

# West Devon Overview and Scrutiny Committee



West Devon  
Borough  
Council

<b>Title:</b>	<b>Agenda</b>														
<b>Date:</b>	<b>Tuesday, 7th November, 2017</b>														
<b>Time:</b>	<b>2.00 pm</b>														
<b>Venue:</b>	<b>Chamber - Kilworthy Park</b>														
<b>Full Members:</b>	<p><b>Chairman</b> Cllr Yelland</p> <p><b>Vice Chairman</b> Cllr Cheadle</p> <p><i>Members:</i></p> <table> <tr> <td>Cllr Baldwin</td><td>Cllr Musgrave</td></tr> <tr> <td>Cllr Cloke</td><td>Cllr Pearce</td></tr> <tr> <td>Cllr Evans</td><td>Cllr Ridgers</td></tr> <tr> <td>Cllr Kimber</td><td>Cllr Roberts</td></tr> <tr> <td>Cllr Leech</td><td>Cllr Sellis</td></tr> <tr> <td>Cllr McInnes</td><td>Cllr Sheldon</td></tr> <tr> <td>Cllr Moyse</td><td></td></tr> </table>	Cllr Baldwin	Cllr Musgrave	Cllr Cloke	Cllr Pearce	Cllr Evans	Cllr Ridgers	Cllr Kimber	Cllr Roberts	Cllr Leech	Cllr Sellis	Cllr McInnes	Cllr Sheldon	Cllr Moyse	
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Cllr McInnes	Cllr Sheldon														
Cllr Moyse															
<b>Interests – Declaration and Restriction on Participation:</b>	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.														
<b>Committee administrator:</b>															

- 1. Apologies for Absence**
- 2. Confirmation of Minutes** **1 - 6**  
Committee Meeting held on 17 October 2017
- 3. 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.
- 4. 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
- 5. Public Forum** **7 - 8**  
A period of up to 15 minutes is available to deal with issues raised by the public.
- 6. Draft Hub Committee Forward Plan** **9 - 14**  
If any Member seeks further clarity, or wishes to raise issues regarding any future Hub Committee agenda item, please contact Member Services before **12 noon on Friday, 3 November 2017** to ensure that the lead officer(s) are aware of this request in advance of the meeting.
- 7. Community Safety Partnership** **15 - 20**
- 8. Joint Local Plan: Standing Agenda Item**
- 9. Quarter 2 Performance Measures** **21 - 34**
- 10. Ombudsman Annual Review Letter 2017** **35 - 50**
- 11. General Data Protection Regulation -Readiness Update** **51 - 62**

**12. Task and Finish Group Updates (if any):**

- (a) Discretionary Grant Funding Review; and
- (b) Performance Measures

**13. Rural Broadband Working Group Update (if any)**

**14. Annual Work Programme 2017/18**

**63 - 64**

**15. Member Learning and Development Opportunities Arising from this meeting**

**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 (if any)**

If any, the Committee is 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 the grounds that exempt information may be disclosed as defined in Part I of Schedule 12A to the Act".

This document can be made available in large print, Braille, tape format, other languages or alternative format upon request. Please contact the Committee section on 01822 813662 or email [darryl.white@swdevon.gov.uk](mailto:darryl.white@swdevon.gov.uk)

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# Agenda Item 2

At a Meeting of the **OVERVIEW & SCRUTINY COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **17<sup>th</sup>** day of **OCTOBER 2017** at **2.00 pm**.

**Present:**

Cllr J Yelland – Chairman	
Cllr R Baldwin	Cllr D W Cloke
Cllr J Evans	Cllr P Kimber
Cllr A F Leech	Cllr J R McInnes
Cllr D E Moyse	Cllr C R Musgrave
Cllr T G Pearce	Cllr P J Ridgers
Cllr A Roberts	Cllr D K A Sellis
Cllr J Sheldon	

Head of Paid Service  
Executive Director – Service Delivery and  
Commercial Development  
Commissioning Manager  
Senior Specialist – Democratic Services

**Also in Attendance:**

Cllrs W G Cann OBE; C Edmonds; N Jory; B Lamb; C M Mott; J B Moody; G Parker; R F D Sampson; L Samuel; and P R Sanders

- \*O&S 39      APOLOGIES FOR ABSENCE**  
Apologies for absence for this meeting were received from Cllr R Cheadle.
- \*O&S 40      CONFIRMATION OF MINUTES**  
The minutes of the Meeting of the Overview and Scrutiny Committee held on 5 September 2017 were confirmed and signed by the Chairman as a true and correct record.
- \*O&S 41      DECLARATIONS OF INTEREST**  
Members and officers were invited 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 42      PUBLIC FORUM**  
There were no issues raised during the Public Forum session at this meeting.
- \*O&S 43      HUB COMMITTEE FORWARD PLAN**  
The most recent Hub Committee Forward Plan was presented for consideration.

In discussion, the Committee was advised that the 'Set up of a Local Authority Lottery' agenda item, that was scheduled for consideration by the Hub Committee at its meeting on 31 October 2017, would ultimately require the approval of the full Council.

**\*O&S 44      ONE COUNCIL CONSULTATION PROCESS**

Consideration was given to a report that provided a detailed overview of the One Council Consultation process, including how the consultation was devised and the range of methods used to engage with the public.

In her introduction, the Committee Chairman emphasised that the purpose of this agenda item was not to focus on the merits of the proposal, but to ensure that the consultation process had been fair, reasonable and balanced.

In discussion, reference was made to:-

- (a) the recent press release. The Leader was aware of a number of concerns that had been raised at the recent press release that had been issued. The Leader stated that it was his personal view that a press release should have been held back until after the Overview and Scrutiny Committee had been given the opportunity to scrutinise the consultation process and check that the applied methodology had been deemed to be sound;
- (b) the ICT glitch. The Leader reiterated that the glitch was outside of the control of the Council and had occurred on the last day of the consultation period. Officers proceeded to advise that mitigating measures (including extending the consultation period by one day) were put into place to minimise the impact of this unfortunate disruption;
- (c) the telephone survey. Members acknowledged that the telephone survey had been statistically representative of the Borough population in terms of age and gender and should be considered to be the most statistically valid and representative aspect of the consultation process;
- (d) Council Tax Equalisation. In reply to a question, officers confirmed that the questions related to Council Tax Equalisation were only considered by respondents to the South Hams survey;
- (e) the restriction on IT equipment. A Member expressed the view that the provision whereby a piece of IT equipment could only be used once to provide a survey response had been too restrictive. In reply, the Leader advised that a risk analysis had been undertaken and it had been concluded that a greater risk would have arisen from multiple responses being generated from the same piece of IT equipment;

- (f) the ability to obtain a paper copy of the survey. The Committee noted that the postcards that had been delivered to each household in the Borough had made it clear that residents could request a paper copy of the survey;
- (g) establishing a standalone Facebook consultation page. The view was expressed that, instead of a signposting page approach being adopted, a greater number of responses would have been made during the consultation process if the survey had been directly available from a standalone Facebook consultation page;
- (h) the low response rates from the business sector. When questioned, officers informed that they had engaged the Federation of Small Businesses for Devon; the Business Information Point in Okehampton; the local Chambers of Commerce and the Business Voice mailing list;
- (i) town and parish council responses. Whilst some Members felt that a 52% response rate from town and parish councils was low, the point was made that, in light of the lack of alternative options, a number had not felt in a position to make an evidence based submission to the survey. The Committee was also informed that, whilst aware that the consultation period had expired, Tavistock Town Council would be formally considering the proposal at its meeting later today;
- (j) the wording of the questions. Based upon feedback he had received, a Member stated that there was a perception amongst some residents that the questions had been somewhat leading towards encouraging a positive response to the survey;
- (k) the timing of the Committee meeting. A Member expressed his personal disappointment that the Committee meeting was not held at the exact same time as the equivalent Overview and Scrutiny Panel meeting at South Hams District Council.

In conclusion, a number of Members stated their belief that the consultation process had been robust and sound.

It was then:

**RESOLVED**

That the Committee has considered the consultation process and response.

**\* O&S 45      TASK AND FINISH GROUP UPDATES**

**(a) T18**

The Chairman advised that the Hub Committee had endorsed the recommendations of the Task and Finish Group at its meeting on 18 July 2017 (Minute \*HC 15 refers). In formally closing it down, the Committee wished to thank the Group Members for their contributions during the Review.

**(b) Discretionary Grant Funding Review**

In making reference to the linkages with some of the questions in the Member Budget Survey, the Chairman emphasised the importance of all Members completing the questionnaire during the current consultation process.

**(c) Performance Measure**

By way of an update, it was noted that the Group was still gathering information in advance of its next meeting on 29 November 2017. In addition, the Group remained on target to produce its final recommendations early in the New Year.

**\*O&S 46      ANNUAL WORK PROGRAMME 2017/18**

The Chairman introduced the latest version of the Work Programme for the next 12 months and the following updates were highlighted:

- The Committee agreed that the three partner annual updates that had been programmed for the meeting on 7 November 2017 should be deferred for consideration at the Draft Budget 2018/19 meeting on 16 January 2018 and re-titled: 'Grant Funding: Update Report';
- Following the request at the last Committee meeting, it was noted that a Scrutiny Proposal Form had been produced on Rural Broadband Provision in the Borough (Minute \*O&S 37 refers). It had been agreed that, as a way forward, the Committee would formally request that a meeting of the Rural Broadband Working Group be arranged in the upcoming weeks and that renewed energy be given to this Group in an attempt to influence an improvement in rural broadband provision in the Borough. It was also agreed that consideration should be given to co-opting additional interested Members on to the Working Group.

**\*O&S 47      MEMBER LEARNING AND DEVELOPMENT OPPORTUNITIES ARISING FROM THIS MEETING**

The Chairman advised the Committee that a trainer had been sourced to deliver the Overview and Scrutiny related training and a date would be fixed in due course.



In addition, the Committee noted that a Member training session would be convened on the Lone Worker Policy and general health and safety awareness issues in the upcoming months.

(The meeting terminated at 3.25 pm)

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Chairman

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## **PUBLIC FORUM PROCEDURES**

### **(a) General**

Members of the public may raise issues and ask questions at meetings of the Overview and Scrutiny Committee. This session will last for up to fifteen minutes at the beginning of each meeting, with any individual speaker having a maximum of three minutes to address the Committee.

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

An issue or question may only be raised by a member of the public provided that they have given written notice (which may be by electronic mail) to Darryl White ([darryl.white@swdevon.gov.uk](mailto:darryl.white@swdevon.gov.uk)) by 5.00pm on the Thursday, prior to the relevant meeting.

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

An issue may be rejected by the Monitoring Officer if:

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

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### WEST DEVON BOROUGH COUNCIL: HUB COMMITTEE FORWARD PLAN

This is the provisional forward plan for the six months starting 28 November 2017. It provides an indicative date for matters to be considered by the Hub Committee. Where possible, the Hub Committee will keep to the dates shown in the plan. However, it may be necessary for some items to be rescheduled and other items added.

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

The Plan is published in hard copy and on the Council's website ([www.westdevon.gov.uk](http://www.westdevon.gov.uk))

**Members of the public are welcome to attend all meetings of the Hub Committee, which are normally held at Kilworthy Park, Tavistock, and normally start at 2.00 pm.**

**If advance notice has been given, questions can be put to the Hub Committee at the beginning of the meeting.**

The Hub Committee consists of nine Councillors. Each has responsibility for a particular area of the Council's work.

*Cllr Sanders – Leader*

*Cllr Samuel – Deputy Leader*

*Cllr Sampson – Lead Member for Commercial Services*

*Cllr Moody – Lead Member for Health and Wellbeing*

*Cllr Oxborough – Lead Member for Economy*

*Cllr Jory – Lead Member for Environment and Assets*

*Cllr Mott – Lead Member for Customer First*

*Cllr Edmonds - Lead Member for Resources and Performance*

*Cllr Parker – Lead Member for Strategic Planning and Housing*

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

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

## DECISIONS TO BE TAKEN BY THE HUB COMMITTEE

Service	Title of Report and summary	Lead Officer and Member	Decision maker	Anticipated date of meeting
Strategy & Commissioning	<b>Productivity Plan Joint Committee</b> – an update on the work being carried out between partners towards the formation of a joint committee who will oversee the delivery of a productivity plan for the area	DA/Cllr Sanders	Council	Date tbc
Strategy & Commissioning	<b>Housing Position Statement</b>	TJ/Cllr Parker	Hub Committee	Date tbc
SLT	<b>Transformation Programme Closedown</b> – to provide a closedown report of the T18 Transformation Programme	LB/Cllr Sanders	Hub Committee	28 November 2017
	<b>Simmons Park parking charges</b>	CA/Cllr Sampson	Council	28 November 2017
Support Services	<b>Revenue Budget Monitoring to September 2017 (six monthly position)</b> – a revenue budget monitoring report to monitor income and expenditure variations against the approved revenue budget for 2017/18, and to provide a forecast of the year end position	LB/Cllr Edmonds	Hub Committee	28 November 2017
Support Services	<b>Capital Programme Budget Monitoring to September 2017 (six monthly position)</b> – The report advises Members of the progress on individual schemes within the approved capital programme for 2017/18, including an assessment of their financial position	LB/Cllr Edmonds	Hub Committee	28 November 2017
SLT	<b>Draft Revenue Budget Proposals 2018/19</b> – to set out recommendations for the Revenue Budget for 2018/19 (including the council tax level for 2018/19)	LB/Cllr Sanders	Council	28 November 2017



SLT	<b>Draft Capital Budget Proposals 2018/19</b> – to set out recommendations for the Capital Programme budget for 2018/19	LB/Cllr Sanders	Council	28 November 2017
Customer First	<b>Council Tax Reduction Scheme 2018/19</b> – it is an annual requirement for the Council to revisit its existing council tax support scheme	IB/Cllr Moody	Council	28 November 2017
Customer First	<b>Review of Business Rates Relief Policy</b> – to review the discretionary business rate relief policy and to include terms of reference for the rate relief panel	IB/Cllr Oxborough	Council	28 November 2017
Customer First	<b>Direct Lets Scheme</b> – to consider introduction of a Direct Lets Scheme	IB/Cllr Moody	Council	28 November 2017
Customer First or Strategy?	<b>Single Plot Self Builds -</b>		Council	28 November 2017
Customer First	<b>Food Safety Audit</b> - to update Members on the findings of the recent FSA audit of the Council's performance when regulation food safety in businesses in West Devon	IL/Cllr Moody	Hub Committee	28 November 2017
Customer First	<b>To consider adoption of an AntiSocial Behaviour Enforcement Policy</b>	JK/Cllr Moody	Council	28 November 2017
Customer First	<b>Annual Review of Health and Safety Policy</b>	IL/Cllr Moody	Council	28 November 2017
Customer First	<b>RIPA 2000 Policy and Update</b>	SN/Cllr Edmonds	Hub Committee	28 November 2017
Support Services	<b>ICT Procurement Options</b> – to advise Members of the options in relation to ICT procurement	MW/Cllr Edmonds	Hub Committee	28 November 2017
SLT	<b>Revenue Budget Proposals 2018/19</b> – to set out recommendations for the Revenue Budget for 2018/19 (including the council tax level for 2018/19)	LB/Cllr Sanders	Council	6 February 2018
SLT	<b>Capital Budget Proposals 2018/19</b> – to set out recommendations for the Capital Programme budget for 2018/19	LB/Cllr Sanders	Council	6 February 2018

Support Services	<b>Revenue Budget Monitoring 2017/18 (nine monthly position)</b> – a revenue budget monitoring report to monitor income and expenditure variations against the approved revenue budget for 2017/18, and to provide a forecast of the year end position	LB/Cllr Edmonds	Hub Committee	6 February 2018
Commercial Services	<b>Parking Strategy</b>	CA/Cllr Sampson	Council	6 February 2018
Support Services	<b>Capital Programme Budget Monitoring 2017/18 (nine monthly position)</b> – to advise Members of the progress on individual schemes within the approved capital programme, including an assessment of their financial position	LB/Cllr Edmonds	Hub Committee	6 February 2018

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

SJ – Steve Jorden – Executive Director Strategy and Commissioning and Head of Paid Service

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

LB – Lisa Buckle – Finance COP Lead and s151 Officer

HD – Helen Dobby – Group Manager Commercial Services

SM – Steve Mullineaux – Group Manager Support Services

CB – Chris Brook – COP Lead Assets

JS – Jane Savage – Lead Specialist Waste Strategy

IL – Ian Luscombe – COP Lead Environmental Health

CBowen – Catherine Bowen – Monitoring Officer

DA – Darren Arulvasagam – Group Manager Business Development

SLT – Senior Leadership Team

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

LC – Lesley Crocker – COP Lead Communications

RS – Rob Sekula

RH – Rob Harkness





**West Devon  
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# Agenda Item 7

Report to: **Overview and Scrutiny Committee**

Date: **7 November 2017**

Title: **Community Safety Partnership**

Portfolio Area: **Customer First**

Wards Affected: **All**

Relevant Scrutiny Committee: N/A

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

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

Author: **Rebecca Hewitt** Role: **Senior Community Safety  
Officer, South Devon and  
Dartmoor Community  
Safety Partnership**

Contact: **01626 215873**  
**Rebecca.hewitt@teignbridge.gov.uk**

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## **RECOMMENDATION:**

- 1. That Members note the report; and**
- 2. That Members identify any issues to be raised at the next Community Safety Partnership meeting.**

## **1. Executive summary**

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

## **2. Background**

South Devon and Dartmoor CSP operates across Teignbridge, South Hams and West Devon and is a statutory partnership.

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

The CSP is intelligence led and delivers in the context of the Devon Strategic Assessment and also the Police and Crime Plan that is owned by the Police and Crime Commissioner.

The CSP continues to focus on the most vulnerable within our community in response to information provided by the Devon Strategic Assessment and any emerging threats or risks.

The CSP works collaboratively across Devon and the Peninsula to tackle issues such as child sexual exploitation, modern slavery, drug misuse, prejudice related crime, preventing violent extremism and domestic violence and abuse.

In 2016/7 the CSP has a £24,000 grant of Safer Communities funding from the Police Crime Commissioner via the Safer Devon Partnership. This funding pays for specific projects, some of which are listed below.

### **KEY ACHIEVEMENTS**

#### **Achievements across South Devon and Dartmoor (SDD)**

- Phoenix courses to address ASB in young people delivered in Teignbridge in May 2016 and February 2017, In West Devon in February 2017 and South Hams in March 2017;
- Supported Domestic Homicide Review;
- Provided Domestic Violence and Abuse services with personal attack alarms to be passed to those identified as vulnerable;
- 9 Last Orders performance delivered in Schools across the area to address alcohol misuse;
- Provision of ASB service across SDD which includes discussions about vulnerable adults as part of ASB meeting structure;
- Use of Multi Agency Response team approach around issues such as needle and drug paraphernalia finds in public toilets;
- Continued close working with Integrated Offender Management;
- Supported Be the Change to address reducing reoffending by contributing to volunteer training;
- Extremely positive relationship developed with secondary schools in Teignbridge, West Devon and South Hams resulting in thematic meetings and work identified around drug misuse;
- Continued development of relationship with Care Homes for looked after Children around community safety issues;

- Promotion of materials for Safer Internet Day to 139 schools;
- Child Sexual Exploitation training delivered to 10 staff from fairgrounds;
- Training on Child Sexual Exploitation delivered to Taxi Drivers;
- Facilitated Barnados training to hotels and other high risk sectors with 35 delegates attending;
- Facilitated delivery of 10 Chelsea's Choice performances to raise awareness of CSE;
- Engagement in Operation Huntsman to address Modern Slavery;
- Promotion of Mental health toolkit;
- Forum event with 80 delegates showcasing the work of the CSP;
- Carers 4 Dementia sessions established as a pilot in Teignbridge Council;
- Engagement with Operation Venus to address use of Psychoactive Substances and drug misuse;
- Engagement in the Devon and Torbay Prevent Partnership;
- Supported development and contributed to development of the Be Curious campaign and distributed the campaign when finished;
- Purchase of educational resources to enhance delivery regarding alcohol misuse in schools;
- 3 Substance misuse training days delivered by YSmart;
- Supported the development of the Chelsea's Choice initiative in partnership across Devon;
- Supported Devon wide work on raising awareness for those on the autism spectrum relating to community safety issues; and
- 6 Drink Wise Age Well courses were delivered across SDD with 117 professionals trained.

### **Achievements in West Devon**

- Facilitated training on safeguarding and child sexual exploitation to taxi drivers;
- Close working with West Devon Secondary Schools to address and raise awareness of community safety issues. This model is seen as best practise;
- Okehampton Matters meetings with Police and Members;
- Phoenix project delivery – programme in West Devon with 12 students, this had excellent media coverage and the Mayor of West Devon attended the passing out parade; and

- Facilitation of the Chelsea's Choice initiative to schools in West Devon.

### **Achievements in ASB**

- A number of Multi-Agency Meetings have been arranged and chaired in order to fully discuss ASB issues within the community. These have included the ASB caused by a young person in Princetown and involved Police, Child Social Services, RSL, and a representative of a residential care home which was out of the County. A further meeting held in relation to a Drewsteignton resident involving, Police, MHT, RSL, and Environmental Health;
- 2 Community Triggers were activated. Both in West Devon and both relating to long term neighbour disputes. Lengthy review meetings have taken place and the result of those meetings have been fed back to the person activating the trigger. In both cases all actions that could have been taken were taken;
- Two ASB Injunctions have been obtained by DCH in relation to ASB by their tenants. These were obtained after extensive multi-agency working. Both injunctions obtained in West Devon were in Tavistock;
- Devon and Cornwall Housing obtained a housing repossession in relation to a Tavistock tenant. This was after extensive multi-agency working between DCH, Tavistock Police and the Councils Anti-Social Behaviour Officer.

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

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

## 5. Proposed Way Forward

The main considerations for members include –

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

## 6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		<p>The CSP works under several sections of legislation including –</p> <p>Crime and Disorder Act 1998  Police Reform Act 2002  Anti-Social Behaviour Act 2003  Police and Justice Act 2006  Policing and Crime Act 2009  Section 9 of the Domestic Violence, Crime and Victims Act (2004).  Anti-Social Behaviour , Crime &amp; Policing Act 2014</p>
Financial		<p>2016/7 income to the CSP included a £24,000 grant of Safer Communities funding from the PCC via the Safer Devon Partnership and contributions from agencies and income to support specific projects.</p> <p>West Devon Borough Council contribution based upon cost of Officer time for 2016/17:</p> <p>Total contribution £41690</p>
Risk		The report is for information and as such there is no risk associated with decisions to set out.
Comprehensive Impact Assessment Implications		

Equality and Diversity		The CSP addresses issues including hate crime and specific crimes relating to vulnerable members of the community such as distraction burglary.
Safeguarding		CSP staff engage in a number of safeguarding forums and promote effective safeguarding practice in their work. This links to internal Council safeguarding.
Community Safety, Crime and Disorder		The report details the many implications on Community Safety of West Devon engagement in the CSP.
Health, Safety and Wellbeing		The CSP works closely with public health and other partners on health and wellbeing issues including alcohol and licensing.
Other implications		

**Background Documents:**

None



Report to: **Overview & Scrutiny Committee**  
Date: **7 November 2017**  
Title: **Quarter 2 Performance Measures**  
Portfolio Area: **N/A**

Wards Affected: **All**

Relevant Scrutiny Committee:

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

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

Author: **Jim Davis** Role: **Specialist – Performance & Intelligence**

Contact: **EXT:1493**  
**Email: jim.davis@swdevon.gov.uk**

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**Recommendations:**

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

## 1. Executive summary

Performance measures for Quarter 2 have maintained a good level with only two measures at 'red' for this quarter, one of which is new with a new stretching target.

The performance of the transactions on the website has continued to improve so much above the early 20% target that the target has become an irrelevance and will be reviewed and reconsidered as part of the wider performance measure review. Details on the most popular web submitted transactions will be reported on the background report going forward.

Percentage of calls answered in 20 seconds continues to be below the target level but has seen a consistent improvement since March and is getting close to its target range.

A new measure has been added, splitting out the online submissions for Benefits claims into New Claims, and Change of Circumstances. A Target of 25% has been set for Changes of circumstances which is much higher than the current level but should be achievable with channel shift activities by the end of the year

## **2. Background**

The Balanced Scorecard has suffered from scope creep over the years where some measures are reported to Committee for interest rather than to fulfil a scrutinising role and generates questions rather than helps to provide answers. A joint Task and Finish group is reviewing the measures targets and format of reports going forward. The new web-based performance dashboards provide monthly information up-to-date information to provide context against the report that comes to Committee and access to a much larger range of data to access if desired.

## **3. Outcomes/outputs**

**Appendix A** is the balanced scorecard – this contains the high level targeted performance information.

**Appendix B** is an information and exception report. This contains the data only performance information for context and the detail of the targeted measures which have fallen below target in the quarter being reviewed.

**Appendix C** contains the description of the targets chosen for the Balanced Scorecard

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

Dashboards can be tailored by type, interest or area. We have created a customer contact centre dashboard, a planning and planning enforcement dashboard, and a replica of the information that forms part of this report. Other dashboards can be created to explore other areas of concern/interest.

## **5. Proposed Way Forward**

- 1) The Balanced Scorecard and background report as shown in the Appendices are approved.

- 2) Members view dashboards online and consider what other information they would want to be shown through the dashboards.
- 3) Members feed any comments or views into the Task and Finish group for consideration towards the final proposal.

## 6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	N	Whilst there are no statutory performance measures anymore, some are still reported nationally. We collect these in the same format as required to improve consistency. Other measures are to improve efficiency or to understand workload.
Financial	N	
Risk	Y	Poor performance has a risk to the Council's reputation and delivery to our residents. These proposals should give Scrutiny the ability to address performance issues and develop robust responses to variation in delivery
Comprehensive Impact Assessment Implications		
Equality and Diversity	N	
Safeguarding	N	
Community Safety, Crime and Disorder	N	
Health, Safety and Wellbeing	N	
Other implications	N	

## **Supporting Information**

### **Appendices:**

Appendix A – Corporate Balanced Scorecard  
Appendix B – Background and Exception Report  
Appendix C – Corporate Balanced Scorecard Targets











### **Background Papers:**

None







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## Corporate Balanced Scorecard

### Community/Customer

Q1	Q2	
		Overall waste recycling rate %
		Residual waste per household
		Average no. of missed bins
		<b>CST:</b> % of calls answered
		<b>CST:</b> % of calls answered in 20 secs







### Online uptake





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

Updated measures to replace the T18 programme measures that added little extra information.







Additional measures to better quantify online uptake and benefit to the council will be developed as new website transactions goes live.

### Processes




Q1	Q2	% of planning applications determined within time frame
		Major(Statutory)
		Minor
		Other

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

### Performance

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

### Key

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

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# Information Report

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

Page 27



Performance measure	Managed By	Q2 16/17	2016/17	Q1 2017/18		17/18	Comment (If Applicable)	
			YTD or Total			YTD or total		
<b>Planning Enforcement</b>	Pat Whymer	-	-	Enforcement cases closed: 16 Live enforcement cases: 150 Enforcement cases received: 30  Backlog closed: 3 Backlog remaining: 61		-	Latest figures at the end of September.  Latest figures are available on the online dashboards as soon as it is available	
<b>All: Complaints received</b>  Complaints logged against each Service per quarter. Highlights changes over time and the effects of initiatives.	Area		Complaints rec. last qtr Q1 2017/18		Total	Avg Time (Days)	Total no. of complaints YTD	This breakdown of area and average time to complete timings is only available for the completed complaints.  60 complaints were logged during the quarter. 26 were service issues that were dealt with immediately and aren't formal complaints. There are 9 remaining active processes that could be service issues or formal complaints but haven't been completed yet.  <b>Note:</b> Service Issues – Some issues are logged as complaints as the customer has a justified concern. Often these are simple issues resolved by talking with the customer or are complaining through us against a third party. They don't form part of our formal complaints process but still are captured for improvement and analysis purposes  <u>Ombudsman Complaints</u>  0 received during the quarter.
	Council Tax/NNDR		5	Council Tax/NNDR	2	33	7	
	Customer Services		4	Customer Services	3	10	7	
	Planning		10	Planning	6	27	16	
	Waste		14	Waste	10	32	24	
	Commercial Services		1	Commercial Services	1	12	2	
	Parking		1	Parking	-	-	1	
	Benefits		-	Benefits	1	23	1	
	EH		-	EH	-	-	-	
	Housing		1	Housing	2	20	3	
	Total		37	Total	25	26	62	
	Service Issues		25	Service Issues	26	-	25	

Performance measure	Managed By	Q2 16/17	2016/17	Q1 2017/18	17/18	Comment (If Applicable)
			YTD or Total		YTD or total	
<b>All: Compliments received</b>  Compliments logged against each Service per quarter. Highlights changes over time and the effects of initiatives.	Information should be feeding through but there has been limited uptake of the process internally.					We are 'readvertising' in the Friday flash to encourage officers log them so we can keep a record of compliments that can be reported out easily.
<b>Long term sickness (days)</b>  Number of days lost due to long term sickness	Andy Wilson	45	YTD 98	85	163	Equivalent to 1 days/FTE. Low numbers of staff in WD means that any long term sickness has a disproportionate effect on days/FTE  This is from two instances of long term sickness
<b>Short term sickness (days)</b>  Number of days lost due to short term sickness	Andy Wilson	82	YTD 114	55	87	Equivalent to 0.67days/FTE for the quarter.
<b>CS: Top 5 call types</b>	Anita ley			1) Call transferred to another organisation 2) Revenues - Move 3) Domestic Waste - Missed Waste 4) Transfer to Housing Advice 5) General - Other Enquiry - Dealt with	-	Last Qtr 1) Garden Waste - New Subscription 2) Garden Waste subscription enquiry 3) Revenues Move 4) Call transferred to other organisation 5) Domestic waste - missed waste
<b>Top 5 website processes</b>	Kate Hamp		-	1) Garden waste subscription 2) Letter of representation 3) Recycling Sack Request 4) Missed Domestic Waste Report 5) Waste Container or Sack Request Contact	-	This measure has changed to reflect the transactional focus of the website
<b>% of customer contact through online interaction (Workflow360)</b> Demonstrating channel shift	Kate Hamp	23.8%	20%	55.6%	Q1 16/17 49.2%	Figures as rising more slowly now but seem to be settling around 50% of all transactions
<b>Total number of online transactions</b>	Kate Hamp	5635	9246	Workflow360(W2): 20700	38120	Number of online interactions continues to increase as well as the percentage of all contact through online means. The levels are beginning to level off so further rises from these



Performance measure	Managed By	Q2 16/17	2016/17	Q1 2017/18	17/18	Comment (If Applicable)
			YTD or Total		YTD or total	
						levels will likely be smaller and based on additional processes coming online and in response to channel shift activities
<b>CS: % of calls resolved at first point of contact</b>  Percentage of calls which are resolved at initial contact with CST	Anita Ley	65%	65%	-	-	<i>Measure no longer captured in new phone system. Online CST dashboard has more measures data updated monthly and broken down into call types and answer speed.</i>
<b>Nuisance complaints Received</b>	Ian Luscombe	72	136	130	212	The nuisance process (covering noise, odours, smoke, etc) has now gone into Workflow360, this has moved the processes into the Customer Service Team and case management with specialist involvement only required later for more complex investigation. An increase in early summer is expected with more bonfires and other outdoor issues being more prevalent.
<b>FEH: Average time taken for Disabled Facilities Grants (Fast track) (work days)</b>  The total time, from when the application was received until the works are completed. Only a small portion of this is under direct control of the Council.	Ian Luscombe		-	Same working day	0	This is the portion of the process completely under the council's control (from application to approval). Our target is completion within 5 days.  All applications received during the quarter were completed in the same working day as they were received.

## Exception Report:

Performance measure	Managed by	Prev Status	Last Qtr	Jul 2017	Aug 2017	Sep 2017	Q2 2017/18		Action Response
			Q1	Value	Value	Value	Value	Target	
<b>% calls answered in 20 seconds</b>	Anita Ley		25%	29%	34%	41%	34%	50%-80%	There has been a consistent improvement in this measure since March from a low of 21%. It is approaching the target range to deliver a good level of service for our phone customers
<b>% of Benefits change of circumstances online (IEG4)</b>	Lorraine Mullineau x		5%	5.1%	6.7%	9.1%	8%	25%	This is a new measure and a stretching target. The uptake of new claims online has been very good but change of circumstances hasn't been as used as extensively. Various channel shift activities will take place over the coming months to improve this figure and naturally as the new claimants, that applied online initially, become a higher percentage of the active claimants the number of changes of circumstances submitted online should increase.

## Explanation and value of targets for Balanced Scorecard measures

*Italics for obsolete or updated figures*

Measure	Target	Explanation
Overall waste recycling rate %	58%	A combination of recycling, re-use & composting for household waste. A self-set stretching target based on historic collection rates and current ambitions
Residual waste per household	31kg/month	The residual waste left after recycling and re-use.
Average Call Answer Time	1 min	Simple statistic to judge overall call answer speed. Can mask the complexity of call answer times but provides useful yardstick for comparing performance over time. If capacity exists in CST then answering calls in 20secs is common and simple. Answering calls consistently around the minute (or any) timeframe occurs only when incoming calls are being matched with the speed calls are being completed. As an example with our avg call and wrap up time of 7 mins this target is passed with only 2 extra calls being received per minute. Each additional extra 2 calls/minute would add another 1 minute wait to all callers wait time.
<i>% of enquiries resolved at first point of contact</i>	60%	<i>In contrast to the measure above, this focuses on when the customer gets through, can CST deal with the issue at hand. Driving increased success in this measure pushes up call times so has a negative impact on call answer speed.</i>
% of Applications determined within time frame Major	60%	Statutory performance measure target
% of Applications determined within time frame Minor	65%	Old statutory performance measure target
% of Applications determined within time frame Other	80%	Old statutory performance measure target
Avg End to End time Benefits New Claims	24 days	Time for processing new claims
Avg End to End time Benefits Change of circumstances	11 days	Time for processing changes to existing claims

% of nuisance complaints resolved at informal stage	90%	Handling nuisance complaints informally saves time and money and often provides a more satisfactory outcome for all involved
Avg days short term sickness/FTE	1.5days/qtr	Private sector average of c.6 days/year, Public sector average of c.8 days has informed this initially stretching target. Agile working has had a very positive impact on sickness as people feeling under the weather have remained at home, working and reduced the likelihood of transfer of communicable infections to colleagues. Better sickness reporting via W2 will increase confidence in this figure and speed of reporting. Will be measured monthly from April onwards.
Complaint response speed	30 days	Time to respond to a Level 1 complaints
<i>T18: Programme timescales on track</i>	<i>Against Plan</i>	<i>Performance against programme timelines. Recently re-baselined following agreement of milestones with Civica</i>
<i>T18: Performance vs. Budget</i>	<i>Under/over spend</i>	<i>Measure to compare the forecast spend on the programme at the end of the period to the actual spend. To judge budget control. Green: Actual spend less than planned Amber: Overspend of less than 5% Red: Overspend greater than 5%</i>
<i>T18: No. of Processes live</i>		<i>Against baselined projection for the month. There is a rolling programme of processes being worked on together by the BDT and the services that is dependent on system fixes and adoption/buy in from the organisation.</i>
Ratio of benefit new claims web/post submissions (IEG4)	60%	Ratio of submissions via the new IEG4 portal
Ratio of benefit change of circumstances web/post submissions (IEG4)	25%	Ratio of submissions via the new IEG4 portal
T18: Ratio call/web submissions	10% increasing over time Updated to 20%	Ratio for customers calling vs self servicing using integrated processes online. Customers currently fill in online forms but this then requires input into our systems. The new integrated approach inputs directly to our system and routes work where needed. Initially requires creation of account before first submission so expectation of slight drop off in ratio to begin with and then increasing as more customers sign up.

		Communication initiatives will be coordinated at key times during the year, for example, with annual council tax bills to drive sign ups so a stepwise increase in submissions is expected.
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Report to: **Overview & Scrutiny Committee**  
Date: **7 November 2017**  
Title: **Ombudsman Annual Review Letter 2017**  
Portfolio Area: **Support Services**  
Wards Affected: **All**  
Relevant Scrutiny Committee: N/A

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

Date next steps can be taken: **Hub Committee  
28.11.17**

Author: **Catherine Bowen** Role: **Legal CoP Lead Specialist and  
Monitoring Officer**

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

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## **Recommendations:**

1. To review the Ombudsman Annual Letter for 2017 (attached at Appendix A) and consider what corporate lessons may be learnt and whether further service improvements are required.
2. To make any recommendations to the Hub Committee.

## **1. Executive summary**

- 1.1. To consider the Local Government Ombudsman's Annual Review Letter 2017 regarding Ombudsman complaints received against the Council for the period 1 April 2016 to 31 March 2017 (attached as Appendix A to this report). This includes Annex 1 'cases received' and Annex 2 'cases decided'.
- 1.2. Members are requested to review the Annual Letter 2017 from the Ombudsman and consider what corporate lessons have been learnt (or can be learnt) from the outcome of the complaints and whether further service improvements can be made.

## **2. Background**

- 2.1. The Local Government Ombudsman's corporate strategy is based on the twin pillars of remedying injustice and improving local public services, and as part of this role

the Ombudsman investigates complaints made by members of the public about public authorities. This currently excludes parish and town councils.

- 2.2. The Ombudsman will investigate a complaint if it relates to maladministration or injustice by the Council. The Ombudsman is not able to investigate all of the complaints referred to him, as some will fall outside of his remit, and the Ombudsman can only consider complaints that have first been considered through the Council's own internal complaints procedure; this is because the Council must have had the opportunity to consider, and respond to, the complaint first.
- 2.3. A complainant cannot appeal against the Ombudsman's decision, but complaints may be reviewed if new information is presented to the Ombudsman.

### **3. The Annual Letter 2017, Complaints and Decisions**

- 3.1. The Ombudsman's Annual Review Letter 2017 is attached at Appendix A and comprises a written report and two tables: Annex 1 shows the number and type of complaint received and Annex 2 shows the number, type and outcome of complaints that the LGO has decided between 1 April 2016 and 31 March 2017.
- 3.2. The Ombudsman's office changed its business processes during 2012 with the Annual Review Letter presenting only high level statistical information on the number of complaints received against the Council. However, the Ombudsman has recognised that presenting the total number of complaints may not, by itself, give a clear picture of how well these complaints have been responded to and in response to feedback from Local Authorities, the Ombudsman now includes data on the number of complaints upheld / not upheld, as well as highlighting the outcomes of those complaints rather than just the numbers received (see Annex 2). In making recommendations where the Ombudsman has found fault, the purpose is to remedy injustice caused to individuals and also to prevent future injustice to others by improving practice.
- 3.3. Previous Annual Letters included information on the Council's 'compliance rate' which indicated a council's compliance with the Ombudsman's recommendations to remedy a fault. However, the Ombudsman has established a new mechanism for ensuring that his recommendations are implemented and plans to report a more sophisticated suite of information about compliance and service improvement in the future.
- 3.4. A recent review of Local Government complaints for 2016/17 by the Ombudsman shows that, nationally, the Ombudsman is upholding more complaints (a rise from 51% to 54% compared with the previous year). The LGO's national report can be accessed at the following link: <http://www.lgo.org.uk/information-centre/news/2017/aug/ombudsman-releases-complaints-statistics-for-all-local-authorities> . The report also includes national tables of Ombudsman complaints by category and by outcome (including the compliance rate with the Ombudsman's recommendations). Nationally the Ombudsman is most likely to find fault in complaints about adult social care (64% upheld) and least likely to find fault about planning cases (35%).



- 3.5. Additionally, this year the Ombudsman has included some general guidance on reporting of Ombudsman outcomes to Members. This Council has been reporting to Members for some years following the receipt of the Ombudsman's Annual Letter together with a more detailed table of complaints received and decided during the previous financial year.
- 3.6. In the Annual Letter, the Ombudsman provides a breakdown of the investigations that he has upheld in order to show the number of cases where the Ombudsman's recommendations have remedied the fault, and to also show where the Council had already offered a satisfactory remedy during the local complaints part of the process. In these latter cases, the Ombudsman provides reassurance that the Council had satisfactorily attempted to resolve the complaint through its internal complaints process.
- 3.7. Where the Ombudsman finds that the Council has acted with fault, and that fault has caused injustice to the complainant, he will make recommendations to the Council to put things right and this can include; asking the Council to make an apology (if it has not already done so), reinstating a service, making a decision on something under the right grounds, or providing information. If injustice cannot be remedied through remedial action, the Ombudsman may recommend a financial payment. Appendix 2 shows that three cases involved financial payment totalling £200.00
- 3.8. The following table shows the number of complaints received and decided by the Ombudsman for last four years:

Year	Number of complaints received	Number of complaints decided
2016/17	5	7
2015/16	8	7
2014/15	12	13
2013/14	16	11

- 3.9. The Council is unlikely to be in a position where no complaints are referred to the Ombudsman, because some complainants will remain unsatisfied with the outcomes of the Council's investigations where there is no finding in their favour. There has been a decrease in the number of complaints received by the Ombudsman (three fewer than last year) the number of cases decided by the Ombudsman is the same as last year. The number of complaints where the Ombudsman has found fault has reduced to just one during the financial year and this was in relation to an enforcement case.
- 3.10. A more detailed summary of the complaints and Ombudsman's decisions for 2016/17 is attached as Appendix B, and Members will note that the Ombudsman has upheld only one of the 7 complaints that were decided. The final column shows what actions or measures the Council has taken or put in place as a result of the complaint in order to improve services or processes.

- 3.11. Members will note that the complaints in the two Ombudsman tables (Annex 1 and Annex 2) do not strictly correspond with the complaints in the Council's records at Appendix B, and this is due to several factors; for example, the Ombudsman's figures include enquiries from people that they signpost back to the Council but who may not necessarily make a complaint, and not every decision will relate to a complaint made in that financial year (it may have been received in the previous financial year but a decision made this year; conversely a complaint may have been received before 31 March 2017 and the decision not made until the next financial year).

#### 4. Proposed Way Forward

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

#### 5. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	<p>The Local Government Ombudsman is governed by the Local Government Act 1974 and is responsible for considering complaints against local authorities which the complainant considers have not been resolved locally.</p> <p>The Overview &amp; Scrutiny Committee is responsible for having an overview of complaints handling and for an overview of Ombudsman complaints, and the Ombudsman Annual Review Letter is an important part of that process.</p> <p>The decisions in respect of each case are provided to the relevant service in order that any recommendations made</p>

		by the Ombudsman are acted upon and lessons learnt can be implemented.
Financial		<p>Where is it necessary to settle a complaint by the payment of compensation (or the Council has already offered a settlement) payment is made out of the current year's revenue budget for the service in question.</p> <p>Financial redress was offered in three of the cases that were upheld which amounted to £200.00.</p> <p>There are resource implications in the officer time spent in dealing with the complaint in both the initial stages under the Council's internal complaints policy as well as the resources required in responding to the Ombudsman complaint, but it is not currently possible to quantify this time.</p>
Risk		<p>It is important that the Council is aware of the number and type of complaints made to the Ombudsman together with the outcomes and lessons learnt.</p> <p>Whilst it is not possible to eliminate complaints, it is possible to manage the complaints efficiently and learn from the outcomes of these complaints to mitigate the risk of recurrence and deliver service improvements.</p>
Comprehensive Impact Assessment Implications		
Equality and Diversity		This has been considered in the Complaints policy and within the individual complaint's where relevant
Safeguarding		N/a
Community Safety, Crime and Disorder		N/a
Health, Safety and Wellbeing		N/a
Other implications		

### **Supporting Information**

#### **Appendices:**

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

**Appendix B: Table of West Devon Borough Council's Ombudsman Complaints for 2016 – 2017**

#### **Background Papers**

None

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20 July 2017

*By email*

Sophie Hosking  
Executive Director  
West Devon Borough Council

Dear Sophie Hosking,

### **Annual Review letter 2017**

I write to you with our annual summary of statistics on the complaints made to the Local Government and Social Care Ombudsman (LGO) about your authority for the year ended 31 March 2017. The enclosed tables present the number of complaints and enquiries received about your authority and the decisions we made during the period. I hope this information will prove helpful in assessing your authority's performance in handling complaints.

The reporting year saw the retirement of Dr Jane Martin after completing her seven year tenure as Local Government Ombudsman. I was delighted to be appointed to the role of Ombudsman in January and look forward to working with you and colleagues across the local government sector in my new role.

You may notice the inclusion of the '*Social Care Ombudsman*' in our name and logo. You will be aware that since 2010 we have operated with jurisdiction over all registered adult social care providers, able to investigate complaints about care funded and arranged privately. The change is in response to frequent feedback from care providers who tell us that our current name is a real barrier to recognition within the social care sector. We hope this change will help to give this part of our jurisdiction the profile it deserves.

### **Complaint statistics**

Last year, we provided for the first time statistics on how the complaints we upheld against your authority were remedied. This year's letter, again, includes a breakdown of upheld complaints to show how they were remedied. This includes the number of cases where our recommendations remedied the fault and the number of cases where we decided your authority had offered a satisfactory remedy during the local complaints process. In these latter cases we provide reassurance that your authority had satisfactorily attempted to resolve the complaint before the person came to us.

We have chosen not to include a 'compliance rate' this year; this indicated a council's compliance with our recommendations to remedy a fault. From April 2016, we established a new mechanism for ensuring the recommendations we make to councils are implemented, where they are agreed to. This has meant the recommendations we make are more specific, and will often include a time-frame for completion. We will then follow up with a council and seek evidence that recommendations have been implemented. As a result of this new process, we plan to report a more sophisticated suite of information about compliance and service improvement in the future.

This is likely to be just one of several changes we will make to our annual letters and the way we present our data to you in the future. We surveyed councils earlier in the year to find out, amongst other things, how they use the data in annual letters and what data is the most useful; thank you to those officers who responded. The feedback will inform new work to

provide you, your officers and elected members, and members of the public, with more meaningful data that allows for more effective scrutiny and easier comparison with other councils. We will keep in touch with you as this work progresses.

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

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

### **The statutory duty to report Ombudsman findings and recommendations**

As you will no doubt be aware, there is duty under section 5(2) of the Local Government and Housing Act 1989 for your Monitoring Officer to prepare a formal report to the council where it appears that the authority, or any part of it, has acted or is likely to act in such a manner as to constitute maladministration or service failure, and where the LGO has conducted an investigation in relation to the matter.

This requirement applies to all Ombudsman complaint decisions, not just those that result in a public report. It is therefore a significant statutory duty that is triggered in most authorities every year following findings of fault by my office. I have received several enquiries from authorities to ask how I expect this duty to be discharged. I thought it would therefore be useful for me to take this opportunity to comment on this responsibility.

I am conscious that authorities have adopted different approaches to respond proportionately to the issues raised in different Ombudsman investigations in a way that best reflects their own local circumstances. I am comfortable with, and supportive of, a flexible approach to how this duty is discharged. I do not seek to impose a proscriptive approach, as long as the Parliamentary intent is fulfilled in some meaningful way and the authority's performance in relation to Ombudsman investigations is properly communicated to elected members.

As a general guide I would suggest:

- Where my office has made findings of maladministration/fault in regard to routine mistakes and service failures, and the authority has agreed to remedy the complaint by implementing the recommendations made following an investigation, I feel that the duty is satisfactorily discharged if the Monitoring Officer makes a periodic report to the council summarising the findings on all upheld complaints over a specific period. In a small authority this may be adequately addressed through an annual report on complaints to members, for example.
- Where an investigation has wider implications for council policy or exposes a more significant finding of maladministration, perhaps because of the scale of the fault or injustice, or the number of people affected, I would expect the Monitoring Officer to consider whether the implications of that investigation should be individually reported to members.
- In the unlikely event that an authority is minded not to comply with my recommendations following a finding of maladministration, I would always expect the Monitoring Officer to report this to members under section five of the Act. This is an exceptional and unusual course of action for any authority to take and should be considered at the highest tier of the authority.

The duties set out above in relation to the Local Government and Housing Act 1989 are in addition to, not instead of, the pre-existing duties placed on all authorities in relation to Ombudsman reports under The Local Government Act 1974. Under those provisions, whenever my office issues a formal, public report to your authority you are obliged to lay that report before the council for consideration and respond within three months setting out the action that you have taken, or propose to take, in response to the report.

I know that most local authorities are familiar with these arrangements, but I happy to discuss this further with you or your Monitoring Officer if there is any doubt about how to discharge these duties in future.

### **Manual for Councils**

We greatly value our relationships with council Complaints Officers, our single contact points at each authority. To support them in their roles, we have published a Manual for Councils, setting out in detail what we do and how we investigate the complaints we receive. When we surveyed Complaints Officers, we were pleased to hear that 73% reported they have found the manual useful.

The manual is a practical resource and reference point for all council staff, not just those working directly with us, and I encourage you to share it widely within your organisation. The manual can be found on our website [www.lgo.org.uk/link-officers](http://www.lgo.org.uk/link-officers)

### **Complaint handling training**

Our training programme is one of the ways we use the outcomes of complaints to promote wider service improvements and learning. We delivered an ambitious programme of 75 courses during the year, training over 800 council staff and more 400 care provider staff. Post-course surveys showed a 92% increase in delegates' confidence in dealing with complaints. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training)

Yours sincerely

A handwritten signature in black ink, appearing to be 'MK' with a stylized flourish underneath.

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

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

## Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
0	0	0	0	0	1	0	4	0	5

Page 44

## Decisions made

				Detailed Investigations			
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate	Total
0	0	3	3	0	1	100%	7

### Notes

Our uphold rate is calculated in relation to the total number of detailed investigations.  
The number of remedied complaints may not equal the number of upheld complaints. This is because, while we may uphold a complaint because we find fault, we may not always find grounds to say that fault caused injustice that ought to be remedied.

### Complaints Remedied

by LGO	Satisfactorily by Authority before LGO Involvement
1	0



West Devon BC  
Decisions made in period (Apr 2015 - Mar 2016)

	Ref	Category	Brief Description	Decision date	Decision	Decision Details	Learning Outcomes
1	15 020 129	Revs and Bens	Overpayment on Council Tax	19/04/16	Premature	The Council dealt with complainant's complaint and she was happy with the Council's explanation. No further return to the Ombudsman	N/a
2	16 000 903	Disability grant	Builder did not do as promised as far as neighbour was concerned	19/05/16	Not going to investigate	Too old and insufficient evidence of any fault	N/a
3	16 001 836	Planning	Change of use delay in planning - subsequent reduction in council tax also delayed	28/06/16	Premature	2nd stage had not been completed. This was then done and no further return to Ombudsman	N/a
4	14 010 129	Environment Services	2 bus parking slots in town centre car park	16/08/16	Not going to investigate	Too old and insufficient evidence of any fault	N/a
5	16 008 870	Planning	Previously agreed remedy of wall rendering and painting not completed.	26/01/17	Partial fault	Ombudsman upheld previous solution suggested by Council at stage 2 - £200 compensation to cover cost of complainant's rendering & painting themselves	Historic difficulties with Enforcement - issues being resolved. Changes to personnel within Enforcement and Ombudsman Link Officer allowed this to drag on. All now resolved.
6	16 017 239	Planning	Allegation that neighbour's planning application was wrongly granted; breach of garage use, HMO unlicensed	18/03/17	Premature	Stage 2 of the complaints process had not been completed. 2nd stage response sent 21/3/17	N/a - outcome will be reported in next year's figures.

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	Reference	Authority	Category	Received
1	14010129	West Devon Borough Council	Highways & Transport	11-Jul-16
2	16000903	West Devon Borough Council	Planning & Development	20-Apr-16
3	16001836	West Devon Borough Council	Planning & Development	10-May-16
4	16008870	West Devon Borough Council	Planning & Development	20-Sep-16
5	16017239	West Devon Borough Council	Planning & Development	22-Feb-17

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1	14010129	West Devon Borough Council	Highways & Transport	16-Aug-16	Closed after initial enquiries	Null
2	15011192	West Devon Borough Council	Planning & Development	01-Apr-16	Closed after initial enquiries	Null
3	15020129	West Devon Borough Council	Benefits & Tax	15-Apr-16	Referred back for local resolution	Null
4	16000903	West Devon Borough Council	Planning & Development	17-May-16	Closed after initial enquiries	Null
5	16001836	West Devon Borough Council	Planning & Development	01-Jun-16	Referred back for local resolution	Null
6	16008870	West Devon Borough Council	Planning & Development	10-Feb-17	Upheld	Financial Redress
7	16017239	West Devon Borough Council	Planning & Development	18-Mar-17	Referred back for local resolution	Null

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Report to: **Overview and Scrutiny Committee**

Date: **7 November 2017**

Title: **General Data Protection Regulation – Readiness Update**

Portfolio Area: **Support Services**

Wards Affected: **All**

Relevant Scrutiny Committee: **N/A**

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

Date next steps can be taken: **N/A**

Author: **Neil Hawke** Role: **Support Services Specialist Manager**

Contact: [Neil.hawke@swdevon.gov.uk](mailto:Neil.hawke@swdevon.gov.uk)

## **RECOMMENDATION**

**That the Overview and Scrutiny Committee support the approach to General Data Protection Regulation readiness ahead of its implementation in May 2018.**

### **1. Executive summary**

- 1.1 From May 2018, new regulations come into force in respect of Data Protection. Known as the General Data Protection Regulation.
- 1.2 This report outlines the changes that the Council will need to implement in order to achieve compliance with the General Data Protection Regulation (GDPR) by 25 May 2018
- 1.3 The GDPR places great emphasis on the documentation that the Council must maintain in order to demonstrate accountability. Compliance within all areas listed in this report will require that the Council reviews our approach to information governance and how we manage data protection as a corporate issue.

## 2. Background

2.1. The General Data Protection Regulation is an EU regulation drafted to be fit for purpose in the digital age. The GDPR will replace the UK's existing Data Protection Act which was developed in 1995. The Government have confirmed that the UK's decision to leave the EU will not affect the commencement of the GDPR.

2.2. The GDPR applies to 'controllers' and 'processors' – the controller says how and why personal data is processed and the processor acts on the controller's behalf.

2.3. The Information Commissioners Office has set out a 12 point plan for preparing for GDPR as follows;

2.3.1. **Awareness** - Implementing the GDPR at the last minute will leave organisations at risk of non-compliance. At this stage it is important that key individuals in the organisation are aware of the requirements and what the Council is required to do in order to maintain compliance.

2.3.2. **Information you hold** – The GDPR requires that we maintain records of our processing activities. It updates rights for the new digital era. In order to comply, we are undertaking an information audit and assigning Information Asset Owners (which will be members of the Extended Leadership Team). These measures are important to ensure that we comply with the GDPR's accountability principle which requires organisations to be able to show how they comply with the data protection principles (so having effective policies and procedures in place)

2.3.3. **Communicating privacy information** – We are required to review our current privacy notices and put a plan in place for making any necessary changes for May 2018. Currently our privacy notice has to state our identity and how we intend to use the information. From May 2018 they must contain

- The name and contact details of the controller and the data protection officer
  - The legal basis for the processing
  - The legitimate interests of the controller
  - Categories of personal data
  - Any recipient or categories of recipients of the personal data
  - Details of transfer to other countries (not likely to be an activity for us)
  - The retention period for the information
  - The existence of each of the data subjects rights
  - The right to withdraw consent at any time
  - The right to lodge a complaint with a supervisory authority (such as ICO)
- The source the personal data originated from and whether it came from publically accessible sources

2.3.4. **Individuals' rights** - the rights of individuals under the GDPR will largely remain the same as under the existing Data Protection although there are some significant enhancements.

- the right to be informed;



- the right of access;
- the right to rectification;
- the right to erasure;
- the right to restrict processing;
- the right to data portability;
- the right to object; and
- the right not to be subject to automated decision-making including profiling

2.3.4.1. The biggest change that the Councils will need to implement in this respect is the ability to locate and delete individual's data across all of the Councils systems. Many customer records are now held in W2 which would make the information relatively easy to delete.

2.3.5. **Subject Access Requests** – The new regulations mean that we cannot charge for complying with SAR's and we have to comply with the request within a month rather than the current 40 days allowed. During the last 12 months that Council has handled no SARs. The current legislation allows for a fee of £10 to be levied.

2.3.6. **Lawful basis for processing personal data** – For each processing activity that the Council undertakes, we need to identify the lawful basis for the processing. It is important to assess this particularly in light of the right for data to be deleted – if the only lawful basis for processing is 'Consent' then the information must be deleted on request. The lawful basis for processing the information must also be included within the Privacy Notice.

2.3.7. **Consent** – We must review how we seek, record and manage consent. Consent for us processing data must be freely given, specific, informed and unambiguous. Consent can also not be inferred. Consent for data processing must be separate for any other terms and conditions in documents, web pages or other data capture means.

2.3.8. **Children** – For the first time, the GDPR will bring in special protection for children's personal data. If the Council obtains personal data in respect of Children, the privacy notice must be written in a language that Children will understand

2.3.9. **Data Breaches** – The GDPR introduces a duty to report certain types of data breach to the ICO, and in some cases, to individuals. The Council will only have to report a breach to the ICO where it is likely to result in a risk to the rights and freedoms of individuals. Additionally, where there is a high risk to these rights and freedoms, resulting in potential for discrimination, reputational damage, financial loss, loss of confidentiality etc, there is an additional requirement for the individual concerned to be notified. There has been some misleading press articles stating that all breaches will need to be reported to the ICO.

2.3.10. **Data Protection by design and Data Protection Impact Assessment** – The GDPR makes privacy by design an express legal requirement. It also makes Privacy Impact Assessments mandatory where a new technology is being deployed, where a profiling operation is

likely to significantly affect individuals or where there is processing on a large scale of the special categories of data.

2.3.11. **Data Protection Officers** – as a Local Authority, we are required to appoint a Data Protection Officer. The regulation states that the appointment must be made on an individuals' professional qualities and expert Data Protection knowledge, laws and practices. They must also be a direct report to the senior tier of management and able to act independently of the Council. The Senior Leadership Team have set out that the Group Manager, Business Development be appointed to this role.

2.3.12. **International** – Only applicable to organisations operating in more than one Country

2.4. The Council have formed an Information Governance Group which is responsible for ensuring the Councils are compliant with all information regulation and laws (Data Protection Act, Freedom of Information Act, and Environmental Information Regulations) as well as ensuring that suitable good practice advice and training is in place for staff. This group of officers meets monthly to monitor progress against plans.

2.5. In order to ensure that the Council is compliant, the Information Governance Group have commissioned an external "readiness" audit. A GDPR specialist visited the Council and interviewed key officers in order to ascertain priority areas for consideration. As a result we now have an action plan for the next 6 months (appendix 1) to this report.

2.6. Overall the independent assessment considered that while there is a lot of work required for West Devon Borough Council to be compliant with the GDPR, the Council is reasonably well placed to move to compliance before the regulations takes full effect on 25<sup>th</sup> May 2018.

2.7. Work has already commenced on addressing the areas identified under the assessment and will continue to be monitored by the Information Governance Group.

### 3. **Outcomes**

3.1. Ensuring that the Council is compliant with the General Data Protection Regulation is a legal requirement that seeks to enhance the protections to individuals in how the Council processes their personal data.

3.2. By May 2018 the Council will;

- 3.2.1. Have a compliant General Data Protection Regulation Policy (currently under development)
- 3.2.2. Delivered online training on the new regulations to all employees
- 3.2.3. Delivered face to face training sessions for Information Asset Owners
- 3.2.4. Completed its information asset register for all processing activities and identified the lawful basis for that processing
- 3.2.5. Updated its Privacy Notices to be compliant with the new regulation
- 3.2.6. Addressed the high priority actions from the Action plan in Appendix 1

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

- 4.1. Although the regulations continue to be interpreted and clarifications provided by the Information Commissioners Office, the Council must aim to be compliant by 25<sup>th</sup> May 2018 to avoid the risk of substantial fines and reputational damage.
- 4.2. The new regulations allow the ICO to impose up to £17m fine per breach although the ICO have confirmed that fines will be the last resort (of the 17,300 cases reported to the ICO last year, 16 of them resulted in a fine to the organisations concerned).
- 4.3. So far for 2017, one data protection complaint has been made to the Council, and it did not require reporting to the Information Commissioners Office

5. **Proposed Way Forward**

- 5.1. To continue to deliver against the action plan as set out in 3.2 of this report

6. **Implications**

Implications		Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		Y	Compliance with the regulations is critical in ensuring that the reputation of the Council is upheld and that the rights of individuals are protected.  Our existing Data Protection policy requires updating in order to be compliant.
Financial		Y	There are no significant financial implications from obtaining compliance however there is risk of significant financial penalties for non-compliance.
Risk		Y	There is a significant amount of work to be undertaken in ensuring compliance with the regulations. An action plan is however in place and will be monitored throughout the next 6 months.  Training will be arranged for individuals at an appropriate level based on their role in the organisation to ensure awareness of the new regulation.
Comprehensive Impact Assessment Implications			
Equality and Diversity		N	There are no Equality and Diversity implications. The regulations apply to all individuals equally.
Safeguarding		N	None
Community Safety, Crime and Disorder		N	None
Health, Safety and Wellbeing		N	None

Other implications		N	None
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**Supporting Information**

**Appendices:**

Appendix A – GDPR Readiness Assessment

**Background Papers:**

None

## General Data Protection Regulation - Readiness Assessment

Category	Recommendation #	Recommendation	Priority	Action Plan Updates	Due	% complete
Data Protection and Privacy Management	R01	Establish a full time information governance working group and nominate Data Protection champions	Medium	Information Governance Group already in place - Nominate DP Champions by Sept 2017 - Training for champions on new regs - early Oct 17	Jan-17	100%
	R02	Establish KPI's to measure Data Protection performance	Medium	Develop a KPI for Data Compliance	Dec-17	Not started
	R03	Decide on how the role of DPO will be filled moving forward and make a suitable appointment, document the process behind the appointment	High	Scope requirements Discuss with SLT Appoint and train (if required) <b>Update 26/10</b> - DA appointed, training required	Sep-17	75%
Policy Framework	R04	Review and improve the governance framework to include policies required by GDPR, such as privacy impact assessment etc. Test existing policies against GDPR requirements and amend where necessary. Introduce periodic audit, testing and review of controls Update the document register to include new policies, procedures and work instructions	Medium	- Review and refresh DPA Policy for GDPR - Update FOI policy - Update SARS Policies Test policies , spot check etc	Jan-18	25%
Information risk assessment and management	R05	Ensure that data protection or GDPR is placed on the corporate risk register to raise the profile of data protection compliance	Low	Risk added to register	May-17	100%
	R06	Design and maintain an information risk register, ensuring that it is sufficiently granular to accurately record information risks and mitigation. Ensure that it is periodically reviewed	Medium	Information Risk Impact Assessment template developed Communicate to organisation once Information Asset Owner training undertaken	Nov-17	0%
	R07	Define and implement a policy and procedures on privacy impact assessments (PIA's). Ensure that the PIA processes encompasses the requirement to consult the Regulator in certain circumstances	Medium	- Draft policy and procedures (ICO have guidance) - Training for staff	Jan-18	10%
Training and awareness	R08	Ensure that data protection training continues to be provided on induction and on at least an annual refresher basis. Supplement this with more frequency (monthly) awareness raising of relevant issues or changes in policy. Consider designing or procuring bespoke training for those who require greater training than an e-learning module can provide	Medium	Push final people to conclude training and refresh in 12 months time. Need to look at further training for key individuals  GDPR specific training package developed - roll out March 2018	ongoing	70%

Audit and compliance checking	R09	Introduce compliance checking and audit processes that comply with GDPR's requirements the scope of which will ensure that evidence will be available to demonstrate that South Hams DC complies with the GDPR. Appoint appropriate Audit team, internal and external. As a guide this is likely to be at least Annual Audits of all data protection policies and operating procedures and the gathering and recording of objective evidence of compliance and /or the raising of corrective action requests to modify behaviour in line with policy	Medium	- Already have an audit team - to be built in to their annual work plan  Becomes BAU from that point onwards	Jan-18	0%
Overview and purposes of data processing activities	R10	A register of data processing purposes should be compiled and maintained	High	- Register template developed - training being refined - IAO's to complete register by Jan 2018	Jan-18	25%
Lawfulness of processing	R11	Improve evidence of data processing control by reviewing all data that is held and documenting its purpose and lawful grounds for processing particularly in regard of sensitive personal information and behavioural information. Compile a register of data processing purposes as set out in the recommendation R10 and ensure that the lawful grounds for processing are marked against each data processing purpose.	Medium	This will be covered as part of R10		
	R12	To ensure that South Hams is able to demonstrate control over its data acquisition processes it is necessary to review all sources of personal data, compile a register of data sources, and ensure there is a process for keeping up to date	Medium	Once R10 completed review can take place	Feb-18	0%
Information processing systems, flows and information	R13	Maintain and, if necessary, expand the information asset register			Business as usual	
	R14	Document key data flows to ensure a thorough understanding of how data is captured and moved about the South Hams Data systems			Business as usual	
Nature of data being handled / processed	R15	Create a system to maintain information describing and defining the data being handled by the Councils and the categories of data subject	Low	- Once R10 completed this can be undertaken (majority will be via W2)	Mar-18	0%
	R16	Create a data sharing policy setting out a standard process for employees to follow to lawfully share and/or disclose persona data, including appropriate pre-contract due diligence	Medium	Drafted, needs review Built in to contracts as part of drafting	Mar-18	25%
	R17	Establish a register of data sharing agreements/arrangements and ensure that a geographic review of all data processors is undertaken once a full list is compiled	Medium	- linked to contract database development - CM support required to extract data from contracts into simple spreadsheet	Apr-18	5%

Data sharing and use of data processors	R18	Ensure that an agreement is in place with all instances of outsourced processing and/or sharing. Test each agreement to ensure that a) the terms are in the Councils favour and compliant with the needs of GDPR; b) indemnities are appropriate; and c) the data processing instructions issued are effective. Consider creating standardised templated agreements	Medium	- Legal to undertake review of agreements (although no large scale outsourcing undertaken in SH)	Apr-18	0%
	R19	Undertake a privacy impact assessment on the data processors used in order to properly assess the risks that it might pose and/or to document the measures taken to ensure that adequate protection is in place .	Medium		May-18	0%
Data Transfer Protocols	R20	Review existing transfer arrangements and introduce a policy defining approved secure data transfer and operating procedures for employees. If excel and email are to be used ensure that spreadsheets are password protected or encrypted			Feb-18	0%
International Transfers	R21	Review all data sharing and transfers to test if data is transferred outside of the UK and test the adequacy of arrangements where international transfers occur	Low	Not aware that we make any international transfers of data	n/a	100%
	R22	Introduce a process for periodically reviewing the adequacy arrangement for all overseas processors to ensure that their adequacy arrangement does not lapse and for ensuring that new arrangements are not put in place without appropriate due process	Low	Not aware that we make any international transfers of data	n/a	100%
Data Quality and Accuracy	R23	Draft a data quality policy focusing on how different types of information will be maintained accurately. Give emphasis in particular to data such as communication preferences, volatile data which may change frequently, and data which would cause harm / distress to the subject if it is incorrect	Low	Policy drafted, just needs finalising then adding to policy library	Dec-17	50%
Data Minimisation	R24	Undertake a deep dive review of data being handled by South Hams DC and consider what steps would be appropriate to review and maintain accuracy	Low	- wait until IAO training delivered	Business as usual	0%
Data Retention	R25	Review the data processing purposes and data used for each processing activity and determine how long it needs to be held in a format allowing identification of data subjects for the purpose (s). Review which mechanisms would be appropriate in each of the cases to enable South Hams to comply with the 5 <sup>th</sup> data protection principle	Medium	- Complete information asset register - undertake review / interview with IAO to assess actual processing purposes	Mar-18	0%
	R26	Carry out a deep dive exercise on data retention across all information assets then review and disseminate the RM policy and retention schedules for compliance and work-ability	Medium	Will be undertaken with any high risk areas identified in R25	Apr-18	0%

IT Management	R27	Review ICT policy framework to ensure that they are adequate for GDPR purposes	Medium	-policy review underway, new policy tool in place for staff to accept policies	Jan-18	40%
Monitoring and testing control measures	R28	Consider using dedicated log servers to improve logging of events on the systems and also increasing the frequency of IT security audits	Medium	Optional / not required for compliance		0% optional
Destruction and Disposal	R29	Document how redundant equipment and media are to be disposed of	Medium	Confirmed destruction contract in place for redundant equipment and media		100%
Disaster Recovery and Business Continuity	R30	Review existing arrangements and test for GDPR compliance	Medium	- Disaster recovery plan being reviewed Oct / November 17 - With ELT for input into timescales	Mar-18	50%
Security events , incidents and breach management	R31	Review incident reporting provisions to ensure alignments with GDPR. Remind employees through awareness and training	Low	place. Reminder to be circulated to all staff about what should be reported and	Feb-18	75%
	R32	Review all processor contracts for information security breach notification provisions	Low	- Lined to completion of contracts database	Feb-18	0%
Right to information and transparency	R33	It is recommended that all privacy statements and privacy forms be correlated and reviewed to ensure compliance with the GDPR. Consider placing website privacy policy in a more prominent location	Medium	- Review existing forms (March 18) - Update and ensure live May 18	May-18	0%
	R34	Introduce work methods to ensure that privacy information and its publishing / deployment are strictly controlled	Medium	- Updates to managers / IAOs in terms of requirements	Mar-18	0%
	R35	Devise a fair processing strategy that provides a workable layered approach to privacy information	Medium	- Drafted Jan 18 (first draft started) - communicated Feb 18 - On website - April 18	Apr-18	0%
	R36	Review data systems to ensure that they are able to record what privacy information each data subject has been provided with	High	- review capability of W2 for this process - review to be taken out by Dec, with solution in place May 18	May-18	0%
Right of access	R37	Amend SAR policy and process to ensure that it is GDPR compliant and ensures employees are trained in its application	Medium	- Under review currently - Training for Team Leaders to be arranged April 18 (GDPR online course includes module)	May-18	25%
Right to object to processing	R38	Establish a mechanism for logging any objection and determining the extent to which the legitimate interests might over-ride those data subjects	Medium	- Talk to other Councils about their approach / advice from ICO - Agree process by March 18 - Training April 18	Mar-18	0%
Right to object to direct marketing	R39	Review current arrangements for recording objects to direct marketing	Low	- Talk to comms to understand how information handled - Agree approach for future	Feb-18	0%



Right not to be subject to automated processing and profiling	R40	Review data processing activities and test them against automated decision making rules	Medium	- Assessment with ICT of any automated decision making processes - If any, review testing results	Apr-18	0%
Right to restriction of data processing	R41	Define and implement a method of applying restricted processing to data where a relevant objection is received	High	- W2 process to be amended for individuals objecting to processing - needs a warning note	Feb-18	0%
Right to correction / erasure of data	R42	South Hams should review its processes for executing R2BF requests and also improve its understanding of who data is shared with or disclosed to in order to facilitate onward notification of data erasure	High	- Procedure note to be drafted - recording mechanism to be put in	Mar-18	15%
	R43	Identify where R2BF requests may come from. Introduce a R2BF policy and procedures which can identify and erase data as appropriate. Introduce a process which ensures the Councils are able to identify and log any such request and execute it in a timely manner.		See R42		

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**OVERVIEW AND SCRUTINY COMMITTEE**  
**DRAFT ANNUAL WORK PROGRAMME – 2017-18**

Date of Meeting	Report	Lead Officer / Member
16 January 2018	Draft Budget 2018/19	Lisa Buckle
	Hub Committee Forward Plan	Kathy Trant
	Partnership Grant Funding – Update Report	Nadine Trout
	Locality Service: Twelve Month Review	Catherine Bowen
	Corporate Plan	Nadine Trout
	Rural Broadband Working Group Update (if any)	Steve Mullineaux
	Task and Finish Group Updates (if any)	
27 February 2018	Q3 Performance Indicators	Jim Davis
	Executive Forward Plan	Kathy Trant
	Task and Finish Group Updates	
	Joint Local Plan: Standing Agenda Item	Tom Jones
6 May 2018	Q4 Performance Indicators	Jim Davis
	Hub Committee Forward Plan	Kathy Trant
	Task and Finish Group Updates	
	O+S Draft Annual Report	Darryl White
	Joint Local Plan: Standing Agenda Item	Tom Jones

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