

West Devon Hub Committee



West Devon
Borough
Council

Title:	Agenda
Date:	Tuesday, 1st November, 2016
Time:	2.00 pm
Venue:	Chamber - Kilworthy Park
Full Members:	<p style="text-align: center;">Chairman Cllr Sanders Vice Chairman Cllr Baldwin</p> <p><i>Members:</i> Cllr Benson Cllr Parker Cllr Edmonds Cllr Sampson Cllr Moody Cllr Samuel Cllr Oxborough</p>
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.
Committee administrator:	Member.Services@swdevon.gov.uk

1. Apologies for absence

2. 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.

If Councillors have any questions relating to predetermination, bias or interests in items on this Agenda, then please contact the Monitoring Officer in advance of the meeting.

3. Items Requiring Urgent Attention

To consider those items which, in the opinion of the Chairman, should be considered by the Meeting as matters of urgency (if any)

4. Confirmation of Minutes	1 - 4
Minutes of meeting held 20 September 2016.	
5. BT Payphone Removal Consultation (Cllr Moody)	5 - 8
6. Quarter 2 Revenue Budget Monitoring 2016/17 (Cllr Edmonds)	9 - 18
7. Capital Budget Monitoring 2016/17 (Cllr Edmonds)	19 - 28
8. Annual Review of Health and Safety Policy (Cllr Samuel)	29 - 46
9. Write-Off Report (Cllr Edmonds)	47 - 56
10. Reports of other Bodies:	57 - 78

(i) Overview and Scrutiny (Internal) Committee

Meeting held on 19 July 2016

Unstarred Minute to agree

Members are recommended to agree:

**O&S(I) 18 Member Development Steering Group – Progress Update and Induction Review
RESOLVED to RECOMMEND to:-**

1. approve the future Member Induction Programme (as attached at Appendix A of the presented agenda report), subject to delegated authority being granted to the Senior Specialist – Democratic Services, in consultation with the Member Development Steering Group and Group Leaders, to make any necessary minor amendments;
2. approve the principle of a Member Learning and Development Plan, with responsibility for its content and monitoring being delegated to the Senior Specialist – Democratic Services, in consultation with the Member Development Steering Group; and
3. support the pursuing of the South West Charter Status for Member Development accreditation.

(ii) Overview and Scrutiny (External) Committee
Meeting held on 2 August 2016

Unstarred Minute to agree

Members are recommended to agree:

O&S(E) 18 Task and Finish Group Updates

(a) Partnership Review

RESOLVED to RECOMMEND:-

1. the Partnership Policy (as outlined at Appendix 1 of the presented agenda report) and Guidance (as outlined at Appendix 2 of the presented agenda report) be adopted;
2. the Partnership Register (as outlined at Appendix 3 of the presented agenda report) be adopted;
3. the review and recommendations of the Task and Finish Group (as outlined at Appendix 4 of the presented agenda report) be agreed;
4. partnerships be retained at current financial levels for 2017/18, subject to any financial modifications set out in Appendix 4 of the presented agenda report and/or any changes required pursuant to recommendation 5 below;
5. those significant partners identified in paragraph 3.7 (CAB and CVS) be invited to submit a

business plan to the Overview & Scrutiny (External) Committee before the end of September 2016 setting out:

- hat they would spend the funding on;
- ow it will benefit residents;
- links to Council's Strategic Priorities;
- hat value for money it will provide; and
- hat success measures they would use.

6. ew (or updated) partnership agreements be established for 2017/18 onwards establishing clear outcomes relating to Our Plan themes and, where appropriate, the Locality work to ensure co-ordinated delivery for communities; and

7. longside this, a further financial and governance review be undertaken to identify the most appropriate delivery options aligned to financial and procurement procedures once a decision on the Local Authority Controlled Company is confirmed.

(iii) Overview and Scrutiny (External) Committee
Meeting held on 26 September 2016

Unstarred Minute to agree

Members are recommended to agree:

O&S(E) 27 Conclusions of the Partnership Task and Finish Group on Submitted Business Plans from the West Devon Citizens Advice Bureau and Council for Voluntary Service

RESOLVED to RECOMMEND:-

That the Hub Committee **RECOMMEND** to Council that the funding allocated by the Council to the CAB and CVS for 2017/18 should be retained at the same level as it was for 2016/17 (£32,900 and £8,500 respectively).

**PART TWO ITEMS WHICH MAY BE TAKEN IN THE
ABSENCE OF THE PUBLIC AND PRESS ON THE GROUNDS
THAT EXEMPT INFORMATION IS LIKELY TO BE DISCLOSED**

The Committee is therefore recommended to pass the following
resolution:

"RESOLVED that under Section 100(A)(4) of the Local
Government Act 1972, the public be excluded from the Meeting on
the grounds that exempt information may be disclosed as defined
in the paragraph given in Part 3 of Schedule 12A to the Act."

- 11. Devon Building Control Partnership Hosting Arrangements 79 - 90
(Cllr Baldwin)**

This page is intentionally left blank

Agenda Item 4

At a Meeting of the **HUB COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **20th** day of **SEPTEMBER, 2016** at **2.00pm**

Present: Cllr P R Sanders – Chairman
Cllr R E Baldwin – Vice-Chairman

Cllr M J R Benson	Cllr C Edmonds
Cllr J B Moody	Cllr R J Oxborough
Cllr G Parker	Cllr R F D Sampson
Cllr L Samuel	

Apologies: Cllr J B Moody and Cllr R F D Sampson

In attendance: Executive Director (Strategy and Commissioning)
Executive Director (Service Delivery and Commercial Development)
Group Manager Commercial Services
Group Manager Business Development
COP Lead – Assets
Operational Manager (Environment Services)
S151 Officer
Senior Case Manager – Strategy & Commissioning

Other Members in attendance:

Cllrs Leech, Musgrave, Pearce, Sellis and Yelland

- *HC 15 DECLARATIONS OF INTEREST**
Members were invited to declare any interests in the items of business to be discussed but none were made.
- *HC 16 MINUTES**
The Minutes of the Hub Committee Meeting held on 12th July, 2016 were confirmed and signed by the Chairman as a correct record.
- *HC 17 URGENT BUSINESS**
The Chairman had previously agreed to accept one item of urgent business being a report entitled 100% Business Rates Retention Consultation Response. The report was deemed urgent as there was a deadline for consultation responses to be sent to central government. The report was presented at the end of the meeting (Minute HC 22 refers).
- HC 18 MEDIUM TERM FINANCIAL STRATEGY**
The Leader introduced a report that presented an annual review of the Council's Medium Term Financial Strategy (MTFS). The strategy was based on a financial forecast over a rolling five year timeframe to 2021/22 which would help ensure resources were aligned to the outcomes in Our Plan.

The forecast was intended to provide a framework within which decisions could be made regarding the future service provision and council tax levels whilst building an approach that guaranteed the Council's longer term viability.

The Leader began by outlining the assumptions listed at Para 3 of the presented agenda report. The Leader and the s151 Officer gave further detail and responded to a number of detailed questions on elements within the report.

The Executive Director (Service Delivery and Commercial Development) responded to questions on Disabled Facilities Grants and how they were processed. The Leader asked that the Lead Hub Member for Health and Wellbeing monitor performance in relation to Disabled Facilities Grants.

It was then **RESOLVED** that Hub Committee:

- i) Had considered the five year Medium Term Financial Strategy (MTFS) and provided an indication of the budget principles to be adopted, with particular reference to:
 - the level of council tax increase,
 - the use of New Homes Bonus to support the revenue budget,
 - bringing forward income generation and budget savings and
 - maintaining the current Council policy on the minimum level of unearmarked reserves being £750,000 (see Section 10 of the presented agenda report);

RECOMMENDED to Council:

- ii) to accept the four year financial settlement being offered by the Government as set out in Section 2 of the presented agenda report,
- iii) that the approval of the Efficiency Statement (for the four year funding settlement) be delegated to the Head of Paid Service in consultation with the Leader, Lead Member for Support Services and the S151 Officer (Finance Community of Practice Lead).
- iv) to commence consultation with Town and Parish Councils, on an annual grant reduction of 8.6% for the next three years in the Local Council Tax Support Grant, as shown in Appendix E to the presented report.

***HC 19**

WRITE OFF REPORT

The Portfolio Holder for Support Services introduced a report that informed Members of the debt written off for revenue streams within the Revenue and Benefits service. Debts up to the value of £5,000 were written off by the s151 Officer under delegated authority. Permission was sought to write off individual debts with a value of more than £5,000.

In respect of the debts with a value of more than £5,000, Members were advised of how they had arisen.

It was requested by Members that an explanation of the financial impact of Housing Benefit write offs on the Council's own finances be appended to the next write off report to the Hub Committee.

It was then **RESOLVED**:

1. That, in accordance with Financial Regulations, that the s151 Officer had authorised the write-off of individual West Devon Borough Council debts totalling £16,651.92 as detailed in Tables 1 and 2 be noted; and
2. The write off of individual debts in excess of £5,000 totalling £23,660.98 as detailed in Table 3 be authorised.

***HC 20**

COMMERCIAL DEVELOPMENT PROPOSAL

(Resolved that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting on the grounds that exempt information is likely to be disclosed as defined in Paragraph 3 of Schedule 12(A) to the Act).

The Lead Member for Environment presented a report that set out a business case for a commercial development.

During discussion, a number of concerns were raised. The Group Manager Business Development and the COP Lead Assets responded to a number of queries.

It was then **PROPOSED** and **SECONDED** that Hub Committee **RECOMMEND** to Council to approve the expenditure as detailed within the presented report towards the commercial development and on being put to the vote this proposal was declared **LOST**.

With no alternative proposal coming forward, the meeting proceeded to the next agenda item and voted to re-admit members of the public to the meeting.

***HC 21**

REPORTS OF OTHER BODIES

In view of Members not having received reports in full in respect of recommendations which were being made from the Overview and Scrutiny Committees to the Hub Committee, this item was deferred to the next meeting of the Hub Committee.

***HC 22**

100% BUSINESS RATES RETENTION CONSULTATION RESPONSE

The Lead Member for Support Services introduced an urgent report that set out a draft response to the government consultation paper on 100% Business Rates Retention Consultation.

The s151 Officer responded to queries in more detail and explained the risks associated with the government proposals which included how much of the business rates would be kept by the district and borough councils and also how many of the grants currently received by district councils would be included into a new combined payment under 100% Business Rates Retention.

It was then **RESOLVED**:

That authority to approve the final content of the Authority's response to the consultation document 'Self-sufficient local government: 100% Business Rates Retention' be delegated to the Head of Paid Service in consultation with the Leader, Member Lead for Support Services and the s151 Officer.

(The Meeting terminated at 5.20 pm)

Chairman

Report to: **Hub Committee**
Date: **1 November 2016**
Title: **BT PAYPHONE REMOVAL CONSULTATION**
Portfolio Area: **Customer First**

Wards Affected: **All**

Relevant Scrutiny Committee: **N/A**

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

Date next steps can be taken: Three days after the date of the Hub committee if no call-in

Author: **Nadine Trout** Role: **Locality Manager**

Contact: Nadine.Trout@swdevon.gov.uk

RECOMMENDATIONS

- 1. The Borough Council does not adopt any of the affected payphones, leaving the adoption to local communities if they so wish.**
- 2. The draft and final decision for each payphone is delegated to the Chief Planning Officer, who will consider community feedback in consultation with relevant Ward Members.**

1. Executive summary

- 1.1 British Telecom (BT) proposes to remove 28 public payphones in the West Devon Borough and in line with Ofcom guidelines has asked the Borough Council to initiate a consultation to canvas the views of the local community.
- 1.2 The Localities team is facilitating the consultation process. To kick start the process the Localities team has written to each affected town/parish council to establish whether they would like to accept or reject BT's proposal for removal; or adopt their local heritage payphone and use it for alternative means.

- 1.3 In keeping with BT's timeframe and Ofcom guidelines the District Council is required to publish a draft decision for each payphone in early November. The Council must then allow one month for feedback from local communities before publishing a final decision. The Council must keep the Secretary of State and BT informed throughout the decision process.

2. Background

- 2.1 The Official start of the BT consultation period started from the 8th - 15th September when public notices were posted by BT in each of the affected payphones. The notices advised the public to contact their local authority planning department with any comments.
- 2.2 BT wrote to the Chief Planning Officer on the 23rd September stating the need for a consultation. The consultation request was handed to the Localities team on the 30th September. After carefully reading the relevant consultation and Ofcom guidance the Localities team sent individual emails to all affected towns and parishes on the 6th October explaining the consultation process and copied relevant Ward Members in.
- 2.3 Ofcom guidelines state the Borough Council's role is to make a draft decision on each payphone; to publicise each decision and allow one month for feedback. The Borough Council is then tasked with assessing the feedback and making a final decision for each payphone which it will share with the Secretary of State and BT.
- 2.4 Responses to the 6th October email sent to towns and parishes will help inform the Borough Council's draft decision.

3. Next Steps

- 3.1 The Localities team will keep a tally of all town/parish council responses to help inform the draft decision. Once a draft decision is established the following will take place:
 - a) An email will be sent to all Town and Parish Councils advising of the draft decision
 - b) A mobile locality officer will affix a draft decision notice to the outside of each affected payphone.
 - c) Each notice will provide a web address and clear instructions on how the public can engage in the consultation process
 - d) A page will go live on the Council website inviting the public to have their say
- 3.2 After one month the locality team will collate all responses ready for the Chief Planning Officer to objectively make a final decision in consultation with relevant Ward Members. Final decision notices will then be affixed to each affected payphone and town and parish councils emailed with the outcome.

3.3 Finally the Borough Council will contact the Secretary of State and BT with the final decision and will provide BT with contact details for communities wishing to adopt kiosks. BT will then follow up with communities direct to make necessary arrangements.

4. Options available and consideration of risk

4.1 The Council potentially has three options for conducting this consultation. Risks associated with each are detailed in the table below:

Option	Risk
1. Deliver as outlined in section 3 above	Low risk – compliant with Ofcom Guidance.
2. Table another committee meeting to make a final decision.	High risk – this would delay the decision making timeframe and would not be Ofcom compliant.
3. Not conduct the consultation	High Risk – this would not be Ofcom compliant.

4.2 The options have been developed based on Ofcom Guidance, the Communication Act 2003 and discussions with Senior Leadership Team.

4.3 It is recommended Option 1 is pursued.

5. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	Ofcom 2005 Guidance and Communication Act 2003
Financial	N	There are no direct financial implications of the contents of the report.
Risk	Y	As outlined in section 4.0 of the report
Comprehensive Impact Assessment Implications		
Equality and Diversity	Y	Ensure all members of the public have an equal opportunity to respond to this consultation by allowing a reasonable timeframe to respond, providing sufficient information to form an opinion and publicising the proposed service change in a variety of means.
Safeguarding	Y	Ensure phone usage figures are taken into consideration before decision to remove phone is taken.

Community Safety, Crime and Disorder	Y	Ensure phone usage figures are taken into consideration before decision to remove phone is taken.
Health, Safety and Wellbeing	Y	Ensure phone usage figures are taken into consideration before decision to remove phone is taken.
Other implications	N	

Agenda Item 6

Report to: **Hub Committee**
Date: **1 November 2016**
Title: **Quarter 2 Revenue Budget Monitoring
2016/2017**
Portfolio Area: **Support Services – Cllr C Edmonds**
Wards Affected: **All**
Relevant Scrutiny Committee: **Internal**

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

Author: **Alex Walker** Role: **Finance Business Partner**
Contact: **Tel. 01803 861345**
E-mail: alexandra.walker@swdevon.gov.uk

RECOMMENDATION

It is RECOMMENDED that the Hub Committee resolves to note the forecast income and expenditure variations for the 2016/17 financial year and the overall projected overspend of £25,000.

1. Executive summary

- 1) This report enables Members to monitor income and expenditure variations against the approved budget for 2016/17, and provides a forecast for the year end position.

2. Background

- 1) The Council's finance procedure rules require budget monitoring reports to be made on a regular basis to the Hub Committee as part of the Council's arrangements for budget management.

3. Outcomes/outputs

1) Budget Overview

The gross service expenditure budget for 2016/17 was set at £26 million (£7.25 million net). **The actual net revenue expenditure is forecast to be over budget by £25,000 when compared against the total budget set for 2016/17.**

3.1 Table 1 below provides an analysis of the projected variances against budget.

TABLE 1: 2016/17 BUDGET FORECAST

	2016/17 Budget expenditure	Budget variations		Note
	£000	£000	£000	
APPROVED BUDGET			7,253	
Reductions in expenditure/additional income				
Car Park Income	(837)	(30)		A
Car Park Fines	(31)	(20)		B
Waste Contract	1,482	(60)		C
Investment Income	(45)	(10)		D
New Governance Arrangements	196	(15)		E
<i>Sub total of variations</i>			(135)	
Increases in expenditure/reductions in income				
Kilworthy Park - Additional Lettings Income	(156)	25		F
Car Park Permits	(38)	20		G
Recycling Credits	(330)	40		H
Planning Legal Fees	12	15		I
Planning Application Income	(383)	60		J
<i>Sub total of variations</i>			160	
PROJECTED OUTTURN			7,278	
PROJECTED OVERSPEND			25	

Notes

- A. **Car Park Income** – Car parking income is anticipated to be above its income target by £30,000 (3%) on an income budget of £860,000.
- B. **Car Park Fines** – Income from car parking fines is currently higher than the target of £31,000. If this trend continues then income is predicted to be £20,000 above the target.
- C. **Waste Contract** – An additional £80,000 was built into the 2016/17 budget for inflation on the contract. The Council's waste contract is reviewed annually and an inflationary increase is applied based on a formula which takes into account factors such as fuel prices and average earnings index. The inflationary amount is calculated in December each year, but based on payments to date it is anticipated that £60,000 of the inflation provision will not be required.
- D. **Investment Income** – The Council has secured a better rate for Money Market Fund investments that are used to manage day to day cash flows, and improved use of fixed term deals with the banks currently on the Council's Counterparty list. An additional income of £10,000 is expected.
- E. **New Governance Arrangements** – A cost pressure of £28,000 was built into the budget for 2015/16 to reflect the need for a review in 2015 into the Scheme of Members Allowances. This was a precautionary estimate and has not been fully utilised, resulting in a saving of £15,000. A further review is taking place in 2016.
- F. **Kilworthy Park** – The Kilworthy Park budget is projected to be £25,000 overspent due to two main factors. In the T18 Business Case it was anticipated that there would be reduced running costs at Kilworthy Park due to agile working, smarter use of energy and utilities and the workforce occupying less space. These savings have not yet been realised fully, although work has been done on re-procuring some of the utilities costs. Work is currently ongoing to maximise the income at Kilworthy Park. Redeemer Church (Plymouth based) are due to use parts of the building starting in January and negotiations are ongoing with the CAB.
- G. **Car Park Permits** – There is predicted to be a shortfall in income from Residents Permits of £20,000. This continues the trend from 2015/16 and the budget will need to be adjusted in 2017/18.
- H. **Recycling Credits** – Devon County Council has taken West Devon's leaf sweepings and garden waste into the County contract and has ceased paying recycling credits on this material. As has been previously reported, a phasing into the DCC contract was negotiated to minimise the budgetary impact. This has resulted in

a loss of income gained from recycling credits from DCC, which is largely offset by West Devon no longer having to pay gate fees for composting the materials. Members will be aware that prices for recycling have dropped with the market changing significantly due to external factors. The income target in 2016/17 was reduced by £90,000 but the current monitoring position is showing that the budget needs to be further reduced by £40,000.

- I. **Planning Legal Fees** – The Professional Fees budget of £12,000 has already been fully utilised and is predicted to be overspent by £15,000.
- J. **Planning Application Income** – There is predicted to be shortfall in income from planning applications of £60,000. Although the number of applications has increased, their individual value has reduced. In previous years additional income has been generated from a number of one off large applications for renewable energy.

3.2 **Leisure contract** – A future report will be presented to Members at the Hub Committee and then the Council, regarding borrowing options for the investment into the Council’s Leisure Centres. The report will present various options open to the Council, which will include an option for the Council to reduce its external borrowing by utilising some of its own funding such as the saving that would arise in 2016/17 from the new contract terms.

4) Management Actions

The table below sets out the relevant management actions for the revenue expenditure and income variations shown above. It is best practice for the Council to state whether there are any corrective actions that need to be taken for the variances identified in 2016/17.

	Budget variations overspend/ (underspend) £000	Management Action
Reductions in expenditure/additional income		
Car Park Income	(30)	Keep under review. It is not proposed to build this additional income in to the 2017/18 budget as income levels can vary due to a number of external factors.
Car Park Fines	(20)	This will be kept under review.
Waste Contract	(60)	No management action is being proposed as the Council is

	Budget variations overspend/ (underspend)	Management Action
		currently at the end of a seven year contract period which expires in March 2017. Service delivery options are being progressed.
Investment Income	(10)	Keep under review. It is not proposed to build any additional income in to the 2017/18 budget.
New Governance Arrangements	(15)	Review following the Independent Panel's recommendations and the Council decision.
Kilworthy Park – Reduced Running Costs and Additional Lettings Income	25	The Assets team continue to maximise the best use of the lettings space. To be kept under review.
Car Park Permits	20	It is proposed that this recurring income shortfall is built in to the 2017/18 budget.
Waste – Purchase of Equipment	15	This will be kept under review.
Recycling Credits	40	It is proposed that this recurring income shortfall is built in to the 2017/18 budget.
Planning Legal Fees	15	No management action required. One off cost pressure.
Planning Application Income	60	It is recommended that the 2017/18 planning income budget is reduced by £60,000. However this will be kept under close review over the next few months before the budget is set.

4) Prudential Indicators

The prudential code indicators were approved in the Treasury Management Strategy report to the Audit Committee on 15 March 2016. The indicators are monitored during the year through the normal revenue and capital monitoring processes. Any exceptions are reported to the Audit Committee. To date all Treasury Management limits have been adhered to. The Treasury Management Indicators set out the level of predicted capital expenditure and borrowing requirements.

5) Income and Reserves

Income monitoring is an integral part of financial management. Current income forecasts are as follows:

Service	Actual Income 2015/16	Income Budget 2016/17	Projected Income 2016/17	Deficit/ (Surplus)	Deficit/ (Surplus)
	£'000	£'000	£'000	£'000	%
Car Parks	853	837	867	(30)	(3.6%)
Employment Estates	238	225	225	-	-
Land Charges	67	92	92	-	-
Planning Applications	338	383	323	60	15.7%
Investment Income	56	45	55	(10)	(22.2%)
Recycling Credits	297	330	290	40	12.1%
TOTAL	1,849	1,912	1,852	60	

The decision on the level of balances and reserves is taken during the formulation of the annual budget and the medium term financial strategy. As a matter of prudence the Council has set aside various amounts in reserves to cover future liabilities and items of expenditure and these are attached as Appendix A.

7. Issues that may impact on the budget monitoring position in the next 3 months/Risks

The budget monitoring position assumes that collection rates will remain at previous levels.

For Business Rates, it has been assumed that the Council is still in a situation where it is paying a Business Rates levy. This is regularly monitored and any change to this position would be reported to Members.

8. Proposed Way Forward

1) Revenue budget monitoring will continue on a regular basis and further reports will be brought to the Hub Committee on a quarterly basis.

9. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address

Legal/Governance	Y	The Statutory Powers that apply to this report are the Local Government Act 1972 Section 151 and the Local Government Act 2003 Section 28.
Financial	Y	The report identifies an overall overspend of £25,000 which is 0.3% of the overall budget set for 2016/17 of £7.253 million. It is envisaged that the Budget Scouring exercise (where all 16/17 base budgets will be challenged by the Senior Leadership Team) will assist in identifying further underspends.
Risk	Y	Budget variances – continual budget monitoring at all levels within the Council ensures early identification of variances. Reporting to the Hub Committee provides an opportunity for Members to identify and instigate remedial action where appropriate. Resource Planning – the Hub Committee takes into account any significant issues when developing the Council’s Medium Term Financial Strategy. These are identified in the Management Actions section of the report (Section 4).
Comprehensive Impact Assessment Implications		
Equality and Diversity		None directly arising from this report.
Safeguarding		None directly arising from this report.
Community Safety, Crime and Disorder		None directly arising from this report.
Health, Safety and Wellbeing		None directly arising from this report.
Other implications		None directly arising from this report.

Supporting Information

Appendix A – Reserves.

Background Papers:

Finance Community of Practice budget monitoring working papers
Medium Term Financial Strategy for the five year period 2017/18 to 2021/22 – HUB 20 September 2016

This page is intentionally left blank

RESERVES - PROJECTED BALANCES					
	Opening balance 1 April 2016 £000	Additions to the Reserve	Predicted spend to 31.3.2017 £000	Projected balance 31.3.2017 £000	Comments
EARMARKED RESERVES					
Specific Reserves - General Fund					
Business Rates Retention Scheme	(844)		100	(744)	This reserve will be used to offset the balance on the Collection Fund. This relates to a timing issue on the accounting adjustments required for the localisation of business rates.
Car Parking Maintenance	(408)			(408)	
Budget Surplus Contingency reserve		(669)	60	(609)	This is the Budget Surplus from 2016/17 which was put into an Earmarked Reserve. Commitment of £127,500 for LACC set up costs.
Innovation Fund (Invest to Earn) reserve		(922)	18	(904)	Yr 1 funding of development surveyor
T18 Strategic Change Reserve	0	(192)	192	0	To meet redundancy and pension strain costs (one off investment costs funded by savings).
Local Authority Business Growth Incentive (LABGI)	(25)		25	0	
Habitats Earmarked Reserve	(15)		15	0	Biodiversity
Cannons Meadow	(19)		3	(16)	Written down to revenue annually
County Election	(24)			(24)	
Landscape Maintenance	(5)			(5)	
Fifth Wave Neighbourhood Front Runners	(65)		25	(40)	
DCLG Business Support Scheme	(13)		13	0	
DCC Public Health	(25)		25	0	
Devon County Council - TAP Funds	(64)	(40)	30	(74)	
Economic Grant Initiatives	(16)		16	0	
Flood Works	(20)		20	0	
Homelessness Prevention	(30)		30	0	A new reserve set up to cover additional costs in the winter months.
New Homes Bonus 2014-15	(446)		446	0	Funding transferred to Invest to Earn reserve - previously funding allocated for affordable housing
New Homes Bonus 2015-16	(251)		140	(111)	Hub Committee 7th June 16 - £216K to fund transitional staffing resources and £29K to fund two Case Managers for Disabled Facilities Grants.
New Homes Bonus 2016-17		(1,745)	1,400	(345)	£1 million to fund the revenue budget. Other funds are funding the capital programme and £300K transferred to Invest to Earn earmarked reserve.
Planning Enforcement	(45)		45	0	To fund planning enforcement team
Other Reserves below £15,000	(80)		40	(40)	
TOTAL EARMARKED RESERVES	(2,395)	(3,568)	2,643	(3,320)	
TOTAL UNEARMARKED RESERVES	(1,055)		25	(1,030)	Projected overspend of £25,000 for 2016-17
TOTAL REVENUE RESERVES (EARMARKED AND UNEARMARKED RESERVES)	(3,450)	(3,568)	2,668	(4,350)	

This page is intentionally left blank

NOT FOR PUBLICATION

This report contains exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (applies to Appendix B only)

Report to: **Hub Committee**
Date: **1st November 2016**
Title: **Capital Budget Monitoring 2016/2017**
Portfolio Area: **Support Services – Cllr C Edmonds**
Wards Affected: **All**
Relevant Scrutiny Committee: **Internal**

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

Author: **Angela Endean** Role: **Capital Accountant**
Lisa Buckle **Finance Community of Practice Lead**

Contact: **Tel. 01803 861480**
E-mail: angela.endean@swdevon.gov.uk
Tel. 01803 861317
Email: lisa.buckle@swdevon.gov.uk

RECOMMENDATION

That the Hub Committee notes the Report.

1. Executive summary

The report advises Members of the financial position as at 30th September 2016 for the purposes of budget monitoring. ***All capital projects are within the individual capital budgets approved by Members. Therefore capital schemes are within budget.***

The total capital budget for 2016/17 is £1,153,542 of which £132,918 has been spent to date (Appendix A).

The capital programme is currently underspent in comparison to the budgets, due mainly to the affordable housing budget (£200,000) and the Indoor Sports and recreation facilities budget not being spent. The Indoor Sports and Recreation facilities budget is explained in Exempt Appendix B. In addition, expenditure on Improvement Grants (Disabled Facilities Grants) is £122,000 at Month 6, compared to the budget for 16/17 of £450,000.

2. Background

The capital programme for 2016/17 was approved by Council on 16 February 2016 (CM52 and HC47 refer). This report provides an update on the Capital Programme.

As part of the Transitional Resources report to the Hub Committee on 7 June 2016, the Budget for Improvement Grants (Disabled Facilities Grants) was revised from £400,000 to £450,000.

3. Outcomes/outputs

Members are requested to note the following updates on Capital Projects:

Community Project Grants (previously Village Hall & Community Project Grants)

The budget for 16/17 is £106,398 with £346 spent to date. The 16/17 budget is made up of an underspend of £70,398 brought forward from the 15/16 financial year plus a budget set for 16/17 of £36,000. There are currently commitments of £35,850 against the budget and it is expected that another £15,000 of commitments will be made before the end of the year.

There will be a request to carry forward the underspend and committed funds to 2017/18. Members may wish to review the level of underspend carried forward each year.

Indoor Sports and Recreation facilities

An update regarding this capital budget is set out in Exempt Appendix B.

Affordable Housing

Housing needs have been identified throughout the Borough and these will be addressed by utilisation of the affordable housing budget (£200,000 in 2016/17).

Historically the capital programme has facilitated affordable housing developments in rural areas by providing a sum of money, normally between £10,000 and £15,000 per plot, to enable the development to proceed. These schemes are typically on exception sites and therefore do not rely on cross subsidy from open market properties, evidence from a Registered Provider (RP) is provided to ensure the money is required. Money is normally required where there are abnormalities on the site or there is a shortfall in public subsidy. It is important to note that public subsidy for these schemes is not currently available.

Pipeline projects are as follows:

- South Tawton – 6 units of affordable housing currently in the planning process.
- Brentor – in early discussions with South Devon Rural for between 8 and 10 units.
- Horrabridge – 10 units in pre – planning on the parish council owned site.

A proposed capital programme for 2017/18 will be presented to Members in December.

Tenants Incentive Scheme

The Tenants incentive Scheme offers an incentive payment to tenants of Social Landlords who wish to downsize. This frees up larger accommodation for families on our housing register or in temporary accommodation.

It also prevents the spiral of debt tenants may find themselves in if they are affected by the spare room subsidy (sometimes referred to as the “bedroom tax”) and cannot afford to pay increased rents or the cost of moving. A common use of the incentive payment is where older people move to a property where there are no carpets. Payments can be made to provide carpeting in the property, combating the risk of trips and falls and possible hospital admissions. A sum of £3,000 has been spent to date.

Waste Containers

This budget (£19,254) is used for the replacement of recycling containers. A sum of £7,500 has been spent to date.

Private Sector Renewals including Disabled Facilities Grants (DFG's)

The capital budget allocation for private sector renewal grants, including DFG's, was revised at Hub Committee on 7th June 2016. Minute HC07 refers. Additional temporary resource for DFG's was approved, to ensure that the Council meets estimated demand, as set out in the report.

Although only £122,072 had been spent as at the end of September, compared to the budget for 16/17 of £450,000, additional case managers have been in place since the beginning of September and it is expected that the total budget will be spent or committed by the end of the financial year.

Old Mill Site, Okehampton

An agreement has been reached, in principle, to work with the former owner to develop the site and bring the site back into use. The capital budget of £25,000 will be retained for this purpose.

4. Options available and consideration of risk

This is considered on a project by project basis as part of the project appraisal document and initial business case for each capital project.

5. Proposed Way Forward

This is considered on a project by project basis.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		Statutory powers are provided by the S1 Localism Act 2011 general power of competence.

		<p>The capital programme is implemented in line with the Council's legal requirements, which are examined on a project-by-project basis. To date there are no undue legal concerns.</p> <p>Since there is commercially sensitive information in Appendix B regarding contract procurement, there are grounds for the publication of this appendix to be restricted, and considered in exempt session. The public interest has been assessed and it is considered that the public interest will be better served by not disclosing the information in Appendix B. Accordingly this report contains exempt Information as defined in paragraph 3 of Schedule 12A to the Local Government Act 1972.</p>
Financial		<p>The total capital budget for 2016/17 is £1,153,542 of which £132,918 has been spent to date (Appendix A).</p> <p>All capital projects are within the individual capital budgets approved by Members. (Appendix A).</p>
Risk		<p>There is a risk that the Capital Programme does not meet the Council's corporate priorities in line with the Council's Asset Strategy and the opportunity to assess emerging projects, which could contribute to the Council's priorities. The mitigation is that there is a project appraisal for each proposal. This is taken into account when assessing possible implementation timescales. Complex capital programmes have a relatively long lead-in period.</p> <p>The Council demonstrates that capital investment contributes to corporate priorities, provides value for money and takes account of the revenue implications of the investment.</p>

		Regular monitoring of the capital programme and consideration of new pressures enables Members to control the programme and secure appropriate mitigation where problems arise.
Comprehensive Impact Assessment Implications		
Equality and Diversity		This matter is assessed as part of each specific project.
Safeguarding		This matter is assessed as part of each specific project.
Community Safety, Crime and Disorder		This matter is assessed as part of each specific project.
Health, Safety and Wellbeing		This matter is assessed as part of each specific project.
Other implications		None

Supporting Information

Appendices:

Appendix A – Details of capital expenditure to 30th September 2016
Appendix B – EXEMPT – Indoor Sports and Recreation Facilities budget

Background Papers:

Revenue and Capital Budget proposals for 2016/17 - Council 16 February 2016
Revenue and Capital Budget proposals for 2016/17 – Hub 26 January 2015 (HC47 refers)
Transitional Resources report – Council 28 June 2016
Transitional Resources report – Hub 7 June 2016 (CM21 and HC07 refer)
Health and Wellbeing Procurement Outcome – Council 26 July 2016 (CM28 refers)

CAPITAL PROGRAMME MONITORING - Expenditure to 30th September 2016

	Budget 16-17 (original)	Budget 16-17 (revised) (A)	Balances brought forward from previous years (underspend from the 15/16 Capital Programme) (B)	Total Budget for 2016/17 (including underspends brought forward) (A + B)	Expenditure to 30th September 2016	Total Budget remaining for 2016/17
Capital projects						
202004 Community Project Grants	36,000	36,000	70,398	106,398	346	106,052
203002 Indoor Sports and Recreation Facilities			296,728	296,728		296,728
203057 Affordable Housing	200,000	200,000	0	200,000		200,000
203067 Tenants Incentive Schemes	15,000	15,000	10,848	25,848	3,000	22,848
203119 Waste containers			19,254	19,254	7,500	11,754
209000 Improvement Grants (Disabled Facilities Grants) - See Note 1	400,000	450,000		450,000	122,072	327,928
203125 Old Mill Site			25,000	25,000		25,000
203126 Contingency budget for unexpected items			30,314	30,314		30,314
Total	651,000	701,000	452,542	1,153,542	132,918	1,020,624

Note 1

The Capital Budget for Improvement Grants (Disabled Facilities Grants) was revised from £400,000 to £450,000 in 2016/17 - as per the Hub Committee report on 7th June 2016 (Transitional Resources report).

Capital Programme is to be funded by:-

Capital Receipts Reserve	452,542
New Homes Bonus allocation	320,000
Better Care Funding for Improvement Grants (Disabled Facilities Grants)	381,000
	<hr/>
	1,153,542

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Agenda Item 8

Report to: **Hub Committee**
Date: **1st November 2016**
Title: **Annual Review of Health and Safety Policy**
Portfolio Area: **Strategy and Commissioning**
Wards Affected: **All**

Relevant Scrutiny Committee: Internal Overview and Scrutiny

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

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

Author: **Ian Luscombe** Role: **Community of Practice Lead (Environmental Health)**

Contact: **01822 813713 Ian.Luscombe@swdevon.gov.uk**

RECOMMENDATION

That the Hub Committee RECOMMEND to Full Council to adopt the revised policy and that it is signed by the Head of Paid Service and the Leader of the Council.

1. Executive summary

- 1.1 The Council is required to prepare a written health and safety policy statement by the Health and Safety at Work Act 1974. The policy should be agreed and signed off by the Head of Paid Service and the Leader of the Council.
- 1.2 The Joint West Devon Borough Council and South Hams District Council Health and Safety policy documents the Council's position regarding its intentions, organisation and arrangements for ensuring the health, safety and welfare at work of their employees, and the health and safety of any other person working in, visiting the Councils, or who may be affected by their activities

- 1.3 The policy is required to be reviewed annually and where appropriate, revised to reflect any significant change within the Organisation.
- 1.4 As a result of this year's annual review the policy has been amended to include the role of the Internal Health and Safety Panel. The Internal Health and Safety Panel will be a regular meeting comprised of key officers in each Council Service area. It's role will be to identify and implement work programmes relating to internal health and safety matters and develop a training competency matrix. It is intended that this meeting will drive a culture of health and safety improvements across the Councils.

2. Background

- 2.1 The Council is required to have a written health and safety policy under the Health and Safety at Work Act 1974. The Policy is an important document to set the responsibility for the health and safety of staff in the Council's employment and those persons effected by its activities. The Policy covers the entire range of Council Services.
- 2.2 The Policy is supplemented by a number of Safety Codes dealing with specific issues relevant to particular Service Groups and/or activities, e.g., Work at Height, Working Alone, Incident Reporting, etc. These Codes will have the same status as the Policy
- 2.3 The Policy adopts a sensible approach to managing risk which reflects best practice and is based on integrated management principles enabling the Council to achieve a correct balance in managing health and safety as part of an overall risk management
- 2.4 The Policy should be reviewed annually and revised to include any significant changes

3. Outcomes/outputs

- 3.1 The Council is required to have a Health and Safety Policy agreed by senior management and members, signed off by the Head of Paid Service and the Leader of the Council

4. Options available and consideration of risk

- 4.1 There is a statutory requirement to agree and implement the Councils Health and Safety Policy. Failure to do so would risk prosecution by the Health and Safety Executive and put employee's health and safety at unacceptable risk.

5. Proposed Way Forward

- 5.1 The Council should agree the revised Health and Safety Policy and continue to review it on an annual basis and/or when significant changes occur.

- 5.2 The Internal Health and Safety Panel should provide a basis for integrating health and safety into its management structure and achieve continuous improvement in health and safety standards.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	Health and Safety at Work etc Act 1974 The Policy conforms to the 2013 HSE guidance in order to ensure that the Council is legally compliant. Accordingly, the Policy needs to be formally adopted by the Council.
Financial	Y	Achieving legal compliance requires the Council's officers to actively engage in carrying out health and safety responsibilities intrinsic to their job role. The cost will be officer time which is accounted for within existing budgets. Achieving best practice will require an ongoing commitment to continuously improve the health and safety management system which will add to the cost of officer time.
Risk		The potential cost of not achieving legal compliance includes: i HSE enforcement costs ii legal and court cost iii compensation costs iv loss of credibility.
Comprehensive Impact Assessment Implications		
Equality and Diversity		The Policy applies to all members of staff and has considerations of the effect of Council activities on non-employees. Effective management of health and safety should ensure that equality and human rights are not infringed.
Safeguarding		Indirect impact derived from suitable and sufficient risk assessment of activities associated with vulnerable groups
Community Safety, Crime and Disorder		No direct impact
Health, Safety and Wellbeing		As above, indirect impact on wellbeing derived from suitable and sufficient assessment of risk of work activities, e.g., lone working

Other implications		None
--------------------	--	------

Supporting Information

Appendices:

South Hams District and West Devon Borough Council's Health and Safety Statement and Policy

Background Papers:

None

HEALTH AND SAFETY STATEMENT AND POLICY

1. Statement of Intent

- 1.1 This is a statement of policy by South Hams District Council and West Devon Borough Council (the Councils) about their intentions, organisation and arrangements for ensuring the health, safety and welfare at work of their employees, and the health and safety of any other person working in, visiting the Councils, or who may be affected by their activities.
- 1.2 It is the intention of the Councils to do all that is reasonably practicable to provide safe and healthy working conditions for its employees and to enlist their support in achieving this. The Councils also recognise their responsibilities to ensure the health and safety of elected members, members of the public, visitors and contractors when on their premises and others who may be affected by their activities.

2. Policy

- 2.1 It is the policy of the Councils, and their trading arms(s), as employers that they will comply so far as is reasonably practicable, with the requirements of the Health and Safety at Work etc. Act 1974 and all other relevant statutory provisions.
- 2.2 This policy is supported by Codes of Practice that apply throughout the Councils and their trading arm(s) and will have the same status as this policy. The Codes of Practice will reflect:
- minimum legal requirements
 - best practice.
- 2.3 The Councils and their trading arm(s) will do all that is reasonably practicable to prevent personal injury and illness, loss and damage to premises, plant and equipment by:
- Appropriate assessment and management of risk for all activities and seeking to eliminate hazards and/or reduce risks;
 - ensuring appropriate competence of all employees in health and safety by the provision of information, instruction, training, supervision, management support and performance appraisal;
 - ensuring close co-operation and participation of management and staff through normal working relationships and consultation with employees.
- 2.4 The Councils and their trading arm(s) will pursue the above aims by the implementation of the objectives at **Appendix A** and the three year safety plan.

2.5 The remainder of this document contains the following sections:

- Organisation and responsibilities
- Arrangements for implementation
- Objectives.

3. Policy Review

3.1 This policy will be reviewed annually, in consultation with the unions, by the Internal Health and Safety Service who will advise the Senior Leadership Team (SLT) on possible amendments

3.2 The Codes of Practice will be reviewed by the Internal Health and Safety Service as and when legislation changes, best practice dictates or when otherwise necessary.

4. Organisation and responsibilities

4.1 This part of the policy describes the organisational arrangements within the Councils and their trading arm(s) for ensuring health and safety at work. Health and Safety issues are line management responsibilities alongside and of equal importance to responsibilities for the provision of services and the management of resources.

4.2 Head of Paid Service

4.2.1 The **Head of Paid Service** has overall responsibility to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all the Councils' employees and to ensure, so far as is reasonably practicable, the health and safety of others who work in and visit the Councils or may be affected by the Councils' activities.

4.2.2 The **Head of Paid Service** will include Health and Safety in his/her annual report to Council.

4.3 Group Managers

4.3.1 Group Managers are responsible for the implementation of this policy in the areas over which they have control.

4.3.2 Community of Practice Lead Specialist- Environmental Health

The **Community of Practice Lead Specialist- Environmental Health** will be responsible for providing an internal health and safety service to the Councils which will be the competent assistance as required by the Management of Health and Safety at Work Regulations 1999. To avoid confusion this should be a named officer.

4.4 Managers/supervisors

Managers/supervisors are responsible for ensuring the implementation, co-ordination and monitoring of this policy and associated Codes of Practice, and the overall health and safety management of the staff within their control. In particular, they must:

- carry out risk assessments and ensure that safe working conditions are maintained;
- ensure that staff within their control are trained and instructed in safe methods and comply with them;
- ensure that all accidents, incidents and near misses are reported and investigated and steps taken wherever possible to prevent a recurrence.

4.5 Group Managers may nominate officers with Day to Day Responsibility for Health and Safety in their respective services/departments and inform their staff and the Internal Health and Safety Service accordingly but this will not remove the Head of Service's responsibilities.

4.6 **Employees**

Employees shall:

- take reasonable care for the health and safety of themselves and of other persons who may be affected by their acts or omissions;
- co-operate with their manager in the implementation of this policy;
- follow safe working practices at all times;
- report accidents, incidents and near misses to their line manager;
- report unsafe working conditions and hazards to their line manager or other appropriate person.

4.7 **Key staff with additional health and safety responsibilities**

In addition to their responsibilities as managers the following Heads of Services will also have the responsibilities shown at **Appendix B**:

- Community of Practice Lead Specialist- Environmental Health
- Community of Practice Lead Specialist – Assets
- Lead HR Business Partner
- Members of the Internal Health & Safety Virtual Community of Practice group (HSvCoP)

4.8 **Members of the Internal Health & Safety Panel**

- Membership of the Panel will consist of CoP Leads and Managers and other relevant persons
- The group will be a forum for discussion for Internal Health and Safety matters and responsible for developing and progressing health and safety awareness throughout the Councils.
- The group will identify and implement work programmes relating to internal health and safety, including a programme of auditing and review, and any

other tasks arising to achieve compliance with regulatory requirements or best practice.

- A member of SLT will be in attendance. This will allow key decisions to be made or effectively escalated to SLT.
- This group will also be a point of contact for Union Representatives and Staff Forums.

4.9 Community of Practice Lead Specialist- Environmental Health (Internal Health and Safety)

The Internal Health and Safety service provides the competent advice to the Councils on matters relating to health, safety and welfare at work across the Councils. Their objectives include:

- providing specialist support and guidance to the Councils on the effective management of health and safety;
- to help promote and maintain a high standard of total health (physical and mental) for all persons working in the Councils;
- the safeguarding of all staff from health and safety hazards arising from their work or the environment by means of accident prevention, environmental control and prevention of injury and illness;
- to receive all Incident/Near Miss reports, maintain an Incident/Near Miss database and publish performance statistics.

5. Arrangements for implementation

5.1 This part of the policy describes the general arrangements for the implementation and monitoring of health and safety at work.

5.2 Strategic aims, objectives and three-year action plan

The aims, objectives and three-year safety plan set out the Councils' commitment to provide a healthy and safe environment for all those who work in and visit the Councils. The plan reflects best practice and is based on the principles of loss control and quality management.

This approach is designed to:

- a. address the health and safety implications of the various activities of the organisations;
- b. identify the hazards and assess the level of risk;
- c. apply the following general principles of prevention in the order shown:
 - avoiding risks;
 - evaluating the risks which cannot be avoided;
 - combating the risks at source;
 - adapting the work to the individual, especially as regards the design of workplaces, the choice of work equipment and the choice of working

and production methods, with a view, in particular, to alleviating monotonous work and work at a predetermined work-rate and to reducing their effect on health;

- adapting to technical progress;
- replacing the dangerous by the non-dangerous or the less dangerous;
- developing a coherent overall prevention policy which covers technology, organisation of work, working conditions, social relationships and the influence of factors relating to the working environment;
- giving collective protective measures priority over individual protective measures; and
- giving appropriate training and instructions to employees.

5.3 Codes of Practice

- 5.3.1 Where a need is identified, through legislation, risk assessments, best practice, health and safety auditing, the proceedings of committees or other means, a Code of Practice will be established to set the standard of implementation and operation for the identified topic. These Codes of Practice will be reviewed as and when legislation changes or practice dictates.
- 5.3.2 The Codes of Practice shall have the same status as the main policy document and will outline how to implement the requirements of the main policy in specific risk areas.

5.4 Training

- 5.4.1 The Internal Health and Safety Service in conjunction with the training partnership and workplace managers and supervisors, will provide guidance on Health and Safety Training and general training needs, and identifying those key workers who should attend. The Internal Health and Safety CoP will administer health and safety training across the organisations and develop a training competency matrix, which will establish key training for all staff.
- 5.4.2 Each Service will ensure that good working arrangements for health and safety training exist. This training will include attendance at corporate induction training and appropriate special to job induction training.
- 5.4.3 Each Service will ensure that health and safety is included as an integral part of their annual business plan.
- 5.4.4 Records of safety training provided will be maintained on Team Spirit and but may also be maintained by service managers.
- 5.4.5 The identification of health and safety training needs is to be part of the annual appraisal process. Managers are responsible for identifying the training needs of individuals. The Internal Health and Safety Service needs in conjunction with Human Resources will be responsible for an analysis of the corporate training.

5.5 Risk assessment

5.5.1 Each manager/supervisor shall make a suitable and sufficient assessment of:

- the risks to the health and safety of his employees to which they are exposed whilst they are at work; and
- the risks to the health and safety of others who may be affected by their activities,

for the purpose of identifying the measures necessary to ensure a safe and healthy place of work.

5.5.2 In addition to the general risk assessment set out at paragraph 5.5.1 there may also be a need for a specific risk assessment and the need for that should be identified and if possible carried out at the same time. These specific assessments are shown in the appropriate Code of Practice on Assessment of Risk but include:

- manual handling (*including the lifting, putting down, pushing, pulling, carrying or moving of a load*);
- display screen equipment (computing and word processing);
- hazardous substances etc;
- young people
- pregnancies.

5.5.3 Risk assessments will be reviewed:

- Periodically as recorded on the risk assessment;
- when an accident, incident or near miss occurs;
- when purchasing new equipment;
- changing work practices etc; or
- moving into a new work area.

5.5.4 Managers/supervisors are to monitor work activities to ensure that risk assessments and control measures are still suitable and sufficient and take appropriate action to review when necessary.

5.5.5 Where a need for a generic risk assessment is identified (e.g. work in offices, activities of a similar nature taking place in more than one service) the internal health and safety service will be responsible for carrying out the assessment and monitoring as required by paragraph 5.5.4

5.6 Health and safety standards, audit and inspection

5.6.1 A set of health and Safety standards has been designed and each Service will make their own arrangements for reviewing their level of achievement annually which will be reported in their service plan. The standards are shown at **Appendix C**.

- 5.6.2 The Internal Health and Safety Panel will develop a programme of audits and a standardised form to identify whether the management of risk has been carried out in each service area. The programme should be designed to reflect the needs of the Councils and the individual Service and will take into account the particular kinds of hazard or health and safety issues encountered. The timing of health and safety audits will appear in the annual safety plan and will be proportionate to the level and scope of the hazards and risks present.
- 5.6.3 The combination of the review of safety standards and the audit process is designed to ensure that we can demonstrate our level of health and safety management. The results will be analysed, considered, prioritised and shaped into an action programme.

5.7 Occupational health

- 5.7.1 Occupational health is concerned with work-related problems and health and safety in the work place. An occupational health service for staff is provided under arrangements made by Human Resources. Further details may be obtained from the Human Resources Office.

5.8 Incidents

- 5.8.1 Any incident or injury occurring whilst at work or on the Council's premises, however trivial it may appear at the time, must be reported to the Internal Health and Safety Service on the prescribed form.
- 5.8.2 Any report of an incident caused by defective fixtures and fittings, furniture, equipment etc. should make the cause clear so that steps can be taken to rectify the fault and avoid a recurrence.

5.9 First Aid Arrangements and Medical facilities

- 5.9.1 Details of first aid arrangements and medical facilities for the Councils are given in the appropriate Code of Practice and on the Health and Safety pages of the Intranet.

5.10 Eye tests for display screen equipment users

- 5.10.1 Members of staff who are users of display screen equipments (computers etc) are eligible for the refund of the cost of an eye test. If it is confirmed by the optician that they require spectacles specifically for display screen equipment use, a further refund may be provided for the cost of a basic pair of spectacles. Further details are available from the Internal Health and Safety Service and on the Health and Safety pages of the Intranet.

5.11 Smoking and vaping

- 5.11.1 Smoking or vaping is not permitted in any of the Council's premises, in any of its workplaces, or within the confines of its depots or the defined area at Follaton House or at any workplace. The text of the policy is set out in the

appropriate Code of Practice and on the Health and Safety pages of the Intranet. This also extends to the use of E Cigarettes.

5.12 Emergency Procedures

5.12.1 Fire

Details of the procedure in the case of fire are provided at each of the Councils' premises. Fire Safety training is also covered on the Induction Courses which is mandatory for all staff, in the health and safety training prospectus and periodically as a refresher.

5.12.2 Emergency procedures for staff with disabilities

On joining the Councils, any member of staff who has a disability that might impede their evacuation or the evacuation of anyone else should bring this to the attention of their manager. A personal evacuation plan will be drawn up by the responsible manager, in conjunction with the Internal Health & Safety Service, and this should be brought to the attention of colleagues working in the same locality. Staff who develop a disability during their employment in the Councils should also consult their manager.

5.12.3 Threats Against the Councils

On receipt of a threat against the Councils including those by letter or suspect package suspicious letter or parcel, staff should:

- make no attempt to open it;
- place the package carefully on the nearest firm surface; and
- telephone Follaton House Building Management (extension 1227) and Kilworthy Park Facilities (extension 3611/3609)

5.13 Security

Responsibility for security within the Councils' premises rests with the manager of each site. Staff are however expected to exercise all reasonable vigilance and, in particular, are responsible for any visitors they may bring into the Councils' premises.

5.14 Arrangements for Names badges and access cards and for Access Control

Where there is a need to provide staff with name badges and access cards or for access control the Facilities service will make the necessary arrangements.

5.15 Consultation With Employees

5.15.1 Consultation with employees on health and safety matters is essential and a statutory requirement.

5.15.2 Suitable arrangements are to be put in place for staff consultation and Terms of Reference agreed as appropriate.

.....
Steve Jordan
Head of Paid Service

.....
John Tucker
Leader of the Council

South Hams District Council
Follaton House
Totnes
TQ9 5NE

.....
Philip Sanders
Leader of the Council

West Devon Borough Council
Kilworthy Park
Tavistock
PL19 0BZ

Date May 2015

Appendices

- Appendix A Aims and Objectives
- Appendix B Key Staff With Additional Health and Safety Responsibilities
- Appendix C Standards Linked To Health and Safety Objectives

Aims and Objectives

Aims

- To ensure that a robust safety management system is in place;
- To provide and maintain a work environment that is safe and without risk to health for all employees, contractors and others who may be affected by the activities of the council;
- To avoid all accidents and to ensure that no one suffers ill health as a result of working at South Hams District Council or West Devon Borough Council or by the activities of the Councils;
- To plan and manage activities so that hazards are assessed and risks eliminated or controlled in so far as is reasonably practicable by appropriate prevention and protection measures

Objectives

- Fully integrate health and safety into the management and decision-making processes within the Councils.
- Ensure appropriate systems are developed and maintained for the effective communication of health, safety and welfare matters throughout the Councils.
- Comply with all relevant Statutes, Regulations and Codes of Practice. The minimum standards that will be adopted by the Councils will be those required by law, although the Councils will always seek to exceed these where there is a demonstrable benefit.
- Devote appropriate resources in the form of finance, equipment, personnel and time to ensure the maintenance of health, safety and welfare standards.
- Provide necessary information, instruction and training to employees and others, including temporary staff, to ensure their competence with respect to health, safety and welfare.
- Ensure appropriate liaison with all necessary persons to ensure an appropriate standard of health, safety and welfare. The Councils will also ensure that adequate arrangements are also in place for ensuring the health and safety of non- employees who may be affected by the Councils' activities.
- Ensure that all employees are aware of their responsibilities to take reasonable care of themselves and others who could be affected by their acts or omissions and to co-operate with management in achieving the standards required.
- Ensure that managers are aware of their specific duties and responsibilities to comply with the letter and spirit of the Councils' policy and that the management of health, safety and welfare is an integral part of their function and their performance will be monitored along with their other duties.
- Carry out appropriate investigation of accidents, incidents and 'near-misses' and necessary action taken to reduce the likelihood of a recurrence.
- Establish procedures to ensure that safe equipment and plant are provided for employees and non-employees.
- Establish procedures for the appointing and monitoring of the competency of contractors.

Key Staff with Additional Health and Safety Responsibilities

1. Community of Practice Lead Specialist- Environmental Health, in addition to his enforcement responsibilities in the commercial sector, will:
 - a. Provide a health and safety advisory service to the Councils by means of the Internal Health and Safety Service;
 - b. Advise the Internal Health and Safety Service on matters of Environmental Health and Pollution Control, relating to activities carried out by the Councils;
 - c. When necessary, monitor the atmosphere and assess noise levels in certain areas of work;
2. Community of Practice Lead Specialist – Assets will ensure that:
 - a. The Dartmouth Lower Ferry operates in accordance with the South Hams District Council's approved Domestic Safety Management Code as required by the Merchant Shipping (Domestic Passenger Ships) (Safety Management Code) Regulations 2001) and that reviews of the Code take place when necessary and at not less than 3 yearly intervals.
 - b. The Salcombe Harbour Safety Management System as required by the Department for Transport Port Marine Safety Code is produced and reviewed at the prescribed intervals.
3. Lead HR Business Partner will have responsibility for:
 - a. Advising elected Members and Officers on the personnel implications of the Councils' Health and Safety Policy;
 - b. Consultations and negotiations with representatives of the staff on those aspects of the Health and Safety policy which affect the staff and their conditions of employment;
 - c. In conjunction with the Internal Health and Safety Service provide suitable induction and other training for staff in health and safety matters, including the administration of the training programme and the organisation of training courses within the Council;
 - d. Ensure that an appropriate paragraph concerning risk management and health and safety is included in each job description.
4. Internal Health & Safety Panel will have responsibility for:
 - a. identifying and implement work programmes relating to internal health and safety, including a programme of auditing and review, and any other tasks arising to achieve compliance with regulatory requirements or best practice.
 - b. the administration of health and safety training across the organisations and develop a training competency matrix, which will establish key training for all staff.

Standards linked to Health and Safety Objectives

Performance levels			
1	2	3	4
Communication and Consultation - Management will ensure that appropriate systems are developed and maintained for the effective communication of health, safety and welfare matters throughout the Councils. The Councils will liaise and work with all necessary persons to ensure an appropriate standard of health, safety and welfare. The Council will also ensure that adequate arrangements are also in place for ensuring the health and safety of non- employees			
Health & safety is not discussed and changes are made without consulting with staff or managers	Health & Safety is a standard item on managers meetings, for all staff during first week induction and following any incident. Changes which may affect H&S are openly discussed with managers	Health & Safety is a standard item on managers and team meetings, for all staff during first week induction and following any incident and as part of risk assessment. Changes which may affect H&S are openly discussed with managers and staff	Health & Safety is a standard item on managers and team meetings for all staff during first week induction and following any incident and as part of risk assessment. Any matters arising are followed up to a conclusion. Changes which may affect H&S are openly discussed with managers and staff and comments or arguments welcomed
Contractors - The Councils will ensure that procedures are established for appointing and monitoring the competency of contractors.			
Contractors are selected without considering any health and safety implications	Contractors are selected after checking their health and safety management and systems	Contractors are selected after checking their health and safety management and systems and agreeing method statements and working processes. The Council's Internal Health and Safety Service is involved.	Contractors are not used OR Contractors are selected after checking their health and safety management and systems and agreeing method statements and working processes. The Council's Internal Health and Safety Service is involved. Contractors are actively monitored during the contract works and a record is maintained.
Monitoring of health and safety including risk assessments and working practices			
No monitoring of health and safety takes place	When problems are brought to the attention of managers the matter is looked into	Regular checks of some aspects of health and safety are made	A programme of checks on health and safety is produced and followed
Planning including the effects of service changes and requirements on health and safety			
There is no consideration of health and safety in my planning	Health and safety is included in my Service Plan but not to any great extent	Health and safety is included in my Service Plan and general planning for my service. Key hazards are identified together with targets for removing or	Health and safety is a feature of all planning in the service. My service plan identifies key hazards and shows targets for removing or mitigating the risks. Progress is actively monitored.

		mitigating the risks	
Risk assessment - <i>The Councils' approach to health, safety and welfare is based on the identification, management and control of risks. There are distinct benefits to be gained from providing a safe and healthy working environment, and appropriate levels of resources will be allocated to promoting, developing and maintaining the standards of health, safety and welfare within the Councils.</i>			
No risk assessments have been carried out	Risk assessments have been carried out for all activities	Risk assessments have been carried out for all activities, control measures put in place and communicated to those affected. Review of assessments is carried out	Risk assessments have been carried out for all activities, control measures put in place and have been communicated to those affected and training has been provided. Monitoring and reviewing of assessments is carried out and recorded.
Training - <i>The Councils will provide the necessary information, instruction and training to employees and others, including temporary staff, to ensure their competence with respect to health, safety and welfare.</i>			
Training is not provided.	Health and safety training needs are identified during the annual appraisal process but not monitored	Health and safety training needs are identified during the annual appraisal process, and when they arise during the year	Health and safety training needs are identified during the annual appraisal process, and when they arise during the year and monitoring carried out to ensure that training takes place

South Hams District Council and West Devon Borough Council aim to ensure equality of opportunity in the delivery of their policies, services and employment practices. South Hams District Council and West Devon Borough Council will challenge discrimination, and encourages other organisations within South Hams and West Devon to act in accordance with Equality legislation.

This Policy is available in large print or Braille upon request.

If you require any help completing associated paperwork please contact the Internal Health and Safety Service extension 1475.

Report to: **Hub Committee**
Date: **1 November 2016**
Title: **Write-Off Report**
Portfolio Area: **Cllr C Edmonds**
Wards Affected: **All**
Relevant Scrutiny Committee: O&S (Internal) Committee

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

Author: **Lisa Buckle** Role: **Section 151 Officer**

Contact: **Ext. 3644 lisa.buckle@swdevon.gov.uk**

RECOMMENDATION

The Committee notes that, in accordance with Financial Regulations, the s151 Officer has authorised the write-off of individual West Devon Borough Council debts totalling £14,102.82 as detailed in Tables 1 and 2.

The Committee approves the write off of individual debts in excess of £5,000 totalling £16,800.03, as detailed in Table 3.

1. Executive summary

The Council is responsible for the collection of: 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. Debts up to the value of £5,000 being written off by the s151 Officer, under delegated authority. Permission needs to be sought from the Committee to write off individual debts with a value of more than £5,000.

This report covers the period 1st July 2016 to 30th September 2016.

2. Background

The Council's sound financial management arrangements underpin delivery of all the Council's priorities, including the commitment to providing value for money services.

This report forms part of the formal debt write-off procedures included in these financial arrangements.

West Devon Borough Council's collection rates for 2015/16 were; Council Tax 97.4% & Business Rates 98.8%.

In the first two quarters of 2016/17 the Council has collected £20.26 million in Council Tax and £6.57 million in Business Rates. The total collectable debt for 2016/17 (as at 30th September) for Council Tax is £35.53 million and for Business Rates is £11.50 million.

Debts are recovered in accordance with the Council's Recovery Policy which is published on our website.

3. Outcomes/outputs

In accordance with good financial management principles the Council has, for the revenue streams detailed in this report, made a total bad debt provision of £1,733,376. This provision recognises that a proportion of the Authority's debts will prove irrecoverable and ensures that the value of debtors within the Authority's accounts is a fair reflection of the amount that will eventually be recovered.

All debts, taxes and rates within the Service's control are actively pursued, and in most instances are collected with little difficulty. In cases where payment is not received on time, a reminder will be issued promptly to the debtor. If this fails to secure payment, a final reminder and/or a summons will also be issued and if necessary the debt passed to an appropriate collection agent such as the Civil Enforcement Agents or the Council's Legal Department in order to secure payment.

Sometimes, however, if the debtor is having difficulty making the payment, special arrangements are used to effect recovery, and this may mean extending the period of time to collect the debt.

In some cases pursuit of an outstanding debt is not possible for a variety of reasons, such as bankruptcy or liquidation and such cases with arrears under £5,000 are written off by the Section 151 Officer under delegated authority. Cases where the debt exceeds £5,000 must, however, be approved by the Committee prior to the debt being written off.

A record is kept of debts written off, together with the reason for doing so, so that if there is a realistic chance of recovery in the future a debt may be resurrected and pursued again.

The Service has access to Experian’s Citizenview database which is currently the most reliable means of tracing absconded debtors. Each case is checked against this system before a decision is taken to write off the debt. A periodic review of write offs against this system may also be carried out to resurrect debts where appropriate.

Collection rates – Has there been any impact from the difficulties with the phone lines into the Customer Contact Centre?

At the last meeting of the Hub Committee, Members asked whether there is thought to have been much impact on the Council’s collection rates, from the difficulties that the Council has recently experienced with the phones lines.

It is not thought that this has had any significant effect on this year’s collection rate. The Council collects total council tax debt of around £35 million and business rates debt of £11.5 million in the year. Whilst the issues will have prevented some residents from getting through and making a payment, there are other ways to pay, including the Council’s automated telephone lines and payment online, so it is not thought that it would have a significant impact. In the first two quarters of 16/17, the Council has collected £20.26 million in Council Tax and £6.57 million in Business Rates.

An issue that will affect the speed of recovery of debts is the fact that the Council normally issues summonses for Court in October. The October date has been cancelled by the Court, as they have changed the location and dates for the Council’s type of court. A court date has been re-booked for November, but it will probably have to be in Torquay or Newton Abbot. This will delay payments for a month.

4. Options available and consideration of risk

5. Proposed Way Forward

The Committee approves the write off of individual debts in excess of £5,000 totalling £16,800.03, as detailed in Table 3.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		<p>The relevant powers for this report are contained within the following legislation;</p> <p>Section 151 Local Government Act 1972 Section 44 Local Government Finance Act 1988 (Non Domestic Rate)</p>

		Section 14 Local Government Finance Act 1992 (Council Tax)
Financial		West Devon Borough Council debts totalling £30,902.85 to be written-off
Risk	Reputation	Any risk to reputation is managed carefully by prompt recovery of amounts due wherever possible. This risk is also mitigated by taking a balanced view and ensuring that resources are not expended on debts which are not cost effective to pursue
	Write Off	The obvious risk of debtors subsequently being able to pay a debt which has been written off is mitigated by the activity outlined in issues for consideration. Any individual debt exceeding £5,000 is referred to members for consideration prior to write-off which accords with Financial regulations.

Comprehensive Impact Assessment Implications		
Equality and Diversity		All enforcement action that is taken prior to this point is undertaken in accordance with legislation and accepted procedures to ensure no discrimination takes place.
Safeguarding		None
Community Safety, Crime and Disorder		None
Health, Safety and Wellbeing		None
Other implications		A bad debt provision is built into the financial management of the Authority

Supporting Information

Appendices:

Table 1 – Council debt under £5,000 written off by the Section 151 Officer

Table 2 – Non-Domestic Rate debt under £5,000 written off by the Section 151 Officer

Table 3 – Summary of items over £5,000 where permission to write off is requested

Table 4 – National & Local Collection Statistics re 2015 / 16 Collection Rates

Table 5 – Quarterly income in 2015 / 16 relating to all years
Table 6 – Previous Year Write Off Totals

Background Papers:

Section 151 Local Government Act 1972
Section 44 Local Government Finance Act 1988 (Non Domestic Rate)
Section 14 Local Government Finance Act 1992 (Council Tax)
Recovery Policy

TABLE 1 SUMMARY OF WEST DEVON BOROUGH COUNCIL DEBT UNDER £5,000 WRITTEN OFF BY S151 OFFICER

TYPE OF DEBT	NUMBER OF CASES	REASON FOR W/OFF	Financial Year 2016/17			Totals for Comparison purposes			
			Quarter 2	Cumulative Total		Equivalent Quarter 2015/16		Grand Total 2015/16	
			Amount (£)	Cases	Amount	Cases	Amount	Cases	Amount
HOUSING BENEFIT	-	Overpaid Entitlement	-	14	7,329.30	8	6,278.95	76	27,451.60
COUNCIL TAX BENEFIT	-	Bankruptcy/DRO/IVA/CVA etc	-	1	112.40	1	137.40	1	137.40
	-	Deceased	-	-	-	-	-	-	-
	-	Other	-	-	-	-	-	-	-
	-	Absconded	-	-	-	2	674.11	6	4,134.02
	-	Not Cost Effective to Pursue	-	5	567.85	7	229.69	13	322.25
	-	Uncollectable Old Debt	-	-	-	3	544.11	9	5,754.73
Total	-		-	20	8,009.55	21	7,864.26	105	37,800.00
COUNCIL TAX	4	Absconded	4,987.80	5	5,370.94	7	5,604.79	39	25,744.67
	-	Bankruptcy/DRO/IVA/CVA etc	-	4	3,271.14	6	3,730.69	32	28,826.08
	2	Deceased	1,650.31	3	4,164.06	1	159.42	3	3,188.73
	3	Other	693.06	6	3,167.40	-	-	3	2,133.96
	-	Small Balance	-	-	-	2	47.24	9	265.88
	-	Uncollectable Old Debt	-	-	-	-	-	-	-
	-	Administration	-	-	-	-	-	-	-
Total	9		7,331.17	18	15,973.54	16	9,542.14	86	60,159.32
SUNDRY DEBTS	-	Small Balance	-	-	-	-	-	1	0.15
	-	Bankrupt/DRO/IVA/CVA etc	-	-	-	-	-	-	-
	-	Not Cost Effective to Pursue	-	-	-	-	-	1	60.00
	-	Uncollectable Old Debt	-	-	-	1	480.00	2	960.00
	-	Absconded	-	-	-	-	-	-	-
	1	Other	40.00	1	40.00	2	790.00	5	2,000.00
Total	1		40.00	1	40.00	3	1,270.00	9	3,020.15
Grand Total	10		7,371.17	39	24,023.09	40	18,676.40	200	100,979.47

**Breakdown of Absconded Council Tax Debt
(Some cases have debts over more than one year)**

Year	2016/17	2015/16	2014/15	2013/14	2012/13	2011/12	2010/11	2009/10	2008/09	2007/08	Pre 2007/08	Total
Value		215.55	754.77	1,953.20	936.82	319.68	239.19	355.04	213.55			
Number		1	3	2	2	1	1	1	1			

TABLE 2 SUMMARY OF NON DOMESTIC RATE DEBT UNDER £5,000 WRITTEN OFF BY THE S151 OFFICER

TYPE OF DEBT	NUMBER OF CASES	REASON FOR W/OFF	Financial Year 2016/17			Totals for Comparison purposes			
			Quarter 2		Cumulative Total	Equivalent Quarter 2015/16		Grand Total 2015/16	
			Amount (£)	Cases		Cases	Amount	Cases	Amount
NON-DOMESTIC RATE	1	Bankruptcy/DRO/IVA/CVA etc	3,081.04	2	4,663.82	-	-	1	1,582.78
	-	Absconded	-	-	-	-	-	1	1,000.53
	-	Deceased	-	-	-	-	-	-	-
	-	Liquidation	-	-	-	2	2,273.21	4	3,310.15
	1	Other	3,650.61	2	4,407.15	-	-	1	756.54
	-	Small Balance	-	-	-	-	-	-	-
	-	Uncollectable Old Debt	-	-	-	-	-	-	-
	-	Administrative Receivership	-	-	-	-	-	-	-
Total	2		6,731.65	4	9,070.97	2	2,273.21	7	6,650.00

TABLE 3 SUMMARY OF ITEMS OVER £5000 WHERE PERMISSION TO WRITE OFF IS REQUESTED

TYPE OF DEBT	NUMBER OF CASES	REASON FOR W/OFF	Financial Year 2016/17			Totals for Comparison purposes			
			Quarter 2		Cumulative Total	Equivalent Quarter 2015/16		Grand Total 2015/16	
			Amount (£)	Cases		Cases	Amount	Cases	Amount
NON-DOMESTIC RATE	1	Liquidation	6,124.02	1	6,124.02	2	19,658.78	3	29,217.16
	-	Administrative Receivership	-	-	-	-	-	-	-
	-	Absconded	-	-	-	-	-	-	-
	1	Bankruptcy/DRO/IVA/CVA etc	10,676.01	1	10,676.01	-	-	-	-
	-	Deceased	-	-	-	-	-	-	-
	-	Other	-	-	-	-	-	-	-
Total	2		16,800.03	2	16,800.03	2	19,658.78	3	29,217.16
HOUSING BENEFIT	-	Bankruptcy/DRO/IVA/CVA etc	-	-	-	-	-	1	5,898.04
	-	Overpaid Entitlement	-	1	17,821.39	-	-	1	9,787.06
	-	Deceased	-	1	5,839.59	-	-	-	-
Total	-		-	2	23,660.98	-	-	2	15,685.10
COUNCIL TAX	-	Bankruptcy/DRO/IVA etc.	-	-	-	-	-	-	-
	-	Absconded	-	-	-	-	-	-	-
Total	-		-	-	-	-	-	-	-
Grand Total	2		16,800.03	4	40,461.01	2	19,658.78	5	44,902.26

TABLE 4 NATIONAL & LOCAL COLLECTION STATISTICS RE 2015-16 COLLECTION RATES

Total amount collected in 2015-16 relating to 2015-16 financial year only (net of refunds relating to 2015-16)

	Council Tax			Non Domestic Rates		
	Collectable Debit i.r.o. 15/16 - £000s	Net Cash Collected* i.r.o. 15/16 - £000s	Amount Collected i.r.o. 15/16 - %age	Collectable Debit i.r.o. 15/16 - £000s	Net Cash Collected* i.r.o. 15/16 - £000s	Amount Collected i.r.o. 15/16 - %age
All England	25,521,990	24,781,788	97.1	24,056,816	23,621,127	98.2
Shire Districts	11,687,667	11,455,297	98.0	7,797,294	7,677,010	98.5
East Devon	88,917	87,973	98.9	33,134	32,414	97.8
Exeter	55,246	53,310	96.5	79,238	78,123	98.6
Mid Devon	44,888	44,020	98.1	15,579	15,436	99.1
North Devon	52,351	50,837	97.1	32,936	32,194	97.7
Plymouth	108,365	104,837	96.7	91,540	91,053	99.5
South Hams	60,131	59,032	98.2	31,887	31,308	98.2
Teignbridge	75,440	74,256	98.4	32,516	32,065	98.6
Torbay	67,254	64,344	95.7	37,666	36,040	95.7
Torridge	36,621	36,028	98.4	11,132	10,956	98.4
West Devon	34,009	33,113	97.4	10,847	10,713	98.8

* Net Cash Collected is total 2015-16 receipts net of refunds paid, in respect of 2015-16 only

TABLE 5 QUARTERLY INCOME IN 2015-16 RELATING TO ALL YEARS

Total amount collected in 2015-16 relating to any financial year (net of all refunds in 2015-16)

	Council Tax Net Cash Collected* £000s	Non Domestic Rates Net Cash Collected* £000s
Quarter 1 - Receipts collected between 1 st April – 30 th June	10,011	3,398
Quarter 2 - Receipts collected between 1 st July – 30 th September	9,395	3,140
Quarter 3 - Receipts collected between 1 st October – 1 st December	9,481	2,549
Quarter 4 - Receipts collected between 1 st January – 31 st March	4,530	1,428

* Net Cash Collected is total receipts in 2015-16 net of refunds paid, irrespective of the financial year (previous, current or future years) to which they relate

TABLE 6 PREVIOUS YEAR WRITE OFF TOTALS

		2015 - 16	2014 - 15	2013- 14	2012 - 13	2011 - 12
HOUSING BENEFIT	Under £5,000 cases	37,800.00	77,477.87	48,315.96	47,636.80	21,103.31
HOUSING BENEFIT	£5,000 or over cases	15,685.10	25,488.58	0.00	0.00	0.00
Total		53,485.10	102,966.45	48,315.96	47,636.80	21,103.31
COUNCIL TAX	Under £5,000 cases	60,159.32	67,271.83	33,385.96	199,475.48	133,748.27
COUNCIL TAX	£5,000 or over cases	0.00	5,265.60	15,940.10	25,924.46	5,658.27
Total		60,159.32	72,537.43	49,326.06	225,399.94	139,406.54
SUNDRY DEBTS	Under £5,000 cases	3,020.15	887.47	818.09	4,449.99	5,719.72
SUNDRY DEBTS	£5,000 or over cases	-	0.00	0.00	0.00	0.00
Total		3,020.15	887.47	818.09	4,449.99	5,719.72
NON DOMESTIC RATES	Under £5,000 cases	6,650.00	17,699.12	35,095.48	18,780.31	32,463.90
NON DOMESTIC RATES	£5,000 or over cases	29,217.16	89,506.07	38,882.41	26,680.71	55,949.62
Total		35,867.16	107,205.19	73,977.89	45,461.02	88,413.52
GRAND TOTAL		152,531.73	283,596.54	172,438.00	322,947.75	254,643.09

0629

Appendix 1 – Explanation of the cost to the Council of Housing Benefit Overpayments which are subsequently written off.

OVERPAYMENT RECOVERY

At the previous Hub Committee meeting, Members requested that an explanation of the cost to the Council of Housing Benefits overpayments that are written off was attached to the next write off report to the Committee

Subsidy on overpayments of housing benefit varies depending on the reason for the overpayment.

A “Local Authority error overpayment” means an overpayment caused by a mistake made by an authority, it may be a mistake of fact or of law, it does not apply however if the person to whom the payment was made, caused or materially contributed to that mistake.

An “administrative delay overpayment” means one which has arisen when the Council has failed to act on information provided in a timely manner.

Local Authority error and administrative delay overpayments are combined for housing benefit subsidy purposes. The amount of subsidy that a Council can claim in a year depends on the combined amount as compared with its total correct payments of housing benefit in that year.

For up to 0.48%, the Council can claim 100% subsidy on all such overpayments.

Above 0.48% and up to 0.54% the Council can claim 40% subsidy on all such overpayments.

For amounts above 0.54%, the Council cannot claim any subsidy back.

For example last year 2015/16 the total housing benefit expenditure for West Devon was £13,468,361.

The lower threshold 0.48% was £64,648

The upper threshold 0.54% was £72,729

Total Local Authority Error and Admin Delay overpayments totalled £52,978 in 2015/16, so therefore the Council claimed the whole amount of this back in subsidy.

The Council could have claimed 100% subsidy up to £64,648, for anything between the amounts of £64,648 - £72,729 the Council could have claimed 40% of the amount in subsidy and for anything above £72,729 the Council wouldn't have been able to claim anything. Most other overpayments created attract 40% subsidy.

All overpayments are recoverable in the first instance and the Council keeps all monies recovered.

Therefore the cost to the Council of writing off Housing Benefit overpayments can be anywhere between 0% (where 100% is subsidy achieved), 60% (where 40% subsidy is achieved) and 100% (where Nil subsidy is achieved). The amount is dependent on where the Council is on its threshold. In 2015/16, the Council received 100% subsidy for all overpayments due to being below the lower threshold for the year.

Agenda Item 10

At a Meeting of the **OVERVIEW & SCRUTINY (INTERNAL) COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **19th** day of **JULY 2016** at **2.00pm**.

Present:

Cllr C R Musgrave – Chairman
Cllr J Yelland – Vice-Chairman
Cllr W G Cann OBE Cllr M Davies
Cllr J Evans Cllr P Kimber
Cllr C Mott Cllr D E Moyse
Cllr P J Ridgers

Head of Paid Service
Executive Delivery (Service Delivery and Commercial Development)
Group Manager – Support Services
Group Manager – Business Development
Section 151 Officer
Senior Specialist – Democratic Services

Also in Attendance:

Cllrs K Ball, D W Cloke, C Edmonds, A F Leech, G Parker and P R Sanders

***O&S(I) 11 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs L J G Hockridge and J R McInnes.

***O&S(I) 12 CONFIRMATION OF MINUTES**

The minutes of the Meeting held on 14 June 2016 were confirmed and signed by the Chairman as a correct record.

***O&S(I) 13 DECLARATIONS OF INTEREST**

Members and officers were asked to declare any interests in the items of business to be considered during the course of this meeting, but there was none made.

***O&S(I) 14 PUBLIC FORUM**

It was noted that no issues had been raised by the general public.

***O&S(I) 15 HUB COMMITTEE FORWARD PLAN**

The most recent (published June 2016) Hub Committee Forward Plan was presented for consideration and was duly noted without any issues being raised.

***O&S(I) 16 T18 BUDGET MONITORING REPORT TO END OF MARCH 2016**

A report was presented that set out the revenue position of the T18 Programme at the end of March 2016. It was noted that a version of this report had also been considered at the Hub Committee meeting held on 12 July 2016 (Minute HC 11 refers).

In discussion, the following points were raised-

- (a) With regard to workstream T4: 'Web/Portal', the Committee was advised that this had been extended to include the purchase of a new Council website. It was intended that the new website (that would be funded from within the IT equipment savings budget) would be cloud based and would be quicker and more responsive for its users.

Specifically regarding the number of web pages currently available on the website, it was noted that, as part of the recent transitional resources report, a temporary post was to be filled that would be responsible for reducing and streamlining the content that was published;

- (b) As an update to workstream T5: 'Telephony', officers confirmed that a new telephony system had been purchased. Within the next two weeks, it was also noted that one of the telephone lines would be running on this new system. Once officers were content that the system was set up and working satisfactorily, the handover plan would take effect and all lines would be switched over to the new system over the course of a weekend. When questioned, officers gave an assurance that these changes (once in place) would be advertised and publicised widely as part of a Communications Strategy;
- (c) Officers were invited to provide a detailed explanation of the cost allocations and apportionments of the Programme between the Council and South Hams District Council. The Section 151 Officer explained the processes and confirmed that the Council's new external auditors (KPMG) would also be reviewing the processes and methodology used as part of the annual audit of the Accounts. It was explained that KPMG would report on their findings to the Audit Committee meeting on 27 September 2016;
- (d) In terms of the total expenditure for the Programme, officers confirmed that the figures outlined in the presented agenda report were the final totals. As and when future expenditure was being sought for other potential projects, a business case would be presented to Members for their consideration.

Particularly when considering the extent of the changes, a Member felt that the Senior Leadership Team should be congratulated that the Programme had been delivered for less than the agreed budget. Whilst there were still ongoing difficulties associated with the Programme, the Member was reassured that the Senior Leadership Team had demonstrated its ability to deliver such extensive change.

It was then **RESOLVED** that progress to date on the T18 Transformation Programme be noted.

*O&S(I) 17 TASK AND FINISH GROUP UPDATES

(a) T18 Programme – Interim Review: Draft Terms of Reference

The Committee was reminded that the Council approved the following recommendation at its meeting held on 28 June 2016 (Minute CM 21a (iii) refers):

‘That the Overview and Scrutiny (Internal) Committee be requested to undertake an interim review of the T18 Programme, with the Terms of Reference for this Review being agreed by the Executive Director (Strategy and Commissioning), in consultation with the Lead Member for Customer First and the Lead Member for Economy.’

Since this decision and, in consultation with the relevant lead Members, the Executive Director (Strategy and Commissioning) had drafted a set of proposed Terms of Reference as follows:

“The Overview and Scrutiny (Internal) Committee is requested to undertake an interim review of the T18 programme. In undertaking the review, the Task and Finish Group is asked to focus on the:

- *timescales of the programme and the reasons for these;*
- *capacity during transition;*
- *leadership and continuity from 2104 until present;*
- *approach to project management; and*
- *impact on service delivery.*

The review should be conducted in a way that highlights what went well and what could have been done better, does not allocate blame but provides a report that is based on lessons learnt.”

During the ensuing debate, reference was made to:-

- (a) the importance of the terms of reference being appropriate for the review to be effective. In addition, some Members emphasised that the review needed to be robust and challenging;
- (b) the need for swift progress to be made on this review was recognised by all Members;
- (c) an addition to the draft terms of reference. It was **PROPOSED** and **SECONDED** that the following addition should be included at the end of the final sentence in the draft terms of reference:

‘and how these lessons learnt are being applied.’

When put to the vote, this addition was declared **CARRIED**.

It was then **RESOLVED** that:

1. The broad terms of reference (as outlined above, subject to inclusion of the addition at discussion point (b)) be approved as the basis for this Review; and
2. Cllrs Davies, Evans, Mott, Musgrave, Ridgers and Yelland be nominated to serve on this Task and Finish Group.

O&S(I) 18 MEMBER DEVELOPMENT STEERING GROUP – PROGRESS UPDATE AND INDUCTION REVIEW

The Committee considered a report that presented a series of recommendations from the Member Development Steering Group.

The Chairman of the Steering Group proceeded to introduce the report and responded to Member questions.

In the subsequent discussion, the following points were raised-

- (a) The Chairman of the Steering Group confirmed that there were no cost implications associated with pursuing the South West Charter Status for Member Development;
- (b) Members endorsed a suggestion whereby a standing agenda item should be included for future Committee meetings that acted as a prompt for any future Member Learning and Development opportunities that arose from each meeting;
- (c) Whilst acknowledging that the Member Induction Programme was a largely generic document, it was noted that the future Member Learning and Development Plan would have the ability to cater for the individual needs of all Members;
- (d) Specifically regarding the revised Induction Programme, a number of Members commended its content and wished to put on record their thanks to the Steering Group and lead officer for taking on board the feedback of the wider membership and for producing such an excellent piece of work.

It was then:

RESOLVED

That the Committee:

1. note the progress made by the Steering Group to date; and

2. request a standing agenda item be included for future Committee meetings that acts as a prompt for any future Member Learning and Development opportunities that arose from each meeting.

That the Hub Committee be **RECOMMENDED** to:

3. approve the future Member Induction Programme (as attached at Appendix A of the presented agenda report), subject to delegated authority being granted to the Senior Specialist – Democratic Services, in consultation with the Member Development Steering Group and Group Leaders, to make any necessary minor amendments;
4. approve the principle of a Member Learning and Development Plan, with responsibility for its content and monitoring being delegated to the Senior Specialist – Democratic Services, in consultation with the Member Development Steering Group; and
5. support the pursuing of the South West Charter Status for Member Development accreditation.

***O&S(I) 19 COMMITTEE DECISIONS LOG**

The latest version of the Committee decisions log was presented to the meeting and, with no debate or discussion, it was:

RESOLVED

That the published Decisions Log be noted.

***O&S(I) 20 DRAFT WORK PROGRAMME 2016/17**

The Committee took the opportunity to express its views in relation to its 2016/17 Work Programme and proceeded to note the content of the latest draft (as presented in the published agenda papers) without the need for any revisions at this time.

(The meeting terminated at 2.55 pm)

Chairman

This page is intentionally left blank

At a Meeting of the **OVERVIEW & SCRUTINY (EXTERNAL) COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **2nd** day of **AUGUST 2016** at **2.00 pm**.

Present:

Cllr D K A Sellis – Chairman
Cllr D W Cloke – Vice-Chairman
Cllr R Cheadle Cllr N Jory
Cllr A F Leech Cllr T G Pearce
Cllr J Sheldon Cllr B Stephens

Head of Paid Service
Place and Strategy Lead Specialist
Specialist – Community Safety, Safeguarding
and Partnerships
Senior Specialist – Democratic Services

Also in Attendance:

Cllrs C Edmonds, J B Moody, D E Moyse, C R
Musgrave, G Parker and J Yelland

***O&S(E) 11 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs K Ball, A Roberts and L Watts. Apologies were also received from Cllrs R E Baldwin and L Samuel in their capacity as lead Hub Committee Members.

***O&S(E) 12 CONFIRMATION OF MINUTES**

The minutes of the Meeting held on 14 June 2016 were confirmed and signed by the Chairman as a correct record, subject to introductory point 6 under Minute *O&S(E) 6 'Joint Local Plan Update' being amended to read:

'a public consultation exercise that would commence on 1 July 2016.'

***O&S(E) 13 DECLARATIONS OF INTEREST**

Members and officers were asked to declare any interests in the items of business to be considered during the course of this meeting, but there were none made.

***O&S(E) 14 PUBLIC FORUM**

The Chairman informed that there had been one issue raised for this meeting in accordance with the Public Forum:

Issue raised by Mr Kevin Eady:

"The out-of-hours GP clinic at Tavistock hospital is to cease from the 1st October 2016. This decision was taken in such a way that practically no-one in Tavistock knew about it before the decision was announced. Even the announcement was easy to miss. None of the GP surgeries in Tavistock, Yelverton, Bere Alston and Lifton were directly consulted by the CCG. Nor were the trades unions of the workforce involved.

The staff discovered their intended redundancy on-line, not even in a face-to-face meeting with anybody. The general public were, and most still are, completely unaware of what was being proposed.

Similar proposals are being rolled out across Devon, in Okehampton, Bideford, Tiverton, Honiton and elsewhere. This is all being carried out with the same degree of secrecy and subterfuge. The pretence may be that of increased efficiency and streamlined services, but we all know that the underlying reason is simply lack of funding from central government. The reality will be that many patients will either present themselves for treatment later than they should, fail to present at all, have great difficulty in attending clinics in either Okehampton or Plymouth, or may find the cost prohibitive or punitive. The knock-on adverse health effects are impossible to quantify accurately, but can be imagined.

The NEW CCG may think it has followed the letter of the law in terms of consultation, but a quick stroll through Tavistock talking to passers-by would soon convince you that any supposed consultation was complete sham. Or maybe it was merely overlooked by busy people.

Is there any justification for the way in which these decisions have been arrived at, for the lack of accountability and for the underhand nature of the decision-making process?"

Having read his question, Mr Eady proceeded to inform that, in the space of two and a half hours recently, 330 signatories had put their name to a petition urging for the out of hours clinic to be retained. Furthermore, not one person canvassed felt the proposals were a good idea.

At this point, the Chairman informed that Ms Rachael Crawley (Assistant Contract Manager, NHS England South Region, South West) was in attendance at this meeting in accordance with agenda item 7 below (Minute *O&S(E) 16 below refers). As a consequence, it was the Chairman's intention for these issues to be raised under agenda item 7 and, at that point of the meeting, she would enable Mr Eady a further opportunity to address the Committee.

***O&S(E) 15 HUB COMMITTEE FORWARD PLAN**

The most recent (published June 2016) Hub Committee Forward Plan was presented for consideration. In so doing, the Head of Paid Service informed that an additional agenda item would be added to the Plan for the Hub Committee Meeting on 1 November 2016 in relation to the Heart of the South West Devolution Bid.

***O&S(E) 16 NHS ENGLAND REPRESENTATIVES**

As highlighted in the Public Forum session (Minute *O&S(E) 14 above refers), Ms Crawley was in attendance at this meeting to address the Committee and respond to Member questions. In addition to Mr Eady's submission, the following questions had been received in advance from Council Members:

Questions from Cllr Robert Oxborough:

- 1. Is the Devon Doctors service being withdrawn?*
- 2. If so, what arrangements will be in place to provide out of hours GP cover in WD?*
- 3. In the event that the service is withdrawn, will there be additional community nurse support provided from the outset (current community nursing staff appears to be at capacity).*

Questions from Cllr Neil Jory:

- 1. There has clearly been considerable pressure on social care budgets and spending in recent years and much publicity about the adverse knock-on effect that this has had on the NHS and its ability to deliver services. This situation is likely to have the greatest impact on the most vulnerable members of our society - those who are elderly, homeless, learning disabled, alcoholic, drug dependent and have low incomes. Can you tell me what is being done to protect those members of our community from these pressures?*
- 2. The answer to the problem outlined in my previous question is widely promoted as being the delivery of integrated health and social care (through the Better Care Fund). Can you tell me what progress has been made towards the integration of health and social care services in this area?*
- 3. There has also been considerable publicity over the financial pressures on Doctors' surgeries in recent years. My understanding is that the vast majority of income for surgeries comes from commissioned services funded by the NHS. Can you outline the extent to which surgeries are subject to audit - both in terms of their financial management and the delivery of commissioned services - to ensure that public funds are being properly accounted for and to ensure that patients are receiving the level of care and services that are being funded?*
- 4. What effect, beneficial or otherwise, is political devolution and the proposed creation of the Heart of the South West authority likely to have on the delivery of NHS services in this area?*

In responding to all of the questions received in advance, Ms Crawley made particular reference to:-

- (a) lessons learned from the closure of the surgery of the Ockment Centre, Okehampton. Ms Crawley advised that a number of lessons had been learned from this closure including the need to involve and consult with local authorities and local ward Members from the outset. Specifically regarding the closure of the Ockment Centre, the Committee was advised that this decision had been taken since it was not considered to be financially viable moving forward;*

(b) the relationship between NHS England and the NEW Devon CCG. Ms Crawley made the point that a number of the advanced questions that had been submitted were in fact the responsibility of the NEW Devon CCG (e.g. the commissioning of out of hours care provision). A detailed and lengthy debate ensued during which it was apparent that there was a lack of clarity and great confusion around the different roles and the relationship between the NHS England and the NEW Devon CCG. The Member frustrations were echoed by members of the public who were present and, at the discretion of the Chairman, Dr Gude was invited to address the Committee. In so doing, Dr Gude read the following statement:

'I am Dr Gude, who was a GP here for 25 years. Thank you for coming here to answer our questions. I want to ask about something that you are not directly responsible for but wish you to take back to NHS England.'

Simon Stevens, as Head of NHS England, is responsible for the health service in England. The CCG's are responsible for commissioning health care and their actions are the responsibility of NHS England.

- 1. Will you take back to NHS England the very strong feelings of local people about the outrageous action of the CCG to cut back out of hours services without any local consultation either with the Council, the local GPs or the public?; and*
- 2. Will you be able to persuade NHS England to send a directive to the CCG to put the changes on hold so that appropriate local discussions can take place?*

When the CCGs were created as a result of the Health and Social Act being passed in 2011, it was said that power would be passed to GPs. This has obviously not happened since local GPs were not consulted.'

Specifically regarding this statement, Ms Crawley assured Dr Gude that she would ensure that these comments are relayed accordingly.

In reflecting the frustrations of the meeting, the Chairman made the formal request that NEW Devon CCG representatives should be invited to a future meeting. Furthermore, in light of the tight time constraints associated with a number of these issues, it was felt that this would need to be a special meeting that was organised at fairly short notice. The Committee endorsed these sentiments and felt that the representatives would be in a better position to both respond to a number of the questions raised in advance and highlight the role of the organisation and how it fitted into the wider public health agenda;

(c) the need for a pro-active approach to be taken to care planning was recognised and welcomed by the Committee;

- (d) the funding for GPs surgeries being based upon the numbers registered and the consequent age and gender profile. However, Ms Crawley proceeded to inform that there had been a recent move to standardise the payment for all GP surgeries, which would result in smaller surgeries benefiting more than larger practices. In respect of audit requirements and spending reviews, the importance of these were recognised by NHS England, but there was also felt to be a balance to be struck to ensure that these were undertaken in a proportionate manner.

In concluding the agenda item, the Chairman thanked the Members and the public who had contributed to this agenda item. In addition, the Chairman thanked Ms Crawley for her attendance and responses but felt that this item had unearthed a number of issues that required the further detailed consideration of the Committee.

***O&S(E) 17 JOINT LOCAL PLAN UPDATE**

The Place and Strategy Lead Specialist and lead Hub Committee Member provided a verbal update on the Joint Local Plan. In so doing, the following points were raised:-

- Members noted that progress continued to be swift and the Council was currently midway through the consultation exercise (deadline being 12 August 2016). In respect of the consultation process, public meetings had already been held in Okehampton and Tavistock and the Locality Officers were raising awareness in the rural areas.
- To date, it was noted that 108 comments had been received by the Council that related to either West Devon or South Hams from 93 respondents, with only a few of these raising outright objections to the proposals. Of particular interest in these responses, Tavistock Town Council had expressed its concerns over the continued reliance on the sites at Callington Road and Plymouth Road. The lead Hub Committee Member informed that he too shared some of these concerns and officers were currently looking into this matter.

Several objections were raised by landowners who had wished to promote their own sites as an alternative and each of these would be discussed with the relevant local ward Member(s). Finally, a number of concerns had been raised from Okehampton and the overriding concerns were related to the scale of proposed development in the town. However, a number of sites had been allocated via the adopted Core Strategy and planning permissions already granted;

- For clarity, it was noted that reference in the initial published consultation document to the New Launceston Road site was an error. In apologising for the confusion arising from this mistake, the lead Hub Committee Member confirmed that the consultation documents had been updated and all relevant parties notified accordingly;

- Since this was the last Committee meeting before the Place and Strategy Lead Specialist left the employ of the Council, the Lead Hub Committee Member confirmed the transitional arrangements that were in place and proceeded to thank the officer for his exemplary service and wished him every success for the future. On behalf of the Committee, the Chairman endorsed these sentiments.

In the ensuing debate, reference was made to:-

- (a) housing needs evidence. With regard to housing needs evidence being required by Neighbourhood Planning Groups, officers agreed to circulate a link to the consultants' report to the wider membership. Furthermore, it was agreed that a copy of the proposed timetable for the Joint Local Plan would also be circulated to all Members;
- (b) allocating housing in villages. The lead Member informed that a decision was still to be made in relation to how housing would be specifically allocated to villages. It was noted that the Council could either leave the villages themselves to determine how the total allocation was divided or they could be specifically allocated via the Joint Local Plan. Whilst there were advantages and disadvantages to both options, Members were advised that a decision had yet to be reached;
- (c) the merits of adopting a Neighbourhood Plan. When questioned, the lead Member stated that the Council would work with Neighbourhood Planning Groups to ensure that there was commonality and close linkages with the contents of the Joint Local Plan. In respect of those parishes without a Neighbourhood Plan, it was confirmed that the Council would leave the option available for them to produce a Development Plan Document in the future (if they so wished);
- (d) the predominantly IT based consultation exercise. Whilst some concerns were raised that there was too great an emphasis on IT during the consultation process, other Members were of the view that it was appropriate in this instance.

O&S(E) 18 TASK AND FINISH GROUP UPDATES

(a) Partnership Review

The Committee considered a report that set out the summary outcomes from the work of the Partnership Task and Finish Group.

In so doing, reference was made to:

- (a) the importance of the CAB. A number of Members highlighted the key role played by the CAB and made the point that they would be strongly against the Council reducing its annual financial contribution to this partner;

- (b) the local Liaison Groups related to Okehampton and Tavistock. In making reference to the lack of clarity around the local Liaison Groups, the Committee recognised that this was an area of the review that was still to be concluded;
- (c) providing regular feedback. The Committee emphasised the comments raised by the Task and Finish Group whereby partners and outside bodies should be reminded and strongly encouraged to provide regular feedback to the Council;
- (d) the partnership register. As a live and evolving document, the importance of the partnership register being kept up to date and regularly monitored was highlighted;
- (e) the business plans to be submitted by the CAB and CVS. In light of the expectations already placed upon them by the task and finish group, some Members felt that the production of a business plan was an unnecessary and onerous expectation on the CAB and CVS. In contrast, other Members felt that it was an important piece of work to establish the value for money that the Council was receiving and did not feel it would need to be an extensive piece of work. In addition, depending on the content of the business plan, officers may feel that there was no need for CAB or CVS representatives to attend the special meeting at which this piece of work would be presented to the Committee.

In conclusion, a number of Members wished to put on record their gratitude for the work undertaken by the Task and Finish Group and lead officers in this respect.

It was then:

RECOMMENDED

That the Hub Committee **RECOMMEND** to Council that:-

1. the Partnership Policy (as outlined at Appendix 1 of the presented agenda report) and Guidance (as outlined at Appendix 2 of the presented agenda report) be adopted;
2. the Partnership Register (as outlined at Appendix 3 of the presented agenda report) be adopted;
3. the review and recommendations of the Task and Finish Group (as outlined at Appendix 4 of the presented agenda report) be agreed;
4. Partnerships be retained at current financial levels for 2017/18, subject to any financial modifications set out in Appendix 4 of the presented agenda report and/or any changes required pursuant to recommendation 5 below;
5. those significant partners identified in paragraph 3.7 (CAB and CVS) be invited to submit a business plan to the Overview & Scrutiny (External) Committee before the end of September 2016 setting out:

- What they would spend the funding on;
 - How it will benefit residents;
 - Links to Council's Strategic Priorities;
 - What value for money it will provide; and
 - What success measures they would use.
6. new (or updated) partnership agreements be established for 2017/18 onwards establishing clear outcomes relating to Our Plan themes and, where appropriate, the Locality work to ensure co-ordinated delivery for communities; and
 7. alongside this, a further financial and governance review be undertaken to identify the most appropriate delivery options aligned to financial and procurement procedures once a decision on the Local Authority Controlled Company is confirmed.

***O&S(E) 19 COMMITTEE DECISIONS LOG**

The latest version of the Committee decisions log was presented to the meeting.

Whilst acknowledging that attempts had been made by the Council's Communications Team to ask the office of Mel Stride MP to retract a misleading article in the local press, a Member expressed his concerns that this had proven to be unsuccessful. Although the Committee had some sympathy with these frustrations, a number of Members felt that this matter was outside the remit of the Committee and it should therefore be closed.

RESOLVED

That the published Decisions Log be noted.

***O&S(E) 20 DRAFT ANNUAL WORK PROGRAMME**

The Committee considered its draft 2016/17 Work Programme and made reference to the following comments, additions and amendments:-

- (a) Following the discussions during agenda item 7 above (Minute *O&S(E) 16 above) Members were reminded of the decision to schedule into the diary an additional Special Committee meeting;

(Post meeting note: this additional meeting was scheduled to take place on Monday, 26 September at 2.00pm).

- (b) With regard to the Police and Crime Commissioner agenda item on 11 October 2016, the Chairman urged Members to begin to give consideration to any questions that they would like to raise in advance of this meeting.

(The meeting terminated at 4.15 pm)

Chairman

At a Special Meeting of the **OVERVIEW & SCRUTINY (EXTERNAL) COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **MONDAY** the **26th** day of **SEPTEMBER 2016** at **2.00 pm**.

Present:

Cllr D K A Sellis – Chairman	
Cllr K Ball	Cllr R Cheadle
Cllr N Jory	Cllr T G Pearce
Cllr A Roberts	Cllr B Stephens

Head of Paid Service
Environmental Health Community Of Practice
Lead
Specialist – Community Safety, Safeguarding
and Partnerships
Senior Specialist – Democratic Services

Also in Attendance: Cllrs R E Baldwin, M J R Benson, M Davies,
L Samuel, P R Sanders and J Yelland

***O&S(E) 21 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs D W Cloke, A F Leech, J Sheldon and L Watts.

***O&S(E) 22 CONFIRMATION OF MINUTES**

The minutes of the Meeting held on 2 August 2016 were confirmed and signed by the Chairman as a true and correct record.

***O&S(E) 23 DECLARATIONS OF INTEREST**

Members and officers were asked to declare any interests in the items of business to be considered during the course of this meeting, but there were none made.

***O&S(E) 24 PUBLIC FORUM**

The Chairman informed that since the issue that had been raised by Mr Kevin Eady at the previous Committee meeting had not been addressed at that time (Minute *O&S(E) 14 refers), it had been deferred for consideration at this meeting (as below).

Issue raised by Mr Kevin Eady:

“The out-of-hours GP clinic at Tavistock hospital is to cease from the 1st October 2016. This decision was taken in such a way that practically no-one in Tavistock knew about it before the decision was announced. Even the announcement was easy to miss. None of the GP surgeries in Tavistock, Yelverton, Bere Alston and Lifton were directly consulted by the CCG. Nor were the trades unions of the workforce involved.”

The staff discovered their intended redundancy on-line, not even in a face-to-face meeting with anybody. The general public were, and most still are, completely unaware of what was being proposed.

Similar proposals are being rolled out across Devon, in Okehampton, Bideford, Tiverton, Honiton and elsewhere. This is all being carried out with the same degree of secrecy and subterfuge. The pretence may be that of increased efficiency and streamlined services, but we all know that the underlying reason is simply lack of funding from central government. The reality will be that many patients will either present themselves for treatment later than they should, fail to present at all, have great difficulty in attending clinics in either Okehampton or Plymouth, or may find the cost prohibitive or punitive. The knock-on adverse health effects are impossible to quantify accurately, but can be imagined.

The NEW CCG may think it has followed the letter of the law in terms of consultation, but a quick stroll through Tavistock talking to passers-by would soon convince you that any supposed consultation was complete sham. Or maybe it was merely overlooked by busy people.

Is there any justification for the way in which these decisions have been arrived at, for the lack of accountability and for the underhand nature of the decision-making process?"

Having read his question, Mr Eady proceeded to inform that he had organised a petition that had seen 1,500 signatories put their name to it urging for the out of hours clinic to be retained. The petition had been submitted to the Northern, Eastern and Western (NEW) Devon Clinical Commissioning Group (CCG) and, at the time of this meeting, he was still awaiting a response.

At this point, the Chairman informed that Ms Elaine Fitzsimmons (Associate: Northern Locality, NEW Devon CCG) and Mr Jerry Clough (Chief Operating Officer, NEW Devon CCG) were in attendance at this meeting in accordance with agenda item 7 below (Minute *O&S(E) 26 below refers). As a consequence, it was the Chairman's intention for these issues to be raised under agenda item 7 and, at that point of the meeting, she would enable Mr Eady a further opportunity to address the Committee.

***O&S(E) 25 HUB COMMITTEE FORWARD PLAN**

The most recent (published August 2016) Hub Committee Forward Plan was presented for consideration. Whilst not directly linked to the Forward Plan, the Head of Paid Service informed the Committee of the intention for a Special Council meeting to be convened on 26 January 2017 to consider an agenda item relating to the Joint Local Plan.

***O&S(E) 26 NEW DEVON CCG REPRESENTATIVES**

As highlighted in the Public Forum session (Minute *O&S(E) 24 above refers), Ms Fitzsimmons and Mr Clough were in attendance at this meeting to address the Committee and respond to Member questions.

In her introduction, the Chairman informed of her intention to divide this agenda item into two separate discussions. The first item would be led by Ms Fitzsimmons and would relate to the out of hours and 111 services and the second item would be introduced by Mr Clough and would specifically focus on the CCG's Sustainability Transformation Programme

(a) The Out Of Hours and 111 Services

In her address, Ms Fitzsimmons raised the following points:-

- The 111 telephony service had been introduced with the ability of being able to offer a range of services (e.g. from calling an ambulance on behalf of the patient to offering self-care advice) whilst streamlining and simplifying the system;
- The Devon Doctors service had been commissioned to work in partnership with a national organisation called 'Vocare' who would provide the 111 service. Whilst the two services were working together in partnership, Ms Fitzsimmons acknowledged that there were still further improvements that could be made in this respect;
- Specifically regarding the out of hours service, approximately 60% of the contacts made were resolved through an initial telephone consultation. In the remaining instances, the Committee was informed that the GP would determine (when speaking to the patient) whether or not they believed that they would need to complete their consultation with a face to face assessment;
- Assurances were given to Members that, from the perspective of the patient, they would see no difference to the out of hours service;
- It was felt that the 111 service would result in improvements by way of advice still being given to patients whilst there would be additional Doctors and nurses involved in the process, who would be available to provide and offer faster solutions;
- Whilst there was a perception that the changes had been implemented to save money, it was in fact confirmed that the contract value was the same as before;
- The development of an integrated 111 and out of hours service was attempting to reduce the confusion around the urgent care model;
- There was now clarity around the specification for the out of hours service. This specification had been developed with the involvement of Healthwatch, with 13 GPs and 6 volunteers involved in the process. Whilst there was representation from rural areas during this process, it was acknowledged that no individuals from the West Devon area were involved. One of the conclusions

reached by Healthwatch was that a reasonable travel distance to access an out of hours service was 30 minutes by car;

- It was noted that Devon Doctors had won the bid to provide the service following a competitive dialogue process. In its submission, Devon Doctors had concluded that, due to the relatively close proximity to Derriford Hospital, it could withdraw the out of hours medical cover from Tavistock. In addition, there was also the potential for patients to use the provision in both Launceston and Okehampton;
- With regard to the numbers using the Tavistock out of hours service, Members were advised that evidence suggested that, on average, less than one patient per evening was using the service during the week, with 7.3 patients utilising the service on a Saturday night and 6.6 patients on a Sunday night. As a consequence, the numbers who were impacted were not felt to be extensive and those in attendance were reminded that the Minor Injuries Unit would remain at Tavistock;
- Having sought legal advice, the CCG had concluded that there was no need for a formal consultation exercise to have been undertaken prior to this decision being made;
- It was confirmed that the CCG would monitor the changes closely and would make sure that other services were not adversely affected through these proposals;
- With regard to future challenges, Ms Fitzsimmons recognised the importance of ongoing community engagement and the need to improve understanding and communications in relation to the differences between treatment centres and minor injuries units. Finally, Devon Doctors had recognised that, on this occasion, the organisation had not adequately considered the impact of the proposed changes on their own members of staff.

In the ensuing discussion, reference was made to:-

- (i) involving elected Members in the consultation process. A number of Members expressed their deep regret that Members had not been made aware of the proposals at an earlier stage. In reply, Ms Fitzsimmons accepted this point and confirmed that this had been a key lesson learned when reflecting upon this change in service provision;
- (ii) the assurances received, Some Members advised that they had been comforted in the address given by Ms Fitzsimmons and wished to thank her for her informative and honest comments;
- (iii) the 30 minute travel criteria. In recognising the very rural nature of West Devon and the fact that approximately 15-20% of residents did not have access to a car, Ms Fitzsimmons acknowledged that careful consideration would need to be given to these members of the community;

- (iv) the cost of taxi fares. Members were advised that, in instances where a resident could not afford an expensive taxi fare, a GP home visit was likely to be prompted;
- (v) the qualifications of Vocare staff. When questioned, Ms Fitzsimmons confirmed that Vocare was a national organisation, which was run to a high standard, with its pathways advisors being subject to an extensive training programme (and being regularly audited);
- (vi) the use of Devon Doctors. The Committee was advised that not all GPs were happy with the changes in service provision, however Devon Doctors had now been able to fill 95% of its GP's rotas. In addition, the main safeguard for dealing with the most vulnerable members of society was by using Devon Doctors, who knew the local community so well;
- (vii) the Minor Injuries Units in Tavistock and Okehampton. In reply to a question, Ms Fitzsimmons informed that the CCG recognised that these units remained an important part of the emergency care system across the West Devon area;
- (viii) the further views of Mr Eady. At her discretion, the Chairman allowed Mr Eady the opportunity to make further comments. In so doing, he stated that:
 - o the consultation exercise in this regard had been really poor;
 - o to ascertain the actual usage of the facility, there was a need to evaluate trends over a five year period;
 - o there was extensive future housing development proposed to be built in Tavistock; and
 - o on a normal day, it was often likely to take longer than 30 minutes to travel from Tavistock to Derriford.

(b) The Sustainability Transformation Programme

Following the press release during the evening of 21 September 2016 regarding the potential loss of 16 beds at the Okehampton Hospital, Mr Clough proceeded to highlight that:

- the CCG Governing Body was to determine whether or not to embark on a consultation exercise in this respect on Wednesday, 28 September 2016. The consultation would relate to future care provision in the Eastern locality of Devon and could result in a reduction of inpatient beds at some locations;

- the proposals were part of the 'Success Regime: Case for Change' that was published in February 2016. It was noted that the document aimed to improve health and care services for patients in response to the financial challenges that the local health and care system faced;
- subject to the outcome of the meeting on Wednesday, 28 September 2016, it was currently being recommended that four options would be presented for consultation, with the document indicating one of these as a preferred option. In terms of the format of the consultation exercise, Mr Clough advised that it was being recommended that it would run for 13 weeks from Friday, 7 October 2016, with a number of roadshows and public events being held during this period.

In discussion, the following points were raised:

- (i) A number of Members expressed their deep concerns that the potential options did not currently include the retention of the beds at Okehampton Hospital as an option. Retention of the beds at Okehampton Hospital was felt to be critical for reasons including:
 - o there being no provision to the west of Exeter in the current range of options;
 - o the proposals not being developed by anyone who appreciated the local geography of the area;
 - o the extent of future development proposed in the Okehampton area and the current medical provision in the town already being under pressure;
 - o the level of local opposition that was already apparent to this proposal.

In light of the depth of feeling raised, Mr Clough gave an assurance that he would report these concerns to the meeting of the Governing Body on Wednesday, 28 September 2016.

- (ii) In this instance, the Committee again reiterated that it would have been useful for local Members to have been made aware of these proposals before they had appeared in the local press and media;
- (iii) There was an acceptance of the need to improve collaborative working between all relevant stakeholders and across the different CCG areas;
- (iv) It was noted that the new model of care promoted greater care at home rather than patients remaining in community hospital beds;

- (v) Out of courtesy to the CCG, the Leader of Council advised that a formal motion had been submitted for the upcoming Council meeting (to be held on 4 October) that was calling for the CCG to include the retention of the 16 beds as an additional option during the consultation exercise. Furthermore, it was his expectation that this motion would be supported by the Council.

In concluding the agenda item, the Chairman thanked Ms Fitzsimmons and Mr Clough for their attendance and responses to Member questions. On behalf of the Committee, the Chairman also requested that the Committee receive a further update from CCG representatives at its meeting on 7 March 2017.

O&S(E) 27 CONCLUSIONS OF THE PARTNERSHIP TASK AND FINISH GROUP ON SUBMITTED BUSINESS PLANS FROM THE WEST DEVON CITIZENS ADVICE BUREAU AND COUNCIL FOR VOLUNTARY SERVICE

The Chairman of the Partnership Task and Finish Group introduced this item and made specific reference to the extensive and comprehensive business plans that had been received by both the Citizens Advice Bureau and the Council for Voluntary Service.

In particular, the Chairman highlighted evidence in both business plans that illustrated the extent of the value for money that the Council was obtaining from these partnerships. It was therefore his strong recommendation to the Committee that the levels of funding allocated by the Council to both partners for 2017/18 should be retained at the same level as they were for 2016/17.

In the ensuing debate, reference was made to:-

- (a) the submitted business plans. In wishing to thank both partners, a number of Members echoed the view that the business plans had provided an insight into the work that they undertook;
- (b) working more closely together. Officers advised that there was a recognition that, in certain instances, there was an identified duplication of work that was being undertaken by the Council and both partners. As a result, all parties were committed to working more closely together in the future in an attempt to reduce this duplication.

It was then

RECOMMENDED

That the Hub Committee **RECOMMEND** to Council that the funding allocated by the Council to the CAB and CVS for 2017/18 should be retained at the same level as it was for 2016/17 (£32,900 and £8,500 respectively).

***O&S(E) 28 COMMITTEE DECISIONS LOG**

The latest version of the Committee decisions log was presented to the meeting.

With no debate or questions being raised on the log, it was then:

RESOLVED

That the published Decisions Log be noted.

***O&S(E) 29 DRAFT ANNUAL WORK PROGRAMME**

The Committee considered its draft 2016/17 Work Programme and made reference to the following comments, additions and amendments:-

Following the discussions under agenda item 7 (Minute O&S(E) 26 above refers), the Chairman reminded the Committee that a progress update had now been requested from the CCG and Devon Doctors at the meeting on 7 March 2017.

(The meeting terminated at 4.10 pm)

Chairman

Document is Restricted

This page is intentionally left blank