S.15/19	Projects Specialist
11	O&S.16/19	Support Services Specialist Manager
12	O&S.17/19	Specialist Manager – Customer First

**O&S.9/19 MINUTES**

The minutes of the meeting of the Overview and Scrutiny Panel held on 13 June 2019 were confirmed as a correct record and signed by the Chairman.

**O&S.10/19 DECLARATIONS OF INTEREST**

Members and officers were invited to declare any interests in the items of business to be considered during the course of the meeting. These were recorded as follows:-

Cllr D M O'Callaghan declared a Disclosable Pecuniary Interest in agenda item 7(c): 'Executive Forward Plan: Council Tax Reduction Scheme 2020/21' (Minute O&S.12/19(c) below refers) by virtue of being in receipt of some monies in accordance with this Scheme. Whilst Cllr O'Callaghan had submitted a question to be raised in relation to this agenda item, the Chairman confirmed that he would ask it on her behalf.

## O&S.11/19 PUBLIC FORUM

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

### 1. Question from Mr Peter Scott

*'In the drafting of South Hams' Climate Action Plan, what opportunity will (a) South Hams residents and (b) expert organisations in the South Hams have to influence:*

- (a) The remit, target date and policy areas to be included in the Plan;*
- (b) The timetable and consultation procedures involved in drawing up the Plan;*
- (c) An early outline draft of the Plan;*
- (d) The final policy recommendations, targets and indicators of progress?'*

The Leader responded that there was presently a recommendation to the Special Council meeting on 25 July 2019 that a Climate Change Emergency be declared and an Action Plan produced. It was too early to provide exact details of how the Action Plan would be developed and exactly who would be involved. Residents and expert organisations would be involved and/or consulted through the Action Planning process and/or through the Devon Carbon Plan that was proposed by the Devon Climate Emergency Response Group (DCERG).

### 2. Question from Mr Robert Vint

*'Teignbridge District Council has invited this Council to work with it on drafting a Climate Action Plan, it has set up an Action Group consisting of representatives of key community organisations and last week hosted the first public meeting of Teignbridge Climate Emergency Action Group attended by around 200 residents. How has this Council responded to Teignbridge's invitation and does it plan to set up an equivalent Action Group to actively involve residents and key community organisations in the drafting of this Plan?'*

In response, the Leader informed that the lead officer for Climate Change had been in contact with Teignbridge regarding the benefits of working together, for example, through joint procurement. Officers would continue to work closely with them, and other partners, where it was beneficial to do so.

At present, there was a recommendation to the Special Council meeting on 25 July 2019 that a Climate Change Emergency be declared and an Action Plan produced.

It was too early to provide exact details of how the Action Plan would be developed and exactly who would be involved. Residents and community organisations would be involved and/or consulted through the Action Planning process and/or through the Devon Carbon Plan that is proposed by the Devon Climate Emergency Response Group (DCERG).

### **3. Question from Mr Gordon Nicholson**

*'How will the need to reduce local carbon emissions in response to the Climate Emergency be taken into account in decisions that the Executive will take this month on Renewable Energy Investment, Electric Vehicle Charging Points, the Air Quality Action Plan and also in relation to future development of Langage Energy Park?'*

In response, Cllr Pearce emphasised that the need to reduce carbon emissions was recognised and the declaration of a Climate Change Emergency had been recommended by the Executive and would be considered at the Special Council meeting on 25 July 2019. Carbon emissions and their reduction would be one of many factors considered and taken into account, where relevant, during the decision-making processes at the Council's Executive.

## **O&S.12/19 EXECUTIVE FORWARD PLAN**

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

### **(a) Investing in Kingsbridge**

The Deputy Leader introduced this item and advised that the officer report had now been published with the Executive agenda. The report highlighted that the Kingsbridge Hotel development project and Business Case was originally approved by the Executive in December 2018 (Minute E.62/18 refers). Since this initial approval, the Deputy Leader informed that the business case had been changed therefore requiring a revised approval from the Executive so as to proceed. It was noted that the key changes were:

- That the cost of the project had increased from £9.10 million to £10.13 million;
- That the scale of the development had changed from 76 rooms to 85 rooms; and
- The height of the development had been reduced from 5 storeys to 4.

At this stage, the Chairman invited the local Ward Members in attendance to address the Panel. In so doing, they raised a number of points that included:-

- the apparent lack of public consultation that had been undertaken to date;
- the apparent lack of an independent assessment of the Business Case to underpin the project;
- it being somewhat misleading to state that Kingsbridge Town Council was largely supportive of the project. In light of the Town Council recently calling for a public meeting on the proposals, a Member felt that the Executive decision should be deferred pending the outcome of this meeting;
- a number of misgivings over the timing and presumptive tone of the press release that had been published earlier in the week. In addition, disappointment was expressed that they had not been consulted prior to the press release being issued;
- the local Neighbourhood Plan being in the early stages of development;
- the perception that the car park was underutilised was incorrect. As a result, the Members questioned where the hotel users would park; and
- there being local demand for high skilled employment.

In countering a number of these points, the Deputy Leader stated that:-

- Hotel accommodation was currently much needed in Kingsbridge;
- whilst some negative comments had been expressed, the Town Council had confirmed its support for the principle of these proposals;
- the vast majority of local traders were also supportive of the proposals;
- the Council was committed to working closely with the Town Council and engaging with local residents on the development and there would be two opportunities for the public to make their comments to the Council. Firstly, there would be a public consultation exercise following the Executive meeting and there would then be a second opportunity as part of the planning process;
- the Council was not viewing these proposals as an income generation project for the Council. Instead, the Panel was advised that the main drivers for advancing this project were the local economic and wellbeing benefits;

During the ensuing debate, the following points were raised:

- (i) Members who had attended the recent Tour of the District had visited this development site and felt that it had been particularly informative and useful;
- (ii) In light of the uncertain future facing town centre high streets, it was felt that this proposal was a key means of supporting the local economy in Kingsbridge;
- (iii) It was confirmed that the traffic and highways implications of the proposals were included on the preliminary risk register for this project.



In concluding the debate, the Chairman emphasised that the Panel welcomed the assurances that had been given in respect of the commitment to work closely with the Town Council and consult with local residents.

### **(b) Commercial Investment Strategy**

The Deputy Leader introduced this update and informed that the report would also be a standalone agenda item for consideration at the Special Council meeting on 25 July 2019. In summary, the agenda item would be seeking Council approval to revise its Commercial Investment Strategy to be able to take advantage of opportunities outside of the South Hams area to invest in renewable energy generation assets.

During the subsequent debate, it was noted that:-

- (i) A number of local authorities were already exploring this type of investment;
- (ii) The grid was already at capacity in Devon;
- (iii) This initiative could provide an opportunity for shared working provision with West Devon Borough Council;
- (iv) It would now be timely for the Council to reconsider whether or not it should install solar panels over some of its car parks.

The Chairman closed the debate and advised the lead Member and officers that the Panel was broadly supportive of the recommendation to amend the Commercial Investment Strategy.

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

The Chairman asked the following question:

*“This year’s council tax reduction scheme is linked to Universal Credit; has there been an increased level of people having problems with payment so far. In particular with the Minimum Income Floor rule, have there been an increased number of self-employed residents struggling to pay? Do you have figures? Some councils have dropped the MIF rule. Would this council consider doing so if it leads to increased hardship for the low paid self-employed?”*

In response, the lead Executive Member for Prosperity advised that the current Council Tax Reduction (CTR) Scheme was revised for this financial year, with the full report being agreed by Council on 21 February 2019. The Member urged colleagues to refer to this report, which was very comprehensive in explaining the rationale for the changes and the financial modelling.

In summary, the Member proceeded to inform that the only link to Universal Credit was that Universal Credit claims changed automatically as income changes and these changes were again made automatically to our systems. This meant that the Council could be generating new council tax bills for those residents claiming CTR on a weekly basis, thereby generating confusion and more queries, leading to more calls and more work. The scheme had been designed to limit these changes by putting claimants in Bands which allowed for fluctuations without creating changes to the council tax reduction benefit.

The Member then pointed out that an important fact was that officers were tasked with designing a scheme that helped the most vulnerable. Some Members appeared to be focussing on the Minimum Income Floor (MIF) that impacted self-employed and not the fact that the Council had increased the benefit for those in most need from 80 to 85%, with modelling suggesting that this would provide more help to approximately 1,900 residents.

In terms of the figures, the lead Member advised that it was agreed with the Executive that a report would be brought back after 6 months, thereby providing 6 months' worth of data to examine the impact of the Scheme. Whilst the lead Member appreciated that other Members were interested, it was his view that the Council should wait for this data rather than react to individual issues before judging whether or not the scheme had been a success.

Nonetheless, the Member confirmed that an initial check of some 105 self-employed claims showed that:

- 19 had not even had the MIF applied;
- And of the 86 that had, 55 (62%) were better off under the new scheme;
- 31 were worse off, with 6 having no award under the new scheme as these were all single people capable of finding alternative / additional employment;
- 5 of the 31 had been awarded an additional payment through the Councils' exceptional hardship fund.

Finally, the lead Member confirmed that officers were not aware that any of the Devon authorities were removing the MIF. In fact, most of the districts were now creating schemes that mirrored this Councils', once again demonstrating that South Hams was leading the way in Devon.

The Chairman thanked the lead Member for his comprehensive response and reflected the views of the Panel in requesting that further consideration be given to this matter at its meeting on 17 October 2019.

Whilst accepting the point that there was no such thing as a perfect system, a Member did wish to make the point though that the payment of a bill did not always reflect financial resilience and it was his view that there was a flaw in the current Scheme that required addressing.

#### O&S.13/19 **ASSETS REGISTER**

A report was considered that presented the Council's Assets Register.

In emphasising the importance of local Member involvement and feedback on the Register, it was **PROPOSED** and **SECONDED** and when put to the vote declared **CARRIED** that:

*'The Panel request that Democratic Services and Assets officers arrange a series of Drop-in Sessions for local Ward Members, with the intention being to consider the Assets Register in more detail before it is then forwarded to Town and Parish Council Clerks for their information and reference.'*

It was then:

#### **RESOLVED**

That the Panel:

1. note the content of the presented agenda report and the Assets Register; and
2. request that Democratic Services and Assets officers arrange a series of Drop-in Sessions for local Ward Members, with the intention being to consider the Assets Register in more detail before it is then forwarded to Town and Parish Council Clerks for their information and reference.

#### O&S.14/19 **PEER CHALLENGE ACTION PLAN**

Consideration was given to a report that provided Members with the latest version of the Peer Challenge Action Plan.

During the ensuing discussion, reference was made to:-

(a) the perception of backbench Members that they still felt excluded from the decision-making process. In response to some Members being of the view that this remained an issue following the May elections, the Leader advised that she was committed to changing the culture of the organisation and she was aware of measures being implemented that included:

- the greater use of all Member Workshops and Briefings;
- Member drop-in sessions with the Senior Leadership being re-established; and

- Executive Members being available and accessible to the wider membership.

In response to a specific request, it was agreed that it would be more appropriate for the principle of appointing Shadow Executive Members to be considered by the Political Structures Working Group;

- (b) the Member Briefing session on the Senior Leadership Team (SLT) restructure. The Chairman thanked the Leader and Chief Executive for arranging a Member Briefing on the SLT restructure before the Special Council meeting on 25 July 2019;
- (c) the need to engage more with Town and Parish Councils. The Panel was informed that the Leader and Deputy Leader of Council had extended an offer to attend Town and Parish Council meetings. As a result, local Ward Members were encouraged to promote this offer amongst their local town and parish councils.
- (d) the next Action Plan update. The Panel felt that it was reasonable for the next update to be presented to its 23 January 2020 meeting.

It was then:

### **RESOLVED**

1. That the progress to date on delivery of the Peer Challenge Action Plan be noted; and
2. That the next update be presented to the Panel meeting on 23 January 2020, with this update including more in-depth information around the current perception of backbench Members that they still feel excluded from the decision-making process.

## **O&S.15/19 WASTE PROCUREMENT CLOSEDOWN REPORT**

The Panel considered a report that provided an overview of the Waste Procurement project that detailed the successes, lessons learnt and the realisation of any immediate benefits.

During the ensuing discussion, reference was made to:-

- (a) the amount of work undertaken by lead officers. A number of Members paid tribute to the amount of work that had been undertaken by the lead officers in delivering such a successful project;
- (b) the three outstanding project risks. By way of an update, the Project Specialist advised that the installation of the bespoke IT solution was still in progress and the draft construction contract was currently with the contractors legal representatives. Finally, the Specialist informed that the Business Continuity Plan was now in place and part of the formal contract.

When questioned, the Specialist assured the Panel that he was confident that the outstanding risks would be overcome before the end of the summer months;

- (c) monitoring of the Waste Contract. In noting the ongoing role that was played by both the Waste Procurement Board and the Waste and Recycling Working Group, the Panel concluded that it should be in receipt of a formal contract monitoring report at its meeting on 27 February 2020.

It was then:

**RESOLVED**

1. That the contents of the report be endorsed; and
2. That the formal Waste Contract monitoring report be presented to the Panel meeting on 27 February 2020.

**O&S.16/19 ICT RESILIENCE UPDATE**

Members considered a report that provided an update to the Resilience Report that was presented to the Panel at its meeting on 28 June 2018 on both the work that had been completed to date and the proposed further service improvements.

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

- (a) Officers confirmed that there were alternatives to Microsoft and they were constantly reviewing the feasibility of alternative service providers;
- (b) Whilst there had been problems with the rollout of the Member IT devices, a Member wished to put on record his thanks at the level of support that he had received from officers during this difficult period;
- (c) For security reasons, officers advised that unmanaged devices (e.g. personal mobile phones) were not permitted access to the Council's internal network.

It was then:

**RESOLVED**

That the progress made to date in maintaining resilient IT systems and networks since June 2018 be noted.

## O&S.17/19 **DEVON CLIMATE EMERGENCY RESPONSE GROUP – VERBAL REPORT**

The Specialist Manager – Customer First provided a verbal update on the work of the Devon Climate Emergency Response Group (DCERG) and, in so doing, made reference to:

- the importance of Members keeping a close eye on the regular updates that were available via the following weblink:

<https://www.devon.gov.uk/energyandclimatechange/devon-climate-emergency>

- the DCERG being hosted by Devon County Council;
- the Council being represented at meetings of the DCEG by either himself or the Chief Executive;
- a commitment to circulate minutes arising from the DCERG and its sub-groups to Members via the Bulletin. In response to a request, the officer agreed to raise at the next meeting whether these meetings were open to members of the public to attend.

The Panel proceeded to discuss the update and made particular reference to:-

- (a) some concerns over the lack of any reference to date on biodiversity and tree loss. In reply, the Panel was advised that Devon County Council had not included biodiversity in its Climate Change Declaration but the officer gave an assurance that he would raise this matter at the next Sub-Group meeting;
- (b) the importance of working together with other local authorities and agencies to tackle such a significant and complex piece of work was recognised;
- (c) an officer training session that had been convened to take place on Tuesday, 23 July 2019; and
- (d) a joint all Member session with West Devon Borough Council Members would be held at the Woolwell Community Centre on Wednesday, 18 September 2019.

## O&S.18/19 **OVERVIEW AND SCRUTINY ANNUAL REPORT**

Consideration was given to a report that presented the Overview and Scrutiny Annual Report.

In the debate, officers committed to providing a Member with a response to some specific queries relating to the Neighbourhood Planning process and Section 106 Agreements outside of the meeting.

It was then:

**RECOMMENDED**

That Council be **RECOMMENDED** that the Overview and Scrutiny Annual Report for 2018/19 be approved.

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

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

- (a) The Council Tax Reduction Scheme item be added to the Programme for consideration at the Panel meeting on 17 October 2019 (Minute 12/19(c) above refers);
- (b) Members were reminded of the earlier decision for the next progress update on the Peer Challenge Action Plan to be added to the Programme for consideration at the Panel meeting on the afternoon of 23 January 2020 (Minute O&S.14/19 above refers);
- (c) It was noted that a Waste Contract Monitoring Report agenda item would be scheduled for consideration at the Panel meeting on 27 February 2020 (Minute O&S.15/19 above refers).

(Meeting started at 10.00 am and concluded at 1.00 pm)

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Chairman

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## **PUBLIC FORUM PROCEDURES**

### **(a) General**

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

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

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

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

An issue may be rejected by the Monitoring Officer if:

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

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

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

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

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

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

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

*Leader of the Council – Cllr Judy Pearce*

*Deputy Leader – Cllr Hilary Bastone*

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

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

*lead Executive Member for Environment – Cllr Keith Baldry*

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

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

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

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

<b>Portfolio Area</b>	<b>Report Title and Summary</b>	<b>Lead Officer/ Member</b>	<b>Documents to be considered in making decision</b>	<b>Date of Decision</b>	<b>Consultees and means of Consultation</b>
<b>OTHER DECISIONS</b>					
	<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	Tom Jones	Report of the Head of Place Making Practice  Coastal Concordat	Date tbc	

Council	<b>Title:</b> Use of Emergency Powers by Head of Paid Service* <b>Purpose of Report:</b> To update Members on the recent instance of the Chief Executive utilising urgent powers as set out in the Scheme of Delegation	James Kershaw/Cllr Pearce	Report of Senior Specialist Environmental Health	19 September 2019	
Council	<b>Title:</b> Adoption of Neighbourhood Plans <b>Purpose:</b> To formally 'make' the Neighbourhood Plans for Salcombe and South Milton, following the results of the Referenda	Duncan Smith/ Cllr Pearce	Report of Specialist (Neighbourhood Planning)	19 September 2019	
Leader	<b>Title:</b> Draft Corporate Strategy Delivery Plans <b>Purpose of report:</b> To consider the feedback gathered by Members from their community engagement	Nadine Trout/ Cllr Pearce	Report of the Commissioning Manager	19 September 2019	
Environment	<b>Title:</b> Environmental Protection Policies <b>Purpose of Report:</b> To review and update current policies in line with legislation	Cathy Aubertin/Cllr Baldry	Report of the Head of Environment Services Practice	19 September 2019	
Enterprise	<b>Title:</b> Request for Renewal of a Long Lease* <b>Purpose of Report:</b> To agree to renew a 25 year lease	Debra Barber/Cllr May	Report of Senior Specialist Assets	19 September 2019	
Council	<b>Title:</b> Write Off Report for Quarter 1 <b>Purpose of report:</b> The Council is responsible for the collection of: Housing Rents, Sundry Debts including Housing Benefit Overpayments, Council Tax and National Non-Domestic Rates. The report informs	Lisa Buckle/ Cllr Bastone	Report of Strategic Lead of Finance	19 September 2019	

	members of the debt written off for these revenue streams.				
Council	<b>Title:</b> Revenue Budget Monitoring Quarter 1 <b>Purpose of report:</b> A revenue budget monitoring report to monitor income and expenditure variations against the approved revenue budget for 2019/20, and to provide a forecast of the year end position	Pauline Henstock/ Cllr Bastone	Report of Head of Finance	19 September 2019	
Council	<b>Title:</b> Capital Budget Monitoring Quarter 1 <b>Purpose of report:</b> The report advises Members of the progress on individual schemes within the approved capital programme for 2019/20, including an assessment of their financial position	Pauline Henstock/ Cllr Bastone	Report of Head of Finance	19 September 2019	
Council  Page 17	<b>Title:</b> Medium Term Financial Strategy for the five years 2020/21 to 2024/25 <b>Purpose of the report:</b> To set the strategic intention for all of the different strands of funding available to the Council. This brings together all known factors affecting the Council's financial position and its financial sustainability, to provide a long term financial forecast.	Lisa Buckle/ Cllr Pearce	Report of Strategic Lead of Finance	19 September 2019	
Communities/ Wellbeing	<b>Title:</b> Partnership Funding Levels 2020/21 <b>Purpose of the report:</b> To review Partnership Funding Levels for 2020/21 onwards and to consider moving from a grants basis to a commissioning model	Nadine Trout/ Cllr May and Cllr Hawkins	Report of Head of Housing, Revenues and Benefits Practice	19 September 2019	
Council	<b>Title:</b> Customer Satisfaction Quarterly Updates <b>Purpose of report:</b> To update Members on progress with Customer Satisfaction	Nadine Trout/ Cllr Pearce	Report of Commissioning Manager	19 September 2019	
Council (Joint Local Plan)	<b>Title:</b> Local Development Scheme <b>Purpose of Report:</b> To seek approval for the Joint Local Development Scheme	Richard Grant/ Cllr Pearce	Report of Strategic Planning Manager (Joint Local Plan)	19 September 2019	

Communities/ Wellbeing	<b>Title:</b> Council Tax Reduction Scheme 2020/21 <b>Purpose of the report:</b> It is an annual requirement for the Council to revisit its existing council tax support scheme	Issy Blake/ Cllr May and Cllr Hawkins	Report of Head of Housing, Revenues and Benefits Practice	31 October 2019	
Leader – Strategic Assets	<b>Title:</b> Formation of a wholly owned company <b>Purpose of Report:</b> To consider the formation of a wholly owned company to facilitate commercial activity	Chris Brook/ Cllr Pearce	Report of Head of Assets	31 October 2019	
Enterprise	<b>Title:</b> Langage Enterprise Proposals <b>Purpose of the report:</b> To make recommendations to facilitate development, growth and enterprise at Langage Energy Park	Chris Brook/ Cllr May	Report of Head of Assets	31 October 2019	
Enterprise	<b>Title:</b> Accommodation Strategy <b>Purpose of report:</b> To make recommendations for a future accommodation strategy	Chris Brook/ Cllr May	Report of Head of Assets	31 October 2019	
Environment Page 10	<b>Title:</b> Review of Parking Permits <b>Purpose of Report:</b> To review the number of permits issued and the impact on the management of the parking service	Cathy Aubertin/Cllr Baldry	Report of the Head of Environment Services	31 October 2019	
Council (Joint Local Plan)	<b>Title:</b> Statement of Community Involvement <b>Purpose of Report:</b> To seek authority to go out to consultation on the statement of Community Involvement	Richard Grant/Cllr Pearce	Report of the Strategic Planning Manager (Joint Local Plan)	31 October 2019	
Council	<b>Title:</b> Budget Update report, including the announcement on the one-year Spending Review for 2020-21 <b>Purpose:</b> To update Members on the anticipated Government announcement on the One Year Spending Review for 2020-21	Lisa Buckle/Cllr Pearce	Report of Strategic Lead Finance	31 October 2019	
Environment	<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	Cathy Aubertin/ Cllr Baldry	Report of the Group Manager Commercial Services and Head of Environment Services Practice	28 November 2019	

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





Report to: **Overview and Scrutiny Panel**  
Date: **5 September 2019**  
Title: **Planning Enforcement Plan Review**  
Portfolio Area: **Customer First**

Wards Affected: **All**

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

Date next steps can be taken: Recommendation(s) to the Executive meeting on 19 September 2019 and the Council meeting on 26 September 2019

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

Contact: [Patrick.whymer@swdevon.gov.uk](mailto:Patrick.whymer@swdevon.gov.uk)

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## Recommendations:

**That the Overview and Scrutiny Panel RECOMMEND to the Executive that:**

- 1. the updated Enforcement Plan (as outlined at Appendix B), the Harm Assessment Matrix (as outlined at Appendix D) and the proposed Enforcement Action Plan (as outlined at Appendix C) be approved; and**
  - 2. Council be RECOMMENDED that the additional two permanent staff for Planning Enforcement be approved as set out in paragraph 3.3, to be funded from the Planning Earmarked Reserve in 2019-20 and to be built into the budget setting process as a cost pressure for 2020-21 onwards.**
- 1. Executive summary**
    - 1.1 A Planning Enforcement Plan and a Member Engagement Protocol were approved at the meeting of the Executive 1 February 2018 (Minute E.60/17(a) iii)

- 1.2 This report provides a review of performance following the implementation of the Local Enforcement Plan together with proposed outputs set out in section 3.
- 1.3 The issues for consideration are the growth in the volume of planning enforcement complaints, the numbers of open planning enforcement cases and the provision of an adequate response to complainants. The recommendations include changes to working practices and an increase in the establishment to address the growing level of demand and improve the customer experience.
- 1.4 The Planning Enforcement Service is a highly visible public facing asset and is instrumental in the Council's efforts to maintain public confidence in the effectiveness of the planning system.
- 1.5 Officers have successfully served a variety of formal notices, carried out criminal prosecution of offenders, secured important heritage assets, stopped unauthorised development and negotiated satisfactory outcomes in many cases. Most of this work goes unseen by the general public but the reputational risk created by service failure is ever present.
- 1.6 There is no such thing as a straightforward planning enforcement case. By necessity investigations involve intrusion into the private lives or business affairs of those who are the subject of the complaint. Resolution often involves sensitive negotiation which is frequently protracted in nature. Cases are complicated by human factors and many are found, after investigation, to be motivated by personal dispute rather than material planning considerations.
- 1.7 It is acknowledged that the current performance is below the targets set out in the adopted Enforcement Plan and, given the volume of cases received, additional staff resource is required to deliver a good standard of service across all cases received.

## **2. Background**

- 2.1 At the joint meeting of the O&S Panel and Development Management Committee in January 2018, Members were presented with a report that set out how the Planning Enforcement Service would assess and prioritise cases. The report explained how the number of open cases was slowly reducing as a result of resource levels being reviewed and how the Enforcement Plan, proposed as part of the report, would support the team in providing an efficient and effective service.
- 2.2 This report presents a current review of the performance of the Planning Enforcement team, as requested by Members when the previous report was presented.
- 2.3 When measured against the targets set in the Planning Enforcement Plan, cases classified as emergency or higher priority have

consistently achieved 100% success against the targets since recording began. However, in relation to lower priority cases, two out of the three measured outputs, being site visits and complainant updates, do not meet the targets.

- 2.4 The target for site visit attendance in lower priority cases is 80% carried out within 20 working days. When looking at monthly performance in South Hams this target has been exceeded on 3 occasions since January 2018. Quarterly performance has consistently been 10% below the target. In West Devon the target has been reached during one month with the best quarterly performance of 68.75%.
- 2.5 According to the Enforcement Plan, the target for first contact with the complainant is 80% within 30 working days. In South Hams this has been exceeded during 3 months however the best quarterly performance was 64.29%. In West Devon the target was reached during one month with the best quarterly performance at 56.52%.
- 2.6 To understand why the service is not achieving the targets set as part of the Enforcement Plan, it is important to assess the level of demand. The number of open Enforcement cases in January 2018 was 564, 350 in South Hams and 214 in West Devon. As of 12<sup>th</sup> August 2019, the total is 731 with 513 in South Hams (46% increase) and 228 in West Devon (6% increase). The data reveals growing customer demand in the number of reports. Comparison of Q2 2018 data with Q2 2019 indicates that there were over 60 more reports of low priority cases and 10 more high priority cases received.
- 2.7 In addition to the increased number of reports, there are other factors that are generally accepted as having an adverse affect on performance: geographic sparsity, competing demands of enforcement officers(urgent cases take priority), and the competing demands of Mobility Locality Officers who are used to support the team by undertaking initial site visits.
- 2.8 In respect of the competing demands of enforcement officers, there have been a number of high profile cases that have been and will be the subject of criminal prosecution. The level of work required to prepare for such cases is significant, and naturally diverts officer time away from lower priority cases. In 2018 and as a result of a Planning Enforcement Service investigation, 3 persons were convicted at Magistrates Court of TPO offences and significant fines and costs were imposed. There are still several ongoing complex investigations which compete for resources with the growing number of general cases. Robust investigation of criminal allegations, especially when combined with successful prosecutions, enhances public confidence in the Council and the planning system which is a highly valuable outcome.
- 2.9 The provision of a robust Planning Enforcement Service supports our commitment to the National Planning Policy Framework (NPPF).

Customer service is a key organisational priority and the recommendations set out in this report support that ethos and our aspirations.

- 2.10 This issue affects our communities and our partners with whom the Planning Enforcement Service has frequent contact, these include Devon County Council, the Environment Agency, Historic England, Natural England, the Police as well as internal stakeholders.

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

- 3.1 Clearly, whilst the resource levels in 2018 initially led to a reduction in case numbers, the increase in demand for the service has resulted in targets not being met.
- 3.2 Planning enforcement is a high profile service, and whilst the success of high profile prosecutions can demonstrate that the Council will take breaches seriously, there is a negative knock on effect in that lower profile cases may not be dealt with within target timescales.
- 3.3 To address the increased level of demand, enable officers to work to the timescales within the Enforcement Plan and maintain confidence in the service, additional resource will be required. It is requested that two additional, permanent Enforcement Case Managers be approved to join the existing team of five planning enforcement officers (4.6 FTE). These will be at Level 6 and will be additional officers who investigate the complaints. These two posts combined would cost a maximum of £71,538 pa at the top of the scale. This would be shared 70:30 South Hams:West Devon and therefore the cost for South Hams would be £50,078 pa. It is requested that these appointments are made within this financial year as deferring to the next financial year would delay dealing with a number of the existing cases. The two posts are recommended to be funded from the Planning Earmarked Reserve in 2019-20 and if approved, to be built into the budget setting process as a cost pressure for 2020-21 onwards. The Council achieved additional planning income of £308,000 more than the budgeted income of £849,000 for 2018-19. Of this extra income, £30,000 of the additional planning income received was transferred to the Planning Earmarked Reserve, to support peaks and troughs in the planning service.
- 3.4 Should the request for two permanent staff be approved, officers are confident that the Planning Enforcement team will achieve success in dealing with reported cases within the time limits prescribed in the Enforcement Plan.
- 3.5 Success will be achieved when all of the KPIs set out in the Enforcement Plan have been achieved in every reporting quarter during a reporting year.

- 3.6 Success will be measured against the 3 KPIs set out in the Planning Enforcement Plan at Appendix 1. These relate to registration and allocation, site visits and complainant updates.
- 3.7 In addition to reviewing resource levels, officers have produced an Enforcement Service Action Plan which proposes alterations to working practices that will further improve the ability of officers to meet service targets set in the Enforcement Plan.

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

- 4.1 Alternatives are available because planning enforcement is a discretionary activity. The Council could decide not to investigate anything except those cases that involve potential criminality, listed building and Tree Preservation Order cases. However that option would undoubtedly receive a negative reaction from the public.
- 4.2 Another option is to make no changes to resources and continue as we are and try to improve performance by refocussing existing resources on processes to meet targets. That redirection of input may positively influence output but will not alter outcomes in terms of case resolution.
- 4.3 It should be borne in mind that the introduction of targets was something new for the Planning Enforcement Service, there was no detailed baseline assessment and performance over the past year should be viewed in such terms.
- 4.4 These proposals have been evaluated by Case Management and Development Management officers engaged in or associated with planning enforcement.
- 4.5 The evaluation came about as a consequence of the Planning Enforcement Action Plan which was introduced to support performance improvement.

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

- 5.1 Implementation of a Planning Enforcement Action Plan is recommended to provide a framework for officers to work within and to enable Members to monitor service performance.
- 5.2 Customer service is a key organisational priority and the recommendations set out in this report support that ethos and our aspirations. An increased level of resource will enable timely site visits which in turn will lead to meaningful complainant updates. The targets are inextricably linked, if the site visit is delayed the complainant update will also be delayed.

#### **6. Implications**

Implications		Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		Y	Planning enforcement is a discretionary service however, Paragraph 58 of the National Planning Policy Framework states "effective enforcement is an important as a means of maintain public confidence in the planning system".
Financial implications		Y	The appointment of two additional enforcement case managers will cost an additional £50,078 (shdc share) per annum. The two posts are recommended to be funded from the Planning Earmarked Reserve in 2019-20 and if approved, to be built into the budget setting process as a cost pressure for 2020-21 onwards.  It is considered that the improvement in service will improve the reputation of the Council and does represent value for money.
Risk			Risk of under performance against approved service targets leading to reputational risk to the Council
Supporting Corporate Strategy			Environment
Comprehensive Impact Assessment Implications			
Equality and Diversity			None specific to this report
Safeguarding			None specific to this report
Community Safety, Crime and Disorder			Planning enforcement officers work closely with the Police Authority and other bodies
Health, Safety and Wellbeing			Planning enforcement can have a high impact on individuals and communities

Other implications			
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**Supporting Information**

**Appendices:**

Appendix A: Planning Enforcement Performance Data

Appendix B: Proposed revised Enforcement Plan

Appendix C: Proposed Enforcement Action Plan

Appendix D: Proposed Harm Assessment Matrix

**Background Papers:**

Executive agenda and minutes – 1 February 2018; and

Joint Overview and Scrutiny Panel / Development Management Committee

agenda and minutes – 18 January 2018

**Approval and clearance of report**

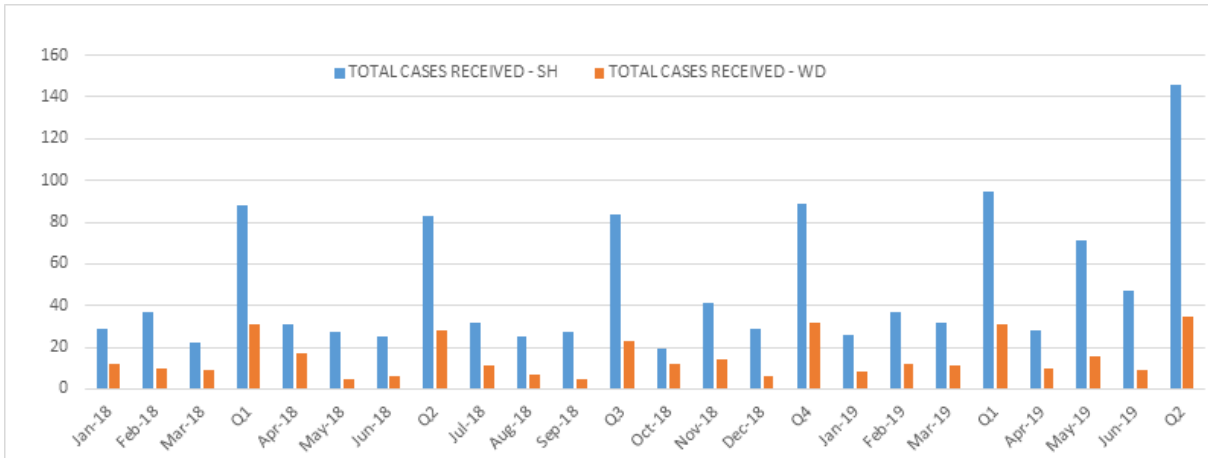
<b>Process checklist</b>	<b>Completed</b>
Portfolio Holder briefed/sign off	<b>Yes</b>
SLT Rep briefed/sign off	<b>Yes</b>
Relevant Heads of Practice sign off (draft)	<b>Yes</b>
Data protection issues considered	<b>Yes</b>
Accessibility checked	<b>Yes</b>

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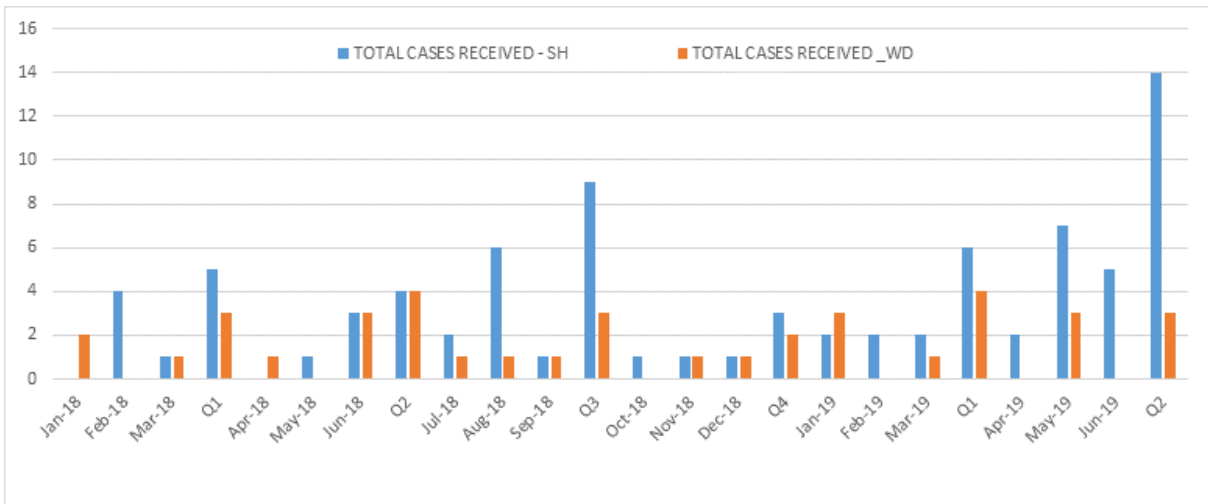


**PLANNING ENFORCMENT PLAN UPDATE  
PERFORMANCE DATA**

**Lower Priority Cases - Received**



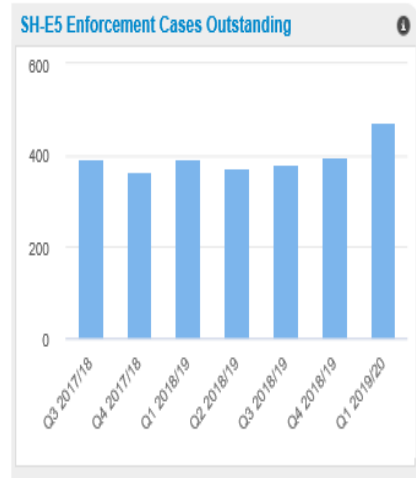
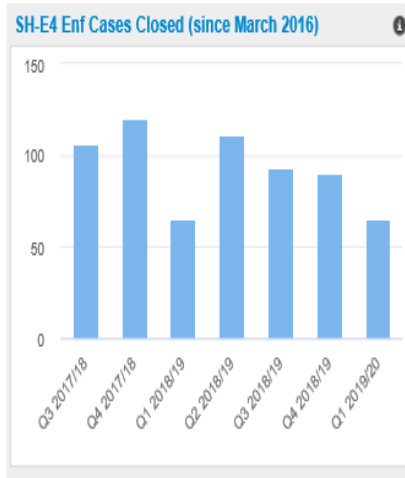
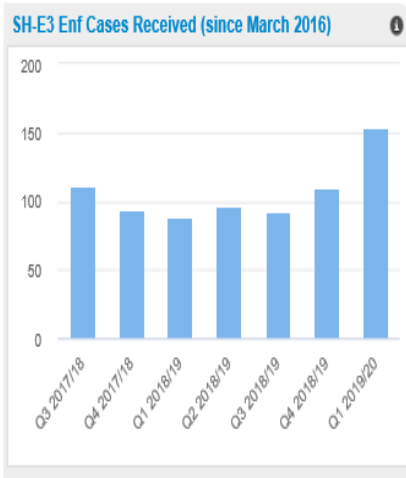
**Higher Priority Cases - Received**



## Case Throughput: Received/Closed/Outstanding

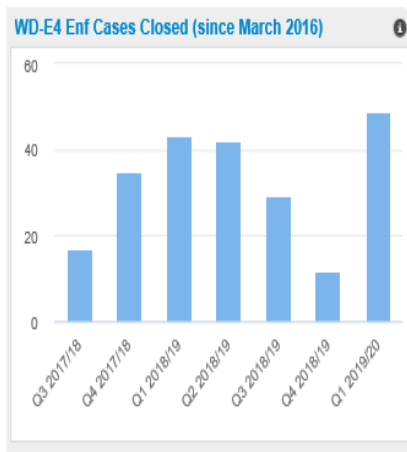
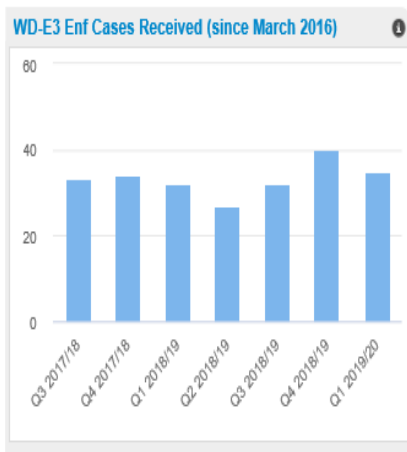
### South Hams

#### Planning Enforcement-



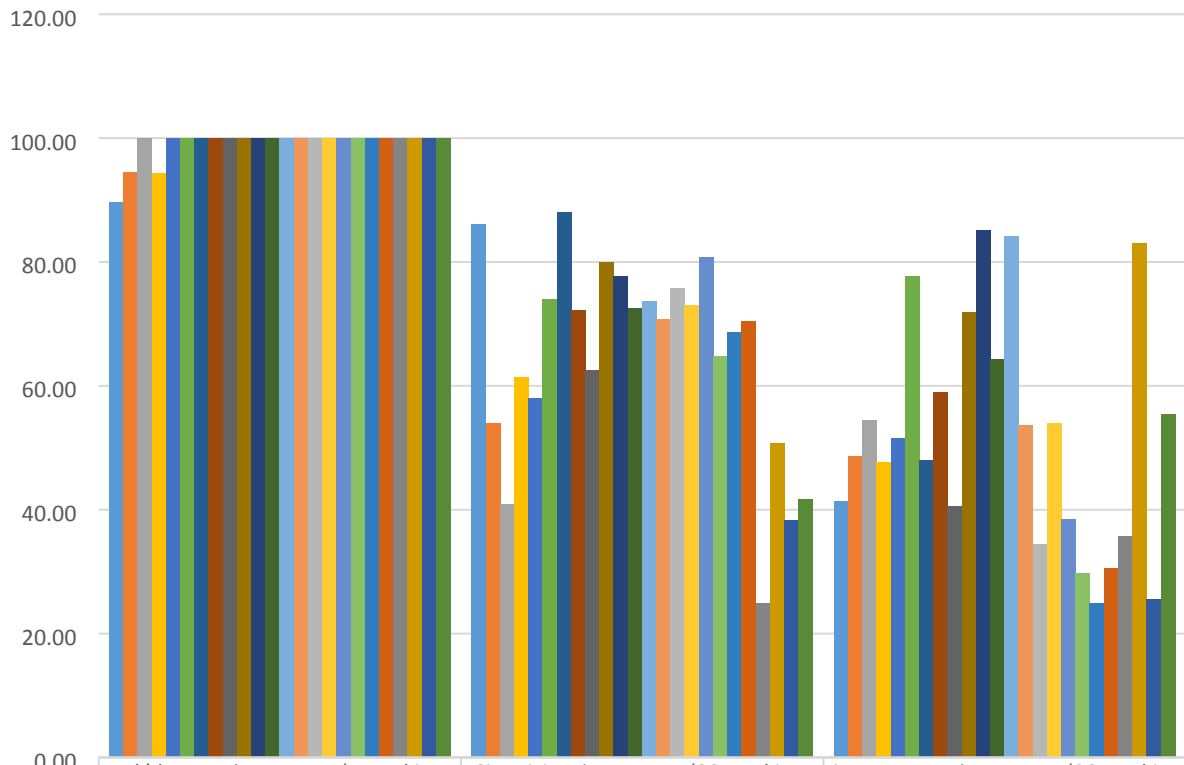
### West Devon

#### WD Planning Enforcement-



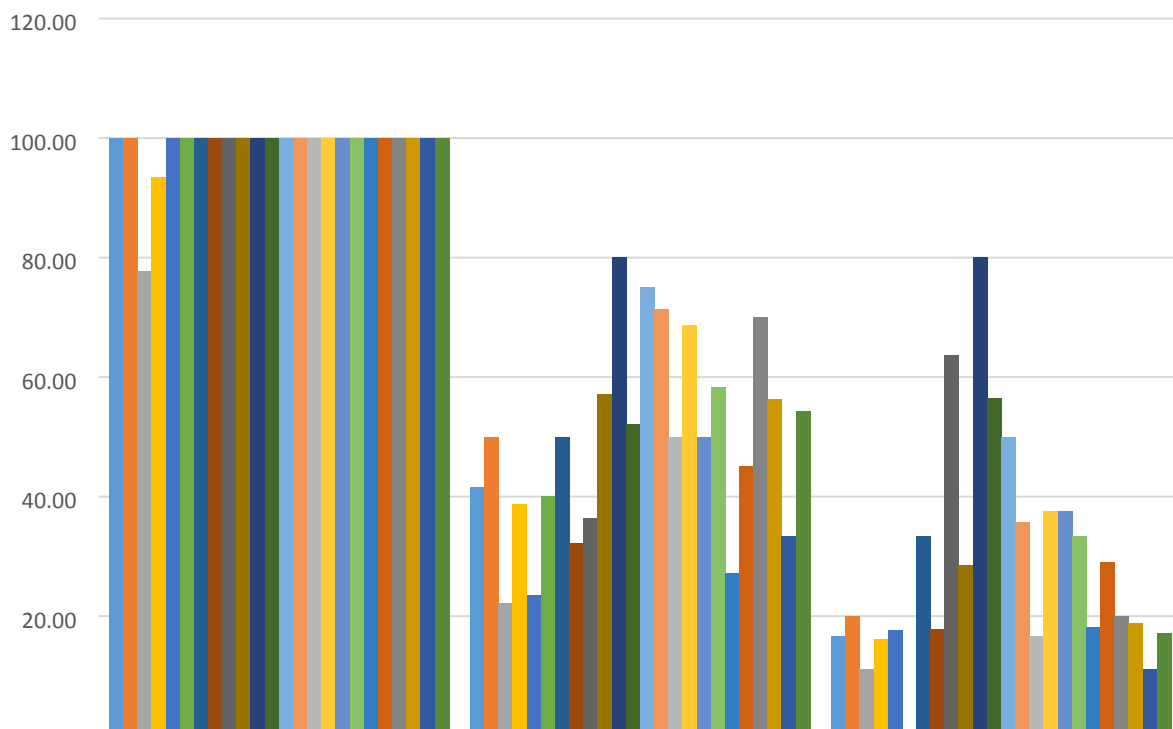
Performance against Targets – Lower Priority Cases

South Hams - Lower Priority



Axis Title	Ack'd etc - % on target (7 working days/9 days) 100% target	Site visits % on target (20 working days/28 days) 80% target	First contact % on target (30 working days/40 days) 80% target
Jan-18	89.66	86.21	41.38
Feb-18	94.59	54.05	48.65
Mar-18	100.00	40.91	54.55
Q1	94.32	61.36	47.73
Apr-18	100.00	58.06	51.61
May-18	100.00	74.07	77.78
Jun-18	100.00	88.00	48.00
Q2	100.00	72.29	59.04
Jul-18	100.00	62.50	40.63
Aug-18	100.00	80.00	72.00
Sep-18	100.00	77.78	85.19
Q3	100.00	72.62	64.29
Oct-18	100	73.68	84.21
Nov-18	100	70.73	53.66
Dec-18	100	75.86	34.48
Q4	100.00	73.03	53.93
Jan-19	100	80.77	38.46
Feb-19	100	64.86	29.73
Mar-19	100.00	68.75	25.00
Q1	100.00	70.53	30.53
Apr-19	100	25.00	36
May-19	100	50.70	83
Jun-19	100	38.30	26
Q2	100.00	41.78	55

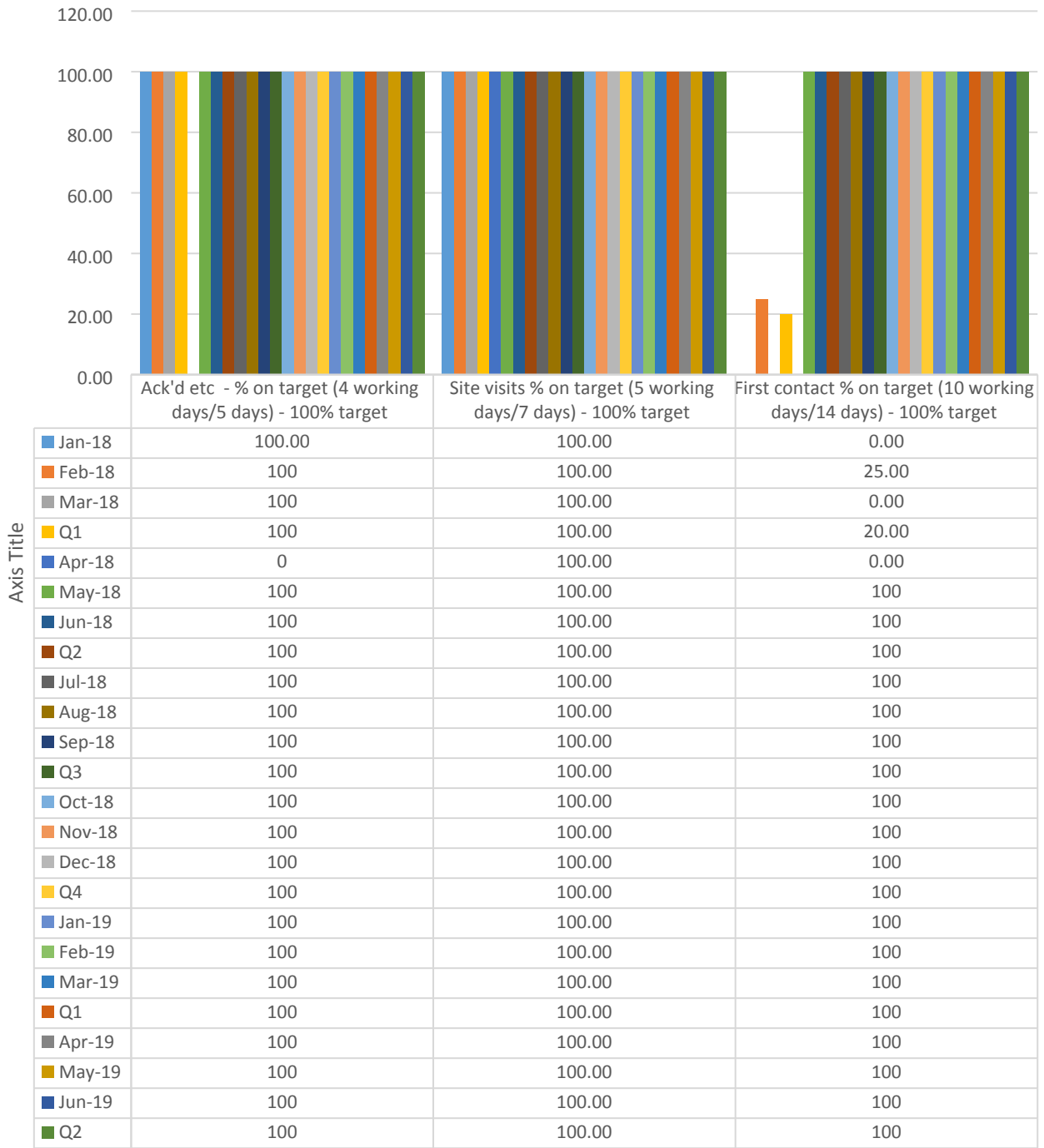
### West Devon- Lower Priority



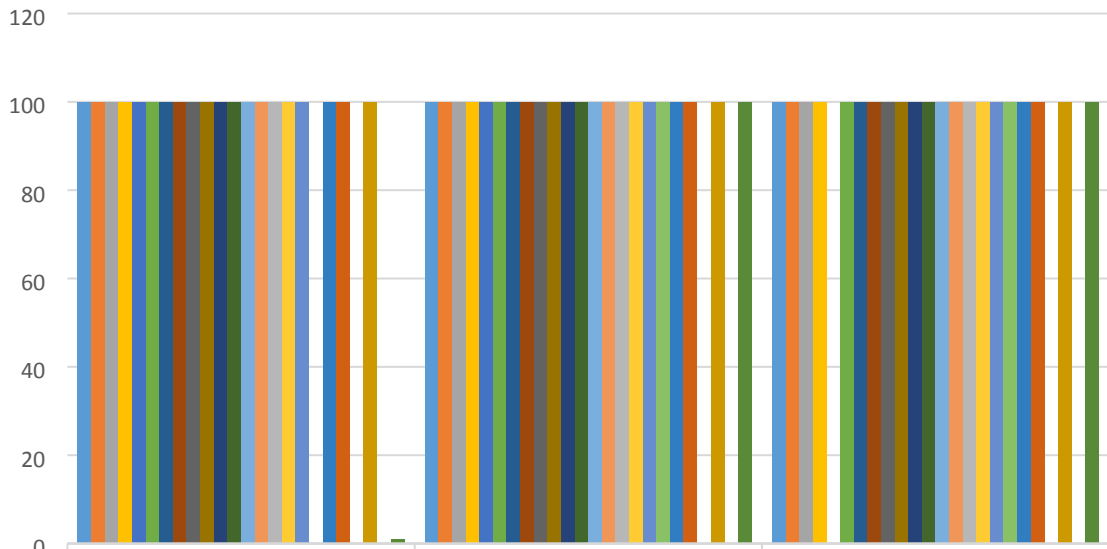
Axis Title	Ack'd etc - % on target (7 working days/9 days) 100% target	Site visits % on target (20 working days/28 days) 80% target	First contact % on target (30 working days/40 days) 80% target
Jan-18	100.00	41.67	16.67
Feb-18	100.00	50.00	20.00
Mar-18	77.78	22.22	11.11
Q1	93.55	38.71	16.13
Apr-18	100.00	23.53	17.65
May-18	100.00	40.00	0.00
Jun-18	100.00	50.00	33.33
Q2	100.00	32.14	17.86
Jul-18	100.00	36.36	63.64
Aug-18	100.00	57.14	28.57
Sep-18	100.00	80.00	80.00
Q3	100.00	52.17	56.52
Oct-18	100.00	75.00	50.00
Nov-18	100.00	71.43	35.71
Dec-18	100.00	50.00	16.67
q4	100.00	68.75	37.50
Jan-19	100.00	50.00	37.50
Feb-19	100.00	58.33	33.33
Mar-19	100.00	27.27	18.18
q1	100.00	45.16	29.03
Apr-19	100.00	70.00	20.00
May-19	100.00	56.25	18.75
Jun-19	100.00	33.33	11.11
q2	100.00	54.29	17.14

Performance against Targets –Higher Priority Cases

South Hams - Higher Priority



### West Devon- Higher Priority



Axis Title	Ack'd etc - % on target (4 working days/5 days) - 100% target	Site visits % on target (5 working days/7 days) - 100% target	First contact % on target (10 working days/14 days) - 100% target
Jan-18	100	100	100
Feb-18	100	100	100
Mar-18	100	100	100
Q1	100	100	100.00
Apr-18	100	100	0
May-18	100	100	100
Jun-18	100	100	100
Q2	100	100	100
Jul-18	100	100	100
Aug-18	100	100	100
Sep-18	100	100	100
Q3	100	100	100
Oct-18	100	100	100
Nov-18	100	100	100
Dec-18	100	100	100
Q4	100	100	100
Jan-19	100	100	100
Feb-19	0	100	100
Mar-19	100	100	100
Q1	100	100	100
Apr-19	0	0.00	0
May-19	100	100.00	100
Jun-19	0%	0.00	0
Q2	100%	100.00	100

## **SOUTH HAMS DISTRICT COUNCIL – LOCAL ENFORCEMENT PLAN**

### **1. Introduction**

- 1.1 The National Planning Policy Framework (NPPF) recommends that local planning authorities publish a local enforcement plan to manage planning enforcement proactively and in a way that is appropriate to their area.
- 1.2 The Local Enforcement Plan sets out the South Hams District Council priorities for investigation, explains what will be investigated and what will not, and it outlines the Councils' general discretionary powers with regard to planning enforcement. The plan sets out the priorities for responses to complaints and details the timescales for response by planning enforcement officers along with explaining the assessments and considerations that are undertaken and actions and outcomes that may result.
- 1.3 Paragraph 58 of the NPPF sets out that effective enforcement is important as a means of maintaining public confidence in the planning system, that planning enforcement action is discretionary, and that Local Planning Authorities should act proportionately in responding to suspected breaches of planning control.
- 1.4 This Local Enforcement Plan sets out how the Council will investigate alleged cases of unauthorised development and take action where appropriate. It also ensures that development takes place in a sustainable manner and that the credibility of the planning system in South Hams is not undermined. The planning enforcement function needs ongoing review recognising that the Council is required to set balanced budgets presenting how its financial resources are to be allocated and utilised; thus showing the Council's financial plan for any coming year with regard to statutory services as well as local key priorities and objectives. South Hams District Council like many across the country remain subject to financial challenges. Discussions do include stakeholders, service users and the public who help us to re-design our services to achieve the best outcomes within the resource limits. The amount of resource which can be applied to planning enforcement will be subject to change over time and this Local Enforcement Plan must be reviewed and amended according to resource and priority setting.
- 1.5 South Hams District Council believe that planning enforcement has a key role in achieving the high standards of development being sought, and the purpose of this Local Enforcement Plan is to set out our approach to handling planning related enforcement matters.. The Council will, in exercising their planning enforcement function, take account of National Planning Policies including the NPPF, the Governments Planning Practice Guidance, the relevant policies of the Local Plan and all other relevant material planning considerations.

The relevant pages on planning enforcement from the Government's Planning Practice Guidance can be accessed via the following link:-

<https://www.gov.uk/guidance/ensuring-effective-enforcement>

- 1.6 Specifically the Government's Planning Practice Guidance sets out that the preparation and adoption of a local enforcement plan is important because it: allows engagement in the process of defining objectives and priorities which are tailored to local circumstances; sets out the priorities for enforcement action, which will inform decisions about when to take enforcement action; provides greater transparency and accountability about how the local planning authority will decide if it is expedient to exercise its discretionary powers; provides greater certainty for all parties engaged in the development process.
- 1.7 Planning controls can assist in effectively guiding and managing the pattern of development and change across South Hams District Council and secure the delivery of planning objectives of the Local Plan. The Development Management team (of which the Planning Enforcement is a part) is at the heart of achieving this, and it is crucial that developments are not only authorised, but are also carried out in accordance with approved plans.
- 1.8 One of the Council's key corporate aims is to provide and safeguard an attractive built and natural environment. Planning enforcement, in association with other Council enforcement functions, contribute to the Corporate Enforcement Policy which has a key role to play in achieving this aim. The Council take breaches of planning control seriously, particularly if it is either done intentionally, or results in significant harm. Although it will try to negotiate solutions where this is appropriate and possible, it will use the powers available to take formal action only when necessary and in a way proportionate to the harm caused by any breach.
- 1.9 The Planning Enforcement Team will investigate when there are reasonable grounds to suspect that there has been a breach of planning control and take the appropriate form of action. The aim is to provide a service that is reactive to complaints made by citizens, members and stakeholders.
- 1.10 Where appropriate, the Planning Enforcement Team will liaise and work with other enforcement bodies such as Building Control, Highways, Premises Licencing and Pollution Control.
- 1.11 This Local Enforcement Plan has been approved by the Council for use in all its Planning enforcement work. As the plan does not form part of the Statutory Local Plan there is no requirement to conduct formal consultations.

## **2. Key Service Aims**

**The Council's main aims for the Planning Enforcement Service are for it:-**



- 2.1 To operate in accordance with the procedures explained in this Plan, which sets out the level of service and performance the public and businesses can expect. We will regularly review these standards taking account of the views of stakeholders.
- 2.2 To provide information and advice in plain language on the policies and procedures of the service, and to communicate this mainly by electronic means whilst giving access for all. Confidentiality will be maintained for complainants.
- 2.3 To work with the community on compliance with planning controls on the basis that prevention is better than cure, and to ensure that our efforts are coordinated with other enforcement agencies within and outside the Council.
- 2.4 To provide an efficient service with appropriate publicised contact points.
- 2.5 To exercise the planning enforcement powers on an individual basis, considering fitness for purpose and having clear regard to an assessment in each case of the expediency and public interest tests, before taking action. The Council has a wide range of planning enforcement powers, but must act in accordance with national policy and guidance.
- 2.6 To decide when a breach of planning control has occurred, whether or not this is sufficiently harmful as to require action to be taken in the public interest. At one end of the scale, if no or little harm is identified, the matter could be treated as a 'technical breach' with no further action to be taken, or a planning application might be invited to regularise the situation. At the other end of the scale, where it is assessed that serious harm has occurred, a formal notice might be served and other formal steps considered.
- 2.7 To use the Council's planning enforcement powers in a fair and consistent manner.
- 2.8 To respond when required through the Council's compliments, suggestions and complaints procedure in an appropriate, accessible, effective and timely manner.
- 2.9 To protect and enhance the environment of South Hams District Council by active and responsible use of the full range of enforcement powers.

### **3. Planning enforcement law and what is a breach of planning control**

- 3.1 The enforcement of planning law is complex; this is because the government attempts to strike a balance between the rights of individuals to use or alter their property in the way they wish, and the need to safeguard the character and quality of neighbourhoods and to uphold the planning policies of the local area.
- 3.2 In general, the system tends to give the benefit of the doubt to anyone undertaking the unauthorised development, and the Council are expected to give those responsible for undertaking unauthorised development the chance to put matters right before taking formal action.

- 3.3 If the Council's actions are considered too harsh, hasty or legally incorrect, it can be ordered to pay costs or have its decisions overturned by the Planning Inspectorate or the Courts. However, the Local Government Ombudsman has held, in a number of investigated cases, that there is maladministration if a local authority fails to take effective enforcement action which was plainly necessary. Such a failing can lead to a compensatory payment to the complainant.
- 3.4 The Council's power to take enforcement action comes from laws passed by Parliament, principally by the Town and Country Planning Act 1990, the Planning and Compensation Act 1991 and the Localism Act 2011. These laws give Councils power to take action against those responsible for breaches of planning control.
- 3.5 Not all works are classed as development and not all development requires planning permission. The main source of guidance on what is development and what requires permission includes: The Town & Country Planning Act 1990, The Town & Country Planning (General Permitted Development) Order; The Town & Country Planning (Use Classes) Order; and The Town & Country Planning (Control of Advertisement) Regulations.

These documents, which are published by the government, contain schedules which list instances where consent is not required. For example, certain structures do not need permission because of their size, height, volume, location, etc. This is called 'permitted development' and specific guidelines are given in the General Permitted Development Order (the GPDO). The Use Classes Order places most types of use into classes (e.g., retail, business, etc.) and, in general, permission is required to change from one class to another. The Control of Advertisement Regulations set out what forms of advertising are exempt, what advertisements benefit from deemed consent and what requires express consent.

- 3.6 The above Statutory Instruments are regularly revised and updated by Government, but up-to-date documents can be found on the Government's Legislation website - <http://www.legislation.gov.uk>
- 3.7 For a breach of planning control to have occurred, it must first be established that development requiring planning permission has taken place. Development is a legal term and generally means building works and/or some changes of use.

(i) Building works can include the erection of a building, excavations, alterations to buildings, larger fences, and so on, although small-scale extensions or alterations to houses may not need any permission.

(ii) Changes of use can include a change from a shop to an office or a house to flats and so on. Changes of use that occur within the same Use Class Category do not require Planning permission. This might involve a change from a clothes shop to a hairdresser, or a change from a doctor's surgery to a day nursery. In addition, some changes of use from one use class to another do not require planning permission, such as from a restaurant to an estate agent, or a solicitor's office to a shop.

3.8 The enforcement process is closely regulated by legal procedures, planning legislation and guidance from the Government. This provides the framework within which the Council's planning policies and its enforcement process are applied.

#### **4. Service commitments and reporting suspected breaches of planning control**

4.1 The Planning Enforcement Team will investigate complaints relating to suspected unauthorised development and changes of use, and non-compliance with planning consents and conditions when there are reasonable grounds to do so. A certain amount of information is needed (e.g.: location, nature of activity) in order that the complaint can be registered. The use of the online reporting form is encouraged as it ensures that the complaint goes direct to the correct team and ensures that all of the information we need is provided. <https://www.southhams.gov.uk/article/3043/Report-a-Planning-Breach>

4.2 The Council encourages the reporting of suspected breaches of planning control, as development can gain immunity from enforcement action over time. It is important that any suspected breaches are reported as soon as possible in order that harmful development can be removed or the impact minimised

4.3 If the information initially provided is insufficient we will ask for additional information before investigating the breach. In all but the most exceptional (Emergency) cases, the Planning Enforcement Service is unable to investigate alleged breaches of planning control from anonymous sources. If, during the course of investigation, the contact details of the complainant are found to be false, in most circumstances, the investigation will cease.

4.4 The Council will not investigate complaints believed to be malicious or spurious or after provisional checks are found to be without basis.

4.5 In accordance with the Data Protection Act 1998, the Council will not disclose any information relating to the identity of a complainant. However, as any occupiers of land or buildings close to the breach of planning control will usually be the most affected, it is possible that an individual subject of an investigation will make their own assumptions as to who may have informed the Council.

4.6 To make the most effective use of resources all incoming enforcement cases are prioritised when registered based on information provided and an assessment of any planning history, with early site visits undertaken for deemed Emergency and High Priority cases. This will determine mainly the speed at which the cases are investigated and actioned and will be affected mainly by the assessment of the type and extent of the harm caused. There are three enforcement priorities:

**(a) Emergency** – i.e.: where irreversible harm is likely to be caused if the Council does not act immediately. For example: Ongoing unauthorised works to listed buildings; unauthorised felling/pruning of protected trees.

**(b) High Priority** – i.e.: where there is significant public concern or where there is (or is the potential for) significant harm to be caused to residential amenity in the surrounding area. For example: Breaches of planning conditions specifically identified to meet expressed public concerns, such as hours of operation; unauthorised uses/activities which are causing significant harm.

**(c) Lower Priority** – i.e.: smaller scale infringements which do not result in significant immediate or irreversible harm. For example:

Unauthorised building of walls/fences;

Unauthorised erection of satellite dishes.

Action	Priority		
	Emergency	High	Lower
Register and allocate to case officer	Immediate background/history check	Within 4 working days	Within 7 working days
Site Visit (where applicable)	As soon as possible, and certainly within 24 hours (excluding weekend and Bank/Public Holidays)	Within 5 working days	Within 20 working days from the date that the complaint was registered
Contact complainant with update on the case	As soon as possible, and certainly within 72 hours (excluding weekend and Bank/Public Holidays) from the date of the site visit	Within 10 working days from the date of the site visit	Within 30 working days from the date of the site visit
Commence formal enforcement or conclude that it is not expedient to take action or a planning application to regularise the breach is submitted	As soon as possible if irreversible harm is being done	Within 10 weeks from the date of the site visit	Within 20 weeks from the date of the site visit

4.7 Our service targets which ensure our performance can be measured are:

- Enforcement complaints received to be registered and allocated to an officer within the times as set out in the table at 4.6. Target – 100%

- Enforcement cases prioritised as emergency all of the timescales as set out in the table at 4.6. Target - 100%
- Enforcement cases prioritised as High all of the timescales as set out at 4.6. Target – 100%
- Enforcement cases prioritised as Low all of the timescales as set out at 4.6, with the exception of registration and allocation. Target – 80%.

## **5. The assessment and decision making process for planning enforcement cases**

- 5.1 Breaching planning control is not a criminal offence in most cases. For each allegation the Council will investigate the circumstances of the case and determine what, if required, would make the development acceptable and accord with planning regulations and policies.
- 5.2 For the majority of cases, a council officer will undertake a visit to the site which is subject of the allegation to establish whether a breach of planning control has taken place. To allow timely investigation and effective work-planning, the majority of site visits are made without prior arrangement. It may not be necessary for the officer to visit a complainant's property or meet with them.
- 5.3 Planning Enforcement Officers are authorised under Section 196A of the Town and Country Planning Act 1990 to enter, at any reasonable hour and when it is reasonably necessary, any land to ascertain whether there is or has been any breach of planning control.
- 5.4 If no occupier can be found at the time of visit, Officers have powers to inspect the land in their absence.
- 5.5 Officers do not have powers to force entry into any dwelling house. Where appropriate, they will leave a calling card requesting the occupier of the land to contact the Council. In the event admission to a dwelling house is reasonably required, 24 hours' notice of intended entry will be given to the occupier of the dwelling. If entry to land or buildings is refused and it is reasonably necessary to gain entry to the site, Officers may apply to the Magistrates Court for a Warrant under Section 196B of the Town and Country Planning Act 1990. This course of action will only be taken in cases where it is considered both necessary and proportionate to the alleged breach under investigation.
- 5.6 Whilst on site, officers may ask questions of any present occupiers and may take photographs or measurements. Any information gathered will be used to ascertain whether a breach of planning control has taken place. If a breach has occurred, this information will be used to assess the most appropriate course of action to resolve the matter. The site may need to be visited by different officers depending upon the nature of the case

- 5.7 Where officers can find no evidence of a breach of planning control the investigation will be closed, the relevant parties informed and no further action taken. In some circumstances the complainant may be asked to provide additional evidence to identify or substantiate the allegation, for example logs, records and diaries. Such cases will not be reinvestigated unless the complainant is able to provide more substantive evidence of the alleged breach of planning control.
- 5.8 When investigating breaches of planning control, officers must identify whether or not a breach is immune from enforcement action. With the exception of works to Listed Buildings and works to protected trees, breaches of planning control will become lawful by the passage of time. When this occurs the breach is immune from enforcement action and the Council is unable to remove or mitigate any planning harm. Immunity from enforcement action for all building and engineering operations occurs four years from the date the development was substantially completed. The four year rule also applies to any breach of planning control that involves the change of use of any building to a dwelling house. All other breaches of planning control are subject to immunity after 10 years have passed. Legislation covering Listed Buildings does not include an immunity period and action can be taken at any time, subject to expediency considerations, where it is found that unauthorised works harm its character as a building of special architectural or historic interest.
- 5.9 The general test applied is “would planning permission have been granted for the development if it had gone through a planning application process”. Non-planning considerations will not be part of this process. Issues that cannot be taken into account include:  
Breaches of restrictive covenants, Private disputes, Competition between businesses, Damage to property, Boundary or other land disputes, reduction in value of land or property.
- 5.10 The Council will initially attempt to resolve all breaches of planning control through negotiation, with the exception of breaches of planning control which could not be rectified to meet planning criteria and should be resolved as a priority. Negotiation will not be allowed to unjustifiably delay any necessary planning enforcement action. Formal planning enforcement action is discretionary and will be taken where the Council considers it to be: essential having considered the provisions of the Local Plan and to any other material planning considerations; and necessary in the public interest (unacceptably affecting public space or the existing use of land and buildings requiring protection in the public interest).

Public interest - it is not the role of the Council to protect the private interests of one party against those of another, unless these also coincide with the public interest. Nor is it the role of planning enforcement to act punitively against breaches of planning control, to punish minor or trivial breaches which do not result in demonstrable harm to the public interest. The Council will need to ensure that any responses to breaches of planning control are proportionate and have regard to the extent to which the public interest is affected by a decision to take or not to take action. Part of this assessment is the expediency test.

Expediency test: - In cases where it has been established that a breach of planning control has occurred at the initial stage, the Planning Enforcement Officer will undertake an assessment of expediency to determine which next course of action should be taken. An expediency test will usually involve the Planning Enforcement

Officer assessing: whether the breach is in accordance with the policies of the Local Plan; the breach against any other material planning considerations; whether had a planning application been submitted before the development occurred, permission would have been likely to have been granted; whether the breach unacceptably affects public amenity; whether the breach unacceptably affects any existing land, use or buildings which merit protection in the public interest; whether action would be proportionate with the breach to which it relates; whether action would be in the public interest; whether action is plainly necessary. This will be undertaken using a Harm Assessment Matrix

- 5.11 The Council has a duty to ensure proper consideration in cases where there has been previous involvement or there will likely be future involvement of the Development Management Service. Consultation with the relevant Development Management Officer will take place prior to concluding the expediency assessment to ensure consistency of decision making. This can include discussions around enforceability and reasons for conditions attached to planning decisions.
- 5.12 In cases where specialist knowledge may be required to determine the expediency of taking action, the Planning Enforcement Officer will consult the relevant department or authority prior to concluding the expediency decision.
- 5.13 Enforcement action will not be taken against a minor or technical breach which causes no harm to the local area, nor will enforcement action be taken purely to regularise breaches of planning control that have been found to be acceptable. A Harm Assessment Matrix will be used as an assessment tool to provide consistency and transparency in the decision making process. A planning application will only be invited in cases where a potential impact of the development requires to be controlled by a planning condition. In circumstances where the best reasonable course of action to deal with the harm being caused lies outside of planning controls. The planning enforcement team will refer the matter to the relevant department/team for action, as more effective and efficient outcomes can sometimes be achieved by use of powers outside the Town and Country Planning legislation, such as the Environmental Protection Act or the Highway Act.
- 5.14 The decision to take enforcement action will normally be made by the Enforcement Specialist or another Specialist in Development Management in accordance with the Council's officer scheme of delegation arrangements. Equally, decisions not to take enforcement action will be made under officer delegation arrangements and reasons for not taking action will be recorded in writing. It is in the public interest that decisions not to take enforcement action are properly recorded.
- 5.15 The Council will not allow prolonged negotiation to delay essential enforcement action. The Councils will endeavour to overcome any harm caused by unauthorised development, by negotiation wherever possible. However, the enforcement system rapidly loses credibility if unacceptable developments remain due to protracted enforcement discussions. A time limit for concluding negotiations will therefore normally be set in accordance with the priority of the case.
- 5.16 In situations where an unauthorised development may be acceptable, or made acceptable by appropriate planning conditions, a planning application will be invited so as to regularise the development. Where such an application is not forthcoming a decision of whether to take action will then need to be made.

- 5.17 Details of the planning application process can be found here:-  
<https://www.southhams.gov.uk/article/680/Planning>
- 5.18 The Council will make efficient use of the relevant investigative powers and will justify their use as required. Full use will be made of Planning Contravention Notices or section 330 notices to elicit information about alleged breaches of control where evidence is not otherwise forthcoming. Where appropriate, powers of entry on to land will be used to obtain information for enforcement purposes.
- 5.19 In carrying out its planning enforcement investigations the Council will make efficient use of HM Land Registry records and its own records. Close links are established with other Teams of the Council to improve and enhance investigations. Information relevant to enforcement investigations is held in a variety of locations. Sources outside the Council include HM Land Registry, national and local amenity groups, national bodies, (e.g.: Environment Agency, Health and Safety Executive, DVLA, Historic England). Within the Council, Housing and benefit records, electoral roll, and Council Tax records are all examples of areas where information relevant to enforcement investigations can be located.
- 5.20 The Council will comply with the provisions of the Police and Criminal Evidence Act 1984 (as amended) [PACE] when interviewing persons suspected of a criminal offence (in so far as it applies to those being interviewed by a non-police agency) and with the Criminal Procedures and Investigations Act 1996 [CPIA] and Section 222 of the Local Government Act 1972, when carrying out prosecutions. It is not a criminal offence to carry out development without first obtaining planning permission. However, it is an offence to erect unauthorised advertisements, do work to a protected tree without consent, carry out unauthorised works to a listed building, or fail to comply with an enforcement, breach of condition, planning contravention or stop notice. For a successful prosecution to take place it is essential that the provisions of PACE, CPIA and the Code of Conduct for Crown Prosecutors are followed.
- 5.21 The Council will endeavour to allocate resources to see priority actions through to the end. Once a priority investigation has been commenced, the Council will ensure that resources are made available in order to ensure that the matter is concluded satisfactorily. This will mean that lower priority cases have less resource allocated to them. From time to time, the Council will prepare supplementary policies to deal with specific areas of focus relating to breaches of planning control which may arise.
- 5.22 The Council will be clear and precise in specifying breaches and requirements. Every effort will be taken to ensure that those being regulated fully understand what action is being taken, the steps that are required to remedy the breach, and the possible implications should they fail to comply with the requirements of that action.
- 5.23 The Council will make sure the reasons for issuing an Enforcement Notice match its requirements. Only those actions necessary to remedy a breach will be included in a notice. The Council will stick to procedural time limits unless there are justifiable reasons for extensions. In certain circumstances additional time may be required in order to comply with the Council's requirements. When this is apparent, due consideration will be given to permitting such requests so long as the apparent harm to third parties can be minimised.



5.24 There is a right of Appeal against a Planning Enforcement Notice. The details of which can be found at this link: - <https://www.gov.uk/appeal-enforcement-notice>

5.25 The Council will be flexible and consider genuine solutions. Where possible, any alternative solution will be considered in order to achieve a satisfactory conclusion to a reported breach of planning control. The use of formal enforcement action will in some circumstances be as a last resort.

## **6. Planning enforcement interventions and powers available to the Council**

**We may decide to instigate formal proceedings. This could result in one or more of the actions set out below being pursued.**

6.1 Planning Contravention Notice (PCN). The main purpose of a PCN is to gather initial information so that the Council can establish whether there is a case for taking Enforcement Action. It is an offence if the recipient of the notice fails to provide the required information. If convicted of such an offence the offender would be liable on conviction to a fine currently not exceeding £2,500.

6.2 Enforcement Notice. This is the most common form of notice used to deal with unauthorised development, operations and/or uses. Before such action is embarked upon the Council must be satisfied that it is appropriate to issue the notice having regard to the nature of the unauthorised development and in the light of Government guidance. An Enforcement Notice will specify the alleged breach, the steps that must be taken to remedy the breach, and a time period in which to comply. The recipient of the notice has a right of appeal to the Secretary of State. If any person is subsequently found to be in breach of an Enforcement Notice the Authority will consider whether to prosecute. If found guilty in any court hearing that person would be liable on conviction in the Magistrates Courts to a maximum fine of £20,000.

6.3 Breach of Condition Notice (BCN). This type of notice can only be used where planning consent has been granted subject to conditions. The Council can issue a BCN to ensure full or part compliance with planning conditions. As with the Enforcement Notice a BCN would specify the breach and steps required to secure compliance with the notice. Unlike the Enforcement Notice a BCN must allow a minimum of 28 days in which to comply with the requirements. There are no rights of appeal against a BCN. If any person is found to be in breach of a valid BCN he or she shall be guilty of an offence with a maximum fine currently not exceeding £2,500 on conviction.

6.4 Stop Notice. The Council can, when appropriate to do so, serve a Stop Notice requiring activities to cease immediately. Such a notice can only follow the service of an Enforcement Notice. There are limitations on the service of this notice and additionally compensation may be payable by the Council in some circumstances if the recipient makes a successful challenge. It is used very selectively and it is not necessarily an instant solution.

6.5 Injunction. Where the Council considers a breach of planning control to be a serious and immediate risk to health and safety, or necessary in terms of expediency, it may apply to the County or High Court for an Injunction. This can be extremely expensive, but can be effective in appropriate circumstances.

6.6 Temporary Stop Notices. Where the Council consider that there has been a breach of planning control and it is necessary in order to safeguard the amenity of the area that

the activity that amounts to the breach should stop immediately, Section 171E of the Town and Country Planning Act 1990 enables the local planning authority to issue a temporary stop notice. This differs from the normal stop notice powers because the temporary stop notice does not have to wait for an enforcement notice to be issued. In addition, the effect of the temporary stop notice will be immediate, it will not have to wait three days before the temporary stop notice takes effect or give reasons why the temporary stop notice will take effect immediately.

- 6.7 Section 215 Notice. The condition of certain buildings or land often causes serious harm to the visual amenity of an area. Should the Council consider it appropriate to do so they may serve on the owner and occupier a Notice under Section 215 of the Town and Country Planning Act, 1990. Such a notice would require steps for remedying the condition of the land or buildings and specify a period of time for complying but in any event not less than 28 days. This Notice can be appealed via a magistrates' hearing. If any person is subsequently found guilty of an offence of not complying with the requirements of a 215 Notice they shall be liable on conviction to a fine currently not exceeding £2,500
- 6.8 High Hedges. If a complaint has been properly made and we decide that action should be taken to resolve the complaint, we may issue a formal notice to the person responsible for the hedge, setting out what must be done and by when. This action is under the Anti-Social Behaviour Act 2003 and is known as a remedial notice. This can include long-term maintenance of the hedge at a lower height. It cannot involve reducing the height of the hedge below 2 metres, or its removal. Although we cannot require such action, the hedge owner is free to go further than the remedial notice requires. The remedial notice becomes a charge on the property and legal obligations under such a notice pass to any subsequent owners.
- 6.9 Signs and Advertisements Where an advertisement is not lawfully displayed and causes harm to the amenity or public safety, and it is considered that express consent would not be granted, the owner/ occupier shall be requested to remove the offending sign. If the sign is not removed by agreement the Council does have the power to prosecute. If a person is found guilty of an offence under The Control of Advertisement Regulations he or she could be liable to a fine not exceeding £2,500 per advert. The Council also has the power to serve a Notice requiring the discontinuance of a lawfully displayed advertisement if it is satisfied that it is necessary to do so to remedy a substantial injury to the amenity of the locality or a danger to members of the public. Recipients of a Discontinuance Notice do have a right of appeal.
- 6.10 Prosecution. The Council will consider commencing a prosecution in the Courts against any person who has failed to comply with the requirement(s) of any of the above Notices where the date for compliance has passed and the requirements have not been complied with. The prosecution is to seek to establish that an offence has occurred.
- 6.11 In considering whether to initiate prosecution proceedings against the offender the Planning Enforcement Officer will consider the possible defences (reasons to appeal) against the prosecution proceedings as set by legislation, the Code for Prosecutors evidential test and the Code for Prosecutors public interest test. All decisions will be reviewed and agreed with a Council Legal Officer.

- 6.12 The Council's Legal Officer is responsible for taking the matter before the Magistrates or Crown Court. A notice may have to be served on more than one person to meet the terms of 'good service' for example a mortgage provider or an occupant where the landowner has also been served. The Council can at any time decide not to proceed with a prosecution.

**Evidential Test** The evidence to be presented to the Magistrates Court must be reliable and sufficient to satisfy the Council's Legal Officer (prosecutor) that there is a realistic prospect of conviction. The evidence must clearly prove that the offence has occurred and identify who is legally responsible for that breach (the defendant).

**Public Interest Test** If the case does pass the evidential stage, the Council's Legal Officer (prosecutor) must then decide whether a prosecution is needed in the public interest. They must balance factors for and against prosecution carefully and fairly. Some factors may increase the need to prosecute but others may suggest that another course of action would be better.

- 6.13 In cases where it is considered disproportionate, likely to be ineffective in resolving the breach, there is no realistic prospect of conviction, or where it is not in the public interest, the Planning Enforcement Service will not initiate prosecution proceedings. In cases where it is necessary to use witnesses not employed by the Council the witness will be advised of the possible need to attend court and will be asked to provide a written witness statement. In such circumstances, if witnesses cannot or do not provide the necessary evidence, those prosecution proceedings may not be pursued.

## 7. Key Principles, conclusion and contact details

- 7.1 This Local Enforcement Plan explains how the Council has responded to government policy on planning enforcement contained in the National Planning Policy Framework, it also sets out the procedures for delivering the Council's Planning Enforcement Service within the available resources.

- 7.2 This Plan is not part of the Statutory Local Plan, but has been agreed by the Council in line with the provisions of the NPPF. This plan and the following guiding principle will be observed and taken into account in all planning enforcement matters:

**South Hams District as a Local Planning Authority will in their consideration of and exercise of decision making in all enforcement matters have due regard to this Plan along with National Planning Policies including the NPPF, the Governments Planning Practice Guidance, the relevant policies of the Local Plan and all other relevant material planning considerations**

- 7.3 The Council will continue to seek to improve its Planning Enforcement service by regularly monitoring, reviewing and updating its policies and procedures as a matter of good practice, and consult with stakeholders to make improvements in the delivery of the service. Performance review reports will be prepared to consider service standards and performance in the context of available resources, workloads and outcomes.

- 7.4 Complaints about the service. If you are unhappy about the advice given or action taken or the level of service you have received from Development Management in relation to how it carries out its enforcement functions you can make a complaint using the Council's Complaints Procedure. Details are available on our websites.

## **Planning Enforcement Contact Details**

Our website:

<https://www.southhams.gov.uk/article/680/Planning>

Phone Number:-

**South Hams District Council: 01803 861234**

Email:- **PlanningEnforcement@swdevon.gov.uk**

## **Planning Enforcement Action Plan**

### **Action 1.**

- 1.1 Amend Enforcement Plan including introducing Harm Assessment Criteria. Facilitate a risk based decision making and expedite cases that are not expedient for action.
- 1.2 Amended Enforcement Plan to go to O&S Committees in September with delivery as soon as Council approval

### **Action 2.**

- 2.1 Instruct Planning Enforcement Officers to schedule diary time for case closures.
- 2.2 This will ensure cases are closed in a timely regular fashion. There is a tendency to put case closure as a task due to the competing demands of investigative requirements for new cases. Case closure and the associated notifications are an important part of the process and must be scheduled.
- 2.3 Deliver by end September 2019

### **Action 3.**

- 3.1 Review letter template for Breach of Condition allegations.
- 3.2 The introduction of warning letters will streamline the investigation process by giving the responsible person(s) opportunity to remedy the breach without the need for protracted negotiation.

### **Action 4.**

- 4.1 Review outgoing communication templates and website to influence expectation and limit repeat requests for updates from customers.
- 4.2 Deliver by end September 2019

### **Action 5.**

- 5.1 Recruit temporary enforcement officer to cover temporary sickness absence.
- 5.2 Deliver by September 2019.

### **Action 6.**

- 6.1 Provide Rocketbooks/mobile solution to Enforcement Officers.
- 6.2 These electronic notebooks allow notes made during site visits to be uploaded on to W360, this avoids wasted effort by double keying data into APP.
- 6.3 Deliver by end of September 2019.

### **Action 7.**

- 7.1 Quarterly Performance Review meeting with all members of the Planning Enforcement Service chaired by Head of Development Management Practice.

7.2 Deliver by October 2019.

**Action 8.**

8.1 Ward Member briefings to review all open cases and identify those of concern and prioritise accordingly together with those capable of closure.

8.2 Deliver by October 2019 and ongoing.

**Working together**



Date:

Case Ref:

Address:

Summary of Breach:

### HARM ASSESSMENT MATRIX

- All retrospective refusals of planning permission, and all clear and significant breaches of adopted development plan policy, will automatically be the subject of a full investigation – no need to complete this form for such cases.
- After the initial site visit/investigation to establish the facts of the matter, each new case will be allocated scores as set out below to assess its harm. The total will provide its harm score on which its priority will be based.
- Where no material breach of planning control is identified, the case will be closed.

Criteria	Points	Score
Degree of conflict with policy	0-3	
Highway or other public safety issue	0-3	
Degree of excess of what would be permitted development or extant planning	0-3	
Environmental/ecological harm	0-3	
Harm to amenity	0-3	
Area extent of harm None = 0 Neighbour(s) only = 1 Local = 2 Widespread = 3	0-3	
Likely to set undesirable precedent	0-3	
Breach of condition or Article 4 Direction	0-3	
Degree of harm to any conservation area or other particularly sensitive location	0-3	
Any other material considerations or exceptional circumstances (specify)	0-3	
<b>TOTAL POINTS (HARM SCORE)</b>		

Only complaints which score 5 or above will be further investigated – though this does not necessarily mean that formal action will ultimately be considered to be expedient. Those with a lesser score will not normally be pursued, but may be informed of the breach and invited to remedy/regularise it. In both cases the complainant is to be notified of our actions. The above assessment will be used as a guidance tool in the decision-making process and prioritisation of cases, but the final decision in each case remains a matter of professional planning judgement.

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Report to: **Overview & Scrutiny Panel**  
Date: **5<sup>th</sup> September 2019**  
Title: **Homelessness Strategy Action Plan 19/20**  
Portfolio Area: **Homes / Cllr H Bastone**  
  
Wards Affected: **all**

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

Date next steps can be taken: At the Executive meeting to be held on 19 September 2019

Author: **Sophie Cobbledick** Role: **Housing Specialist**

Contact: **01803 861441** email: [Sophie.cobbledick@swdevon.gov.uk](mailto:Sophie.cobbledick@swdevon.gov.uk)

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## **Recommendations:**

**That the Overview & Scrutiny Panel RECOMMEND to the Executive that the Homelessness Strategy Action Plan 2019/20 and the South Hams and West Devon Rough Sleeper Strategy 2019-22 be adopted.**

### **1. Executive summary**

- 1.1. Members will recall the adoption of the 2017-22 Homelessness Strategy. The document is attached as Appendix 1.
- 1.2. The review of the 2018/19 Action plan has been completed and surmised in appendix 2.
- 1.3. The draft 2019-20 Action plan is attached as appendix 3 and details the proposed actions for the Strategy's third year.
- 1.4. The draft South Hams and West Devon Rough Sleeper Strategy is attached as appendix 4 and will form part of the overarching Homelessness Strategy 2017-22.

## **2. Background**

- 2.1. It is a statutory requirement of the Homeless Act 2002 for each Local Authority to have a homeless strategy, which reviews homelessness and its causes locally, and the plan to tackle and prevent homelessness in their area. It is also a requirement that the Authority will consult with the public or Local Authorities, voluntary organisations or other as they consider appropriate. Whilst it is not a requirement to consult on the annual action plans it was felt that the input of partner agencies in the formation of the annual plan would be of benefit to us.
- 2.2. Following the introduction of the Homeless Reduction Act 2017 it became a statutory requirement for all Local Authorities to produce a Rough Sleeper Strategy in addition to the Homelessness Strategy requirement. Local Authorities are required to have published their Rough Sleeper Strategy before December 2019.
- 2.3. The South Hams and West Devon Joint Homelessness Strategy was adopted in 2017 and included a requirement to produce an annual Action plan and the requirement to report to Members annually on progress against the previous year's action plan.

## **3. Outcomes/outputs**

- 3.1. Members are asked to recommend to the Executive the adoption of the 2019-2020 South Hams & West Devon Homeless Strategy Action Plan.
- 3.2. Members are asked to recommend to the Executive the adoption of the 2019-22 South Hams & West Devon Rough Sleeper Strategy.
- 3.3. Officers will report back annually on progress against the Action Plan, which includes actions pertaining to the Rough Sleeper strategy, and to agree the actions for the following year.

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

- 4.1. The introduction of the Homeless Reduction Act 2017 altered the legislative framework within which Local Authorities are required to perform. The formulation of the 2018-19 Action plan took into consideration the impact of the legislative changes. The review of our 2018-19 action plan has indicated that the approach taken by South Hams and West Devon has successfully delivered against the legislation changes. The 2019-20 action plan is designed to build upon these successes. The plans to tackle and prevent homelessness, as contained in the strategy, are designed to strengthen wherever possible the effective work of early intervention.
- 4.2. The introduction of the Homeless Reduction Act 2017 included a requirement for all local authorities to have produced a Rough Sleeper Strategy by December 2019. The South Hams and West Devon Rough Sleeper Strategy is intended to form part of the established Homelessness Strategy and has been produced in the form of an appendix to the master document. The actions relating to the Rough Sleeper Strategy are included in the 2019-20 Action plan.
- 4.3. Some of the actions may require funding. It is important to note that Local Authorities still receive a prevention of homeless grant from central Government. This is likely to remain at least until 2020. We are not making any request for additional funding to deliver this strategy.

- 4.4. Members will note that our current financial advice service is contracted to Homemaker. The service offers specialist tenancy sustainment services including high level debt resolution and income maximisation services. The contract value is £40,000 over two years split equally between South Hams and West Devon. The contract is due for re tender in 2020.
- 4.5. Members will note that the work relating to raising awareness of homelessness in schools is contracted to Young Devon. The contract value is £6,700 over two years and is split evenly between South Hams and West Devon.
- 4.6. Members will note additional support provided to local authorities by the Prison Navigator roles currently hosted by Exeter City Council. The two prison Navigator roles assist those who have been identified as at risk of homelessness or rough sleeping on release to access advice and assistance to prevent this.

## 5. Proposed Way Forward

- 5.1. That Members recommend the adoption of the 2019-20 Action Plan and 2019-22 Rough Sleeper Strategy.

## 6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	It is a legal requirement of the 2002 Homeless Act to have a homeless strategy
Financial	Y	No additional funding is sought at this time.  It is important to note that Local Authorities still receive a prevention of homeless grant from central Government. As most of the Actions are designed around homeless prevention and early intervention, the larger costs of temporary accommodation and rehousing will wherever possible be negated. This by far not only offers the best service for the customer but is the most efficient in terms of the Local Authority.
Risk	Y	It is a legal requirement for all Local Authorities to produce both a homeless strategy and a rough sleeper strategy. To not publish one or other would be unlawful.
Comprehensive Impact Assessment Implications		
Equality and Diversity	Y	The public consultation on the Strategy was reflective of the local demographic.
Safeguarding	Y	As the Homeless Strategy Action Plan concerns work with very vulnerable people and one of the

		priorities is around Health and Wellbeing, the corporate safeguarding policy will underpin the work of officers who regularly work with homeless households.
Community Safety, Crime and Disorder	Y	Devon & Cornwall Police have contributed to the development of the Action Plan and will remain significant partners during the delivery of relevant actions in the action plan.
Health, Safety and Wellbeing	Y	The prime concern for the Strategy is around tackling and preventing homelessness which in turn is designed around improving the health and wellbeing of people living in the area.
Other implications		

### **Supporting Information**

#### **Appendices:**

Appendix 1 Homeless Strategy 2017-2022

Appendix 2 Review of 2018-19 Action plan

Appendix 3 Draft South Hams & West Devon Homelessness Strategy Action Plan 2019/20

Appendix 4 Draft South Hams and West Devon Rough Sleeper Strategy 2019-22

#### **Background Papers:**

**None**

# South Hams & West Devon Homelessness Strategy





# Foreword

## Cllr Lois Samuel

**Lead Member for Health & Wellbeing, West Devon Borough Council**



I am proud to introduce the first Joint Homelessness Strategy for South Hams and West Devon.

The aims and objectives we have set in this strategy build on the progress we have made in the past five years of preventing homelessness in West Devon for 1060 households.

In a predominantly rural area such as West Devon, homelessness can easily go undetected. However, it is a very real problem for many of our residents, who face the challenge of poor quality housing, lack of affordable housing or problems with their own health, which means general needs housing is not always appropriate.

We recognise the complexities and challenges that many of our most vulnerable people face when dealing with homelessness. The four priorities set out by this strategy will ensure West Devon Borough Council, together with South Hams District Council, can help people overcome these difficulties enabling them to lead lives where they have the opportunity to reach their full potential.

## Cllr Hilary Bastone

**Portfolio Holder for Customer First, South Hams District Council**



This strategy represents a continuation of the partnership working between South Hams District Council and West Devon Borough Council and sets out our ambition to further tackle homelessness in our areas.

Since 2012, 1169 households have had their homelessness prevented in South Hams due to interventions put in place by the District Council. This strategy further cements our commitment to homeless prevention and sets some ambitious actions as to how we will do this.

Lack of social housing, high costs of the private rented sector and lack of supported accommodation make the South Hams a challenging place for anyone experiencing homelessness. Working in partnership with West Devon has allowed shared learning and opportunity for best practice, which in turn improves the service we are able to offer people.

Homelessness can happen to anyone, at any time and through this strategy we aim to ensure that people are given the access to help when they need it, where they need it and for as long as they need it.

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# Introduction



The Homelessness Act 2002 places a duty on local authorities to review homelessness, and the influencing factors that cause homelessness, and to develop a strategy which addresses the findings of the review.

The Homelessness Strategy is required to:

- ◆ Address the levels of homelessness now, and the factors likely to impact on future levels of homelessness, through accurate profiling of the area
- ◆ Ensure that there is sufficient accommodation available for people who are, or may become, homeless
- ◆ Provide services that help to prevent people from becoming homeless. This will include a review of their effectiveness and the identification of new opportunities to support prevention of homelessness
- ◆ Ensure that through effective partnership, working support services can be accessed for those people who are, or who may become, homeless – or who need support to prevent them from becoming homeless again
- ◆ Promote a cultural change so that homelessness is viewed in a wider context than just lack of accommodation

This Homelessness Strategy sets out the strategic aims for South Hams District Council and the Borough of West Devon. Central to this strategy is the belief that people should have settled homes, which will enable them to build settled lives. The overarching aim of this strategy is to prevent homelessness. It is hoped that this will be achieved by building on our already successful prevention focussed model, and by increasing our focus on the single homeless and housing for the under 35's.

The 2017-2022 strategy has been designed to address the changes in national policy; reductions in public spending; changing demography in the area; the impact of the government's 2013 Welfare Reform Act and the Localism Act 2012 on local people.

With Council spending power continuing to decline, South Hams and West Devon have radicalised their approach to service delivery across both Councils. It is central to the success of this strategy that the opportunities presented to us, as part of our new ways of working, are maximised, and that high quality processes are put in place. This will ensure that every contact made will count, in our drive to improve the quality of lives and homes within our communities.

This strategy details our commitment to provide straightforward and effective advice and assistance to those affected by homelessness. The varying factors which contribute to homelessness and to housing instability are complex and interlinked. People facing homelessness are often vulnerable; they may be experiencing, for example, poor health, loss of income and/or relationship breakdown. The importance of effective partnerships, with both statutory and voluntary sector organisations, is recognised as essential in ensuring a holistic approach toward homelessness, with the aim of achieving the best possible outcome for those affected.

The previous South Hams Homeless Strategy covered the period 2008 -2013, whilst in West Devon this was incorporated within a wider housing strategy series which ceased in 2010. Latterly objectives relating to tackling homelessness have formed part of the South Hams and West Devon joint Council-wide Connect strategy 2011-15.

We will continue to review progress around these previous strategies but, as we face the challenges of the future, we will primarily be looking ahead to the opportunities that joint working can offer. A full review of this strategy can be expected in 2022, complemented by an annual refresh of the action plan and progress made to date.

In the last five years, over a thousand households have been prevented from becoming homeless in both West Devon and South Hams. We are keen to continue this good work and believe this strategy sets out our plan to achieve this, while seeking to address the reduction in resources and the impact of welfare reforms.

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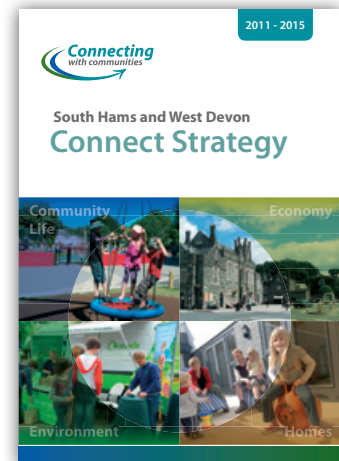
# Progress to Date

The last adopted document setting out the Councils' commitment to tackling homelessness formed part of the Joint Connect Strategy 2011-2015.

The priorities were to:

- ◆ Improve housing options and choices for vulnerable people
- ◆ Ensure Devon Home Choice is able to meet local housing needs within the new policy framework
- ◆ Prevent homelessness
- ◆ Raise awareness of housing options

These four priority areas were complemented each year with a delivery plan as to how these would be achieved.



## Improving Housing Options and choice for vulnerable people

- ◆ Our Money Advice Project assisted 241 people in 2015 across South Hams and West Devon and brought an additional £121,743.65 in previously unclaimed benefits and other entitlements. This enabled people who had struggled to pay their rent and day-to-day bills with the means by which to do so.
- ◆ No Second Night Out has seen 75 people accommodated in South Hams and 33 in West Devon, since we launched this initiative in 2013. This has enabled us to minimise rough sleeping in our area and prevented people, new to the streets, becoming entrenched in the street lifestyle.
- ◆ We have assisted Revival Life in the provision of an emergency cold weather rest centre in Totnes. This ensures that on the coldest and most inclement nights of the winter, no-one needs to sleep on the streets.
- ◆ We have increased our in-house letting agency to 47 properties in South Hams and have been able to prevent homelessness, while increasing the supply of good quality, affordable, private rented accommodation.
- ◆ We have completed sanctuary scheme security upgrades to 20 properties in South Hams and 9 properties in West Devon, to ensure survivors of domestic violence could remain in their own home.
- ◆ Jointly with Devon County Council and other Devon Districts, we have developed a young person's homeless protocol to ensure that the needs of young people are best met. By focusing on early intervention work, this has contributed to low numbers of youth homelessness and young people being taken into care.

## Ensuring Devon Home Choice is able to meet the local housing needs within the new policy framework

- ◆ In 2015/16 207 general needs properties were let through Devon Home Choice in South Hams. An additional 36 were let to people requiring sheltered accommodation. In West Devon, there were 136 general needs homes and 31 sheltered properties.
- ◆ Of this figure, 7 new tenants had been previously homeless or threatened with homelessness in South Hams and 37 in West Devon
- ◆ Both Councils further underpinned the need to address local needs, in rural areas with less than 100 units of affordable housing, by prioritising people with a local connection through our allocations policy.

## Preventing Homelessness

- ◆ Since 2012/13, 1169 households have avoided homelessness in South Hams and 1060 in West Devon.
- ◆ Since 2011, no families have been placed in Bed and Breakfast accommodation for longer than 6 weeks in either West Devon or South Hams
- ◆ By working proactively with the County Council, we have been able to offer bespoke advice on options for young people. Until recently, this was delivered by a dedicated, in-house, Young Person's worker.

## Raising Awareness of Housing Options

- ◆ We have established a multi-agency Health and Wellbeing Panel to discuss individual cases, and to ensure the best solution to their housing crisis.
- ◆ A successful advertising campaign, with detailed information, was targeted to people affected by welfare reform. Everyone affected by the spare room subsidy rate was offered an appointment with a Housing Advisor.
- ◆ Trained Housing Advisors have been in regular attendance at Council Connect events, to raise awareness of options and the importance of early intervention.



# The Strategic Context

## The Legal Framework

### The Housing Act 1996

Part 7 of the 1996 Housing Act is still the overarching piece of legislation used by councils in determining the way in which they respond to homelessness. The Act has since been amended by the Homelessness Act 2002, which has included notable changes in the way Councils use temporary accommodation, with greater emphasis on the role of prevention. The 2002 Act is also where the requirement to publish a Homelessness Strategy was introduced.

### The Localism Act 2011

This Act, in effect, brought an end to the automatic entitlement of a homeless household to be offered a social housing tenancy following the acceptance of a full homeless duty under the 1996 Housing Act.

### The Care Act 2014

The Care Act set a strong expectation that agencies would work together to protect children, young adults and people with care and support needs, who were at risk of abuse and neglect, and who, due to those care and support needs, were unable to protect themselves from the risk or experience of abuse and neglect.

### Housing and Communities Act

This new Act of Parliament makes widespread changes to housing policy.

#### It introduces legislation to allow:

- ◆ The building of 200,000 starter homes which will be available to first time buyers, between the ages of 23 and 40, for sale at 20% below market prices.
- ◆ The extension of the right to buy, to include housing association properties.
- ◆ The Act also includes a package of measures to help tackle rogue landlords in the private rented sector.

This includes:

- Allowing local authorities to apply for a banning order to prevent a particular landlord / letting agent from continuing to operate when they have committed certain housing offences
- Creating a national database of rogue landlords/letting agents, which will be maintained by local authorities
- Allowing tenants or local authorities to apply for a rent repayment order, where a landlord has committed certain offences (for example ignoring an improvement notice). If successful, the tenant or the authority may be repaid up to a maximum of 12 month's rent.

## National Policy

In 2011 The Government produced a report 'Laying the Foundations: A Housing Strategy for England' that identified homelessness as a key priority. Two reports were produced by a Ministerial Working Group on homelessness in 2011 and 2012. Eight government departments including Health, Work and Training, as well as Housing, were brought together with local authority and voluntary sector partners, to consider ways to end rough sleeping (No Second Night Out 2011). In 2012, the second report built on the progress of the first and focused on ways in which services could jointly prevent, wherever possible, a household reaching a homelessness crisis point. (Making Every Contact Count 2012.)

### **No Second Night Out – A vision to end Rough Sleeping July 2011**

Piloted in London, No Second Night Out was rolled out nationally to assist in helping homeless people, through the creation of a 'single service offer'. Its purpose was to ensure that everyone would have access to some form of help.

This, in some cases, involved a reconnection to a place where a person had a local connection, or working with other providers to find a solution to rough sleeping. It was designed to address the needs of deep-rooted rough sleepers, often the hardest to engage with. It was also intended to stem the flow of new rough sleepers, by offering a safety net before they themselves became rooted in a street lifestyle.

Funding was available for a short period of time and there were some local successes. However, this initiative has had little impact on our rough sleeper figures locally, although it was successful in achieving steady numbers rather than an increase.

### **Making Every Contact Count – A joint approach to preventing homelessness August 2012**

The aim of Making Every Contact Count was to ensure, wherever possible, that any contact with any local agency, by vulnerable families and individuals, was seen as effective and meaningful.

The report posed 10 Local Challenges to Local Authorities and both South Hams and West Devon pledged their commitment to these. While acknowledging there is, already, good progress under these challenges, the Joint Homelessness Strategy will build on this and ensure that they remain key to our continuing commitment to prevent homelessness.

#### **The 10 Local Challenges are to:**

- ◆ Adopt a Corporate Commitment to prevent homelessness, which has buy-in across all local authority services
- ◆ Actively work in partnership with the voluntary sector and other local partners to address support, education, employment and training needs
- ◆ Offer a Housing Option Prevention Service, including written advice, to all clients
- ◆ Adopt a No Second Night Out model or an effective local alternative

- ◆ Have Housing Pathways agreed, or in development, with each key partner and client group that includes appropriate accommodation and support
- ◆ Develop a suitable private rented sector offer for all client groups, including advice and support to both clients and landlords
- ◆ Actively engage in preventing mortgage repossessions including through the Mortgage Rescue Scheme
- ◆ Have a homelessness strategy, which sets out a proactive approach to preventing homelessness that is reviewed annually, so that it is responsive to emerging needs
- ◆ Not place any young person aged 16 or 17 in bed and breakfast accommodation
- ◆ Not place any families in bed and breakfast accommodation, unless in an emergency, and then for no longer than 6 weeks

## The Community House Building Fund

The Community House Building Fund was announced at the end of last year. This is a fund of £60 million pounds nationwide, with £20 million being directed to the South West. The South Hams was granted £1.8 million to assist with the development of community led housing schemes. The first half of this money has been paid to the local authority and the remainder will be paid once the government has approved our spending plans.

The properties delivered through this fund or any community led scheme should be affordable for people to rent or buy in perpetuity and meet the local needs. A plan is being formulated at present as to how to spend this fund. If the government approve of the ways in which we will spend this money, it is hoped that the South Hams will be eligible for future funding over the next four years.

The white paper which has just been published references this fund when working with Local Communities.

## Regional Picture

### Devon County Council

Devon County Council has invested £2.5 million in countywide homeless prevention contracts. These provide a total of 3,300 support hours per week, through ten independent support providers to, on average, 450 people,.

South Hams and West Devon have been placed in a locality based 'Southern Hub' together with Teignbridge District Council. The Southern Hub receives 15% of the total support hours for Devon.

Due to a lack of supported accommodation in both South Hams and West Devon, assistance is provided through 'floating support' rather than linked to where an individual is living. While this has its benefits, some high needs groups, such as those experiencing problems relating to substance misuse, mental health, offending behaviour or deep-rooted rough sleeping, remain challenging to accommodate in general needs accommodation.

## Devon and Cornwall Housing Options Partnership

All ten Devon and Cornwall Authorities are committed to working together to improve the consistency and quality of housing options and advice services across the two counties. Held up nationally as an example of good partnership working, the partnership has enabled shared policy and practice development, while also yielding opportunities for Government funding in the form of grants for rough sleeping, debt advice, youth homelessness and working with the private sector.

## Local Policy

### Tenancy Strategy South Hams and West Devon

The Localism Act 2011 places a duty on all local authorities to produce a Tenancy Strategy that sits alongside its Housing Strategy and Allocations Policy. The strategy is required to set out what Registered Providers of Social Housing should take into consideration when making decisions about their individual tenancy policies. As the Council no longer has any housing stock, this strategy outlines how we expect Registered Providers, with affordable housing in the area, to respond to the relevant changes introduced by the Act.

#### In accordance with the Localism Act, this strategy sets out:

- ◆ The kind of tenancies Providers should offer
- ◆ The circumstances in which Providers should grant a tenancy of a particular kind
- ◆ Where the tenancy is for a fixed term, the recommended length of the term
- ◆ Circumstances in which the Provider should grant a further tenancy, on the ending of the existing tenancy

### Our Plan

Our Plan identifies the corporate priorities of the Councils, and is reflected in the emerging spatial policies within the Plymouth and South West Devon Joint Local Plan (JLP).

The challenges of ensuring equitable access to good quality housing are well known in rural areas. The JLP will include policies that seek to deliver an appropriate mix and type of new housing, in locations that are well connected to established services and facilities, and at prices that cater for all incomes. The JLP will have strategic objectives that seek to: improve access to housing; reduce the affordability gap; reduce health inequalities related to housing; reduce fuel poverty and positively responding to identified housing needs.

### South Hams and West Devon Joint Asset Strategy

The Council's adopted asset strategy identifies the delivery of a limited number of residential properties in the medium term, as determined by the following actions and data:

- ◆ Gather intelligence on housing need using; members, parishes and communities, supported by official data, in order to prioritise residential development by the Council
- ◆ To commence a limited programme of housing development on existing council land, that is appropriate to the site, (i.e. both open market and affordable) using a strategy of re-investment based on a mixture of rental and disposal.



# The Review

## The Local Picture

- As of 30 September 2016, there were 43,239 dwellings in South Hams and 25,403 in West Devon. Of the number in South Hams, 3,878 are second homes, 470 are empty, with an additional 54 empty for 2 years or more, and 127 are uninhabitable. In West Devon there are 534 second homes, 295 empty properties, a further 37 empty for 2 years, and 52 properties that are uninhabitable. (Source - Council Tax Base, 14th October 2016)
- In the year 2015/16, the number of affordable homes in South Hams was 4659, and in West Devon this was 2350 (this includes 50 units of extra care accommodation). In this same year, 60 affordable homes were built in South Hams and 32 in West Devon.
- The proportion of minority ethnic groups living in South Hams equates to 1.7% of the population and 1.6% in West Devon (Source 2011 Census). With regard to homeless applications, as a percentage 5.3% were made in SH by minority groups and 1.6% in WD.
- Average house price in South Hams is £331,625 – land registry and the average house price in West Devon is £239,160 (Source - Land Registry)
- Of the 204 households who had their homelessness prevented by South Hams District Council in 2015/16, 68 related to rent arrears or reasons of unaffordability. In West Devon, of the 282 cases of homelessness the Council was able to prevent, 65 of those households also approached for reasons of rent arrears or unaffordability. This has followed the same trend in South Hams since 2012/13, while in West Devon there has been less consistency, with relationship breakdown, parental/family eviction and private sector tenancies ending with notice, all being in high proportions.
- In 2015/16, 26 households approached South Hams as homeless, of which 11 had the full homeless duty accepted, while in West Devon, 58 applications were made and 17 of these were accepted.
- Of those accepted as homeless in South Hams, 82% were households with children or expectant mothers and 18% were single vulnerable adults. In West Devon, 53% of accepted households had dependent children or an expectant mother, with 47% single vulnerable adults.
- As of 31 March 2016, there were 7 households in temporary accommodation in South Hams and 11 in West Devon. This was a slight increase on the same date in 2015.
- The number of properties let through Devon Home Choice in 2015/16 was 243 in South Hams and 167 in West Devon. Of this, seven were allocated to people to prevent them becoming homeless, or where the Council had accepted a homelessness duty, to rehouse them in South Hams, while in West Devon this figure was 37.
- In South Hams the rough sleeper estimate for 2015 was nine - an increase of one on the previous year and in West Devon this figure was zero, a reduction of two on the previous year's figure.

# How the Strategy was developed



Homelessness is a key issue within three of our identified corporate priorities – Homes, Communities and Wellbeing.

This strategy has been developed through a Joint Member Task and Finish Group, who have worked together to consider the progress we have made in tackling homelessness, within our areas, and the key challenges we have to come. The Group have been instrumental in setting the priorities for this Strategy and the formulation of the Year One Action Plan, informed by the evidence base.

Throughout the process of the review, we have looked carefully at the people who currently access our services. This strategy does not seek to create a specific service plan to address the needs of each vulnerable group. We have successful existing services developed in partnership that we will continue to improve. However, the Strategy and Action Plan reflects gaps in services or additional services we wish to offer which will improve how we tackle homelessness in our area.

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The original Task and Finish group was made up of the following members. A Member group focused on the delivery of this strategy will continue to meet to review progress on the Action Plan.

Member	Council
Cllr Brown	South Hams
Cllr Cuthbert	South Hams
Cllr Green	South Hams
Cllr Hawkins	South Hams
Cllr Leech	West Devon
Cllr Samuel	West Devon
Cllr Yelland	West Devon

The Strategy went out to public consultation from the 13th December 2016 to the 13th February 2017. The Consultation sought the views from both partner organisations and the public.

We used the following methods of consultation:

- ◆ Online survey
- ◆ Press releases
- ◆ Outreach events at Okehampton, Tavistock, Totnes, Dartmouth, Lee Mill & Kingsbridge at high footfall sites.
- ◆ One to one sessions with rough sleepers at Burke Road Drop-in
- ◆ Emails to Partner organisations (both voluntary and statutory), all Town & Parish Councils, other Devon Authorities and all partner landlords
- ◆ All elected members.

# The Key Priorities for the Homelessness Strategy

The review of homelessness in South Hams and West Devon has identified four key priorities to reduce and prevent homelessness. These form the basis of this strategy and the annual Action Plan. These are:



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There is overlap and a proven relationship between these areas. However, in order to continue to build on the solid track record of preventing homelessness in South Hams and West Devon, it is necessary to start to tackle some of the root causes of homelessness, in order to make meaningful differences not only to a person's homeless situation, but the reasons why they arrived there in the first place. By continuing to be pro-active and work alongside our partners, we stand the best chance of reducing homelessness and improving people's chances in life.

This strategy comes at a very challenging time for all local authorities, as continuing budget pressures mean some tough choices on how best to target reduced resources in the most meaningful way. With this in mind, we have formulated an action plan which, we consider, is both realistic and achievable while recognising our changing position.



## Priority 1: Understanding the true cost of homelessness

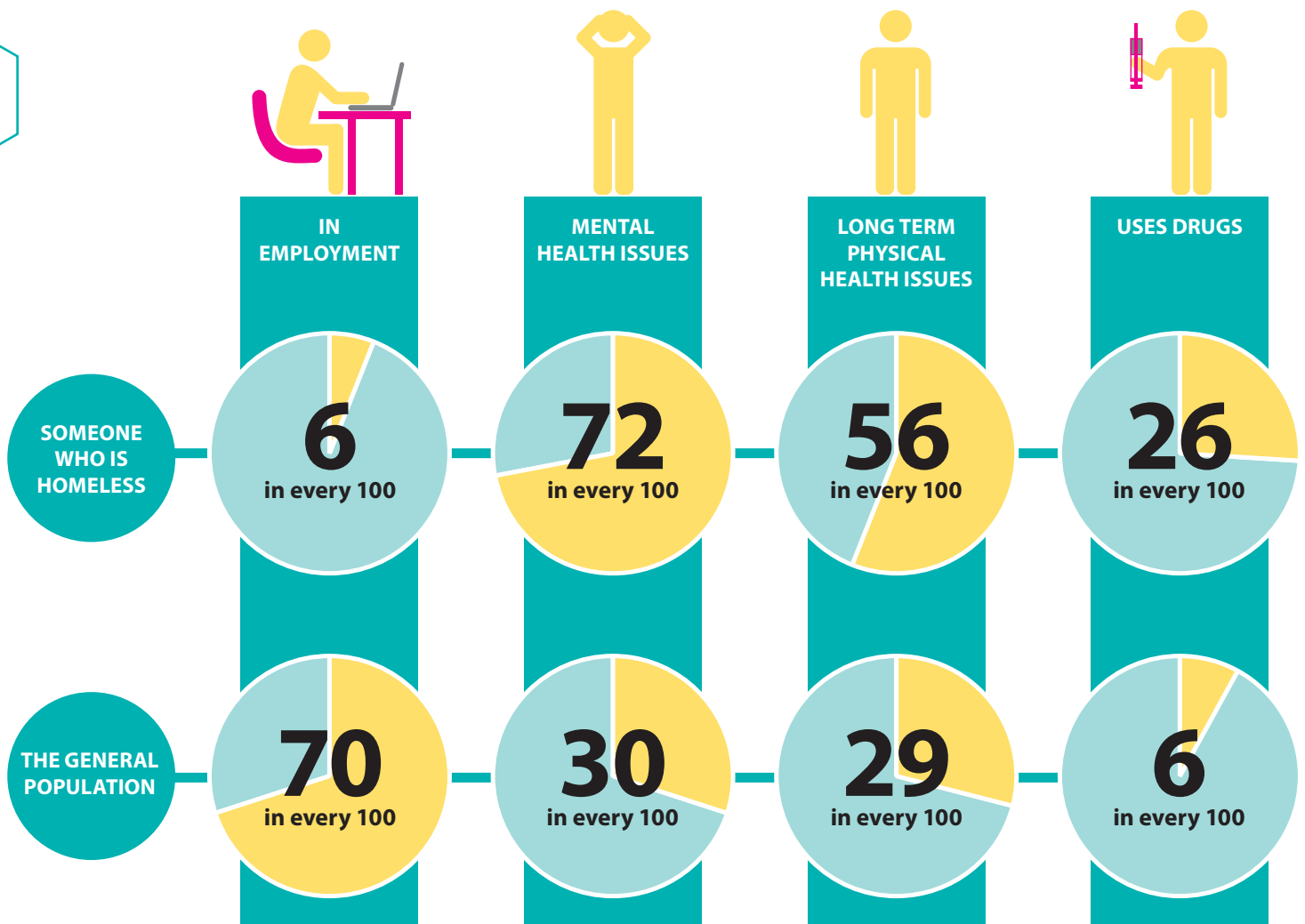
*Not having a home can make it harder for individuals to find a job, stay healthy and maintain relationships. (Homeless Link)*

The review highlighted a need to create a solid evidence base, about the true cost of homelessness and how its long term impact can be measured more fully. Our findings were informed by data from all statutory and voluntary agencies and localised to South Hams and West Devon.

### To meet this priority we will:

- Ensure we establish a solid evidence base which informs practice across all sectors and clearly illustrates the true cost of homelessness in South Hams and West Devon.
- Monitor the impact of welfare reform, and ensure that this informs future strategic priorities
- Recognise the continuing pressures on the Councils' budgets and how best to target resources in the most meaningful way
- Ensure partnerships with other agencies demonstrate value for money
- Ensure access to good quality financial advice to help tackle poverty, poor quality housing and homelessness

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## Priority 2: Access to Services

While we recognise the importance of face-to-face interaction in building rapport, trust and confidence, we also recognise that, increasingly, people who are able to resolve their own housing issues would like to access services in a different way. We would like to ensure that people who are able to resolve their own situation are given access to good quality advice, so that they have every opportunity to remedy their situation, independently.

Of course, the very nature of homelessness means a large proportion of the people requiring housing advice and homeless services will be vulnerable. Disclosures they may need to make to staff are often upsetting and traumatic and some, as a result, choose not to make contact, or do so, too late. Through improving partnership working, we have a real opportunity to make a difference to the lives of people who have struggled to engage with the Council in the past.

In addition to external partnership working, the Council has been through a significant service transformation project, which has been successful in breaking down artificial departmental barriers and restraints. It is because of this, that we are in a position to design a multi-service approach, based on the needs of the customer. This will strip out duplication and inefficiencies, while at the same time collectively offering people the services they need, at a time and place they need them most, without the need to repeat the details of, what is often, a distressing course of events.

### To meet this priority we will:

- Offer advice and assistance in a range of formats, so the customer can choose how they communicate with their Council
- Ensure our most vulnerable customers are able to access advice services effectively
- Work with partners to ensure that we are able to offer services at the time and place our customers need them most
- Readily and regularly consult with our customers and stakeholders to make sure we get our services right



## Priority 3: Access to Housing

The review highlighted the need to improve the supply and quality of affordable accommodation, with the largest number of people needing assistance with homelessness and housing advice, doing so for reasons of unaffordability. Changes to the benefit system, brought about by welfare reform, have had a significant effect on the lives of homeless people in South Hams and West Devon. To ensure we tackle these challenges, it is important to look at wider housing solutions in order to continue to meet needs, while also looking to the future in order to prepare for the further challenges which welfare reform will bring.

The need to 'do things differently' can be compounded in the South Hams by our rough sleeper count. Although a very small proportion of the people requiring assistance because of homelessness become rough sleepers, there is a small population in Totnes where we recognise that access to traditional housing is a step too far. There needs to be an acceptance of offering help in a new way to maximise opportunities for people who have disengaged from traditional society.

The review also highlighted how successful the South Hams in-house social letting agent had been at preventing homelessness, in an area of high demand and high costs. As of the 30 September 2016, there were 47 properties managed by the Council. This has prevented scores of families from requiring temporary accommodation and we are keen to expand the model in South Hams to take on single person's accommodation and extend the scope of the scheme into West Devon.

### To meet this priority we will:

- Increase the supply, standard and options for people who face homelessness within our area
- Develop innovative options for our Rough Sleeper Community
- Continue the downward use of temporary accommodation for homeless households

## Priority 4: Health and Wellbeing

South Hams and West Devon both recognise the importance of wellbeing for people living in our communities, and as a result, it is one of our key corporate priorities. Tackling homelessness takes more than just the provision of a house, if we are to maximise the opportunities for our most vulnerable residents.

The health inequalities of homeless people can be evidenced in a national health audit undertaken in 2014 by Homeless Link and The Department of Health. This showed that 41% of homeless people reported a long-term physical health problem (compared to just 28% of the general population) and 45% had been diagnosed with a mental health problem (compared with 25% of the general population) (Source – The Unhealthy State of Homelessness: Health Audit Results 2014)

Often, poor health, addictions and unhealthy lifestyles mean that people are unable to secure, and maintain, accommodation for themselves or their families. We recognise our supporting role as a protector of public health and the importance of working, in partnership, to effectively meet and support the needs of vulnerable people in South Hams and West Devon.

### To meet this priority we will:

- Work in partnership with our voluntary and statutory sectors to holistically address people's needs as fully as possible.
- Ensure we adequately protect and safeguard the most vulnerable members of our community
- Enable early help, to avoid crisis and tackle homelessness at its root cause.

# How the Homeless strategy and Delivery Plan will be monitored

The life of this homeless strategy is intended to be five years.

Annually we will publish our progress to date and a refreshed Action Plan.

The delivery of the Action Plan will rely on the resources of both Councils and their partners, working together to achieve positive outcomes, for people in South Hams and West Devon.

It is proposed that the established Task and Finish Group, will continue as a Homelessness Steering Group to monitor progress against the priorities and the formulation of Years 2-5 of the Action Plan for this strategy. This will ensure an ongoing conversation, to keep the strategy relevant and ensuring that local people continue to have a voice through their elected representative.





*Working together*



**South Hams**  
District Council



**West Devon**  
Borough  
Council



## **Appendix 1**

### **Background**

The Homelessness Act 2002 places a duty on local authorities to review homelessness, and the influencing factors that cause homelessness, and to develop a strategy which addresses the findings of the review.

Our 2017-2022 Homelessness Strategy for South Hams and West Devon has been designed to address changes in national policy, reductions in government spending, changes in demography in the area and the impact of the 2013 Welfare reform Bill, 2012 localism Bill and 2017 Homeless Reduction Act.

### **The Key Priorities for the Homelessness Strategy**

The review of homelessness in South Hams and West Devon identified four key priorities to reduce and prevent homelessness. These are:

- Understanding the True Cost of Homelessness
- Access to Housing
- Access to Services
- Health and Wellbeing

These four key priorities form the basis of the strategy and the annual Action Plan. Our 2019-20 Action plan has been developed following a review of the progress made to date on our existing 2018-19 Action plan.

### **Progress to date**

Following the review of the 2018/19 Action Plan we are pleased to be able to confirm that good progress has been made on the actions for the year.

### **Review of 18/19 Action Plan**

Understanding the True Cost of Homelessness

- In the year 2018-19 520 Households were prevented from becoming homeless in South Hams and 410 in West Devon.
- Our Money Advice Contract assisted 78 households across South Hams and West Devon in the financial year 2018/19 and brought in excess of £89,000 in previously unclaimed benefits and other entitlements.
- Our tenancy support service has worked with 115 South Hams households and 60 West Devon households. 30 Households were supported to maintain their existing accommodation as a result of this support.

- The introduction of the Homeless Reduction Act 2017 included a Legal Duty for certain partner agencies to refer those threatened with homelessness into the service. Training delivered to multiple partner agencies to ensure these new duties are understood and that the duty to refer process is embedded in partner agency service delivery.
- Training delivered to partner agencies in using an online referral service as part of the referral process. 259 online referrals received by partner agencies using this option.
- Housing specialist co-location in Children's services enabled effective training delivery to staff in the Multi Agency Safeguarding Hub and facilitated improved joint working.
- Online self-referral and communication portal established to enable customers to access housing related support online.
  - Portal established in September 2018 with regular referrals now being received in this manner. A reporting process is being developed by the software provider to ensure the numbers of online self-referrals can be being captured.
- All localities staff trained to support customers with claims for Housing Benefit and Devon Home Choice applications.
- Supported Children's Services in the design of a new role; Housing Specialist Early Help Officer and supported the effective recruitment of four new members of staff to further facilitate effective joint working between housing and Early Help services.
- 15 cases co worked with Early Help
- Co location opportunities with support service providers currently being explored.

#### Access to Housing

- Seamoor lettings scheme launched in West Devon
- 2 properties taken on in 2018/19 to the scheme in WD and 3 in SH's
- Working under the Vulnerable Customer Charter ethos we have created a shared accommodation property for young people threatened with homelessness in partnership with Young Devon.
- Research undertaken on best practice options for Landlord engagement which may be more effective than the traditional landlord forum approach. A biannual landlord information bulletin is due for launch in 2019.
- Rough sleeper count remained static in South Hams and West Devon
- 12 rough sleepers supported into long term housing.

## Health and Wellbeing

- Homelessness prevention sessions successfully delivered in Dartmouth, Kingsbridge and Okehampton colleges. Ongoing efforts are being made to book dates in for the next academic year with other schools across the area.
- South Hams & West Devon established a partner agency working group alongside Teignbridge District Council which successfully applied for and recently received funding to enable to development of a bespoke multi agency hub and recruitment of specialist staff to address the needs of rough sleepers across all three districts.
- Online safeguarding reporting process designed and accessed through our intranet. Process launched council wide and training provided to all staff.
- 38 grants issued in West Devon and 20 in South Hams to meet the cost of home energy efficiently improvements through the EcoFlex scheme; resulting in homes which are warmer and healthier.
- Vulnerable customer charter written and embedded in our internal working practices. Successful projects in progress and further opportunities to identify multi agency projects to address local needs are being discussed.

**Actions to be rolled over as incomplete:** None

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## Homelessness Strategy Action Plan 2019-20

### Understanding the True cost of homelessness

- Ensure there is a solid evidence base which informs, across all sectors, the true cost of homelessness in South Hams & West Devon.
- Monitor the impact of welfare reform, to inform future strategic priorities
- Recognise the continuing pressures on Council's budgets and how best to target resources in the most meaningful way, ensuring partnerships with other agencies demonstrate value for money.
- Ensure access to good quality money advice, to help tackle poverty, poor quality housing and homelessness

HSU1	Continue to monitor the current service delivery of Money advice contract – identify trends to ensure resources are targets appropriately.	Effective targeting of support	<u>ongoing</u>
HSU2	Improve communication and information sharing with landlords both in the private rented and social housing sector on support available to tenants impacted on by welfare reform. To enable early identification and intervention.	Reduction in the number of households evicted from private rented accommodation Reduction in repeat service users	<u>Ongoing throughout the life of this strategy</u>
HSU3	Evaluate and quantify the current cost of RIA provision to those accessing <b>social</b> housing to ensure best use of LA funding for homeless prevention.	Effective targeting of support and reduction of cost to LA	
HSU4	Continue downward trend in use of nightly paid emergency housing and over all temp length of stays - 15% reduction in cost to the LA	Effective targeting of support and reduction of cost to LA	
HSU5	Maintain the current low levels of rent arrears for tenants of the SeaMoor lettings scheme through the appropriate targeting of support.		

### Access to services

- Offer advice and assistance in a range of formats, so the customer can choose how they communicate with their Council
- Ensure our most vulnerable customers are able to access advice services effectively
- Work with partners to ensure that we are able to offer services at the time and place our customers need them most
- Ensure we are readily and regularly consulting with our customers and stakeholders to make sure we get our services right.

HSS1	Improve awareness of services on offer to other professionals to maximise the number of appropriate referrals into the service and opportunities for joint working.	Increased early intervention and homeless prevention work	
HSS2	Creation of a dedicated landlord inquiry email contact to offer rapid solution focussed advice to landlords experiencing issues with their tenancies.	Increased early intervention and homeless prevention	Sept 2019
HSS3	Continue delivery of our Homelessness Forum to ensure ongoing dialogue with partner agencies and to ensure Housing Options Services reflect a holistic approach to customers with complex needs.	Increased early intervention and homeless prevention work	ongoing throughout the life of this strategy
HSS4	Produce a bi annual landlord bulletin enabling landlords to sign up to receive legislative updates which may impact on their lettings, reflect any FAQ's raised through the inquiry line and offer guidance on legal matters.	Reduction in the number of households evicted from private rented accommodation	Sept 2019
HSS5	Build on the delivery of services in schools to increase early intervention opportunities with young people and partnership working with Early help services	Increased early intervention reduction in Youth Homelessness	

## **Access to Housing**

- Increase the supply, standard and options for people who face homelessness within our area
- Develop innovative options for our Rough Sleeper Community
- Continue the downward use of temporary accommodation for homeless households.

<u>HS1</u>	Evaluate current temporary accommodation provision and available assets to ensure best use of housing stock to improve quality, cost and availability of emergency housing.	Reduction in cost of temporary accommodation	<u>April 19</u>
<u>HS2</u>	Work with Housing Associations to encourage sign up to the 'Home's For Cathy' commitments	Improve HA's commitment to working in partnership to reduce homelessness.	<u>Sept 19</u>
<u>HS3</u>	Develop appropriate monitoring methods to accurately identify barriers to accessing housing for those in high housing need and to predict future trends and needs.	Reduction of those in high housing need on housing register	
<u>HS4</u>	Work with HA's to develop a light touch housing first model providing high level support to facilitate tenancy sustainment.	Reduction in Rough Sleeper estimated count	
<u>HS5</u>	Continue to build the SeaMoor property portfolio to increase access to the private rented sector for those on mid to low incomes.	Increase in new properties under the a management of SeaMoor Lettings	
<u>HS6</u>	Appropriately target support to those in temporary accommodation to enable faster identification of suitable private rented and social housing options.	Reduction in the cost of temporary accommodation	

## **Health & Wellbeing**

- Work in partnership with our voluntary & statutory sectors to holistically address people's needs, as fully as possible.
- Ensure that we adequately protect & safeguard the most vulnerable members of our community

- Enable early access to help, to avoid crisis and tackle homelessness, at its root cause.

<u>HSW1</u>	Improve joint working opportunities through identifying and promoting projects under the Vulnerable Customer Charter approach where a multi-agency approach results in effective housing solutions.	Provision of more holistic service to customers with complex needs resulting in more suitable and sustainable prevention opportunities.	<u>April 19</u>
<u>HSW2</u>	Monitor the delivery of housing options achieved as a result of the Health and Wellbeing panel to identify trends and better enable future planning.		<u>Ongoing</u>
<u>HSW3</u>	Work with Devon County Council to develop robust methods of identifying future needs and mapping appropriate service delivery.	Improved future planning for service delivery and reduction in housing needs due to H&W.	<u>Ongoing</u>
<u>HSW4</u>	Interrogate existing housing register application with High housing need due to H&W to identify barriers to sourcing suitable accommodation and inform future housing needs and delivery	Increased wellbeing of customer as a result of the most appropriate Intervention.	<u>Oct 19</u>



## **The South Hams District Council and West Devon Borough Council Rough Sleeper Strategy**

### **The purpose of the strategy**

This Rough Sleeper Strategy will be delivered and monitored alongside the Homelessness Strategy.

South Hams and West Devon will build on the current work that has minimised the incidences of rough sleeping within the area. We will adopt a robust approach to all forms of rough sleeping in the two Local Authority areas and aim to reduce the number of people sleeping rough by 50% by the end of 2022 and ensure that no one has to sleep rough by 2027.

It is common for the council to be perceived by people sleeping rough as enforcers and historically the level of engagement that we are able to achieve with rough sleepers has been low. There has always been an open offer of accommodation for rough sleepers through our No Second Night Out principles and the Severe Weather Emergency Protocol. In recent years these schemes have been increasingly successful at providing longer term accommodation for rough sleepers. However, for some rough sleepers with complex support needs it has proved difficult for them to maintain this accommodation and ultimately some of these accommodations fail.

South Hams and West Devon are committed to providing a service to rough sleepers that responds quickly to their changing needs, promotes independence and self-worth and is delivered in a client centred way.

To achieve more sustainable positive outcomes for people sleeping rough we will focus on the key targets of the South Hams and West Devon Homelessness Strategy:

### **Understanding the true cost of Homelessness**

To fully understand the true cost of homelessness we need to ensure that we working from a solid evidence base.

To meet this priority we will:

- Increase our knowledge of the number of people sleeping rough by building on the annually required rough sleepers estimate by introducing a quarterly rough sleeper estimate. This will ensure that the service delivery can respond more quickly to need.
- Continue to work with partnership agencies to ensure that we are taking account of information from a wide sphere of organisations who have contact with or knowledge of rough sleepers to maximise our knowledge base. We will monitor these working arrangements to ensure that they continue to offer good value for money.

### **Access to services**

The very nature of homelessness means a large proportion of the people requiring housing advice and homeless services will be vulnerable and may need additional support to enable them to access services.

To meet this priority we will:

- Introduce an intensive outreach service to enable the council to talk to rough sleepers in their own environment, build rapport and a working relationship to enable them to navigate the services that are available. This service will reflect an holistic approach focusing on addressing barriers to accessing and maintaining accommodation including; access to health care, benefits, support and meaningful occupation.
- Link this provision in with our continued work with partners to identify true rough sleepers, and those at risk of rough sleepers. Enabling us to provide appropriate support to assist them to become ready to access accommodation, increasing our focus on early intervention where possible.
- Work with the Prison Navigator to ensure that we work to prevent homelessness for people being released from prison and intervene early to identify any support needs and help them access the support they need.
- Continue to work with StreetLink to ensure that a clear reporting mechanism remains in place for members of the public to let us know about people sleeping rough.
- Remain committed to the Shared Young Persons Protocol that was developed in partnership with Devon County Council to ensure early intervention and a homeless prevention approach to engaging with young people.
- Continue to provide a Housing Options service that offers tailored advice to everyone who is homeless or threatened with homelessness. The focus of the team's work will continue to be on early intervention and homelessness prevention wherever possible.

### **Access to Housing**

Housing options for those with a history of rough sleeping need to be innovative and reflect the needs of the individual. The Local Authority seeks to achieve this through the provision of multiple housing options which will be tailored to meet the needs of the individual.

To meet this priority we will:

- Ensure that the focus of the outreach support is to encourage rough sleepers to access accommodation and to ensure that they are equipped with the support and resources to maximise their chances of success.
- Introduce a supported housing scheme rooted in the Housing First Principles specifically targeted at entrenched rough sleepers.
- Continue to work with our partners to refer into supported accommodation and rehabilitation accommodation to as part of the recovery process where appropriate.
- Continue to provide accommodation to people sleeping rough under the Severe Weather Emergency Protocol wherever possible and to build on this contact with people sleeping rough to encourage them to consider longer term housing options.
- Continue to adhere to the principles of No Second Night out by offering emergency accommodation to people who are verified as rough sleeping.

- Remain committed to working with rough sleepers to access the most suitable accommodation for their needs including assisting rough sleepers to access private rented and social housing where appropriate.

## **Health and Wellbeing**

Tackling homelessness takes more than just the provision of a house, if we are to maximise the opportunities for our most vulnerable people. Often, poor health, addictions and unhealthy lifestyles mean that people are unable to secure, and maintain, accommodation for themselves or their families.

To meet this priority we will:

- Introduce a Tenancy Ready training scheme which will help prepare people sleeping rough for the significant changes and responsibilities involved in sustaining accommodation and maintaining good standards of health.
- Utilise the services engaged with the Multi Agency Hub to support delivery of an holistic service offer to those rough sleeping focused on recovery to enable the individual to thrive. To include; Mental Health Services, Drug and Alcohol Support Services and Adult Social Care
- Promote the long term benefits and cost avoidance of developing a high quality outreach program with partner agencies and statutory services including Mental Health Team, Drug and Alcohol Support agencies and GP's to enable rough sleepers the opportunity to access the health care they need.

## **Monitoring Our Progress**

The strategy actions will be monitored in conjunction with the Homelessness strategy, reviewed on an annual basis and the strategy will undergo a full evaluation in the 2022 at the end of the life of the Homelessness Strategy.

In addition to this we will increase the annual estimate to a quarterly estimate to ensure that we have up to date information available to assess the success of the strategic aims.

We will record detailed information regarding the rough sleepers that we interact with including detailed information about their support needs and their journey to enable to better shape the services that we offer.

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## OVERVIEW AND SCRUTINY PANEL

### DRAFT ANNUAL WORK PROGRAMME – 2019/20

Date of Meeting	Report	Lead Officer
17 October 2019	Executive Forward Plan: - Council Tax Reduction Scheme	Kathy Trant Issy Blake
	Task and Finish Group Updates (if any)	
	Fees and Charges 2020/21	Pauline Henstock
	Council's Car Parking Pay and Display Machines – Progress Report	Cathy Aubertin
	Town Centre Strategies Update (including reference to working with local communities and Neighbourhood Plans)	Tom Jones
	Development Management: Service Capacity – 6 Month Review	Drew Powell / Pat Whymer
11 November 2019	Executive Forward Plan	Kathy Trant
	Task and Finish Group Updates (if any)	
	Community Safety Partnership: Annual Report	Louisa Daley
	Safeguarding: Annual Report	Louisa Daley
	Ombudsman Annual Letter	Catherine Bowen
	Delivery of Social Affordable Housing within the South Hams	Chris Brook / Issy Blake
	2019 Customer Satisfaction Survey	Nadine Trout
	Quarterly Performance Indicators	Jim Davis
23 January 2020 (am)	Draft Budget 2020/21 (joint meeting with DM Committee Members)	Lisa Buckle
23 January 2020 (pm)	Executive Forward Plan	Kathy Trant
	Task and Finish Group Updates (if any)	
	Food Safety Service Plan: Six Monthly Update (to include: opportunities available to increase income and those areas identified for improvement and future development (with reference being made to training and public health advice)).	Ian Luscombe
	Peer Challenge Action Plan Update	Neil Hawke

27 February 2020	Executive Forward Plan	Kathy Trant
	Task and Finish Group Updates (if any)	
	Leisure Contract – Fusion Annual Report	Jon Parkinson
	Waste Contract Monitoring Report	Jane Savage
	General Dispensations – Multi & Dual Hatted Members	Catherine Bowen
23 April 2020	Executive Forward Plan	Kathy Trant
	Task and Finish Group Updates (if any)	
	Performance Indicators	Jim Davis