

South Hams Overview and Scrutiny Panel



Title:	Agenda												
Date:	Thursday, 24th August, 2017												
Time:	10.00 am												
Venue:	Cary Room - Follaton House												
Full Members:	<p style="text-align: center;">Chairman Cllr Saltern Vice Chairman Cllr Smerdon</p> <p><i>Members:</i></p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Cllr Baldry</td> <td>Cllr Hicks</td> </tr> <tr> <td>Cllr Birch</td> <td>Cllr Huntley</td> </tr> <tr> <td>Cllr Blackler</td> <td>Cllr May</td> </tr> <tr> <td>Cllr Cane</td> <td>Cllr Pennington</td> </tr> <tr> <td>Cllr Green</td> <td>Cllr Pringle</td> </tr> <tr> <td>Cllr Hawkins</td> <td></td> </tr> </table>	Cllr Baldry	Cllr Hicks	Cllr Birch	Cllr Huntley	Cllr Blackler	Cllr May	Cllr Cane	Cllr Pennington	Cllr Green	Cllr Pringle	Cllr Hawkins	
Cllr Baldry	Cllr Hicks												
Cllr Birch	Cllr Huntley												
Cllr Blackler	Cllr May												
Cllr Cane	Cllr Pennington												
Cllr Green	Cllr Pringle												
Cllr Hawkins													
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.												
Committee administrator:	Member.Services@swdevon.gov.uk												

- 1. Apologies for Absence**
- 2. Minutes** **1 - 14**
to approve as a correct record and authorise the Chairman to sign the minutes of the Panel held on 20 and 27 July 2017;
- 3. Urgent Business**
brought forward at the discretion of the Chairman;
- 4. Division of Agenda**
to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information;
- 5. Declarations of Interest**
Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests they may have in any items to be considered at this meeting;
- 6. Public Forum** **15 - 16**
A period of up to 15 minutes is available to deal with issues raised by the public;
- 7. South Devon College Principal Presentation**
- 8. Executive Forward Plan** **17 - 58**

Note: If any Member seeks further clarity, or wishes to raise issues regarding any future Executive agenda item, please contact Member Services before **5.00pm on Monday, 21 August 2017** to ensure that the lead Executive Member(s) and lead officer(s) are aware of this request in advance of the meeting.

Requests have already been made for the following future items to be raised at this meeting:

- (a) **Medium Term Financial Strategy for the five year period 2018/19 to 2021/22** – To be presented to the Panel Meeting on 12 October 2017
- (b) **Business Rates Relief Policy;** and
- (c) **Quayside Phase 2 Consultation**

	Page No
9. Neighbourhood Planning - Support to Groups	59 - 66
10. Sickness Absence Monitoring	67 - 116
11. Ombudsman Annual Letter	117 - 134
12. Regulation of Investigatory Powers Act 2000 (RIPA) Policy and update	135 - 172
13. Annual Review of Health and Safety Policy	173 - 198
14. SH/WD Steering Group Notes (if any)	
15. Exclusion of Public and Press	
<p>“That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following items of business in order to avoid the likely disclosure to them of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act”;</p>	
16. Task and Finish Group Updates	199 - 210
a) Dartmouth Lower Ferry	
17. Re-admittance of Public and Press	
18. Task and Finish Group Updates (if any)	
b) Discretionary Grant Funding; and	
c) Performance Measures	
19. Actions Arising/Decisions Log	211 - 216
20. Annual Work Programme	217 - 218
<p>To consider items for programming on to the annual work programme of the Panel, whilst having regard to the resources available, time constraints of Members and the interests of the local community</p>	

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**MINUTES OF THE EXTRAORDINARY MEETING OF THE
OVERVIEW & SCRUTINY PANEL
HELD AT FOLLATON HOUSE, TOTNES ON
THURSDAY, 20 JULY 2017**

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

Other Members also in attendance:
Cllrs H D Bastone, I Bramble, J Brazil, D Brown, P K Cuthbert, R J Foss, R D Gilbert, T R Holway, N A Hopwood, J A Pearce, R J Tucker and K R H Wingate

Item No	Minute Ref No below refers	Officers in attendance and participating
All		Head of Paid Service; Group Manager – Business Development; Section 151 Officer; Specialist – Legal; and Senior Specialist – Democratic Services

O&S.23/17 DECLARATIONS OF INTEREST

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

O&S.24/17 URGENT BUSINESS

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

O&S.25/17 COMMERCIAL PROPERTY ACQUISITION STRATEGY

The Panel was presented with a report that outlined the Council's draft Commercial Property Acquisition Strategy.

Prior to inviting discussion on this agenda item, the Chairman advised those in attendance that, in accordance with the Council Constitution, he had called this extraordinary meeting to enable the Panel the opportunity to consider (and make recommendations on) the draft Strategy before its presentation to the Executive.

At this point, Cllr Birch advised that he took exception to the published report suggesting that, as a Member of the Invest to Earn Working Group, he had contributed to its content. For absolute clarity, he asked for it to be recorded that he had taken no part in the production of this report and he proceeded to advise that he opposed adoption of the draft Strategy for reasons including:-

- his personal belief that the Council did not have the legal powers to pursue this Strategy as a course of action;
- the number of local authorities who were in the process of adopting (or had already implemented) similar strategies was artificially inflating the Commercial Property market. As a result, he was of the view that the market was already saturated and financial margins were therefore becoming slimmer; and
- the lack of reference in any reports to the potential political risk arising from any changes in national Government.

In stating that the draft Strategy constituted a high risk gamble, Cllr Birch then **PROPOSED** the following motion:-

*'That the Panel **RECOMMEND** that the Executive reject the draft Commercial Property Acquisition Strategy that is being presented to its meeting on 20 July 2017.'*

To instigate the debate, this motion was subsequently **SECONDED**.

In the ensuing discussion, reference was made to:-

- (a) the lack of any case law in this regard. The Specialist – Legal confirmed that there was no case law and the concerns that had been raised by the proposer were therefore untested in the court system. However, the advice received by Counsel had highlighted that Section 1 of the Localism Act 2011 had provided local authorities with far more legal powers than they previously had including the power to do *'anything that individuals generally may do'*;

In response, the proposer acknowledged these powers but advised that his concerns related to whether or not the Council actually had the power to borrow up to £75 million for commercial investment;

- (b) the experiences of other local authorities. To mitigate the legal concerns raised, a Member highlighted that, since a number of other councils had already adopted similar strategies, they each must have undertaken their own due diligence tests before implementation;
- (c) the market becoming saturated. To counter the concerns raised, officers advised that local authorities had, to date, invested £3 billion in commercial property, which represented only 5% of the total market;
- (d) the extent of the proposed borrowing. As an indication of the extent of the proposed borrowing, a Member advised that £75 million equated to approximately £2,000 for every Band D household in the South Hams;

- (e) the timing of the proposal. A Member advised that he supported the motion in light of the current levels of commercial uncertainty that existed within the country;
- (f) the role of the Invest to Earn Working Group. In the event of the Strategy being adopted, it was envisaged that the Working Group would be presented with a 'due diligence pack' of information for each potential property purchase. As part of this pack, officers gave assurances that information would be included that related to break clauses and an Exit Strategy.

When put to the vote, the motion was declared **LOST**.

The recommendation as outlined in the published agenda papers (page 1 refers) was then **PROPOSED** and **SECONDED** subject to inclusion of the following two additions:-

1. That the delegated authority for individual commercial property acquisition and disposal decisions be extended to include the lead Executive Member for Business Development; and
2. That, in the event of the Strategy being approved, the Panel be in receipt of quarterly update reports on the portfolio performance.

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

It was then:

RECOMMENDED

That the Executive **RECOMMEND** to Council that:

1. the proposed Commercial Property Acquisition Strategy (as detailed in Appendix A) be approved and implemented;
2. officers conclude an appropriate procurement process to commission property experts to work on behalf of the Council in relation to the proposed Commercial Property Acquisition Strategy;
3. individual commercial property portfolio acquisition decisions be delegated to the Head of Paid Service, in consultation with the Council's Section 151 Officer, the Leader of Council, the lead Executive Member for Business Development; and the appointed Chairman of the Invest to Earn Working Group;
4. funds be borrowed on fixed rate terms from the appropriate source in order to pursue this strategy. (NB. to fulfil the first tranche of the proposed Strategy, this would require borrowing of up to £26.75 million (£25 million plus acquisition costs of 7%)).

That the Panel **RESOLVE** that:

5. in the event of the Strategy being approved, and, as part of its annual work programme, the Panel receive quarterly update reports on progress and performance.

(Meeting started at 9.10 am and concluded at 10.10 am)

Chairman

**MINUTES OF THE MEETING OF THE
OVERVIEW & SCRUTINY PANEL
HELD AT FOLLATON HOUSE, TOTNES ON
THURSDAY, 27 JULY 2017**

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

Other Members also in attendance:
Cllrs H D Bastone, I Bramble, J Brazil, D Brown, P K Cuthbert, T R Holway, N A Hopwood, J A Pearce, R C Steer, R J Tucker and S A E Wright

Item No	Minute Ref No below refers	Officers in attendance and participating
All		Head of Paid Service; Executive Director (Service Delivery and Commercial Development); and Senior Specialist – Democratic Services
8	O&S.30/17	Group Manager – Customer First and Support Services and Section 151 Officer
9	O&S.31/17	Group Manager – Customer First and Support Services
10	O&S.32/17	Group Manager – Customer First and Support Services
11	O&S.33/17	Specialist – Performance and Intelligence

O&S.26/17 MINUTES

The minutes of the meeting of the Overview and Scrutiny Panel held on 6 July 2017 were confirmed as a correct record and signed by the Chairman, subject to the following amendment to minute O&S.16/17 'Section 106 Agreements' discussion point (f):

Whilst acknowledging that the close proximity of the next meeting made the request unfeasible, the proposer of the motion had in fact moved that a Schedule that listed all Section 106 Agreements (irrespective of whether or not payment had been received) be produced for consideration at '*the next*' Panel meeting and not '*a future*' Panel meeting as had been stated.

O&S.27/17 DECLARATIONS OF INTEREST

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

O&S.28/17 PUBLIC FORUM

In accordance with the Public Forum Procedure Rules, there were no issues raised for consideration at this meeting.

O&S.29/17 DRAFT EXECUTIVE FORWARD PLAN

The Panel was presented with the most recently published Executive Forward Plan and, in discussion, made reference to:-

- (a) the 'Request for Section 106 Spend – Affordable Housing' agenda item. Having noted that this item related to a specific individual spend, a Member made reference to a recent article that he had viewed from Wokingham Borough Council (WBC). The Member highlighted that WBC had set up a local housing company to provide an income stream back to its council through developing affordable housing and he felt that this should also be considered by South Hams District Council. As a way forward, it was agreed that the article should be circulated to all Members for their information and officers advised that colleagues had already been in touch with WBC and this matter would be looked at during the upcoming draft budget setting process;
- (b) the 'Transformation Programme Closedown' agenda item. The Panel noted that this item was to be deferred from the next Executive meeting agenda. As a consequence, Members asked that the Panel consider this item at its meeting on 9 November 2017 prior to its presentation to the Executive.

O&S.30/17 TRANSITIONAL RESOURCES MONITORING REPORT

Consideration was given to a report that provided Members with an update on the impact of the temporary, fixed-term transitional resources that were approved by the Council in June 2016 (Minute 25/16 refers).

In discussion, reference was made to:-

- (a) resources in the Development Management (DM) service. In light of increasing volumes of work, officers still had concerns over the current capacity in the DM service and they anticipated that a further report would be presented to Members in the future that sought funding for additional resources in DM. A Member felt that certain aspects of the service (e.g. planning validation) were being undertaken by both Specialists and Case Managers and requested that such duplication of effort be eliminated. Whilst of the view that duplication was not as significant as had been indicated, officers did agree that there was scope for further service efficiency improvements to be made;

- (b) the Customer Contact Centre. Some Members who had accepted the recent invite to visit the Centre paid tribute to the excellent work being undertaken by the team but noted that some working practices were resulting in a duplication of effort. In reply, officers accepted the point and informed that an external advisor was currently in the Centre observing current processes and making recommendations to improve efficiency. The Panel acknowledged that staff retention was an issue in the Centre and it was agreed that the merits of imposing a condition on new members of staff not being able to apply for other internal posts for a prescribed period of time should be explored;
- (c) backlogs in the revenue and benefits service. Officers highlighted that an automated software system was currently being phased in that was expected to ease the backlog in casework for the revenue and benefits service;
- (d) the figures in the presented agenda report. A non-Panel Member felt it to be unacceptable that the figures contained in the report were only up to the end of March 2017 and were therefore four months out of date. In reply, the Section 151 Officer advised that the delay was attributed to the time lag associated with accruals, agency staffing charges and shared services recharges. The Panel proceeded to request that, as part of the Transformation Programme Closedown report being presented to the meeting on 9 November 2017, the most up to date figures be included;
- (e) the impact of Universal Credits. Whilst noting that the rollout had been delayed from October 2017 to January 2018, some Members expressed a number of concerns regarding the potential impact arising from Universal Credits and it was agreed that officers would provide an update via a future Members' Bulletin edition.

It was then:

RESOLVED

That the Panel:

1. endorse the contents of the Transitional Resources Monitoring Report and the progress to 31 March 2017;
2. insist that the Transformation Programme Closedown report (to be presented to the Panel meeting on 9 November 2017) include the most up to date available figures; and
3. ask officers to produce an update briefing note on Universal Credits for all Members.

O&S.31/17 PLANNING ENFORCEMENT SERVICE REVIEW

The Panel considered a report that provided an update on the current workload position and revisions to the Planning Enforcement Service in order to address the business need.

In discussion, the following points were raised:-

- (a) The Panel felt that the Council's Locality Team could be upskilled further and become even more involved in supporting the Planning Enforcement Service;
- (b) The Panel reiterated that there was a need for greater interaction between Members and those officers working in Planning Enforcement. In an attempt to keep resource implications to a minimum, the Panel requested that, initially as a pilot, a drop-in session be arranged for Members to be able to pre-book a timeslot with an Enforcement Officer to enable for an open discussion on live cases within their local ward;
- (c) It was confirmed that the proposed additional resource would be funded from within existing budgets largely by virtue of a re-allocation of duties within the Environmental Health Community Of Practice. In doubting whether even this additional resource would be sufficient, some Members asked lead officers and the lead Executive Member to keep a close watching brief on the case backlog;
- (d) A number of Members expressed their support for the creation of a Local Enforcement Plan. However, a Member felt that the proposed targets for 'Medium Priority' and 'Low Priority' investigations to commence were too long. Instead of the suggested one month and three months, the Member felt that these should be reduced to two weeks and four weeks respectively;
- (e) Upon the production of the latest schedule of enforcement cases, a Member requested that a brief progress update be added for each case.

It was then:

RESOLVED

That the Panel:

1. support the actions proposed and the ongoing monitoring of the Service by the Community Of Practice Lead and the Case Management Manager; and
2. request that a Member Drop-in pilot session be arranged to provide the opportunity for Members to discuss with an Enforcement Officer any live cases within their local ward.

O&S.32/17 STREET NAMING AND NUMBERING POLICY

The Panel considered a report that sought to recommend adoption of a revised Street Naming and Numbering Policy.

In discussion, the following points were raised:-

- (a) A number of Members expressed their support for the revised Policy but the request was made that, prior to its adoption, a final proofread be carried out to ensure that, where reference was made to consulting with the local town/parish council, local Ward Member(s) also be included;
- (b) It was confirmed that, in the event of the proposed 21 day consultation period not enabling a local town/parish council the opportunity to formally consider a proposed street name, then a local Ward Member was able to object to the proposal;
- (c) Officers gave a commitment to advise Members outside of the meeting as to whether or not property developers were sent a copy of the adopted policy upon the determination of their planning application(s).

It was then:

RECOMMENDED

That the Executive **RECOMMEND** to Council that the revised Street Naming and Numbering Policy be adopted.

O&S.33/17 QUARTER 1 2017/18 PERFORMANCE REPORT

The Panel considered a report that presented the Performance Indicators for Quarter 1 of 2017/18.

During discussion, reference was made to:-

- (i) the percentage of calls answered within 20 seconds. As part of the upcoming Performance Measures Task and Finish Group Review, Members asked that the merits of the 20 seconds target be given particular consideration;
- (ii) long-term sickness absence. It was noted that an overview of the monitoring process for sickness absence was currently scheduled on the Panel Work Programme for consideration at its next meeting on 24 August 2017;
- (iii) the increased number of online transactions. In welcoming this upward trend, the Panel was informed that this was mainly attributed to two factors: the new Council website; and the ability to be able to create an online account automatically.

It was then:

RESOLVED

That the Panel endorse the performance levels against target communicated in the Balanced Scorecard and the performance figures supplied in the Background and Exception reports.

O&S.34/17 SH/WD JOINT STEERING GROUP UPDATE

A report was considered by the Panel that presented the latest notes arising from recent meetings of the SH/WD Joint Steering Group (JSG).

In the ensuing debate, reference was made to:-

- (a) the proposal for the Panel to review the outputs of the consultation process. In stressing the importance of this proposal, it was noted that this review would be scheduled on to the Panel Work Programme for the meeting to be held on 5 October 2017;
- (b) the need for the published final consultation document to be fair, balanced and honest. Without wishing to pre-empt the debate on the Single Council proposal at the Special Council meeting later in the day, a number of Members expressed their disappointment regarding the quality of the latest draft version of the consultation document that had been produced. As an assurance, the Panel was advised that an updated recommendation was to be presented to Special Council that would seek to give delegated authority to the JSG to agree the contents of the published consultation document. In addition, there would be an opportunity for all Members to feed in their views to the JSG and it was agreed that the Chairman of the Council and the Chairman of the Panel would be specifically engaged in the formulation of the questions that would be included within the final document;
- (c) the work of the SH/WD JSG. A Member expressed his belief that the JSG had not fully explored all potential options to reduce the funding gap. Furthermore, the Member was of the view that this work should be conducted independently of West Devon Borough Council and it was therefore inappropriate to use the JSG for this purpose. As a consequence, the Member **PROPOSED** that:

'Disappointment be expressed at the lack of progress being made by the SH/WD Joint Steering Group to bring forward other alternative options to reduce the Council's funding gap.'

Whilst this proposal was not seconded, it was agreed that officers would provide Members with the background information concerning the formation of the JSG and its terms of reference.

In addition, it was agreed that the need for JSG meeting notes to be given exempt classification would be reconsidered by the Council's Monitoring Officer. Finally, the current practice whereby JSG meetings were hosted either in Totnes or Tavistock was asked to be reviewed, with a request made for all future meetings to be held in Ivybridge.

It was then:

RESOLVED

That, in the event of the Council agreeing to pursue the Single Council proposal, the Panel review the outputs of the consultation process and provide feedback at its meeting on 5 October 2017.

O&S.35/17 TASK AND FINISH GROUP UPDATES

(a) Dartmouth Lower Ferry

By way of an update, the Chairman of the Task and Finish Group advised that a detailed report would be presented to the next Panel meeting on 24 August 2017.

In addition, the Group Chairman informed the Panel that:-

- a Trade Union representative was due to meet with Lower Ferry staff on Friday, 28 July 2017. Subject to the outcome of that meeting, it was anticipated that the proposed £100,000 savings in the Medium Term Financial Strategy would be realised;
- if agreed, the proposed changes to staff terms of reference would come into effect in September 2017; and
- the proposals would ensure that staff were not working an excessive number of hours, whilst ensuring the highest safety standards were met and excellent customer service was delivered.

In the ensuing debate, a local Ward Member (who was also a Member of the Task and Finish Group) expressed his total support for the current proposals.

(b) Discretionary Grant Funding

As the Chairman of the Task and Finish Group, Cllr Brown was invited to provide an update. In so doing, he advised that the Group had held its first meeting and had requested that the lead officer gather relevant information in time for the next meeting that would be held in mid-September.

Ultimately, it was the aim of the Group to present its final recommendations to the Panel meeting on 5 October 2017.

(c) Performance Measures

By way of an update, it was noted that the West Devon Borough Council Overview and Scrutiny Committee had also agreed the proposal to establish a joint Task and Finish Group. In light of this decision, officers were now in the process of setting a date for the first Group meeting.

O&S.36/17 ACTIONS ARISING / DECISIONS LOG

The contents of the latest version of the Log was presented.

When questioned, the Head of Paid Service gave a commitment to establish exactly when officers would be in a position to present to the Panel the Schedule listing all Section 106 Agreements (Minute O&S.16/17 refers).

O&S.37/17 ANNUAL WORK PROGRAMME 2017/18

In consideration of its Annual Work Programme, the following comments, additions and amendments were made:-

- (a) It was noted that the Single Council Consultation Outcome agenda item would be considered by the Panel at its meeting on 5 October 2017;
- (b) With regard to representatives from the NEW Devon and South Devon and Torbay Clinical Commissioning Groups attending a future Panel meeting, it was agreed that it would be more appropriate for this item to be scheduled on to the agenda for a future Informal Council session;
- (c) It was agreed that the Ombudsman Annual Review Letter should be scheduled for consideration by the Panel at its next meeting on 24 August 2017;
- (d) With regard to the Transformation Programme Closedown, the Work Programme was updated to ensure that this agenda item was included on the Panel agenda for 9 November 2017 meeting;
- (e) Whilst noting that a Joint Local Plan Update was due for consideration by the Panel on 5 October 2017, it was requested that, in the meantime, a brief progress update be circulated to all Members on behalf of the Joint Steering Group;
- (f) It was agreed that the Panel Chairman should exercise his discretion to schedule a future agenda item on to the Work Programme in relation to the Devon Building Control Partnership;

(g) In response to a request regarding Air Quality and Air Pollution, it was agreed that, in the first instance, a Briefing Note should be produced and circulated to all Members outside of this meeting.

(Meeting started at 10.00 am and concluded at 11.55 am)

Chairman

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PUBLIC FORUM PROCEDURES

(a) General

Members of the public may raise issues and ask questions at meetings of the Overview and Scrutiny Panel. This session will last for up to fifteen minutes at the beginning of each meeting.

(b) Notice of Questions

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

(c) Scope of Questions

An issue may be rejected by the Monitoring Officer if:

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

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SOUTH HAMS DISTRICT COUNCIL: EXECUTIVE LEADER'S FORWARD PLAN

This is the Leader of Council's provisional forward plan for the four months starting 14 sept 2017. It provides an indicative date for matters to be considered by the Executive. Where possible, the Executive will keep to the dates shown in the plan. However, it may be necessary for some items to be rescheduled and other items added.

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

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

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

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

Cllr John Tucker – Leader of the Council

Cllr Simon Wright – Deputy Leader and lead Executive Member for Support Services

Cllr Keith Wingate – lead Executive Member for Business Development

Cllr Rufus Gilbert – lead Executive Member for Commercial Services

Cllr Hilary Bastone – lead Executive Member for Customer First

Cllr Nicky Hopwood – lead Executive Member for Customer First

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

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

INDEX OF KEY DECISIONS

Service	Title of Report and summary	Lead Officer and Executive member	Anticipated date of decision

KEY DECISIONS:

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

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

(For this purpose significant expenditure or savings shall mean:

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

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

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

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

OTHER DECISIONS TO BE TAKEN BY THE EXECUTIVE

Service	Title of Report and summary	Lead Officer and Executive Member	Decision maker	Anticipated date of meeting
Customer First	Quayside Phase 2 – to update Members on the master plan outcomes include public consultation for Quayside and put forward next steps for consideration	CB/Cllr Tucker	Executive	14 September 2017
Customer First	Request for s106 spend – Affordable Housing	CH/Cllr Bastone	Executive	14 September 2017
Strategy & Commissioning	Productivity Plan Joint Committee - 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 Tucker	Council	14 September 2017
	Delivery of Best Value for Money in Front Line Services *	HD/Cllr Gilbert	Council	14 September 2017
Support Services	Business Rates Relief Policy – to consider and recommend a policy to administer the 4 year funding agreement, awarded by Central Government, to support those businesses that have seen an increase in their business rates bill due to the 2017 revaluation exercise	IB/Cllr Bastone	Council	14 September 2017
Support Services	Budget Update report 2018/19 (if required) – to update Members on any issues affecting the 2018/19 Budget	LB/Cllr Tucker	Council	14 September 2017
Support Services	Transformation Programme Closedown – to provide a closedown report of the T18 Transformation Programme	LB/Cllr Wright	Executive	14 September 2017
SLT	Membership of the Devon Business Rates Pool for 2018/19 – to make a recommendation to Members on whether the Council should apply to become part of the membership of the Devon Business Rates Pool in 2018/19	LB/Cllr Tucker	Council	14 September 2017
SLT	Medium Term Financial Strategy - to bring together all known factors affecting the Council's financial position and its financial sustainability, to provide a long term financial forecast	LB/Cllr Tucker	Council	19 October 2017
Support Services	Insurance Procurement – Award of Contract – to award the contract for the provision of insurance services to the Council	LB/Cllr Wright	Executive	19 October 2017
Customer First	Public Space Protection Orders -	CA&JK/Cllr Hopwood	Council	19 October 2017
Customer First	SHDC Housing Stock Proposal -	CB/Cllr Bastone	Executive	19 October 2017

Support Services	Revenue Budget Monitoring to September 2017 (six monthly position) – 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 Wright	Executive	7 December 2017
Support Services	Capital Programme Budget Monitoring to September 2017 (six monthly position) - 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 Wright	Executive	7 December 2017
Customer First	Council Tax Reduction Scheme 2018/19 – It is an annual requirement for the Council to revisit its existing council tax support scheme	IB/Cllr Bastone	Council	7 December 2017
Customer First	Food Safety Audit - to update Members on the findings of the recent FSA audit of the Council’s performance when regulation food safety in businesses in South Hams	IL/Cllr Hopwood	Executive	7 December 2017
Support Services	Treasury Management Mid Year Update 2017/18 – to provide a mid year report on treasury management activity on the Council’s investments and the level of investment income achieved to date	LB/Cllr Wright	Executive	7 December 2017
Support Services	ICT Procurement Options - to advise Members of the options in relation to ICT Procurement	MW/Cllr Wright	Executive	7 December 2017
Customer First	Write Off report (Q1 and Q2 2017/18) - The Council is responsible for the collection of: Housing Rents, Sundry Debts including Housing Benefit Overpayments, Council Tax and National Non-Domestic Rates. The report informs members of the debt written off for these revenue streams.	LB/Cllr Wright	Executive	7 December 2017
SLT	Draft Revenue Budget Proposals 2018/19 – to set out recommendations for the Revenue Budget for 2018/19 (including the council tax level for 2018/19)	LB/Cllr Tucker	Council	7 December 2017
SLT	Draft Capital Budget Proposals 2018/19 – to set out recommendations for the Capital Programme Budget for 2018/19	LB/Cllr Tucker	Council	7 December 2017
SLT	Revenue Budget Proposals 2018/19 - to set out	LB/Cllr Tucker	Council	1 February 2018

	recommendations for the Revenue Budget for 2018/19 (including the council tax level for 2018/19)			
SLT	Capital Budget Proposals 2018/19 – to set out recommendations for the Capital Programme Budget for 2018/19	LB/Cllr Tucker	Council	1 February 2018
SLT	Revenue Budget Monitoring for 2017/18 (nine monthly position) - 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 Wright	Executive	1 February 2018
SLT	Capital Programme Budget Monitoring for 2017/18 (nine monthly position) - The report advises Members of the progress on individual schemes within the approved capital programme, including an assessment of their financial position.	LB/Cllr Wright	Executive	1 February 2018
SLT	Sherford Delivery Team	SJ/Cllr Tucker	Council	Date TBC
Strategy and Commissioning	Business Development Opportunities	DA/Cllr Wingate	Council	STANDING ITEM

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

SJ – Steve Jordan – 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

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

LC – Lesley Crocker – Senior Specialist Media and Communications

CBowen – Catherine Bowen – Monitoring Officer

DA – Darren Arulvasagam – Group Manager Business Development

SLT – Senior Leadership Team

CB – Chris Brook – COP Lead Assets

TJ – Tom Jones – COP Lead Place Making



South Hams
District Council

Report to: **Overview & Scrutiny**
Date: **24th August 2017**
Title: **Business Rates – Locally Administered Business Rate Relief Policy**
Portfolio Area: **Cllr Bastone**
Wards Affected: **all**
Relevant Scrutiny Committee:

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

Date next steps can be taken:

Author: **Steve Henstock** Role: **Revenues Specialist**

Contact: **Steve.Henstock@swdevon.gov.uk**

Recommendations:

1. That Overview & Scrutiny **RECOMMEND** to Executive, that following consultation with Devon County Council, Devon & Cornwall Police & Devon & Somerset Fire Rescue the Locally Administered Business Rate Relief Policy be adopted

1. Executive summary

1.1 Members are asked to consider and recommend the policy (Appendix 1) to administer the 4 year funding agreement, awarded by central Government to support those who have seen an increase in their rates bill due to the 2017 revaluation exercise.

2. Background

2.2 As a result of the 2017 revaluation exercise, Central Government allocated £300m over 4 years to help those who saw an increase in their rates bill. In South Hams the annual awards are as follows:

- 2017/18 - £307k
- 2018/19 - £149k
- 2019/20 - £61k

- 2020/21 - £9k

- 2.4 There are some conditions to the grant which can be found at point 1.3 of Appendix 1 – the locally administered Business Rate Relief Policy.
- 2.5 The policy proposes to divide funding in to two separate funds. A lump sum payment to businesses that have seen an increase in their rates bill after all reliefs have been taken into account. The criteria of this award can be found at 2.2 of Appendix 1 – The Policy. The second fund concerns discretionary awards for those businesses regardless of their eligibility for the lump sum payment. These applications will be considered by the Leader in the already existing arrangement to award discretionary rate relief and must meet criteria set out in Appendix 1, 2.4 – The Policy.
- 2.6 The scheme will be reviewed by the end of December 2017 to ensure the scheme is delivering on the intended outputs.

3. Outcomes/outputs

- 3.1 It is intended to adopt this policy as soon as possible in order that the scheme can be advertised and applications considered. This will ensure that delays are kept to a minimum.

4. Options available and consideration of risk

- 4.1 The Government will fully fund SHDC and the other preceptor Authorities their share of lost income from the awards through a grant.
- 4.2 Any relief awarded above the grant will not receive Government funding, so it is imperative the fund is closely monitored.
- 4.3 All other Devon Authorities are working together to create a common framework to underpin a local policy. This is due in a matter of weeks. We will consider this framework once published and it will form part of the December policy review.

5. Proposed Way Forward

- 5.1 That Members recommend to Executive the adoption of the Locally Administered Business Rate Relief Policy following consultation with the other preceptors.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	Local Government Act 1988, Section 47
Financial	Y	<p>The funding for this scheme has come from central government. The 4 years of annual award are detailed in the background section</p> <p>The funding is to help businesses affected by the revaluation, however Government have agreed an additional £12k in new burdens funding to administer this scheme, the pub relief scheme and the supporting small businesses scheme, with an additional payment due once costs can be established in light of businesses receiving relief under each scheme.</p>
Risk		It is an expectation by central government that each Local Authority will have a scheme in place and be administering awards by the end of June 2017, and all Local Authorities have received a letter from the Minister for Local Government to this effect.
Comprehensive Impact Assessment Implications		
Equality and Diversity		None
Safeguarding		None
Community Safety, Crime and Disorder		None
Health, Safety and Wellbeing		None
Other implications		

Supporting Information

Appendices:

Appendix 1 – Locally Administered Discretionary Rate Relief Policy

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South Hams District Council

Business Rates – Locally Administered Business Rates Relief Policy

Issue details	
Title:	Locally Administered Business Rates Relief Policy
Version number	Version 1.0
Officer responsible:	Isabel Blake Community of Practice Lead Specialist, Housing, Revenues & Benefits
Authorisation by:	Full Council
Authorisation date:	

1 Background

- 1.1 The Government in the Spring Budget of 2017, announced a fund to Local Authorities to help those who have had an increase in their Rates bill due to the 2017 revaluation.
- 1.2 The Government have allocated £300 million nationally over the next four years.
- 1.2.1 South Hams have been allocated: 2017/18 - £307k, 2018/19 - £149k; 2019/20 - £61k; 2020/21 - £9k
To provide support under the scheme.
- 1.3 The Government will fully fund South Hams District Council, and the major precepting authorities, their share of lost income from the awards under this policy by way of a Section 31 Grant. The Grant will have conditions attached to it:
- 1.3.1 Any relief awarded above the allocated Grant amount will not receive full Government Funding.
- 1.3.2 The Grant must be used to support only ratepayers facing an increase in their bills following Revaluation.

2 The Council's Policy

2.1 Introduction

South Hams policy is to ensure that support is provided to those Businesses that have seen an increase in their bill due to the Revaluation by way of a payment to reduce their Business Rates, and then to also have a separate fund for those who are suffering additional hardship through the increase in their Business Rates bills – especially where they are not for profit organisations providing local support and advice.

Initial lump sum payment

2.2 The Council will make an award of up to £800 but no more than the actual increase in the rates bill to business who have seen an increase due to the revaluation. This is provided they fulfil the following criteria:

- The increase is based on the Rateable Value as at 31.03.2017 compared to the Rateable Value of the same property as at 01.04.2017
- The ratepayer is occupying the premises and is the same ratepayer on both dates
- The Rateable Value on 01.04.2017 was £12,000 or greater, but less than £200,000
- The ratepayer is a local business, wholly or predominantly based in Devon
- The ratepayer is paying more on 01.04.2017 after all reliefs have been taken into account
- The ratepayer must not be in receipt of a mandatory relief

2.3 The payment is made based on a daily charge, and will be adjusted down:

- If there is a change to the ratepayers circumstances where the property is vacated (the ratepayer ceases to be liable, or leaves the property empty)
- If the ratepayer subsequently receives a reduction – such as small business rates relief) that reduces their bill

Discretionary Applications

2.4 The Council will make available a proportion of the Government Funding for applications from any ratepayer where there has been an increase in the rateable value of the property on 01.04.2017 compared to 31.03.2017 whether they were eligible for the lump sum payment or not. These applications will go before the Leader of the Council for consideration. Whilst any application will be considered it must meet the following criteria:

- There must have been an increase in the amount of rates payable (after mandatory reliefs have been taken into account) between the rates due on 31.03.2017 and 01.04.2017
- It must be of benefit to local taxpayers to award the relief
- The ratepayer must provide goods or services to the benefit of the South Hams residents

- The ratepayer is suffering hardship due to the increase in the rates payable or it will affect their ability to provide goods or services to the residents of South Hams
- The ratepayer must supply any documentation to support their application that the Leader of the Council decides is required to be able to make a decision

Changes of Circumstances

- 2.5 Where a ratepayer has received a reduction under this policy, they will be required to notify the Council within 21 days of a change to their circumstances that will affect the amount of reduction they receive.
- A change would include, but is not limited to: a reduction in the 2017 Rateable Value of the property; vacating the property or leaving it empty; opening businesses outside of the South Hams area.
- 2.6 Failure to notify the Council of such a change may result in the amount of relief paid out under this policy being removed completely.

Award Period

- 2.7 The award of relief under this policy will be for a maximum of one year and only for the 2017/18 Financial Year (i.e. maximum period 01.04.2017 – 31.03.2018).

Review of local scheme

- 2.8 The 2017/18 scheme will be reviewed by The Overview & Scrutiny Committee by the end of December 2017 and reserves the right to recommend to executive to increase the amount of any award as it sees appropriate to do so.
- 2.9 The eligibility criteria for year two will also be identified as part of the above review to ensure that it still best meets the needs of local ratepayers.
- The funding from Government reduces by around 52% in year two and therefore if the scheme were to remain broadly as is, the initial lump sum payments will be reduced.
 - In years three and four of the scheme, Government Funding will reduce by around 80% and 98% respectively, so the scheme may alter to require all applications to be considered by the Leader of the Council

3 Administering the scheme

- 3.1 Locally Administered Business Rates Relief Awards must be applied for in writing, by the ratepayer or an authorised employee where the ratepayer is a company. Applications will not be accepted from an agent or third party.

There is no requirement to pay a fee to make an application.

3.2 The Council will identify entitlement to a lump sum payment and an application form will automatically be sent to those who may qualify. They will be required to confirm that:

- They are in occupation of the premises
- They are a business wholly or predominantly based in South Hams
- They will notify the Council within 21 days of any change in their circumstances
- The payment will not breach State Aid rules

3.3 Once a signed application is received, the relief will be awarded and a revised Business Rates bill issued.

3.3.1 This relief will be awarded by an officer of the Council and will not need to go back to the Leader of the Council for confirmation.

3.3.2 Should the eligibility for relief change, due to a change in circumstances, an officer of the Council will be responsible for calculating the reduction in award.

3.4 Discretionary Payment awards under this policy will be put before the Leader of the Council for a decision on whether to award any relief and if so, what amount.

3.4.1 Should the eligibility for relief change, due to change in circumstances, an officer of the Council will be responsible for calculating a reduction in the award

Publicity of reductions and reliefs

3.5 The Council will publicise this and all other reliefs through its website and other media to ensure ratepayers are aware of all the reliefs that they may be entitled to claim.

3.5.1 All entitlement to reliefs will be published on the Council's website in accordance with current Freedom of Information requirements.

Right to appeal

3.6 If the ratepayer is not satisfied with an award in accordance with this policy, they may request a review in writing stating their reasons for appeal.

3.6.1 All appeals will be put before the Leader of the Council for a review of the decision.

3.7 There will be no further review of the decision by the Council once the Leader of the Council has reconsidered a decision under point 3.6.

4 Equality impact considerations

Low

- 4.1 This Equality Impact Assessment considers the impact of this policy on the relevant protected characteristics, as defined by the Equality Duty, which are:
- Age (including children and young people)
 - Disability
 - Gender reassignment
 - Pregnancy and maternity
 - Race
 - Religion or belief
 - Sex
 - Sexual orientation
 - Marriage or civil partnership status (in respect of the requirement to have due regard to eliminate discrimination)
 - An additional SHDC local factor of community considerations such as socio-economic factors, criminal convictions, rural living or Human Rights
- 4.2 This policy has a positive or neutral impact on all protected characteristics.
- 4.3 The protected characteristics which are positively impacted are local factor of community considerations. This is because the policy, will reduce the outgoings through the rates bill of local businesses. When considering discretionary applications, the Leader of the Council will have the interests of local taxpayers in mind.

5 Related Policies/Strategies, Procedures and Legislation

5.1 Related policies

None

5.2 Legislation

Local Government Act 1988 – Section 47

6 Policy date for review

- 6.1 This policy will be reviewed by The Overview & Scrutiny Committee by the end of December 2017 to review its effectiveness in meeting the needs of local businesses who have suffered an increase in their rates bills, and also to decide the award eligibility criteria for 2018/19 Financial Year.

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Appendix 5 of this report contains exempt information contained in Paragraphs 3 and 5 of 12A of the Local Government Act 1972 (information relating to the financial and business affairs of the Council and also information to which legal professional privilege could be applied)

Report to: **Overview and Scrutiny Panel**

Date: **24th August 2017**

Title: **Kingsbridge Quayside Stage 2**

Portfolio Area: **Assets**

Wards Affected: **Kingsbridge**

Relevant Scrutiny Committee: Internal

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

Date next steps can be taken: Executive 14th September 2017

Author: **Dan Field** Role: **Senior Specialist - Assets**

Contact: **01803 861257 dan.field@swdevon.gov.uk**

Recommendation: That the Panel notes the update on the Kingsbridge Quay project, as set out in this report, and makes any appropriate recommendations

1. Executive summary

- 1.1 This report provides a summary of the work that has been undertaken as part of the Kingsbridge Master Plan project, referred to herein as Stage 1.
- 1.2 Stage 1 has identified the baseline constraints and opportunities for development within the already allocated site boundary.
- 1.3 Development options have initially been based upon the site allocation parameters, as presented within JLP, of 100 homes and 200m² of employment land.
- 1.4 Following workshops with the Town Council, local members and stakeholders Stage 1 has ended with a public consultation event (1st to 23rd July 2017).
- 1.5 The public consultation gained in excess of 700 respondents which represents more than 10% of the local population.
- 1.6 The public consultation has identified that key public concerns are primarily linked with quayside development, net loss of parking and affordable housing models.
- 1.7 Financial analysis has demonstrated that the scale of quayside development is fundamental in achieving an acceptable financial return as well as delivering the wider project objectives (affordable housing and public realm improvements).
- 1.8 Further investigations are currently being undertaken to analyse the financial effect associated with the Quayside development.
- 1.9 The Council has currently spent just under £500k (after purchase costs) on acquiring the Rope Walk site and a further £107k on Stage 1.
- 1.10 The project is scheduled to go to Executive on the 14th September where recommendations will be made on how to proceed (Stage 2).
- 1.11 At this time Stage 2 is likely to comprise of:
 - more detailed assessment of both construction and associated costs, through market testing
 - Working towards the submission of outline planning.

2. Background

- 2.1 Kingsbridge is an historic market town at the head of the Kingsbridge Estuary and has a population of 6000.
- 2.2 The town is accessible via the main road network of the A379 and A381 but is some distance in relation to the strategic road network.
- 2.3 The town benefits from strong local character and is located deep in the heart of the South Hams and adjacent to the South Devon Area of Outstanding Natural Beauty.
- 2.4 Kingsbridge Quayside (formally known as K2) was originally allocated as part of the Kingsbridge Site Allocations Development Plan Document (DPD), which was adopted in February 2011. The site allocation is described as being:
- *About 1 hectare of employment land, offices and workshops;*
 - *About 100 dwellings;*
 - *Enhanced public realm including access to and focus on the Estuary;*
 - *Retention of existing levels of car parking; and*
 - *Cycle and footpath provision including enhanced access to the town centre.*

Refer to Appendix 1 for figure illustrating the K2 allocation

- 2.5 This allocation has been retained in the emerging Joint Local Plan (JLP). Policy TTV13 identifies potential for housing, shops, employment, leisure and public realm improvement. A key difference from the DPD is a reduction in the employment floor space (Use Class B1) from 1 hectare to just 200m² to avoid creating competition with Fore Street.

Refer to Appendix 2 for figure illustrating the JLP recommended allocation

- 2.6 A large section of the allocated site falls within the ownership of South Hams District Council (SHDC) including:
- Town Square and Bus Station
 - Quay Side Car Park and leisure centre
 - Cattle Market Car Park
 - Rope Walk Resource Centre (purchased by SHDC in 2016 for £450k)
 - Area of land adjacent to Kingsbridge School
- 2.7 In June 2016 SHDC commissioned Montague Evans & LHC, following a procurement process, to prepare a comprehensive masterplan for Kingsbridge Quayside. The consultants brief included the following outputs:
- Baseline constraints and opportunities
 - Stakeholder engagement and workshops
 - Concept design and financial constraints
 - Public consultation

- Business Case and viability
 - Final appraisal and summary report reflecting all of the above.
- 2.8 The aim of the study is to develop a comprehensive masterplan for the regeneration of the quayside area in order to create a vibrant and mixed use quarter which will become a location of choice for the business, living, leisure and commercial sectors.
- 2.9 The regeneration is central to driving forward growth in the town; this is why the council have ambitious plans for development of the site. – This will also provide a financial return to the Council, whilst providing a mix of affordable and open market dwellings, together with a small amount of employment space.
- 2.10 The master plan process has comprised of the following six work stages:
- Stage 1 & 2:** Desktop Study & Preliminary Key Stakeholder Workshop (July to October 2016)
- Stage 3:** Concept Design and Financial Strategy (October – May 2017)
- Stage 4:** Stakeholder and Community Consultation (June-July 2017)
- Stage 5:** Master Plan Document & Business Case (current)
- 2.11 An overview of each project stage is presented within Sections 3 to 6 respectively.

3. Desktop Study & Preliminary Stakeholder Workshop (Stages 1 & 2)

3.1 An initial workshop event was held on 14th September 2016 inviting key stakeholders input and comment upon key site constraints and opportunities for development options for the allocated site.

3.2 The project team worked closely with Kingsbridge Town Council, local members and stakeholders to identify the schemes key priorities. The workshops indicated that any development of Kingsbridge Quay should:

- Enhance the character of Kingsbridge and its attractiveness to visitors, supporting the economic viability of the town centre;
- Improve connectivity between the Quay and Fore Street
- Provide high quality, sustainably affordable housing to meet local community needs.
- Minimising car parking loss
- Deliver infrastructure improvements
- Not create competition with Fore street traders, but accepting a balance of other employment uses.

3.3 The desktop study has identified a number of key site constraints, including:

- An existing public right of way runs down the back of the Quay Car Park which may need diverting to facilitate the proposals. Footpath diversions can take many years to achieve, if individuals choose to make it difficult.
- Implications which could arise from on-going ecology surveys.
- A parcel of land at the bottom of Tumbly Hill is subject to a separate planning application by a private developer. This could result in competing planning constraints.
- The Quay Wall is known to be in poor condition and a major project to design and ultimately build a new wall is underway, but this will be expensive and disruptive.
- Ground conditions. Bore holes have been undertaken which show that the building would need to be built on piled foundations. The cost appraisal for the scheme includes for this item, but should the pile depth vary, it could have an impact on cost.
- The visual impact of any scheme with quayside development will need to be appropriately addressed through the completion of a Landscape and Visual Impact Assessment
- Tree Constraints; whilst project has undertaken initial tree survey the implications will not be known until final design has been worked up. It is possible that some limited tree removal be required.

- Public Opposition. It is clear that there is a level of opposition to any development on the Quay amongst some in Kingsbridge. The Council should be prepared if it moves forward to Stage 2 and beyond to have to manage this pressure.

4. Concept Design and Financial Strategy (Stage 3)

4.1 A number of concept designs have been developed and considered varying quantities and distribution of development and wider regeneration and enhancement opportunities.

4.2 Typically a private developer would be looking for any scheme to generate a return in excess of 20%. Whilst SHDC are not a developer and considering the wider benefits that we are also trying to deliver it is felt that SHDC should be looking to generate a return of between 12.5% and 15% when assessing financial viability.

4.3 The scheme taken to public consultation balanced the priorities, previously listed, against that defined in the site allocation – it represented the possible, not necessarily the desirable. The concept comprised of:

- Highways and public realm improvements around Market Square (referred to as Area 1)
- Approximately 50 new residential apartments with allocated parking at the Southern end of the Quay (referred to as Area 2)
- Approximately 40 new affordable homes, including community housing scheme built in partnership with the local community (referred to as Area 3/4)

A copy of the consultation material is provided within Appendix 3

4.4 The presented scheme resulted in the net loss of 57 spaces out of the 374 spaces provided across both the Quayside and Cattle Market car parks.

4.5 This level of parking loss was deemed acceptable following the completion of an car park assessment which showed the following utilisations:

Car Park	No.of Spaces	Utilisation	Average Maximum
Cattle market	118	Low	Less than 40%
Quay	256	High	88% to 100%
Fore street	110	High	100%
Duncombe Park	15	High (permit)	
Lower Union Road	61	High (permit)	

4.6 In addition the scheme proposes investment in improved signage and car park management.

4.7 More detailed layouts would be developed as the masterplan moves into a project delivery stage. This would need to consider the consultation results but also the many other factors that would

ultimately shape development, including ecology, landscape setting, heritage and archaeology and infrastructure and flooding.

4.8 Details regarding financial illustrations are including with Appendix 5 which is exempt.

5. Stakeholder and Community Consultation (Stage 4)

5.1 The public consultation event was held between the 1st and 23rd July 2017, inviting members of the public to comment and provide feedback on development options.

5.2 The team worked with the local press to promote the public consultation, which had a two week "soft start" online, ahead of a week's public engagement, including a town council evening meeting.

5.3 As previously detailed the scheme taken to public consultation balanced the priorities, previously listed, against that defined in the site allocation – it represented the possible, not necessarily the desirable. The concept comprised of:

- Highways and public realm improvements around Market Square (referred to as Area 1)
- Approximately 50 new residential apartments with allocated parking at the Southern end of the Quay (referred to as Area 2)
- Approximately 40 new affordable homes, including community housing scheme built in partnership with the local community (referred to as Area 3/4)

A copy of the consultation material is provided within Appendix 3

5.4 Following consultation with the portfolio holder and Executive, it was decided to extend the deadline for the consultation by a further two weeks. A final public engagement session was run at the Leisure Centre in the final week.

5.5 The public consultation gained in excess of 700 respondents which represents more than 10% of the local population

5.6 Whilst it is imperative that the results are not generalised, some clear trends have emerged:

- The highway and infrastructure improvement opportunities identified in Area 1, in conjunction with Town Council, were not well supported, with a general feeling of "it ain't broke, so don't fix it"
- Improvements and repairs to the quayside walls were seen as a priority in terms of infrastructure improvements.
- Resistance to any development on the quay and if any it should be at a scale that is not out of place with Kingsbridge.
- Strong disagreement that the consulted concept achieved the right balance between development and retention of car parking. The consulted scheme indicates a net loss of 57

spaces but with the provision of investment in improved signage and car park management

- Strong agreement that the scheme should prioritise provision of affordable housing for the local community.
- Recognition that development of Kingsbridge quayside is needed to support costs of improvements to public realm and provision of affordable housing.
- There was little support for a walkway or bridge across the end of the Quay. Anecdotally, there was support for an increase in mooring provision for boat owners and anything that improved water access and utilisation.

6. Master Plan Document & Business Case (Stage 5 - current)

6.1 Work is currently being undertaken to finalise the master plan document.

6.2 Further analysis of the project finances are also being undertaken to generate an illustrative concept design that would result in an acceptable level of financial return and deliver the wider project objectives.

7. Proposed Way Forward

7.1 The team are working up the master plan ready for presentation to the Executive on the 14th September 2017.

7.2 This report will include recommendations for how the project should proceed. Referred to herein as Stage 2

7.3 The objective of Stage 2 will be the submission of an outline planning application with exact details to be agreed.

7.4 The purpose of this Master plan is to provide a summary of the development of the masterplan including; summarising the site appraisal and assessment of opportunities and constraints; describing the development options and consultation process; setting out the preferred option, viability appraisal and proposed delivery strategy.

7.5 The purpose of this master plan is not to come up with a final scheme.

7.6 An indicative Stage 2 workflow is included in **Appendix 4**

7.7 Stage 2 will have the following outputs:

- Procurement of appropriate consultant support
- Further studies to try and address some of the key public concerns
- Market testing to ensure best delivery methodology
- Scheme design to meet planning requirements (likely to be Outline Planning + more detail for Area 2)
- Design review panel submission
- More detailed assessment of construction and associated costs, through market testing, before proceeding to outline planning.
- Environmental assessments
- Ecological surveys
- Geotechnical review
- Drainage strategy
- Footpath constraint strategy

- Planning submission
- Updated detailed business case Programme for delivery (including discharge of planning conditions and reserved matter applications)
- Report to Executive detailing delivery options, costs, programme, resource implications, risks, borrowing and summary of proposed scheme as per planning application.

7.8 Stage 2 will require a procurement review such that the project remains within the OJEU regulations on spend for services as well as our own procurement rules. Through this process, best value will be derived and detailed costs ascertained.

7.9 We are currently awaiting a final indicative fee proposal from our Consultations on the anticipated Stage 2 costs. We will still need to undertake a procurement exercise

7.10 Stage 2 will also look at risk and potential exit strategies.

8. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	Appendix 5 is exempt
Financial	Y	Work is currently being undertaken to finalise the master plan document. Further analysis of the project finances are also being undertaken to generate an illustrative concept design that would result in an acceptable level of financial return and deliver the wider project objectives
Risk	Y	Reference Section 3.3 for key risks moving forward.
Comprehensive Impact Assessment Implications		
Equality and Diversity	N	Not applicable.
Safeguarding	N	Not applicable.
Community Safety, Crime and Disorder	N	Not applicable.
Health, Safety and Wellbeing	Y	Not applicable
Other implications	N	Not applicable.

Supporting Information

Appendices:

Appendix 1: Figure illustrating the K2 allocation

Appendix 2: Figure illustrating the JLP recommended allocation

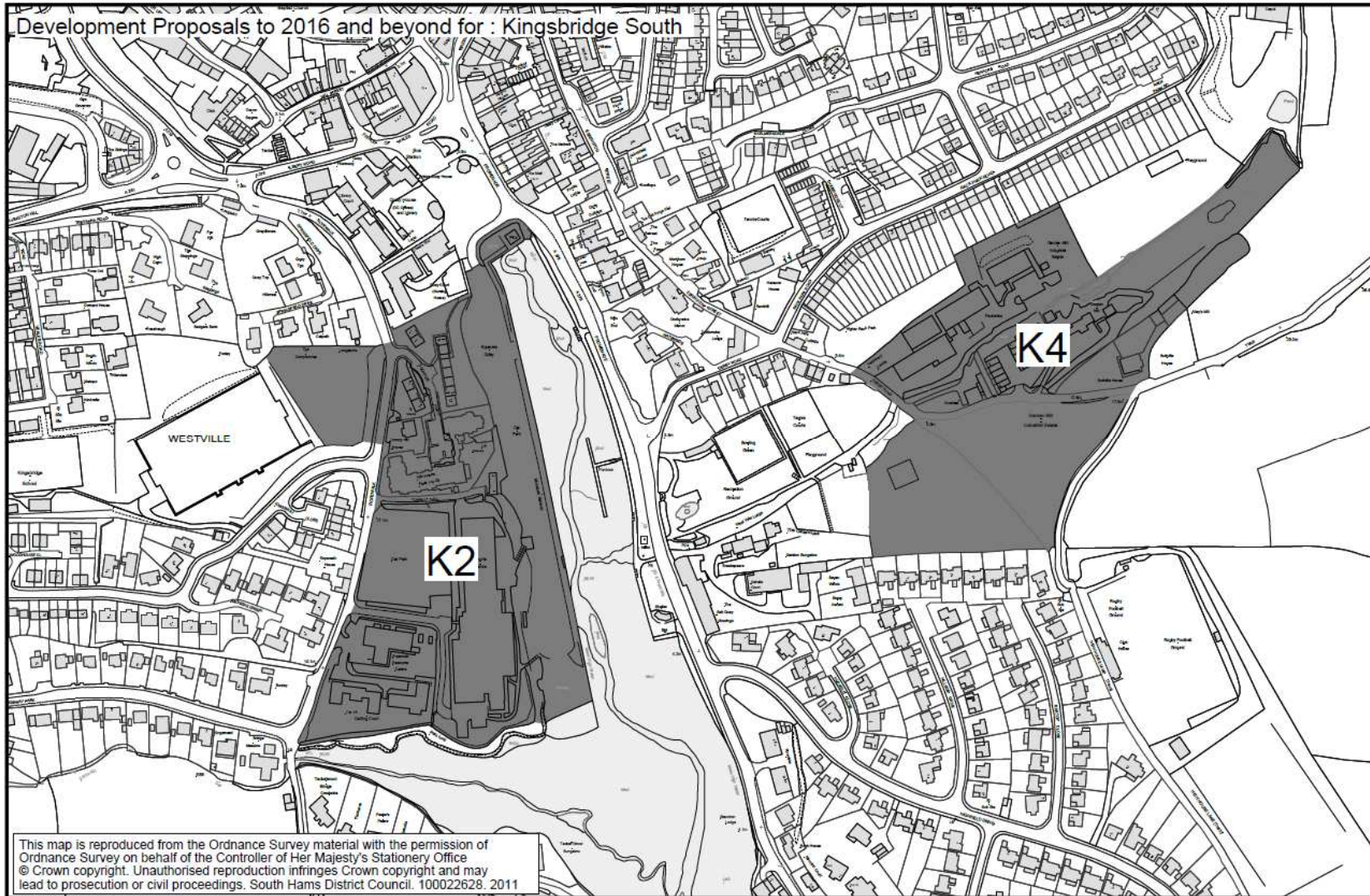
Appendix 3: Public Consultation Material

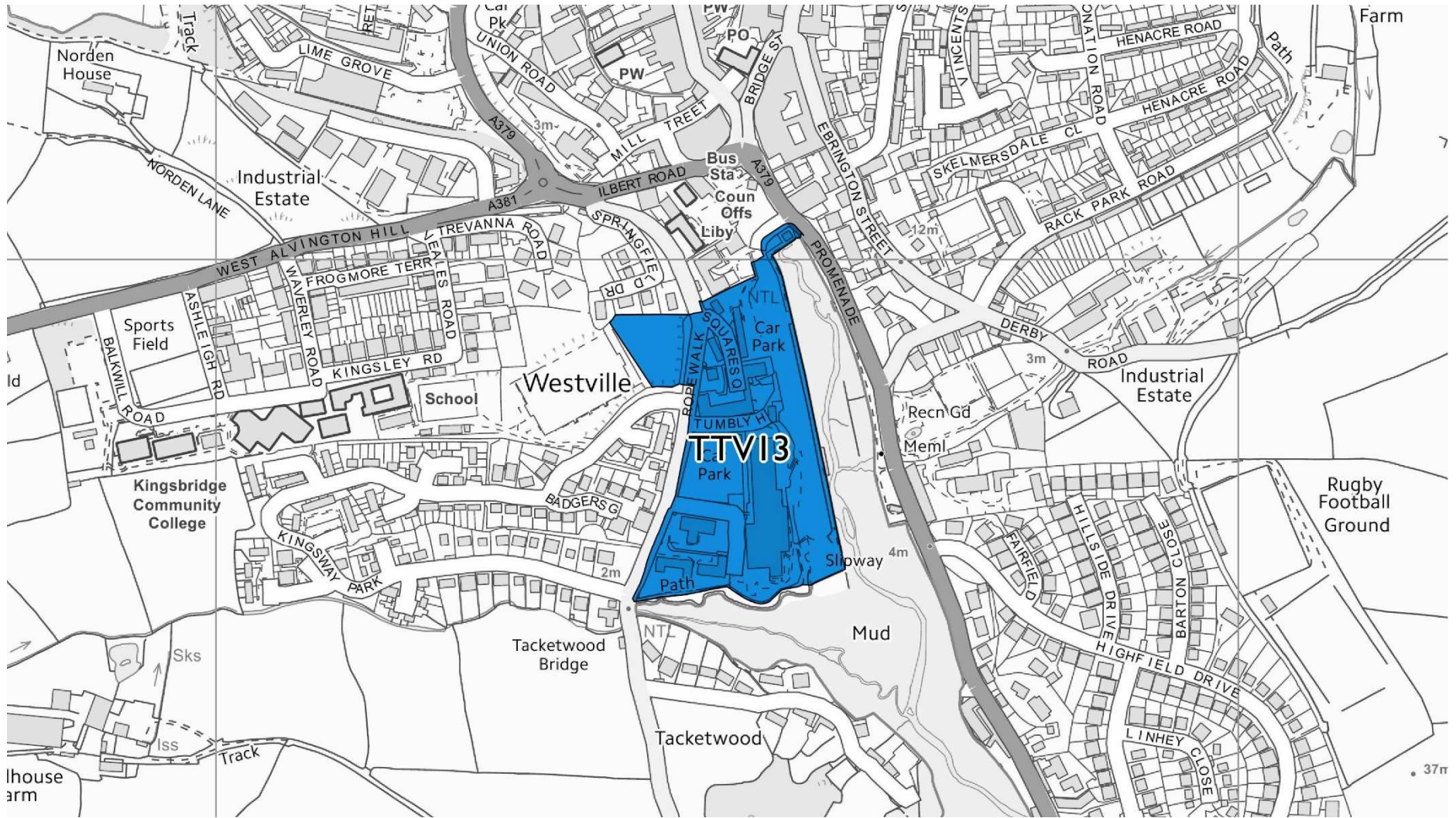
Appendix 4: Stage 2 Workflow

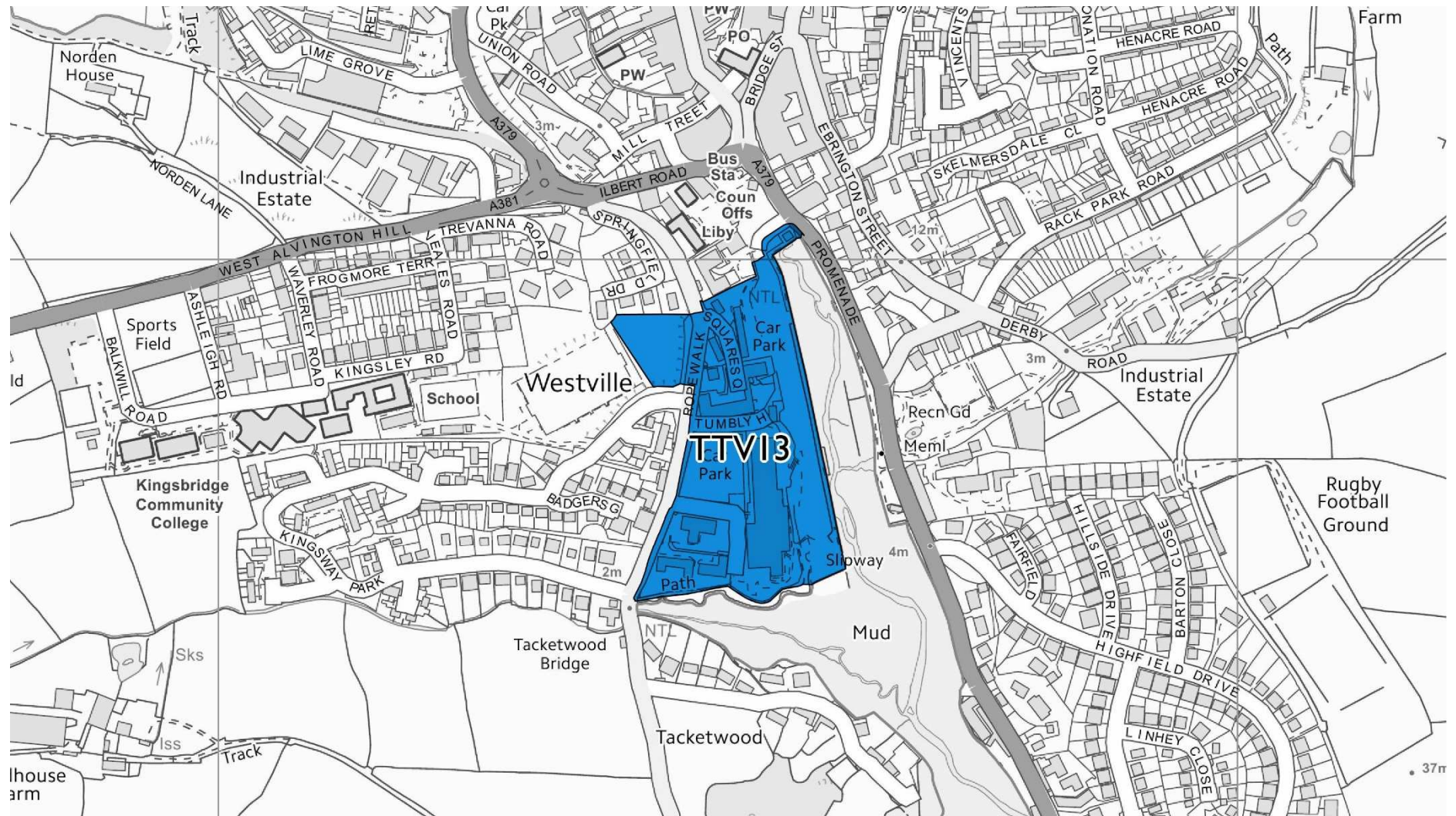
Appendix 5: Financial Information (EXEMPT)

Process checklist	Completed
Portfolio Holder briefed	Yes
SLT Rep briefed	Yes
Relevant Exec Director sign off (draft)	Yes
Data protection issues considered	Yes
If exempt information, public (part 1) report also drafted. (Executive/Hub/Scrutiny)	-

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Kingsbridge Quayside Welcome



Introduction

Over the last 12 months South Hams District Council have been reviewing the potential to develop and improve the Quayside area in Kingsbridge. We have identified these key regeneration aims:

- ✓ To support the local community by providing housing, employment, car parking, leisure facilities and improve the public realm
- ✓ To promote positive regeneration of the town centre and encourage visitors to stop in the town
- ✓ Improve traffic management and access between the town centre and estuary

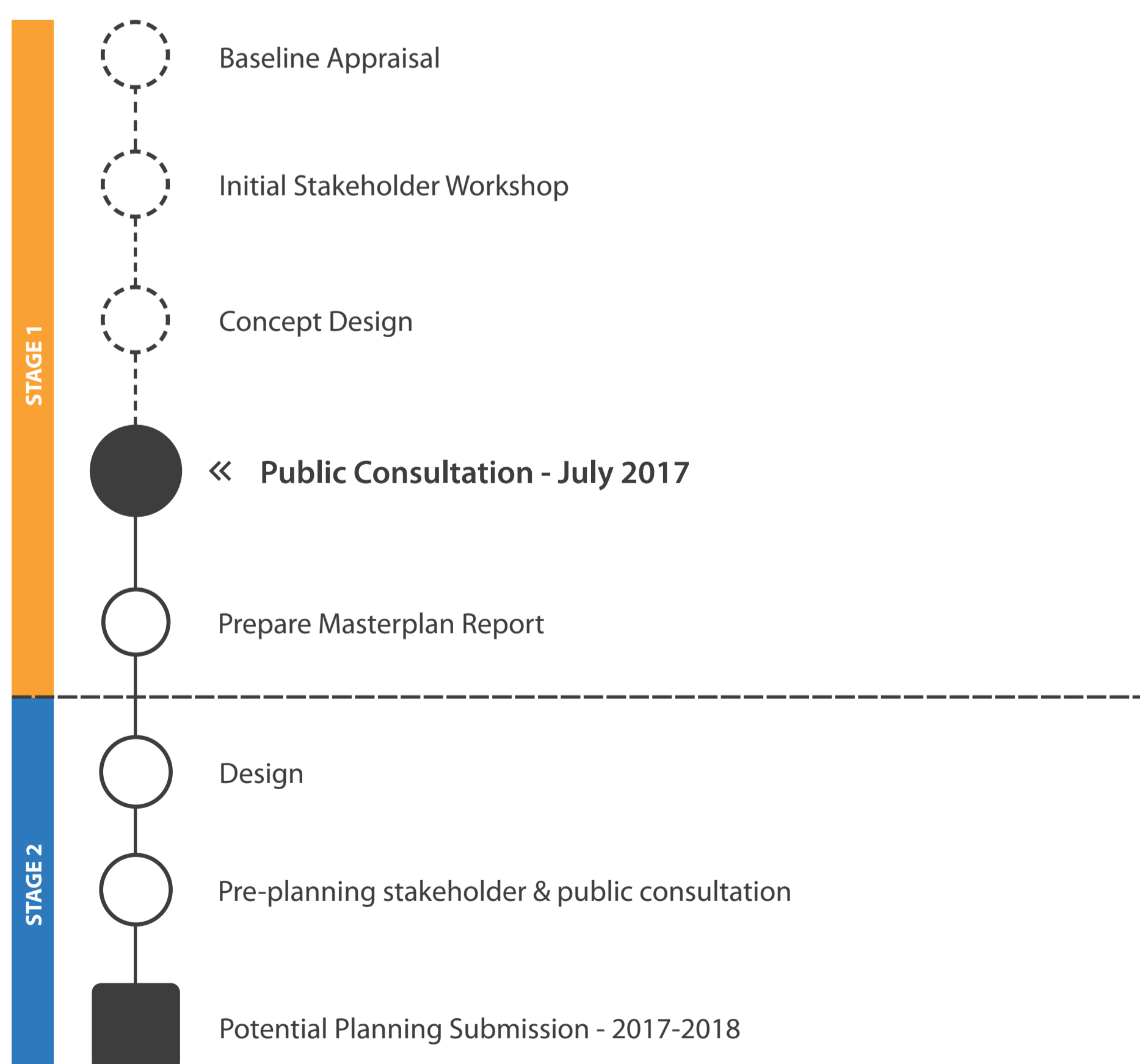
Why are we proposing to develop Kingsbridge Quay?

Kingsbridge Quayside is identified as having potential for development that will enhance the town's attractiveness to visitors and benefit the local community.

Policy TTV13 of the emerging Joint Local Plan (JLP) 2014-2034 identifies the potential for housing, shops and leisure facilities, car parking and public realm improvements within this area.

We are keen to work with the community to shape the development of any proposals and would like to invite local residents, businesses and visitors to Kingsbridge to help us shape the emerging plans.

www.southhams.gov.uk/kingsbridgequayside



The Evolving Masterplan

An opportunity to reshape the heart of the Town

The Site

The Quayside site includes a number of areas and existing land uses which have been assessed as part of the masterplan.

The areas which offer potential for regeneration and development are:

- 1 **Town Square & Bus Station**
(including adjacent highway areas)
- 2 **Quayside Car Park & Leisure Centre**
- 3/4 **Cattle Market Car Park & Adjoining Development Sites**



Factors Shaping Development

Ecology

Key issues including the relationship to the Salcombe to Kingsbridge Estuary Site of Special Scientific Interest, potential bat roosts & flight routes and other protected species.

Landscape Setting

The site is within the South Devon Area of Outstanding Natural Beauty and work is being undertaken to understand the effects of development on the visual amenity, setting, and character of the Town and surrounding countryside.

Heritage and Archaeology

Design and consultation work will identify the potential for archaeology remains and will need to be sympathetic to the setting of the quay in the Kingsbridge Conservation Area.

Quayside Infrastructure & Flooding

Much of the Quayside areas are subject to the risk of tidal flooding and development has to be designed to manage future flooding risk. Work is also needed to stabilise and improve the existing quay wall.

Ongoing Studies

A number of studies are ongoing, which will feed into proposals within stage 1 & 2;

- Concept design development including development massing and character
- Viability Appraisal
- Landscape & Visual Appraisal
- Ecological Surveys
- Public Realm & Access Strategy
- Car Park Strategy
- Tree Surveys

Question 1 - What are the priorities which we should consider in developing proposals for Kingsbridge Quay?

Area 1 Highways & Public Realm

An exciting opportunity to create a public space linking Fore Street and the Quayside

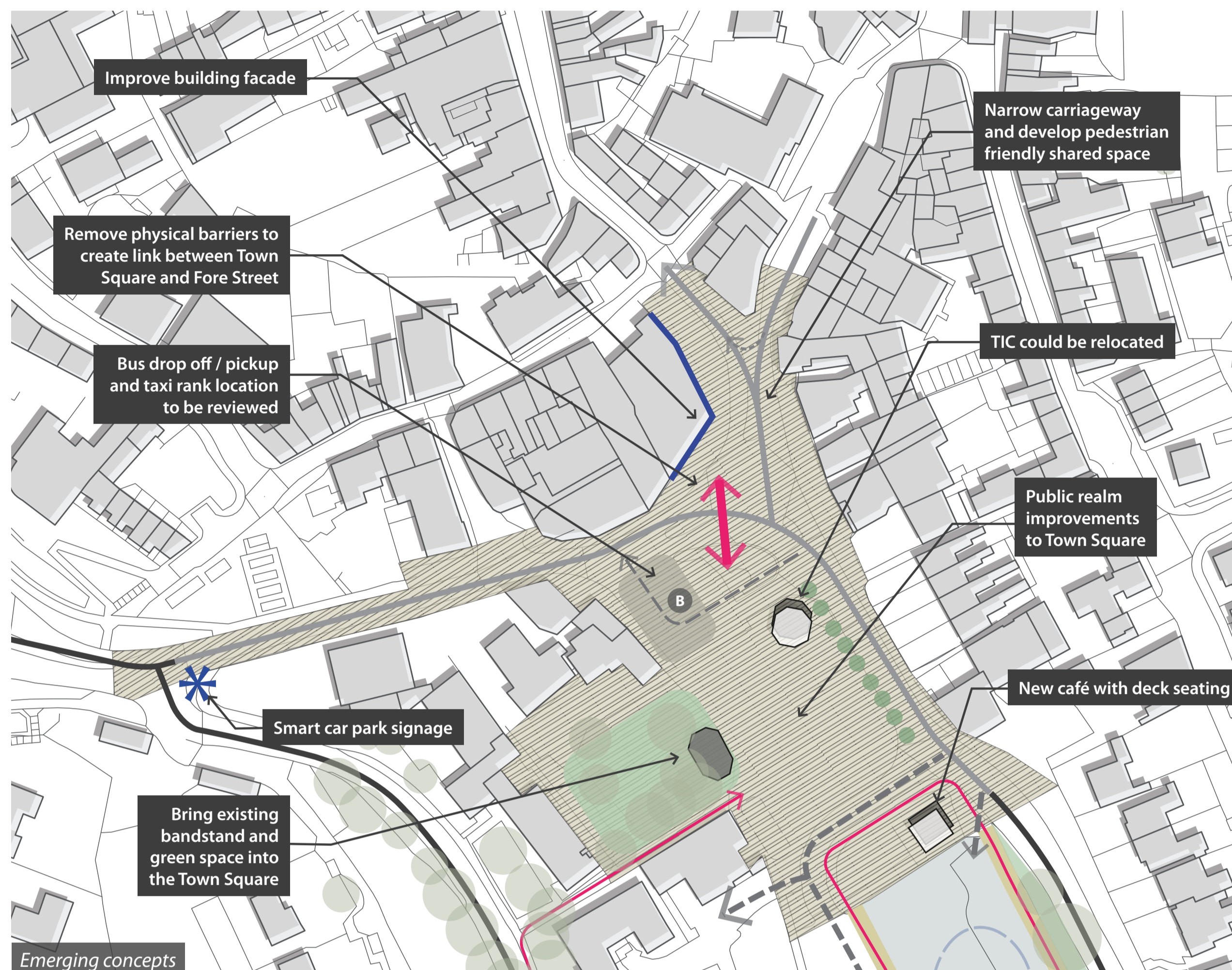
Traffic passing through Kingsbridge Town Centre creates a barrier to the connection of the Quay and the Fore Street shopping area. We are seeking to identify options that could redefine this space, ease traffic flows and improve connectivity and road safety.

Parking, Highways & Circulation

As part of this study we are looking at proposals to improve the highway design and public realm including relationship between private vehicles, bus, taxis and pedestrian circulation.

Car parking is a key requirement for shoppers, visitors and local residents. Preliminary studies indicated that overall levels of car parking in the Town are adequate. However, there is pressure on the most popular car parks, such as the Quayside car park at peak times, whereas other public car parks such as at the Cattle Market are less well used.

Development of the Quayside is likely to result in some parking loss. Based on our current proposals there would be an estimated loss of 57 of the 374 car parking spaces currently provided in both the Quayside and Cattle Market car parks. Through improved management it would be the intention to focus use of the Quay car park on visitors and shoppers and the use of Cattle Market for residents and permit holders.



Existing Fore Street roundabout



Artist's impression of potential highway & public realm improvements



Question 2 - What do you think would improve the Town Square and links between Fore Street and the Quayside?

Area 2

The Quayside, Leisure Centre & Visitor Car Parking

An imaginative mixed-use development on the Quayside.

The quay has potential to become an exciting and vibrant place that attracts visitors to Kingsbridge and provides a place for the local community to enjoy the waterfront.

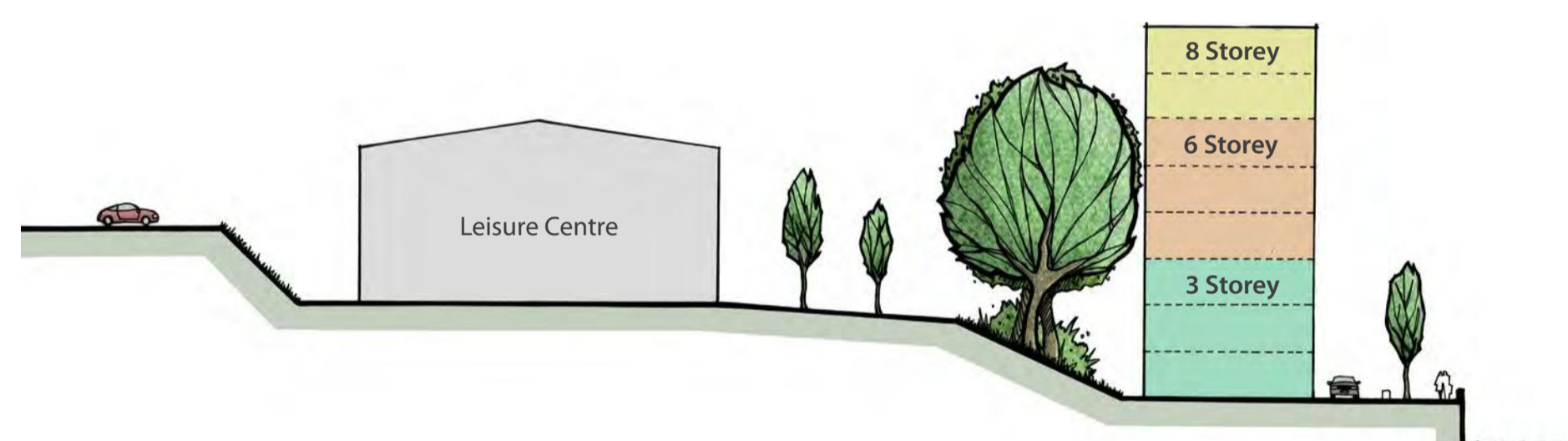
Our initial proposals include:

- ✓ Approximately 50 new residential apartments with allocated parking
- ✓ A new bridge or pontoon link from the Southern End of the Quay to the Embankment
- ✓ Improved pedestrian links between the Quayside, Cattle Market car park and the Leisure Centre
- ✓ New opportunities for cafes and restaurants along the waterfront, and increased activity on the water

Question 3 - What activities could be provided on the Quay to create a more attractive place for local people?

Scale

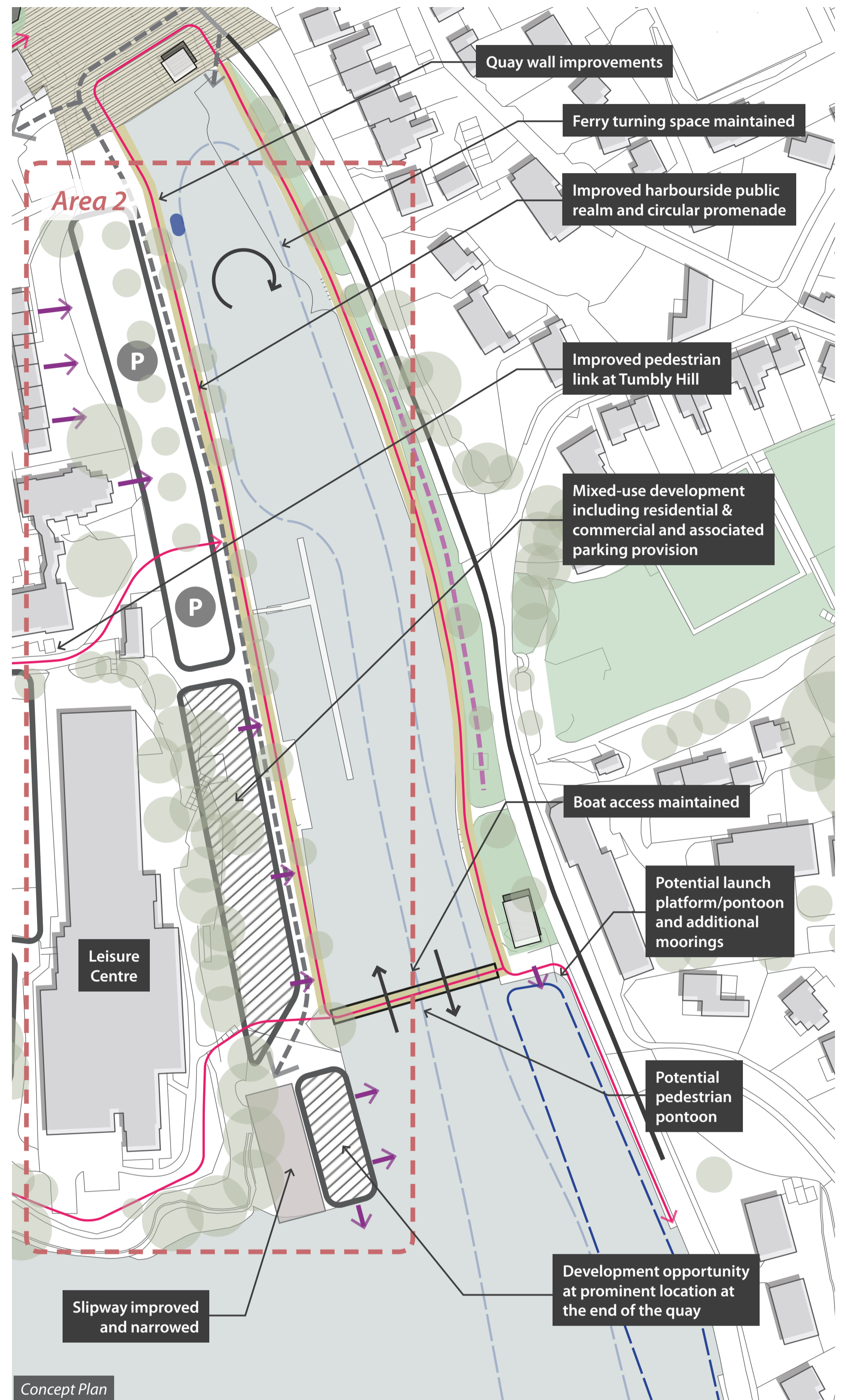
The sketch below shows indicative scales of development in relation to the existing leisure centre.



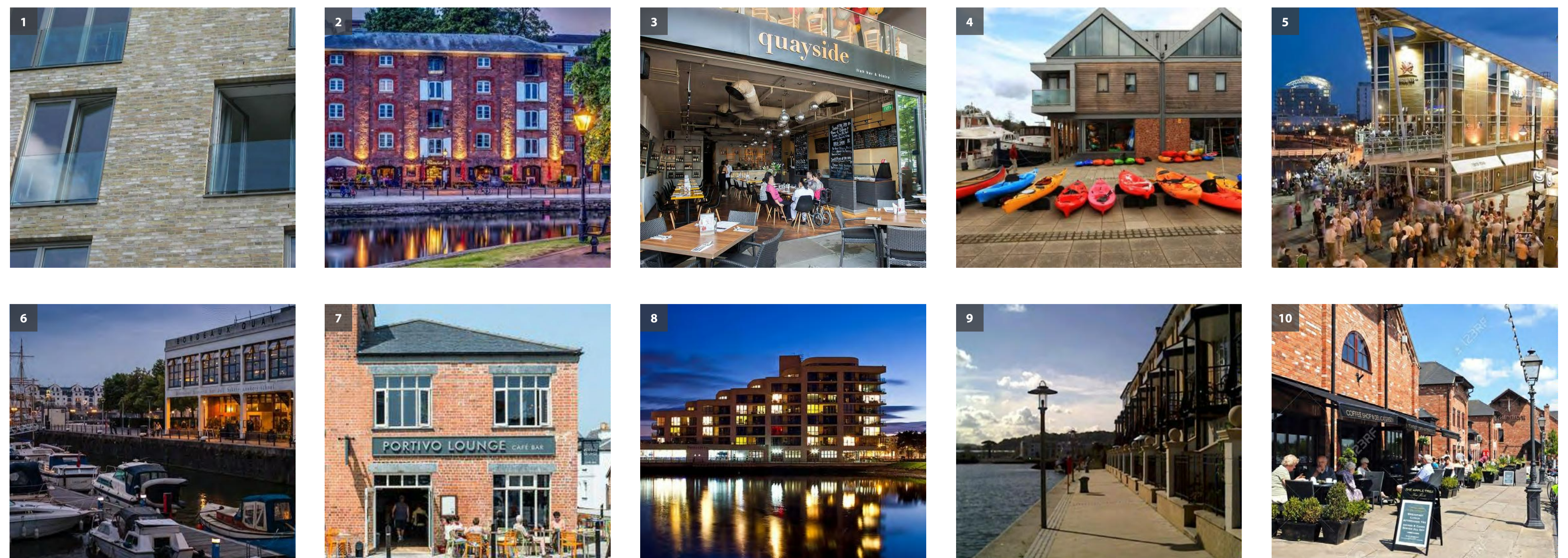
Question 4 - What scale of development do you think is appropriate in this location?

Design

We appreciate that good design is essential to ensure that proposals for the development of the Quayside balance a wish to respect the character of Kingsbridge with a desire to make a positive visual impact that will inspire & define a new and exciting place.



Question 5 - Which of the images below best captures what you would like to see at Quayside?



Indicative precedent images

Area 3/4 Housing for the Local Community

Our proposals include:

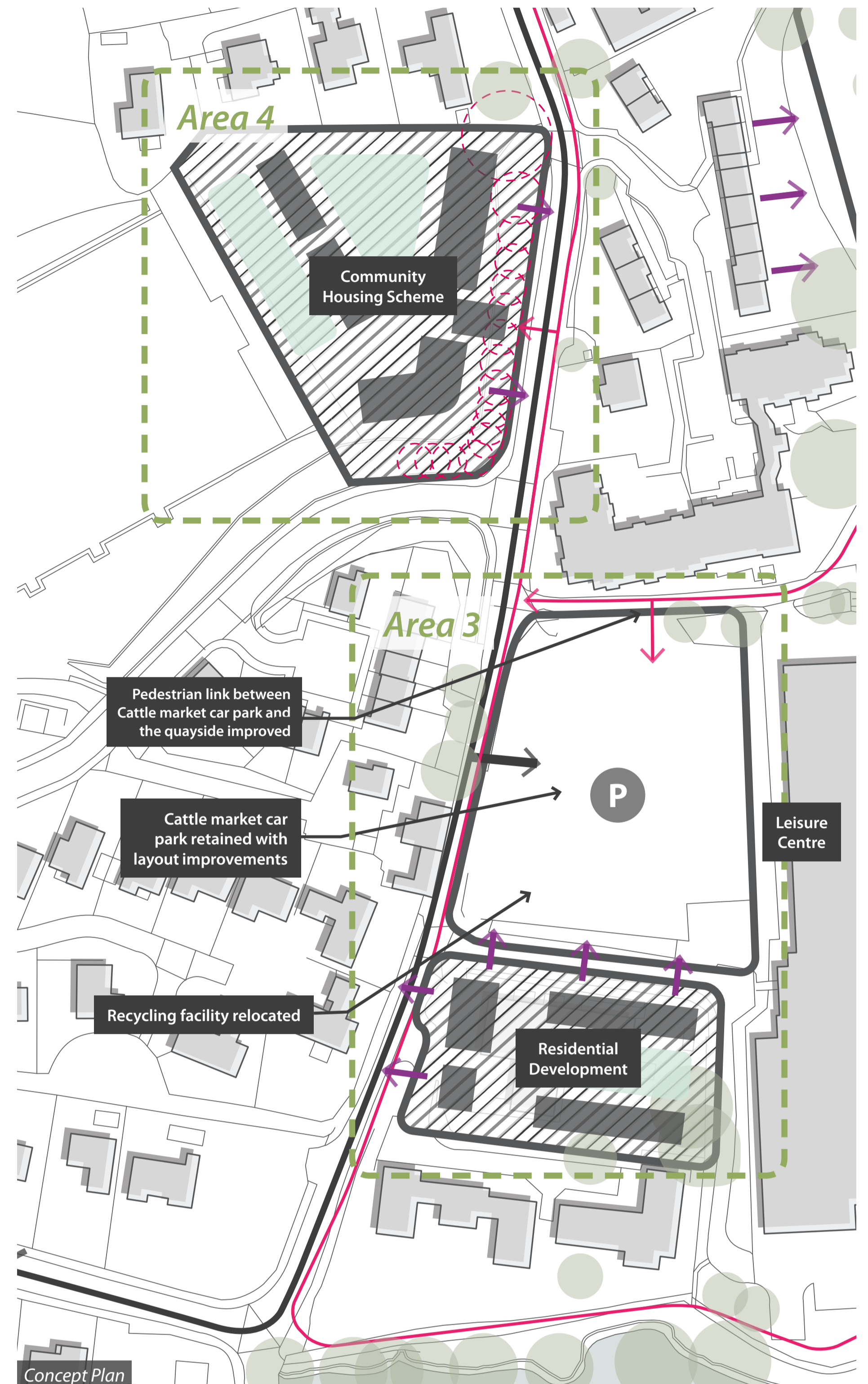
- ✓ Around 40 new affordable homes
- ✓ A new community housing scheme built in partnership with the local community
- ✓ Accessible lifetime homes and sustainable buildings that offer a high level of energy efficiency and affordable heating
- ✓ Improvements to Cattle Market Car Park

Improvements to Cattle Market Car Park

The Cattle Market car park would be improved to provide additional parking spaces (increasing the capacity from approximately 118 to 150 parking spaces), with 2 coach parking spaces and recycling facilities relocated to a more accessible location within the town centre.

The pedestrian route between the Cattle Market Car Park and the Quayside along Tumbly Hill will be improved, with access maintained to the leisure centre.

A review of the Council's parking permit scheme may enable more focused management control of Town Centre parking arrangements to allow visitors and shoppers to have priority use of the Quayside parking area.



Indicative precedent images

Question 6 - Should the scheme prioritise provision of affordable housing for the local community?

Question 7 - Do you think that the proposals achieve the right balance between improvements and retaining car parking within the town centre?

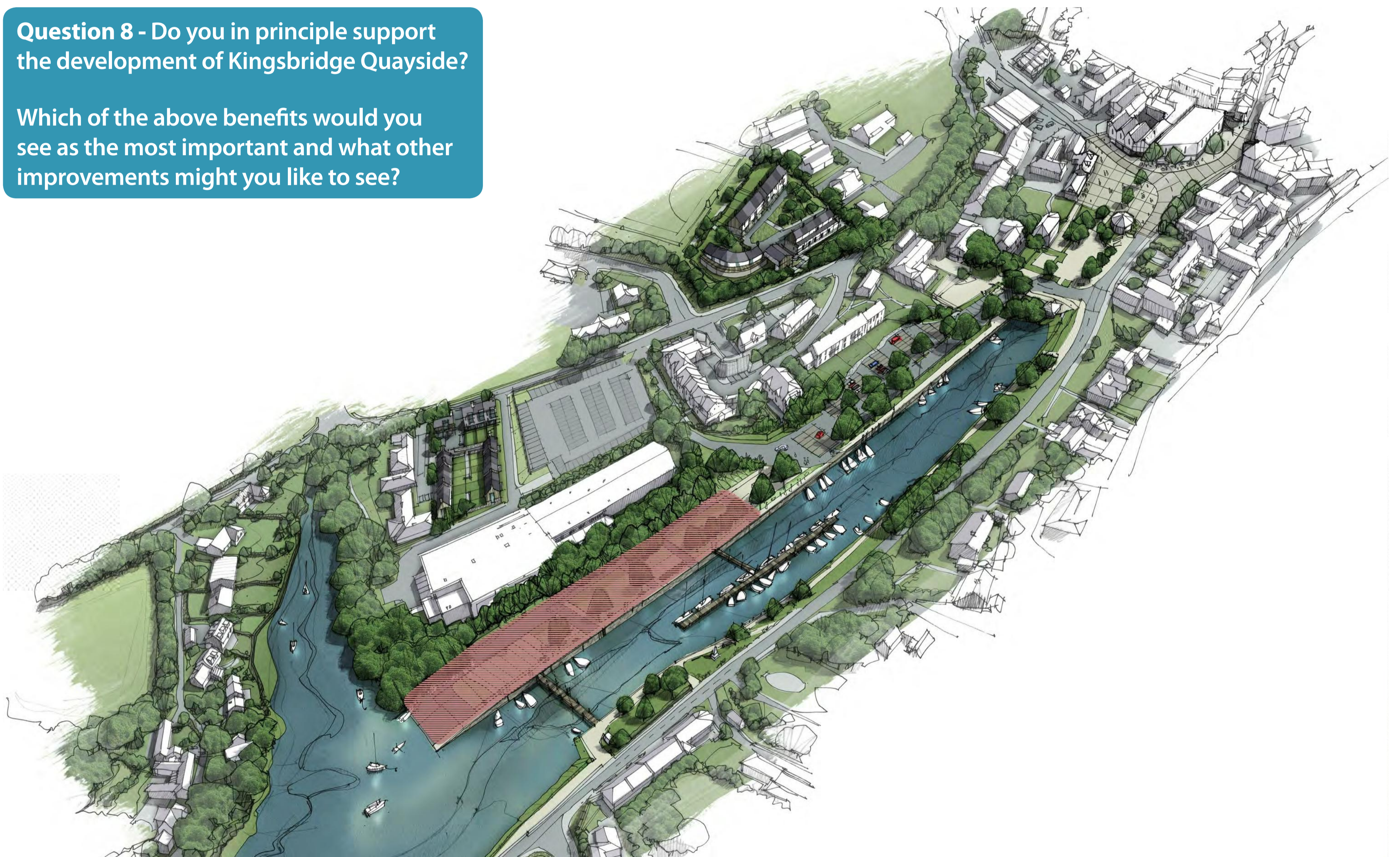
Summary & Next Steps

The development of Kingsbridge Quay could:

- ✓ Enhance the character of Kingsbridge and its attractiveness to visitors, supporting the economic viability of the town centre;
- ✓ Improve connectivity between the Quay and Fore Street;
- ✓ Introduce new leisure activities on the Quay and waterfront;
- ✓ Provide high quality, sustainable affordable housing to meet local community needs;
- ✓ Enhance town centre car parking management and bus/taxi facilities;
- ✓ Deliver infrastructure improvements including quay wall repairs and improvements to the slipway.

Question 8 - Do you in principle support the development of Kingsbridge Quayside?

Which of the above benefits would you see as the most important and what other improvements might you like to see?



Next Steps

We will use your feedback to inform the design of the development proposals, which will be included into the final masterplan report and form the basis of any future outline planning application.

Have Your Say

Thank you for taking part in this consultation.

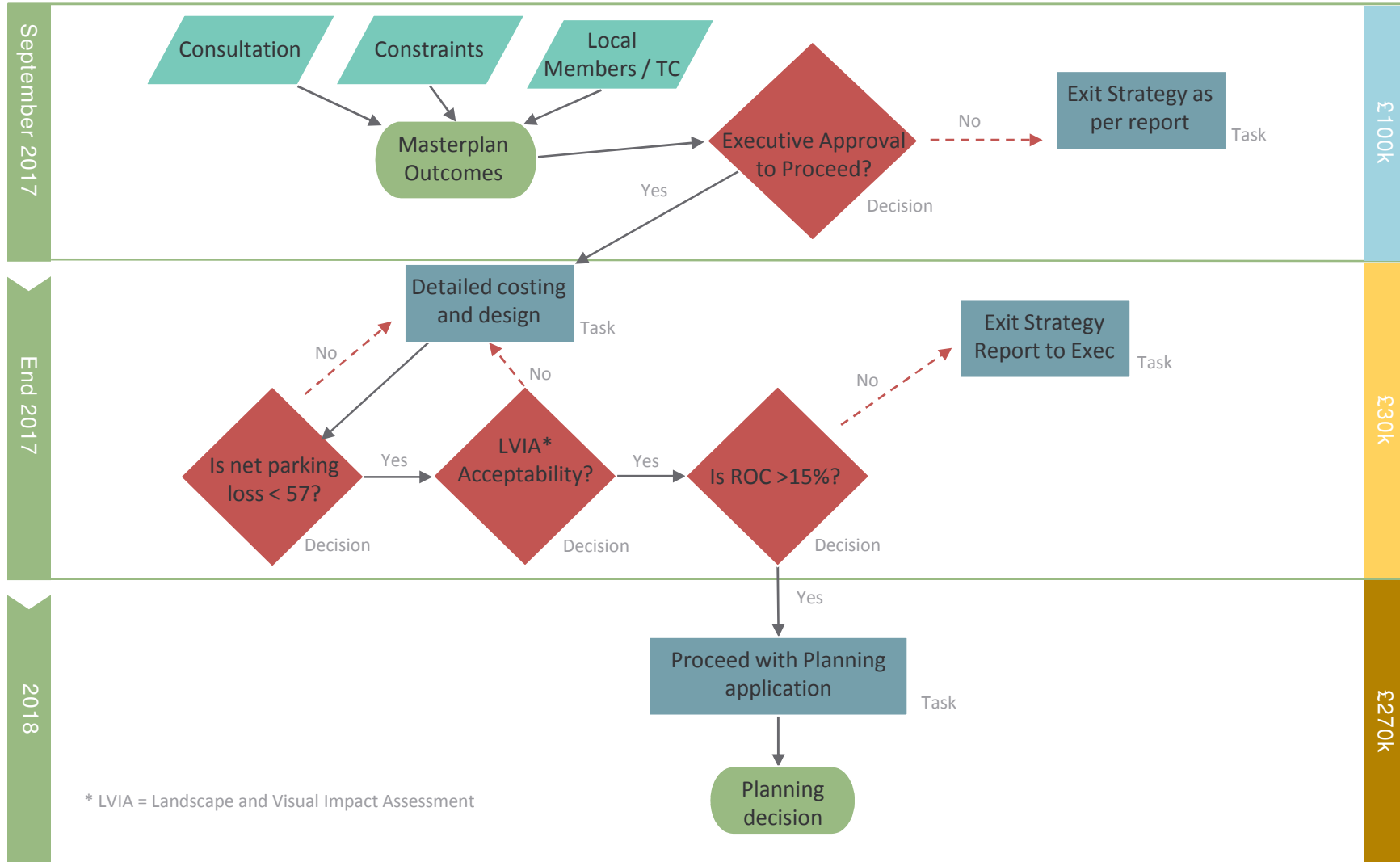
We would be grateful if you could take time to submit a feedback form to tell us what you think.

You can record your views by:

1. Completing one of the feedback forms and depositing it in the box before you leave.
2. Completing an online feedback form which can be found at www.southhams.gov.uk/kingsbridgequayside

Completed responses must be returned by **Sunday 9th July**.

Kingsbridge Quayside – Project Plan



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Report to: **Overview and Scrutiny Panel**
Date: **24th August 2017**
Title: **Neighbourhood Planning – Support to Groups**
Portfolio Area: **Customer First – Cllr Hilary Bastone**
Wards Affected: **All**
Relevant Scrutiny Committee: **Overview and Scrutiny Panel**

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

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

Author: **Drew Powell** Role: **Specialist Manager**

Contact: **Ext 1240 drew.powell@swdevon.gov.uk**

RECOMMENDATIONS:

That the Overview and Scrutiny Panel support the level of assistance the Council is giving to Neighbourhood Planning Groups.

1. Executive summary

1.1 The report outlines the support the Council is providing to Neighbourhood Planning Groups within the District and outlines future plans to secure support at this level.

1.2 The development of Neighbourhood Plans is an important factor within the recently submitted Joint Local Plan, and supports the Councils priorities and objectives, specifically in relation to Homes and Economy.

2. Background

2.1 Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area.

2.2 They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided, and facilitate planning applications for the new buildings they want to see go ahead.

2.3 Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

2.4 Neighbourhood planning is not a legal requirement but a right which communities in England can choose to use. Communities may decide that they could achieve the outcomes they want to see through other planning routes.

2.5 Options include incorporating their proposals for the neighbourhood into the Joint Local Plan, or through other planning mechanisms such as Local Development Orders, Community Right to Build Orders and supplementary planning documents. Other routes include through pre-application consultation on development proposals, establishing a Community Land Trust and making a planning application.

2.6 Since the introduction of the Neighbourhood Planning regime there has been a high level of uptake across the South Hams. At present there are 29 groups at different stages of developing their plans.

2.7 The Council, as the Local Planning Authority, should;

- be proactive in providing information to communities about neighbourhood planning.
- fulfil its duties and take decisions as soon as possible, and within statutory time periods, where these apply.
- set out a clear and transparent decision making timetable and share this with those wishing to prepare a neighbourhood plan or an Order.
- constructively engage with the community throughout the process including when considering the recommendations of the independent examiner of a neighbourhood development plan or Order proposal.

3. Support to Neighbourhood Planning Groups

3.1 The Council has both statutory and discretionary roles in supporting Neighbourhood Planning Groups as detailed in 2.6. In order to ensure that Groups were aware of the level of support that the Council were resourced to provide, an 'offer' was communicated to the groups through a meeting in Woolwell on 13 September 2016 and subsequently uploaded to the Council's webpages.

3.2 The 'offer', attached at Appendix A, set out what we would do and promoted the benefits of the groups working together and utilising their funding to secure additional, expert support where necessary.

3.3 The 'offer' reflects the fact that the Council had committed to produce and adopt a Joint Local Plan with West Devon and Plymouth against an aggressive timescale. The impact of this has been that the Specialist expertise required to support the Groups has been primarily focussed on delivery of the JLP.

3.4 This lack of available expertise has created issues for some groups in terms of the timeliness of responses and level of support. It has also created challenges for officers in terms of meeting conflicting priorities and customer expectation.

3.5 In response to the increasing demand from the Groups and in recognition of the JLP commitment, an additional Specialist Officer was recruited on a temporary basis to provide a point of contact alongside the Senior Case Management support already in place. This arrangement has recently been extended for a further six months whilst the JLP timetable is confirmed.

3.6 The addition of the new, dedicated resource has been received positively by the Groups. However, it is recognised that support around some specific, statutory areas including screening opinions for Strategic Environmental Assessment (SEA) / Sustainability Assessment (SA) and Habitat Regulations Assessment (HRA) has not been as accessible as hoped. Plans are in place to increase support in this area through further realignment of Specialist resources over the next six months.

4. Outcomes/outputs

4.1 The provision of suitable support to Neighbourhood Planning Groups enables communities to develop a shared vision for their neighbourhood and shape development and growth of their local area.

4.2 29 Groups are developing their plans with one at the examination stage and others nearing submission.

4.3 Neighbourhood plans have been identified within the draft Joint Local Plan as contributing in the order of 720homes over the plan period. The JLP provides a robust platform for Neighbourhood Plans to take control of development in their area, but is not prescriptive.

5. Future Plans

5.1 It is important to secure the ongoing provision of timely, specialist support for the groups. In order to do this the following options are being assessed;

- A review of the cost of undertaking the examination and referendum stages of the process to determine whether the funding received from Government will be sufficient. This will enable future resource planning to be undertaken.
- The possibility of utilising the Localities Engagement Officers to provide support to the groups in addition to the Specialists.
- An assessment of the ongoing Specialist resource requirement for the Joint Local Plan post adoption; subject to the JLP timetable.

5.2 It is envisaged that the outcome of the above will be that the Council will be able to continue to provide the necessary support to the Groups as they progress through the process.

6. Summary and Conclusions

6.1 Neighbourhood Planning enables communities to shape the development and growth of their local area.

6.2 The Council plays an important role in supporting the development of Neighbourhood Plans and has set out a clear 'offer' to the Groups to ensure that there is a mutual understanding of roles within the process

6.3 Delivery against the 'offer' had been inconsistent due to conflicting priorities but has improved markedly with the addition of temporary, specialist resource.

6.4 Plans are in place to secure continued support to the Groups.

7. Implications

Implications	Relevant to proposals	Details and proposed measures to address
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	Y/N	
Legal/Governance	Y	The Council Constitution includes the provision for the Overview and Scrutiny Panel to set its own work programme. In so doing, the Panel has requested receipt of this report.
Financial	N	There are no significant financial implications directly related to this service update report.
Risk	Y	There are reputational risks associated with the performance of the Neighbourhood Planning support function. Whilst there have been a number of factors that have previously had an adverse impact on the function, this report evidences that performance is improving.
Comprehensive Impact Assessment Implications		
Equality and Diversity	N	There are no equality and diversity implications directly related to this report.
Safeguarding	N	There are no safeguarding implications directly related to this report.
Community Safety, Crime and Disorder	N	There are no community safety or crime and disorder implications directly related to this report.
Health, Safety and Wellbeing	N	There are no health, safety and wellbeing implications directly related to this report.
Other implications	N	N/A

Supporting Information

Appendices:

Appendix 1: Neighbourhood Planning Offer of Services to Communities (South Hams and West Devon)

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South Hams & West Devon

Neighbourhood Planning Offer of Service to Communities

This document was launched 13th September 2016 at the Neighbourhood Planning workshop held at the Woolwell Centre, and it supersedes the earlier Neighbourhood Planning Protocol.

Approach

“The idea behind localism is that decision-making be passed to a more local level, from local government to local communities”

Dave Chetwyn of Locality in ‘Neighbourhood Plans Roadmap Guide’

The ultimate responsibility for a neighbourhood development plan or order is with the community. The process must be demonstrably led by the community. However, the Council also has an important role to play and will provide support including statutory obligations and additional help which will primarily be delivered via the West Devon/South Hams websites.

NDP groups are encouraged to:

- Familiarise themselves with the Regulations, Government practice guidance and other resources available on the internet
- Identify clear vision and goals for the plan and develop a clear project plan
- Share an early draft of policies with the lead LPA
- Collaborate to organise joint training and workshops (with external support secured by those groups) and pool resources to share the benefits of expertise bought in. *NB – The Council cannot commit to attending all meetings and events*

The Council seeks to:

- Provide clear and concise information via the neighbourhood planning web pages which will include links to relevant external websites, example plans with examiners’ reports, templates, project planners, advice/guidance documents and links to neighbourhood group support networks
- Signpost to relevant external sources of data, evidence and advice
- Facilitate knowledge sharing and shared learning between groups working on NDPs via ‘news and events’ webpages

Statutory responsibilities

The Council will undertake all roles and responsibilities identified in the Neighbourhood Planning Regulations and summarised in the DCLG guidance on the 7 key stages of the neighbourhood planning process (<http://planningguidance.communities.gov.uk/blog/guidance/neighbourhood-planning/key-stages-in-neighbourhood-planning/>). Specifically:

- Following submission of the application form, council will advertise, consult upon and designate a neighbourhood plan area. This will include design services assistance in provision of the neighbourhood area map
- Following submission by the community of a screening report, the council will provide an SEA screening opinion
- Following submission of an environmental statement, the council will provide an EIA screening opinion

- Following provision of sufficient information (which can be provided through the Council's Habitats Regulations template), council will provide a screening opinion
- Upon submission of all necessary documentation, council will review and provide feedback on the draft NDP and, where it is satisfied that the plan is sound, in consultation with the community will organise and bear the cost of inspection
- Where a NDP is approved by an inspector, and following any necessary amendments recommended by in the inspector's report, council will organise and bear the cost of the referendum

Additional support

- The Council will undertake settlement assessments to guide NDP planning for housing
- The Council will make printed copies of the final plan available at a reasonable charge

Report to: **Overview and Scrutiny**
Date: **24 August 2017**
Title: **Sickness Absence Monitoring**
Portfolio Area: **Support Services**

Wards Affected: **All**

Relevant Scrutiny Committee:

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

Author: **Andy Wilson** Role: **Lead HR Specialist**

Contact: **01803 861154: andy.wilson@swdevon.gov.uk**

Recommendations:

1. That the Council continues to proactively manage and monitor short and long term absence, and that the HR Lead Specialist continues to report to Senior Leadership Team each month.

1. Executive summary

- 1.1 The Committee has requested a report on the level of sickness absence amongst Council employees and the measures in place to manage and monitor short and long term absence.
- 1.2 The report provides an analysis of sickness absence during the first quarter of 2017/18 and draws a comparison with absence levels in the same quarter over the past four years.
- 1.3 The main finding of the analysis is that short term absence rates remain constant but the increase in overall absence rates is attributable to an increase in long term absence.
- 1.4 The report also provides a summary of the measures taken by the Council to manage short and long term absence.

2. Background

- 2.1 The Labour Force Survey 2016 provides the most recent data and analysis of absence rates in the wider economy. The Survey estimated that 137.3 million working days were lost due to sickness or injury in the UK in 2016. This is equivalent to 4.3 days per worker.
- 2.2 Minor illnesses (such as coughs and colds) were the most common reason for sickness absence in 2016, accounting for approximately 24.8% of the total days lost. This was followed by musculoskeletal problems (including back pain, neck and upper limb problems) at 22.4%. After 'other' conditions, mental health issues (including stress, depression, anxiety, and serious conditions) were the next most common reason for sickness absence at 11.5%.
- 2.3 In Local Government, an average of 2.7% of all working hours was lost to sickness absence in 2016. However, it should be noted that comparisons drawn from national or sector surveys or from other organisations can be misleading as they often calculate absence rates differently. It should also be noted that the figures used in this report are the latest figures and may be different from previously reported as they will include all absences that occurred in the period, even where the absence was reported after the quarterly statistics are compiled.

3. Overall absenteeism at South Hams

- 3.1 The total number of days lost to absence during the quarter April to June 2017 was 1,149.5. This equates to 5% of total working days and is the equivalent of 3.29 working days per employee in quarter 1, or 13.1 days per annum days if projected over 12 months. Although this is above the Local Government figures stated above; it is less than the national average of 4.3 days per worker.

4. Comparison with previous years

- 4.1 The table below shows the total number, and average number, per employee, of days lost to absence in the corresponding first quarter of the last four years. It also identifies the total number of days lost to short and long term absence.
- 4.2 For the purposes of recording and reporting staff absence, we use the standard distinction that an absence is considered to be long term if it exceeds 20 working days.

4.3 The table below shows the incidences of short and long absence in the first quarter in each of the last years.

	14/15	15/16	16/17	17/18
Total days lost in Quarter 1	1,025	994.5	842	1,149.5
% of total days lost in Q1	4%	4.2%	3.9%	5%
Average days lost per employee in Q1	2.63	2.72	2.55	3.29
Total days lost to short term absence in Q1	301	208.5	267	261.5
Average days lost per employee to short term absence in Q1	0.77	0.57	0.81	0.75
Total days lost to long term absence in Q1	724	786	575	888
Average days lost per employee to long term absence in Q1	1.86	2.15	1.74	2.54
Ratio of days lost: short term to long term	1:2.4	1:3.8	1:2.2	1:3.4

4.4 The figures show a consistent pattern of absence in the three years to June 2016. The figures for the current year show an increase in both short term and long term absence, with an increase in the percentage of overall days lost to 5%.

5. Absence by reason

5.1 The table below shows the number of days lost to absence in the first quarter of the last 4 years by sickness category. The categories used are the standard ones commonly used in the wider economy.

Reason for absence	2014/15	2015/16	2016/17	2017/18
Back & Neck	147	128	57	19
Musculo-Skeletal	209	75	100	198
Stress & Depression	245	255	120.5	413
Infections	40	14	22	14
Neurological	51	68	51	78
Genito-urinary	3	0	10	5
Pregnancy related	8	0	0	6
Stomach, liver,	82.5	25.5	145	22

kidney digestion				
Heart, blood pressure	1	65	0	5
Chest respiratory	57	44	35	113
Eyes, ear, nose, dental	9	13	26	1
Others	172.5	307	275.5	275.5
Total	1,877.5	1,682	1,408.5	2,023.5

6. Analysis of absence data

- 6.1 The overall increase in absence in the first quarter of 2017/18 compared to the same period in 2016/17 is attributable to long term absence.
- 6.2 The number of days lost to short term absence remained static, whilst the number of days lost to long term absence increased by 313. This is also reflected in the increase in the ratio between short term and long term absence, with 3.4 days lost to long term absence for every day lost to short term absence in 2017/18, up from 2.2 days in the corresponding quarter in 2016/17.
- 6.2 The increase in absence is largely attributable to Musculo-Skeletal conditions (up 98 days), Stress and Depression (up 292.5 days), Chest and respiratory (up 78 days).
- 6.3 Of the 198 days lost to Musculo-skeletal conditions, six employees in Commercial Services accounted for 152 days as part of long term absence.
- 6.4 Of the 113 days lost to chest and respiratory conditions, two employees in Commercial Services accounted for 76 days as part of long term absence.
- 6.5 Of the 413 days lost to stress and depression, eight employees accounted for 393 days as part of long term absence. Of those eight employees, five work in Commercial Services. Whilst some absence recorded as stress and depression is related to the workplace, some is related to non-work related issues, such as family or financial pressures.
- 6.6 An analysis of the data therefore reveals that the increase in overall absence is largely due to the long term absence of 16 employees, whilst there is no increase in the incidence of short term absence.

7. Short term absenteeism

- 7.1 During the quarter April to June 2017, the total number of days lost due to short term absence was 261.5 days.

- 7.2 The average period of short term absence per employee for the quarter was 0.75 days.
- 7.3 Over a 12 month period, this gives an annual average number of days lost to short term absence of 3.00 days per employee. This compares with 3.23 days lost in 2016/17, 2.28 days lost in 2015/16 and 3.1 days lost in 2014/15.
- 7.4 The data reveals that short term absence is consistent.

8. Managing short term absenteeism

- 8.1 The Council's approach to managing short term absenteeism is captured in the Managing Attendance Policy. The policy includes a number of measures designed to help understand the reasons for absence and to enable relevant intervention to prevent further occurrences of absence.
- 8.2 An employee who is unfit for work must contact their line manager in person. The line manager should seek to find out the reason for the absence, the likely duration, and whether there are any work commitments that need managing during the absence.
- 8.3 If the absence persists, the employee should keep in contact with their manager. If the absence goes beyond 7 days, the employee is required to attend their GP and send in a Fit Note.
- 8.4 On return to work, the line manager will conduct a return to work interview. This is a critical stage in managing absence as it provides the opportunity for the line manager to gain an understanding of the nature of the absence, identify any emerging patterns of absence, and, where appropriate, initiate close monitoring of future attendance.
- 8.5 The line manager records the absence in W2 and keeps the record updated. It is possible to track all absences through W2 and it allows oversight on whether the measures discussed above are being carried out.
- 8.6 Line managers receive monthly reports from HR showing all absences within their team. The report also shows the 'Bradford Factor' for each individual. The Bradford Factor is a widely accepted tool that calculates a score based on the number of absences and the number of days absent. It is therefore an effective tool for identifying individuals who have regular short periods of absence.
- 8.7 Where the Bradford Factor score is above the threshold set by the Council, the line manager is prompted to consider the reasons for the absences and to take appropriate action where necessary.
- 8.8 Where attendance is unsatisfactory, an individual can be placed under a period of close monitoring during which their attendance is

kept under review. Where there is no improvement in attendance, the individual will be placed under a further period of close monitoring and, if attendance remains at an unacceptable level, the Council will consider dismissal on the grounds of capability.

- 8.9 A proposal to shorten the periods during which attendance is monitored in the Managing Attendance Policy is currently subject to consultation with the Trade Unions.

9. Long Term Absenteeism

- 9.1 During the quarter April to June 2017, the total number of days lost due to long term absence was 888 days. The average period of long term absence per employee for the quarter was 2.54 days.
- 9.2 Over a 12 month period, this gives an annual average number of days lost to long term absence of 10.17 days per employee.
- 9.3 The figures for long term absence are significantly higher than for short term absence. This is, in part, because our workforce has two of the main characteristics that research has shown contribute to long term absence; a high average age and a large proportion engaged in manual work.
- 9.4 In a relatively small workforce, an instance of long term absence also has a significant impact on reported absence figures.

10. Managing Long Term Absenteeism

- 10.1 Long term absence is closely managed by line managers with the support of HR Business Partners.
- 10.2 Where appropriate, referrals are made to Occupational Health to understand the nature of the condition, the likely duration of the absence, and any measures we can take to facilitate an early return to work. Since April 2016, we have engaged a new occupational health provider, IMASS, and they provide a robust and efficient service.
- 10.3 Where possible, reasonable adjustments are agreed to facilitate an early return to work, although this can be difficult if there is a recommendation for lighter duties within Commercial Services.
- 10.4 Where there is no prospect of a return to work, the Council can dismiss the employee on the grounds of capability. However, it is important that the Council acts reasonably if it moves to dismiss and may be liable for a claim of unfair dismissal and/or discrimination on the grounds of disability.

11. Ill-health retirement

- 11.1 Where an employee may not be able to return to work due to ill health we consider whether they are eligible for ill-health early retirement.
- 11.2 The Council takes a considered opinion, based on the eligibility criteria in the Local Government Pension Scheme (LGPS) and informed by an Independent Medical Practitioner's opinion.
- 11.3 Where we are able to support ill health early retirement, an employee who is a member of the LGPS will have their pension benefits released early. The level of benefit is dependent on the nature of the illness and the prospects of a return to paid employment in the future. For the most severe cases, the pension benefits are calculated based on an employee's normal retirement age. The Council does not incur a pension strain cost in such circumstances.

12. Staff Survey

- 12.1 The survey had an excellent response with 85% of the non-manual workforce completing the questionnaire. Such a good return means that we have a really credible set of results to show how the organisation is doing. As far as was possible the questions replicated the questions which we asked staff 12 months ago so we have been able to show where there has been an improved position. All questions bar one showed an improvement, some by 20 percentage points.
- 12.2 The questionnaire also covered some new areas – for example wellbeing and the role of the extended leadership team – both in response to the last survey and as we have moved to a period of greater stability.
- 12.3 The survey looked at the following key areas:
- Change
 - Wellbeing/welfare
 - My Job
 - My role
 - Leadership

A sample of the results compared with the 2016 survey are shown in the table 12.4. A full copy of the survey results and comparison (where applicable) with the 2016 survey is detailed in Appendix A.

12.4 Table showing a sample of the survey responses

	2016	2017
I believe I am coping well with all of the change that is happening at work.	Positive 72% Negative 28%	Positive 81% Negative 19%
It feels better working here now than it did 12 months ago.		Positive 62% Negative 38%
I am comfortable with the level of pressure placed upon me at work.	Positive 53% Negative 47%	Positive 56% Negative 44%
I think morale is good with the people I work with.	Positive 37% Negative 63%	Positive 48% Negative 52%
I enjoy my job.	Positive 76% Negative 24%	Positive 84% Negative 16%
I feel supported to do my job.	Positive 57% Negative 43%	Positive 73% Negative 27%
There are enough people to get the job done.	Positive 24% Negative 76%	Positive 21% Negative 79%
I feel I am able to speak up and challenge the way things are done at the Council.	Positive 63% Negative 37%	Positive 75% Negative 25%
I would recommend working here to a friend.	Positive 50% Negative 50%	Positive 68% Negative 32%
I believe that actions are taken as a result of staff surveys in this organisation.	Positive 49% Negative 51%	Positive 72% Negative 28%

13. Proposed Way Forward

13.1 Health and Wellbeing

13.1.1 Following concerns raised in the recent staff surveys, a Health and Well-Being Strategy was developed and adopted in summer 2017.

13.1.2 The strategy identifies both what the Council is currently doing to support employee well-being and also initiatives that can be introduced to provide further support. A work plan has been developed and is driven by the Health and Well Being Community of Practice.

13.1.3 To date, we have put on training courses on issues such as Mindfulness and Managing Stress, and the Council will continue to offer similar opportunities.

13.1.4 Other initiatives included the offer of a 'health check' in the office carried out by our Leisure partners, regular 'walk and talk' sessions designed to encourage people to exercise and socialise during lunchtimes, and social activities organised by the Staff Forum.

13.1.5 Future initiatives are planned to encourage greater participation in sporting and leisure activities, and to raise awareness of issues such as mental health and improved diet.

13.1.6 The strategy is ambitious and flexible to respond to demand and staff suggestions. A copy of the strategy is attached for information as Appendix B.

13.2 Frontline Managers Development Programme

13.2.1 The Chartered Institute of Personnel and Development (CIPD) recognise that a significant component in the well-being of employees is how effectively they are managed.

13.2.2 The Health and Well-Being Strategy acknowledges this and a new development programme is being launched in September 2017 to provide all front line managers across the Council (team leaders, supervisors, and others with direct day to day line management responsibilities) with the tools to manage people more effectively.

13.2.3 A key part of the programme will be to equip managers to manage attendance fairly and robustly, and to identify and address stress at work.

13.3 Stress at work

13.3.1 The Council recognises the potential for work to impact on people's health, particularly in a time of considerable change.

13.3.2 During the T18 Transformation programme, the Council provided workshops for staff to help them manage change and to develop coping mechanisms.

13.3.3 Employees also have access to a confidential counselling service through our occupational health provider and, where appropriate, access to bespoke counselling services, such as a specialist provider of support for Post-Traumatic Stress Syndrome.

14. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Council has a 'duty of care' to employees which means they should take all steps which are reasonable possible to ensure their health, safety and wellbeing.
Financial	Y	In some circumstances, the work carried out by an employee absent through sickness will need to be covered by a temporary resource and the financial cost would potentially increase if the level of sickness absence significantly increased.
Risk	Y	Customer satisfaction and performance may be affected by staff absence and the risk will increase if sickness absence levels increased significantly.
Comprehensive Impact Assessment Implications		
Equality and Diversity	Y	Consideration is given to managing the absence of an employee with a disability in accordance with the Equality Act and best practice guidance.
Safeguarding	N	There are no Safeguarding implications.
Community Safety, Crime and Disorder	N	There are no Community Safety, Crime and Disorder implications.
Health, Safety and Wellbeing	Y	The Health, Safety and Wellbeing implications for staff are addressed in section 13 of the report
Other implications	N	

Supporting Information

Appendix A:

2017 Staff Survey results

Appendix B:

Health and Well Being Strategy

Process checklist	Completed
Portfolio Holder briefed	Yes
SLT Rep briefed	Yes
Relevant Exec Director sign off (draft)	Yes
Data protection issues considered	Yes
If exempt information, public (part 1) report also drafted. (Cabinet/Scrutiny)	N/A

Staff Survey

THE RESULTS

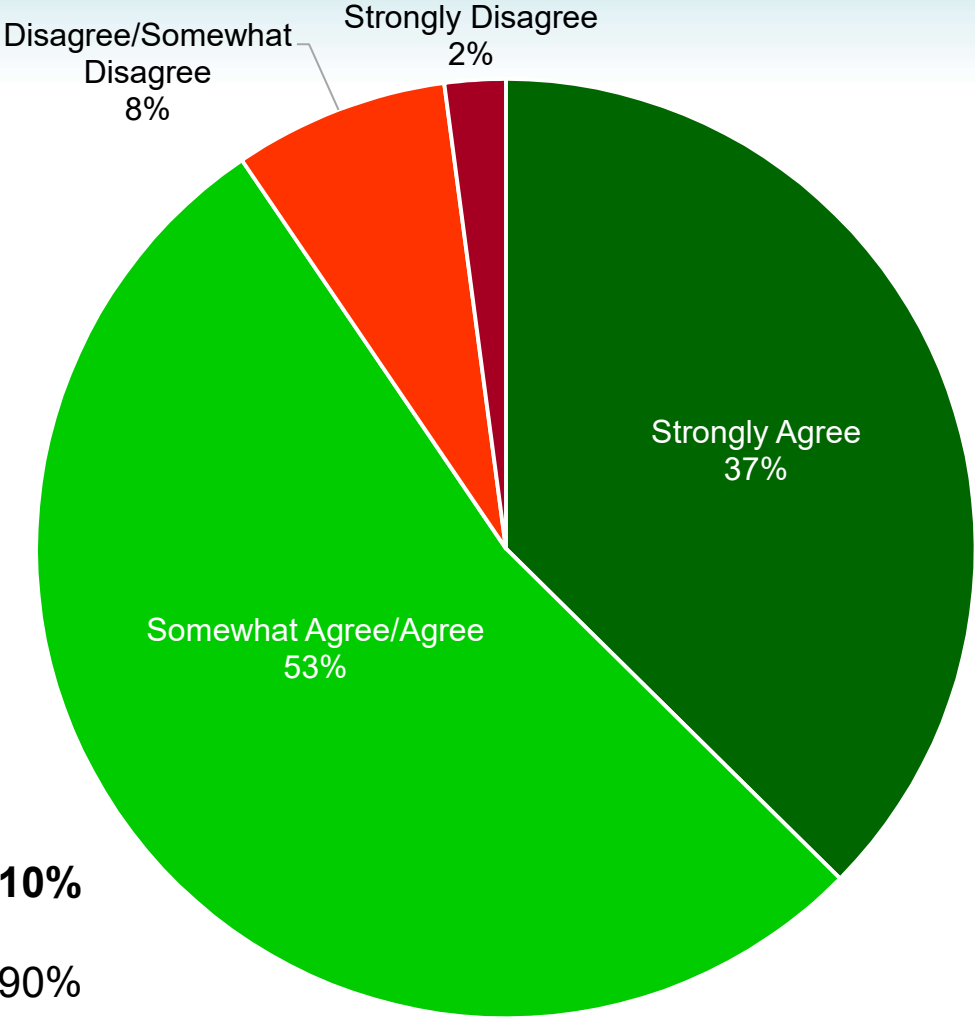


245 Responses across the organisation

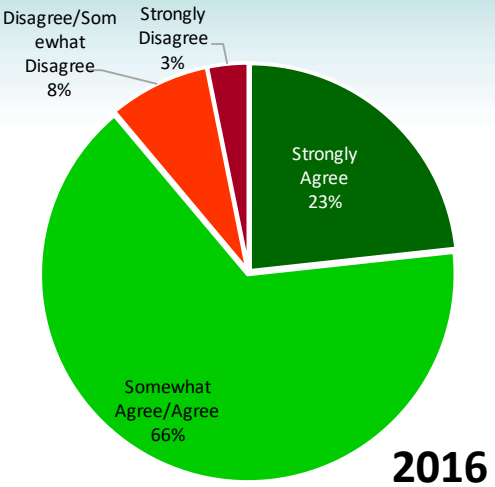
85% Response Rate



Q1. I understand why we are going through so much change at work.

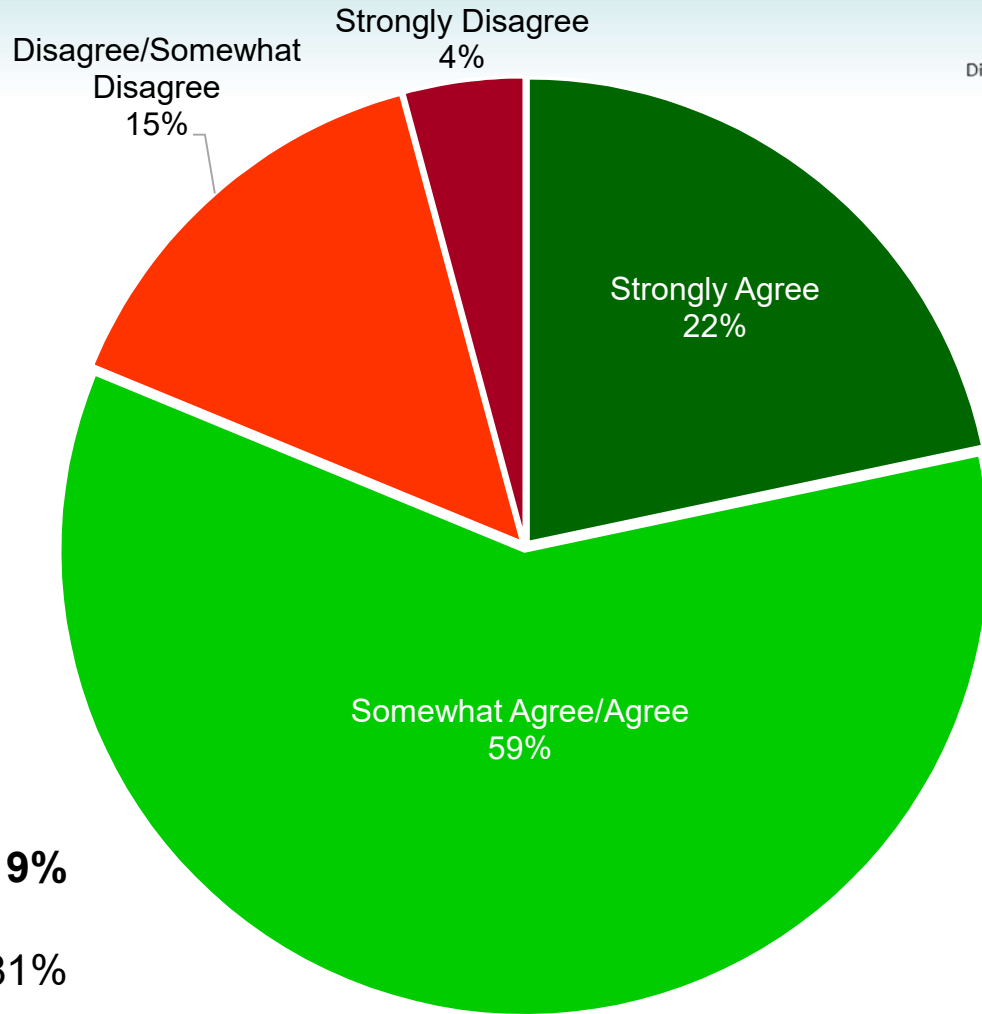


Negative 10%
Positive 90%



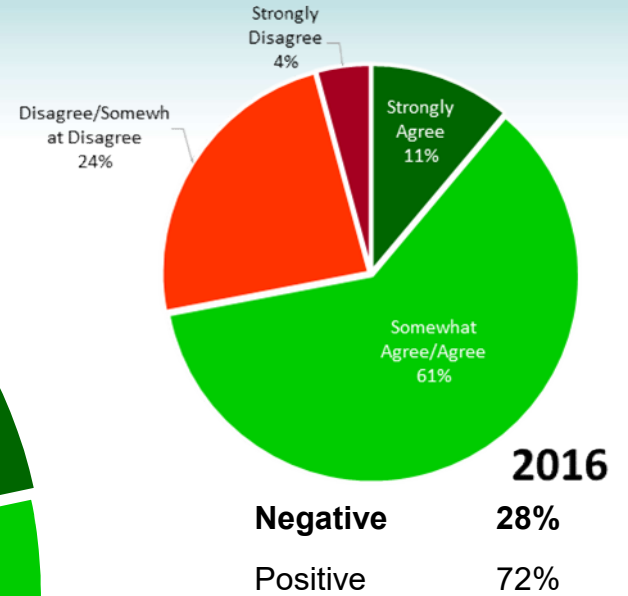
2016
Negative 11%
Positive 89%

Q2. I believe I am coping well with all of the change that is happening at work.

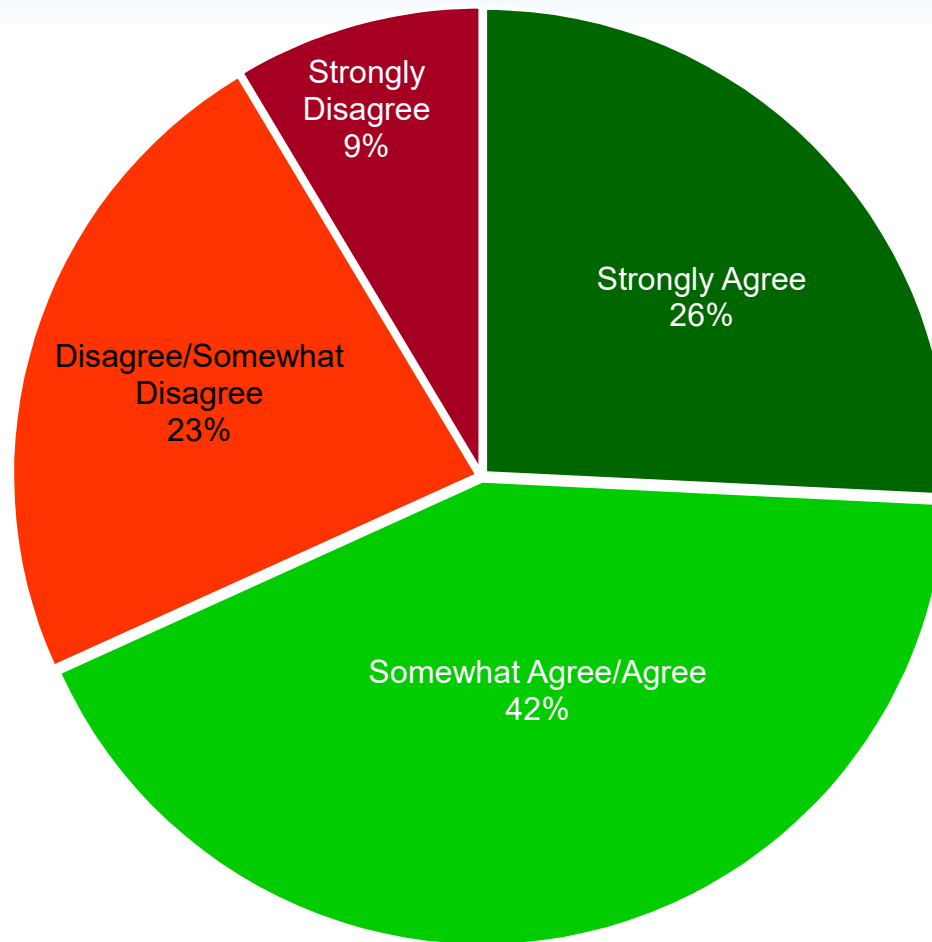


Negative 19%

Positive 81%

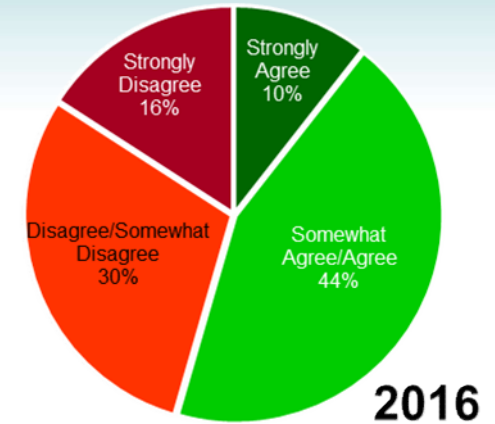


Q3. The new agile ways of working are helping me to work more efficiently.



Negative 32%

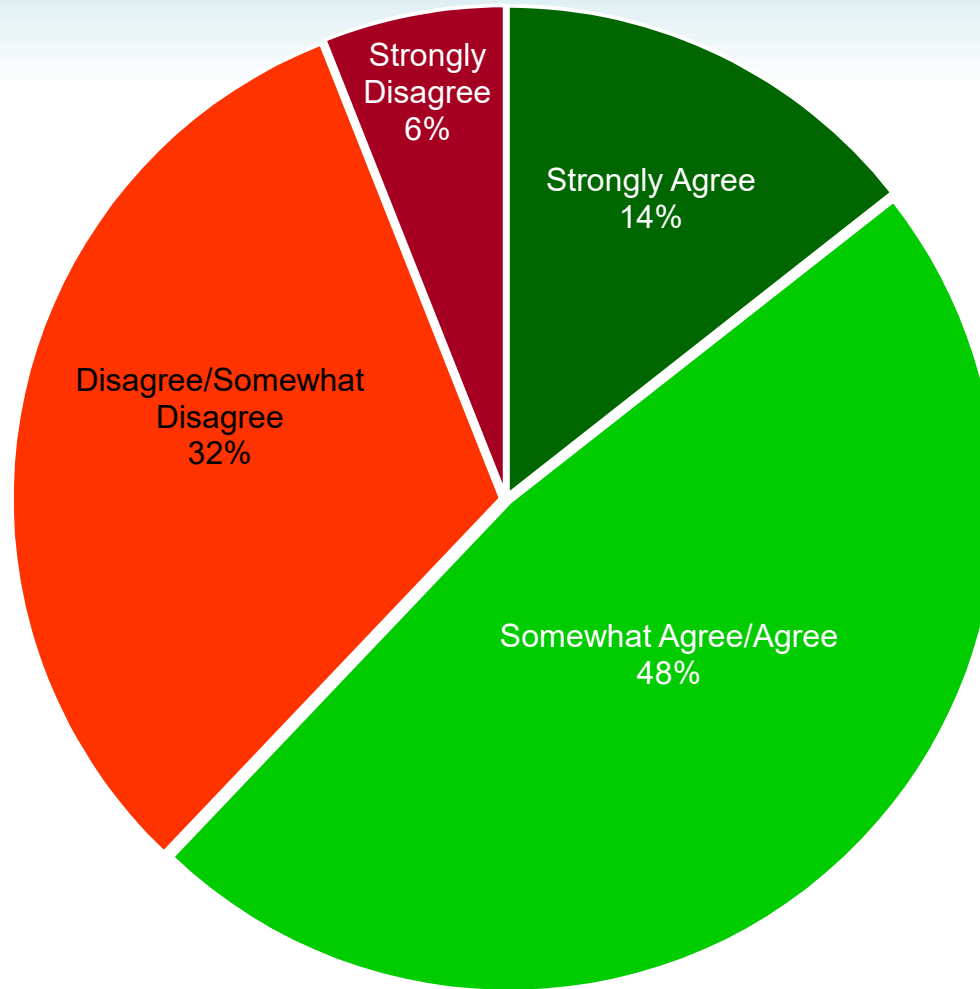
Positive 68%



Negative 46%

Positive 54%

Q4. It feels better working here now than it did 12 months ago.

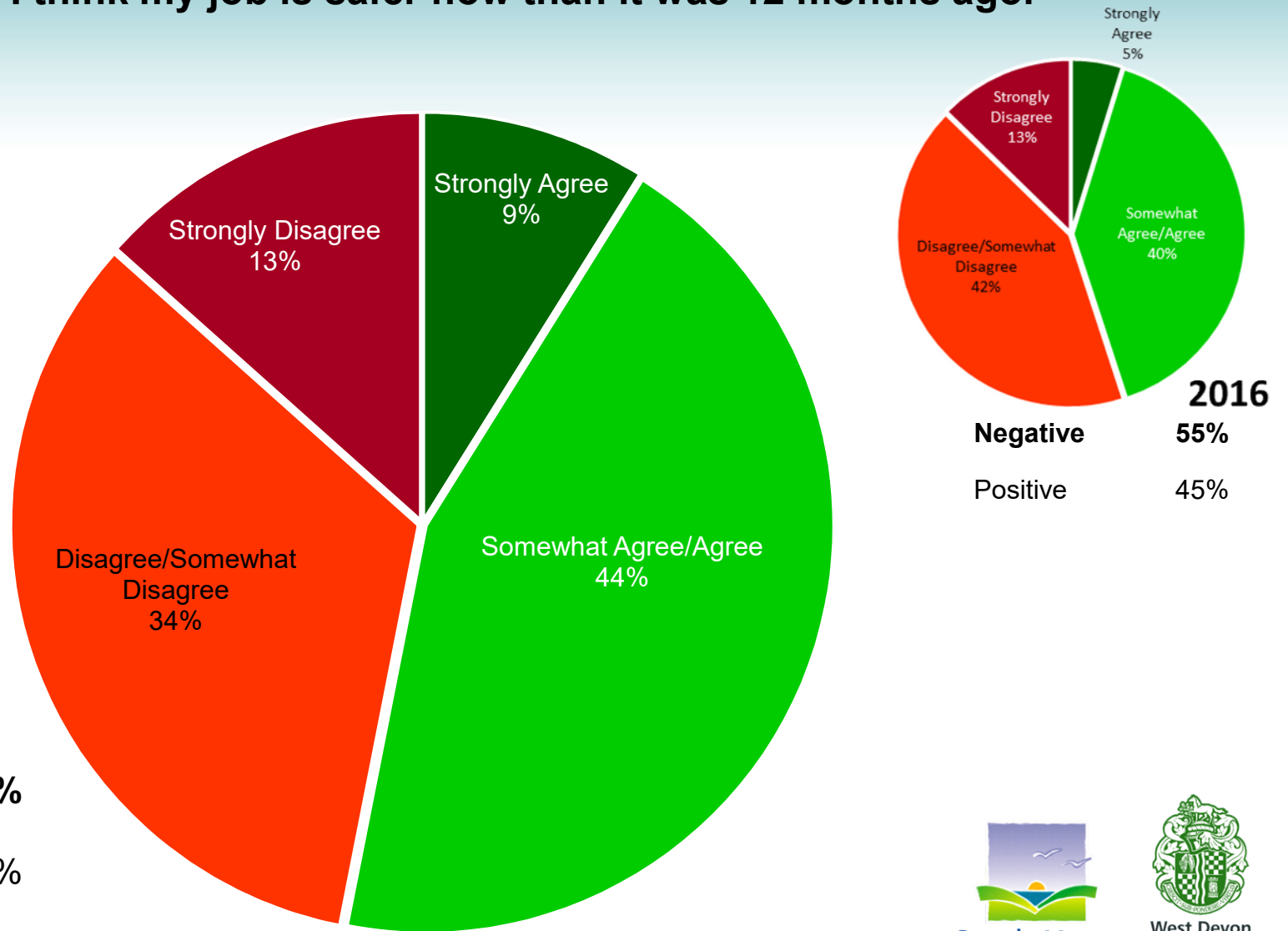


Negative 38%

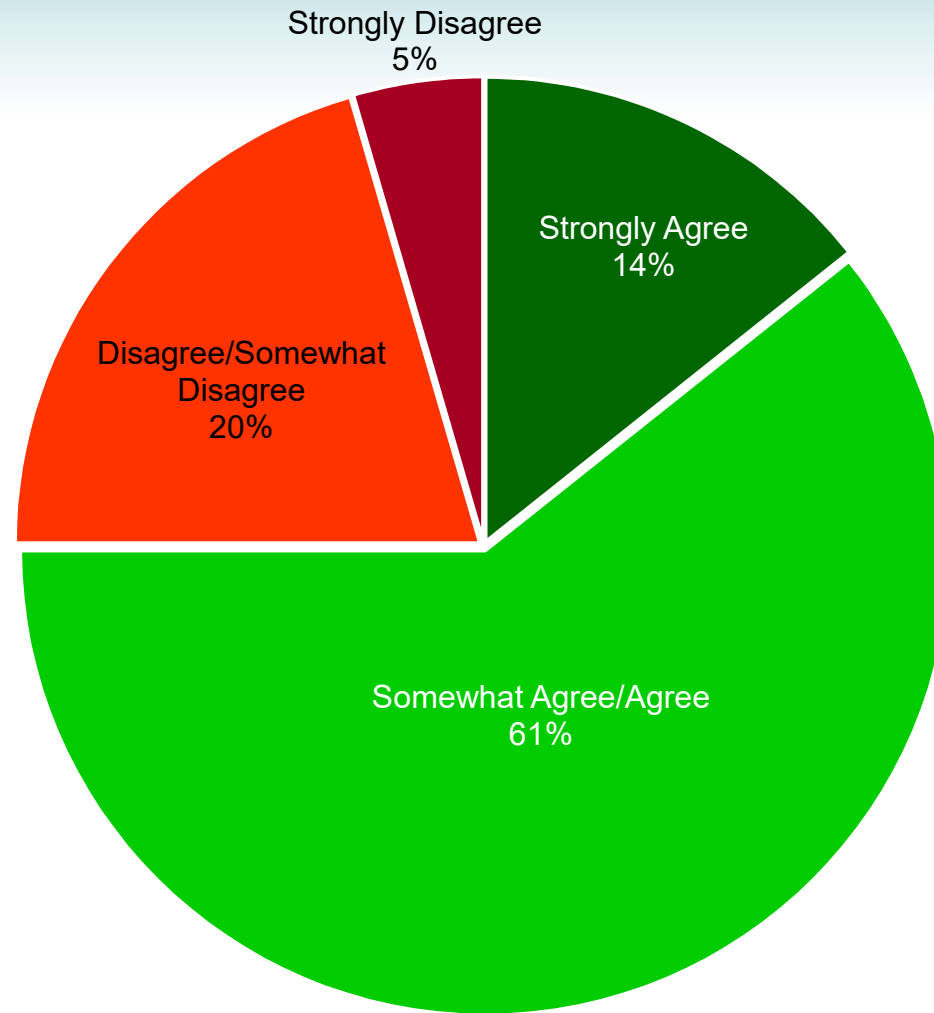
Positive 62%



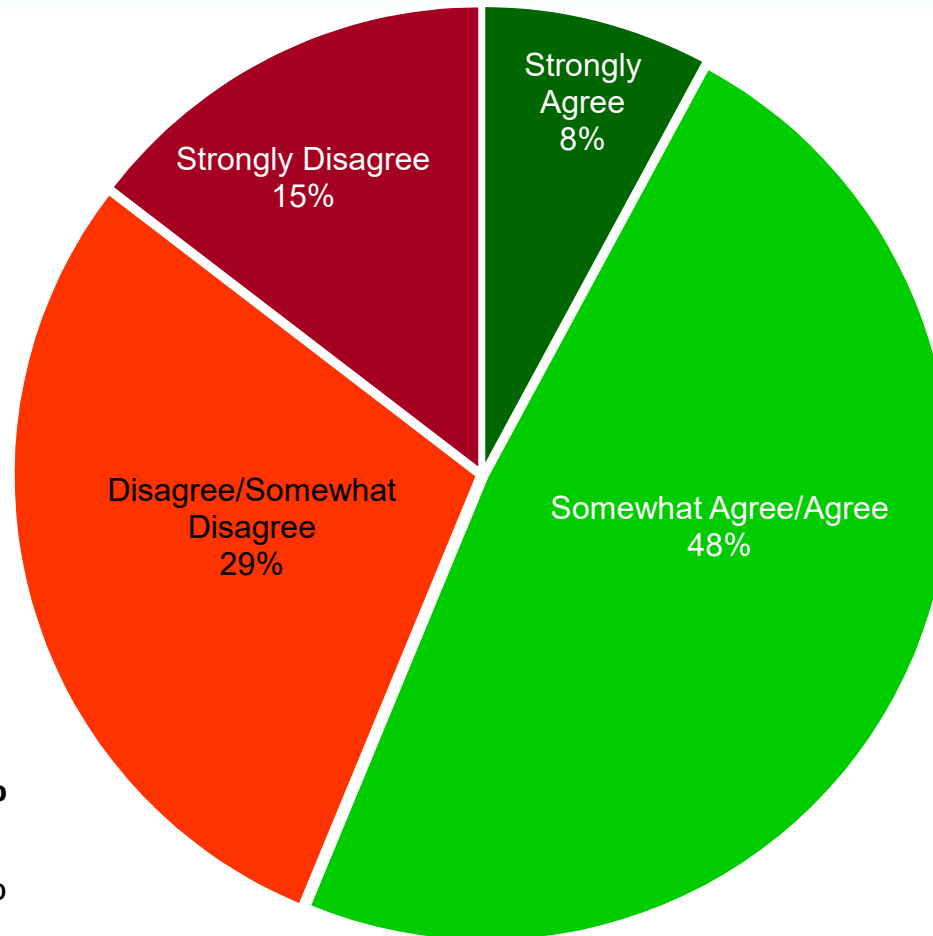
Q5. I think my job is safer now than it was 12 months ago.



Q6. I am happy with the amount of information I receive about changes happening in the organisation.

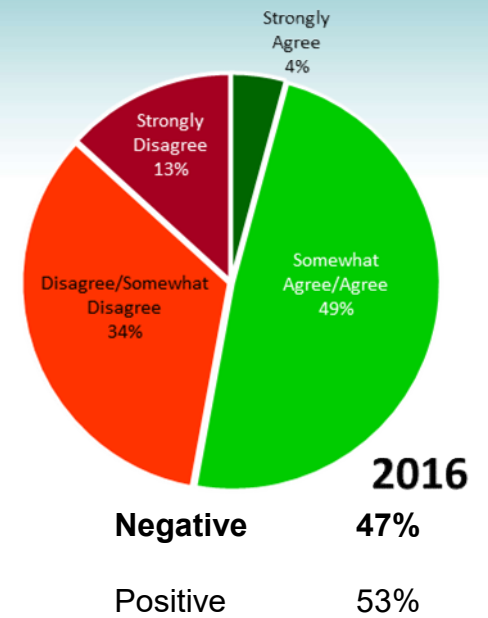


Q7. I am comfortable with the level of pressure placed upon me at work.

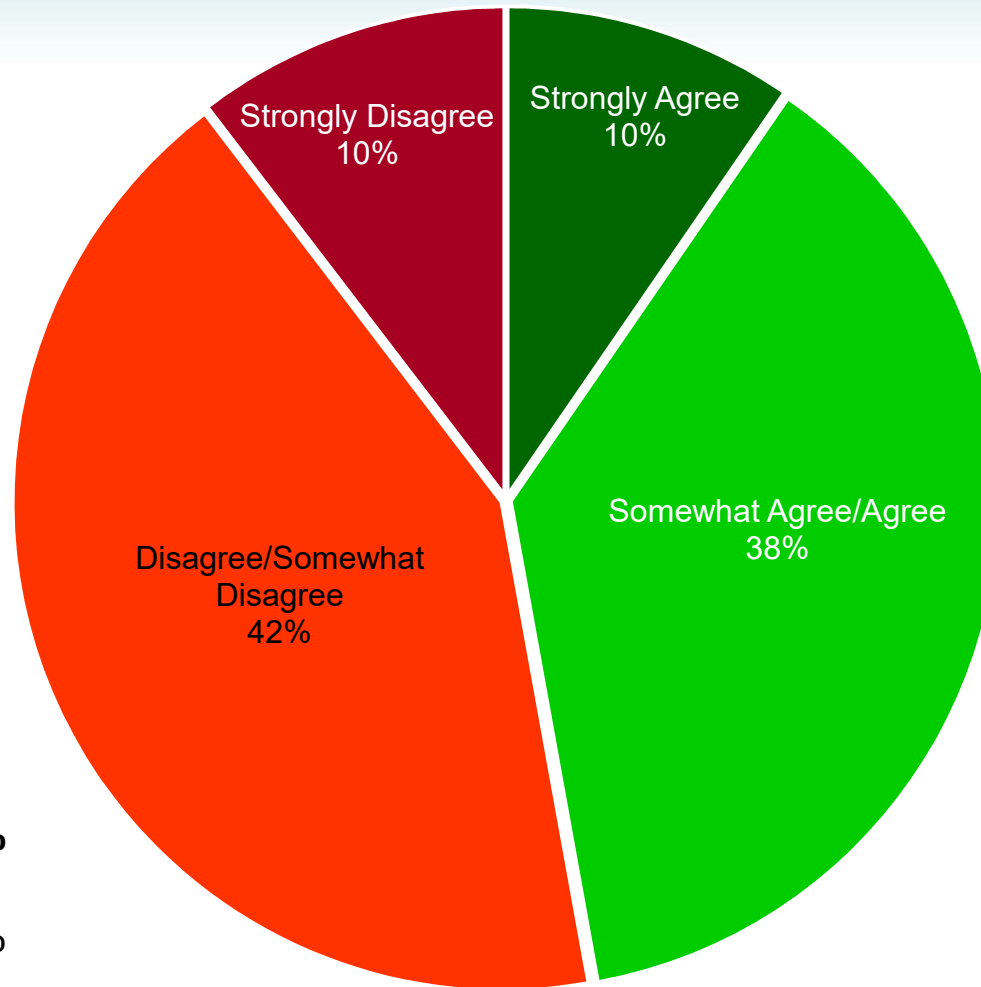


Negative 44%

Positive 56%

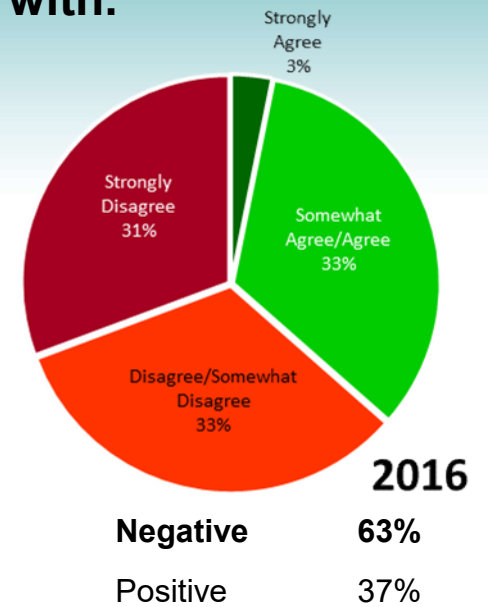


Q8. I think morale is good with the people I work with.

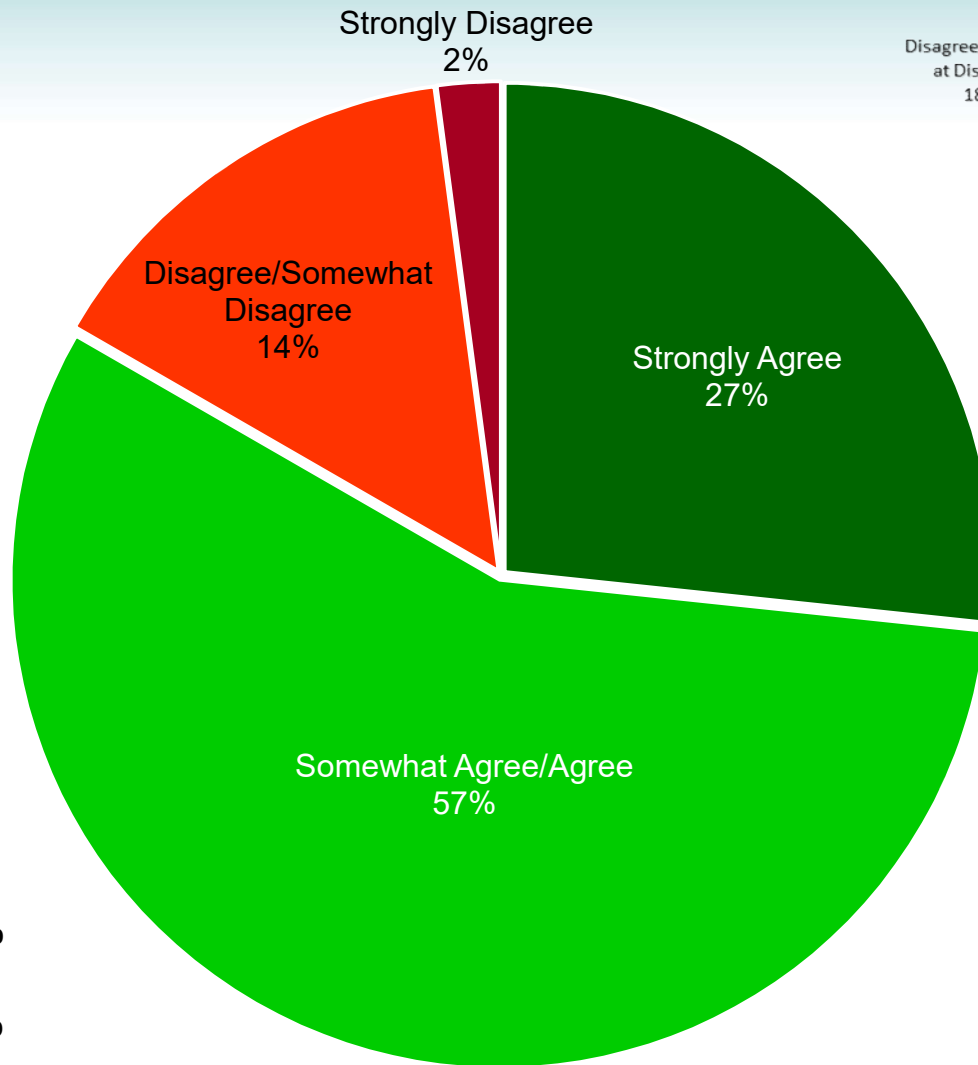


Negative 52%

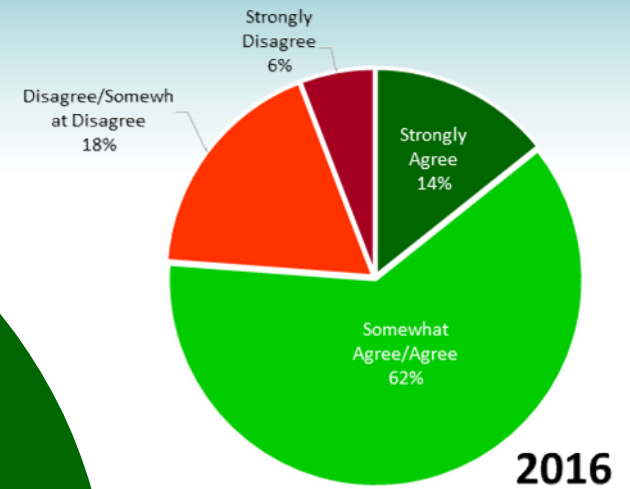
Positive 48%



Q9. I enjoy my job.

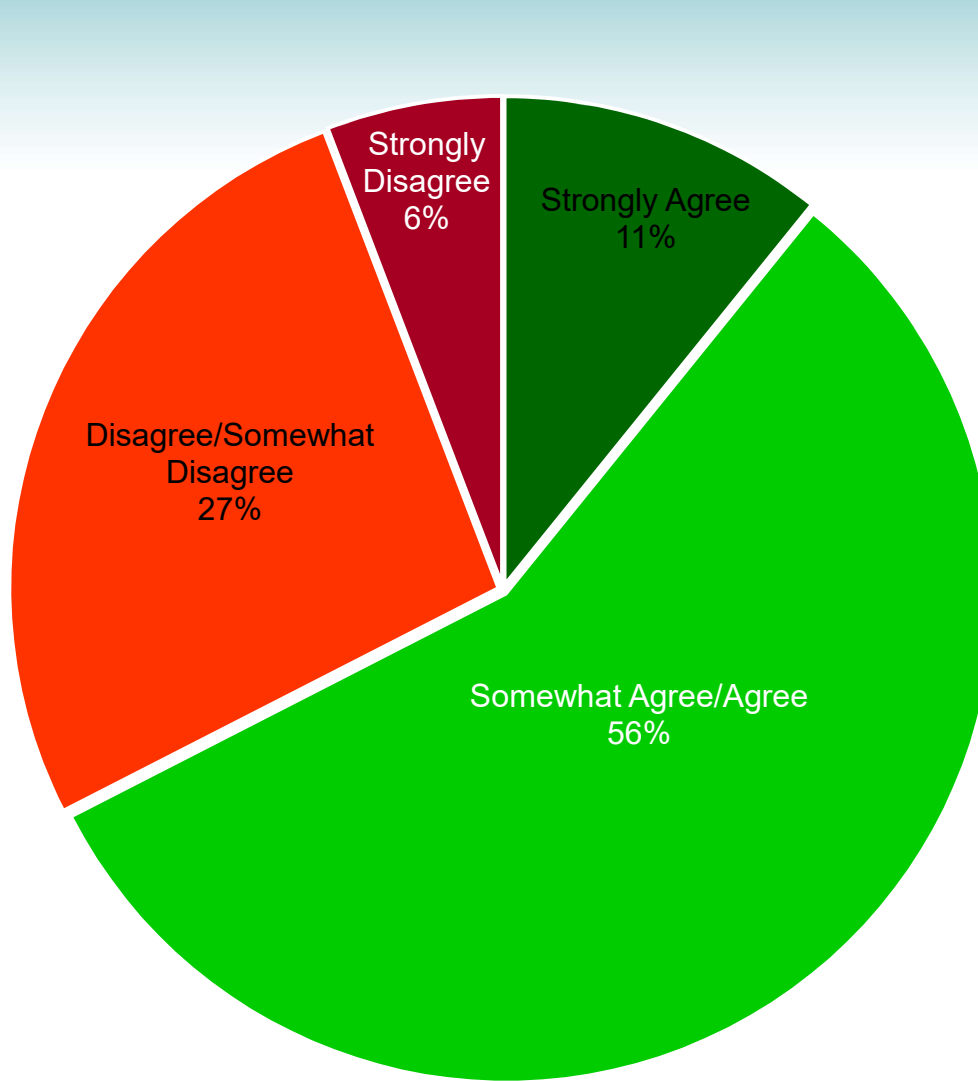


Negative 16%
Positive 84%



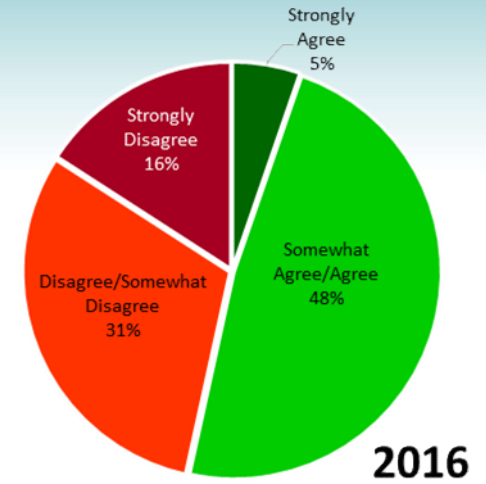
2016
Negative 24%
Positive 76%

Q10. I get regular feedback about my work.



Negative 33%

Positive 67%

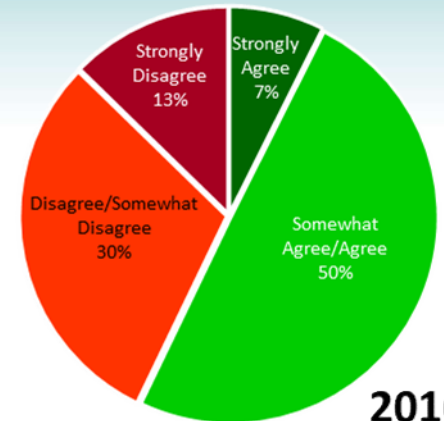
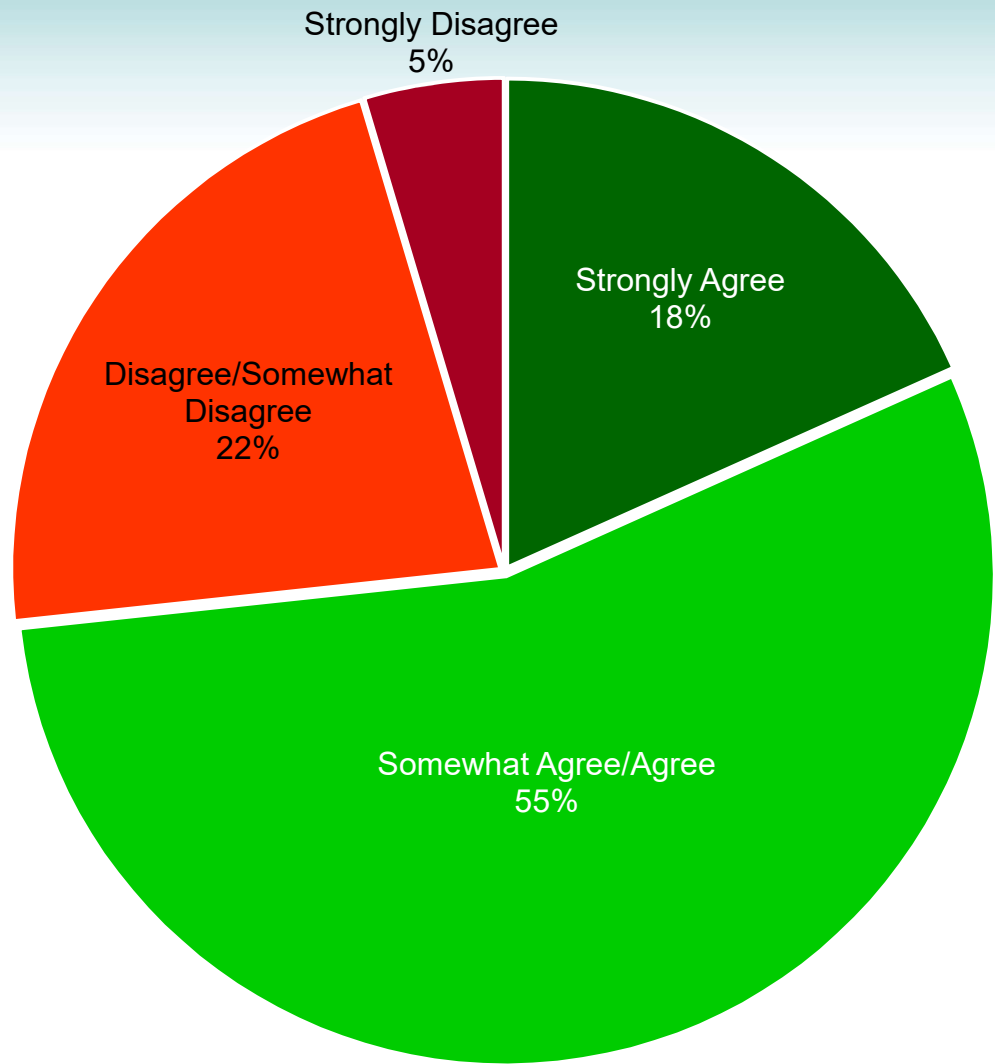


2016

Negative 47%

Positive 53%

Q11. I feel supported to do my job.



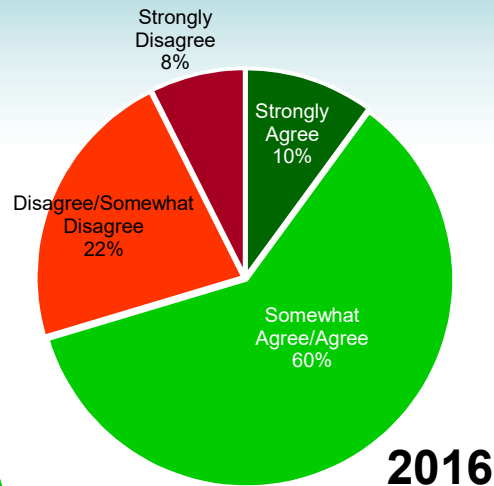
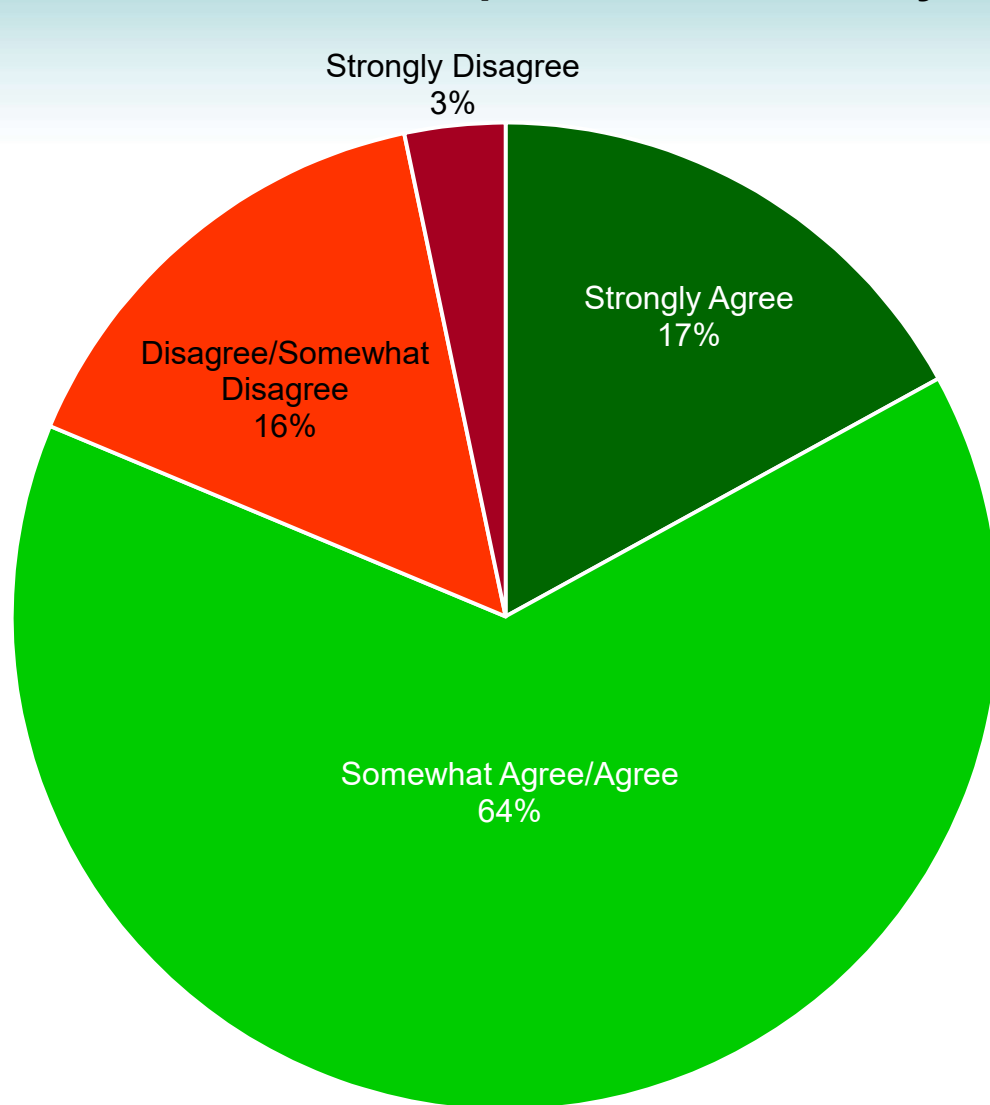
2016

Negative 43%
Positive 57%

Negative 27%

Positive 73%

Q12. I am treated with respect and fairness by the Council.

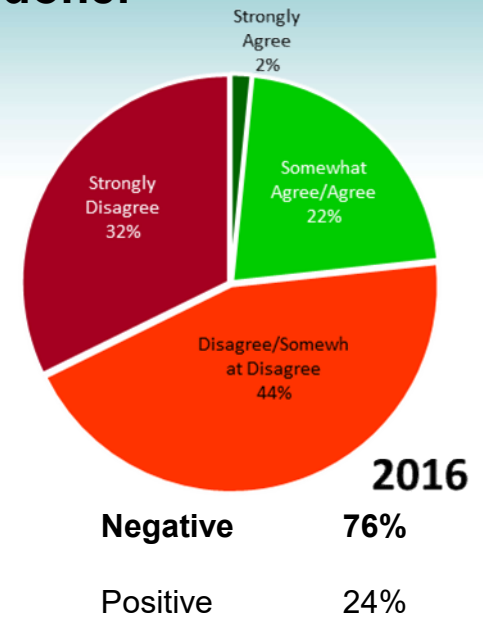
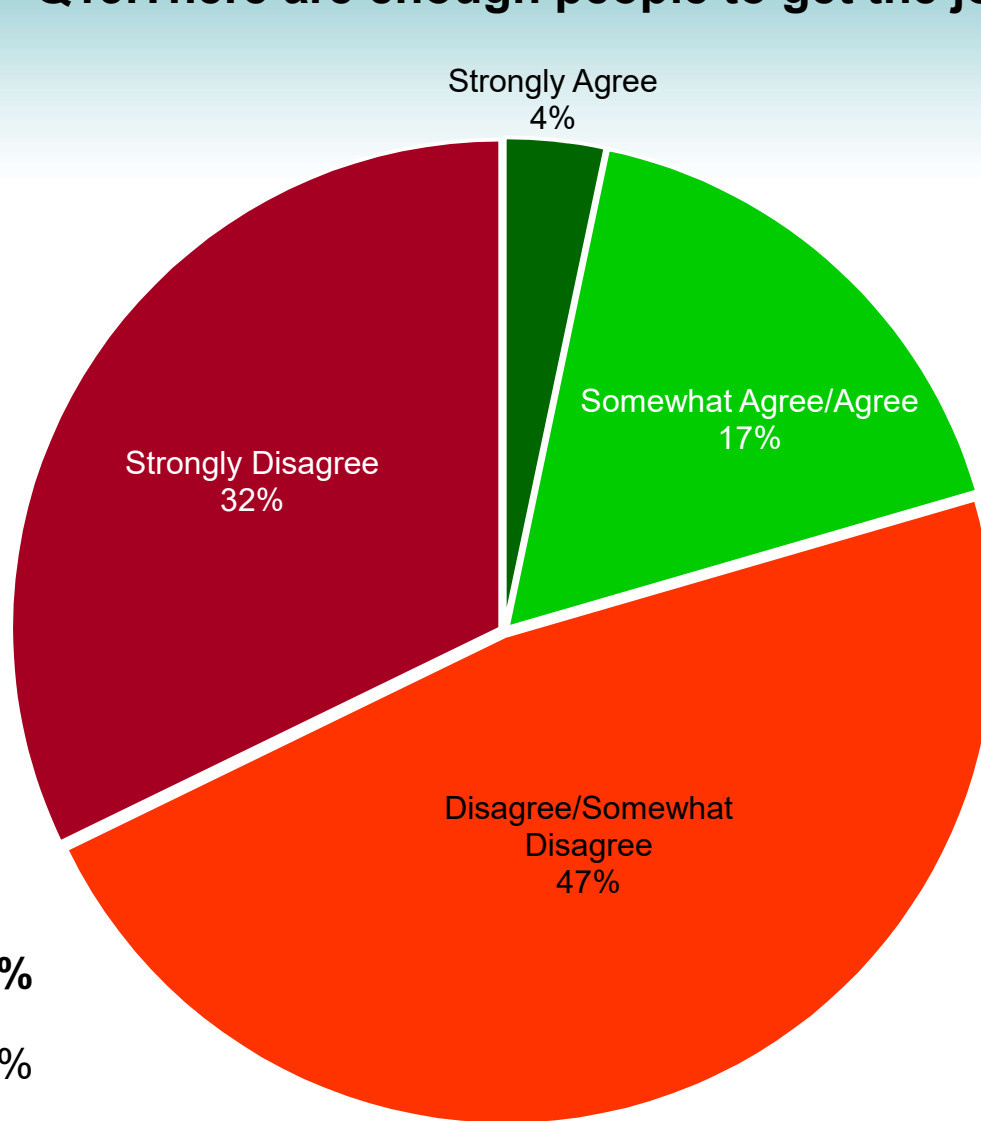


2016

Negative	32%
Positive	68%

Negative	19%
Positive	81%

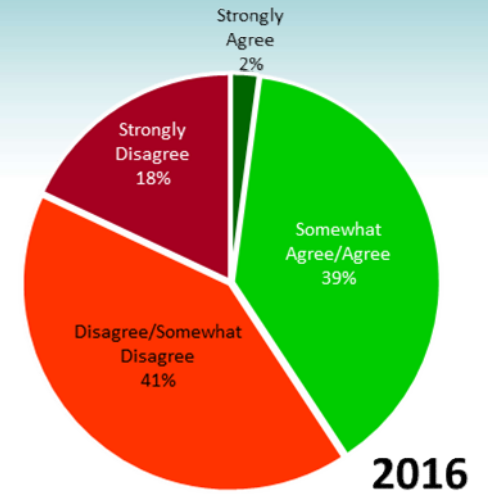
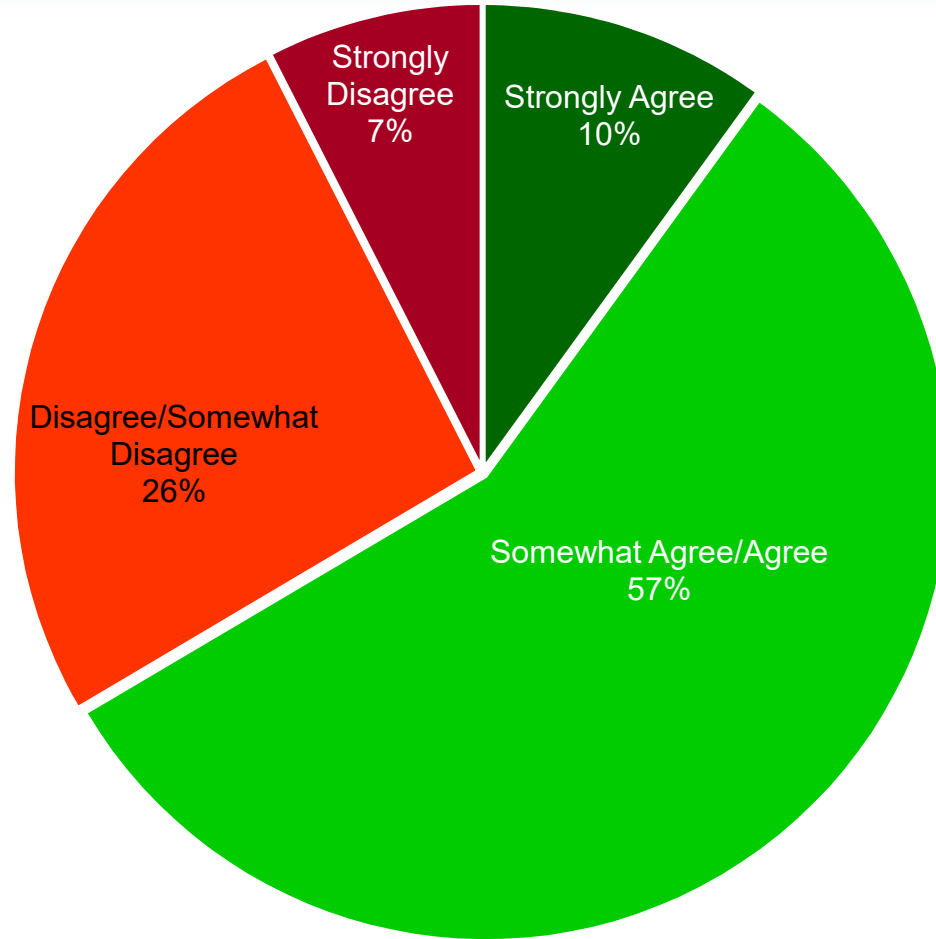
Q13. There are enough people to get the job done.



Negative 79%

Positive 21%

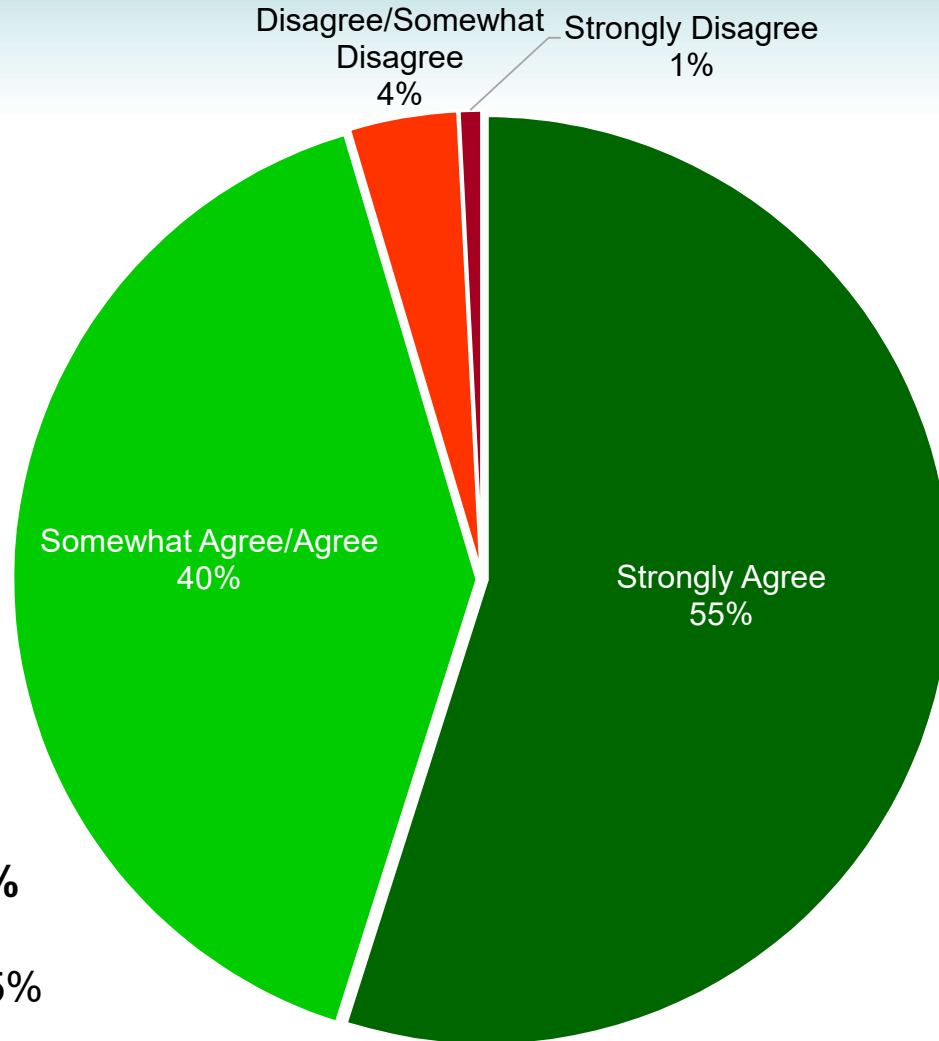
Q14. There are enough tools and equipment to enable me to do my job.



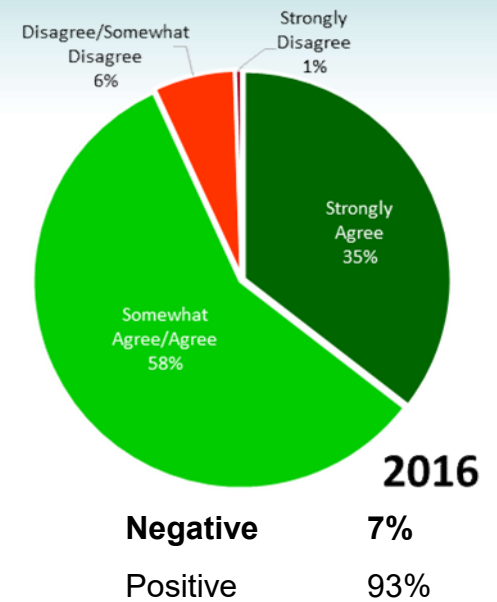
2016
Negative 59%
Positive 41%

Negative 33%
Positive 67%

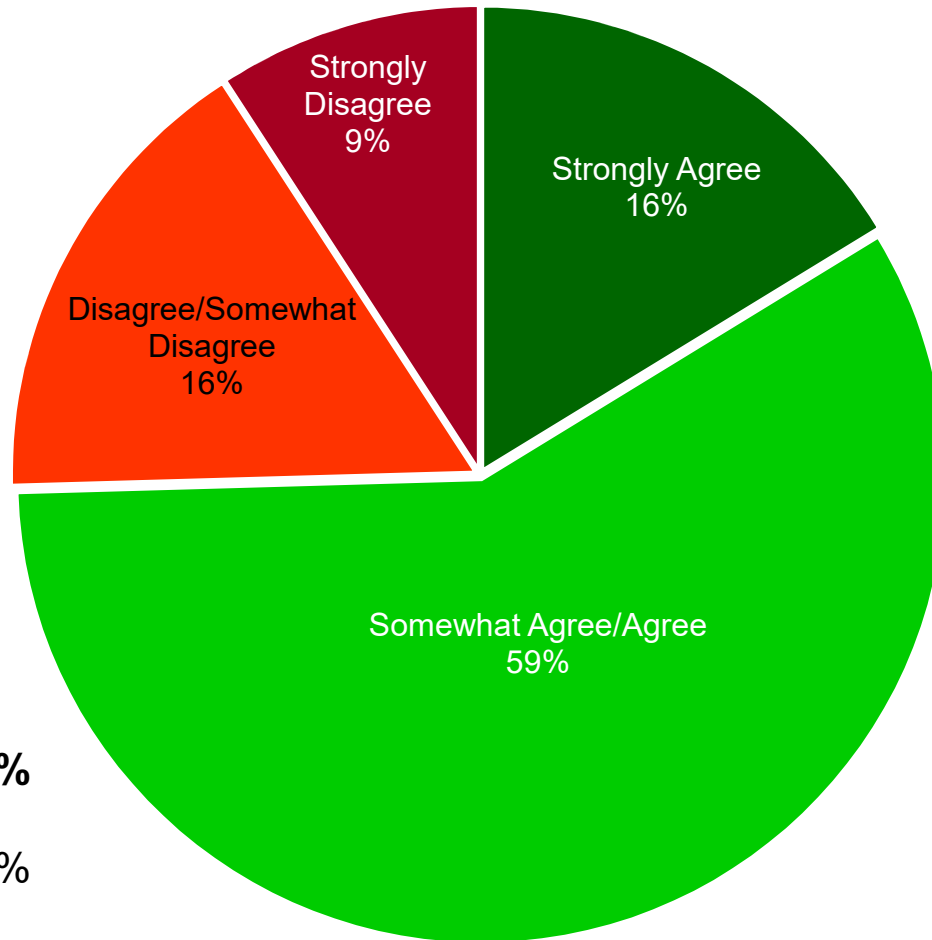
Q15. The people I work with are committed to providing excellent customer service.



Negative 5%
Positive 95%

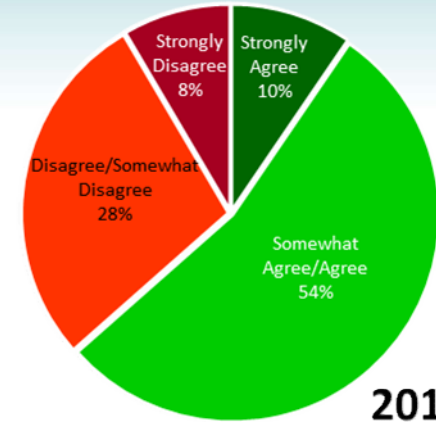


Q16. I feel I am able to speak up and challenge the way things are done at the Council.



Negative 25%

Positive 75%

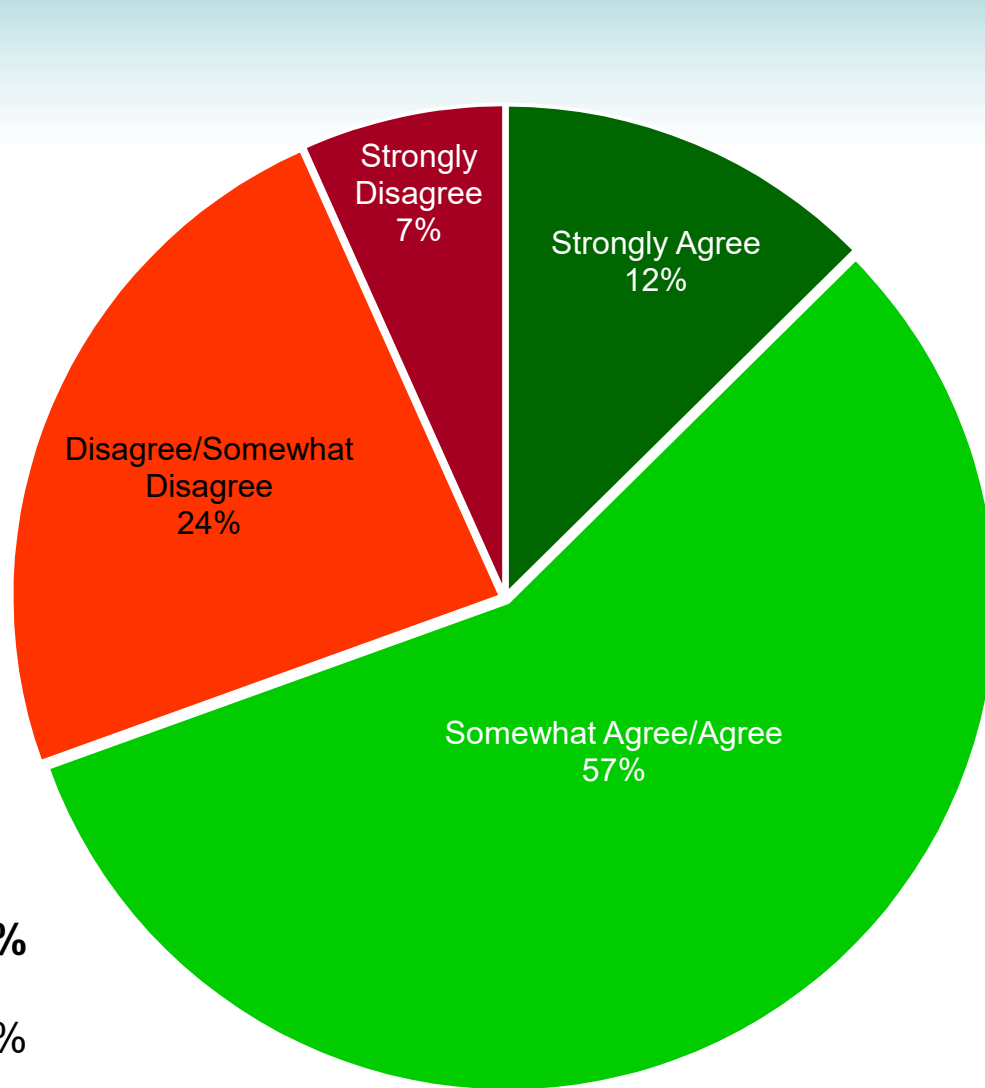


2016

Negative 37%

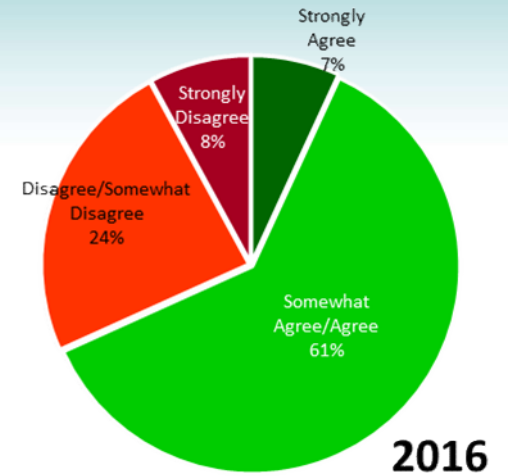
Positive 63%

Q17. I have the opportunity to do the training I need to do my job.



Negative 31%

Positive 69%

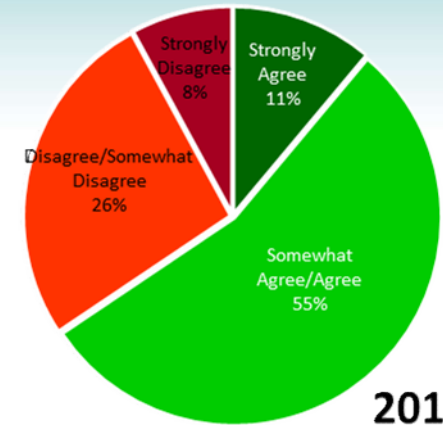
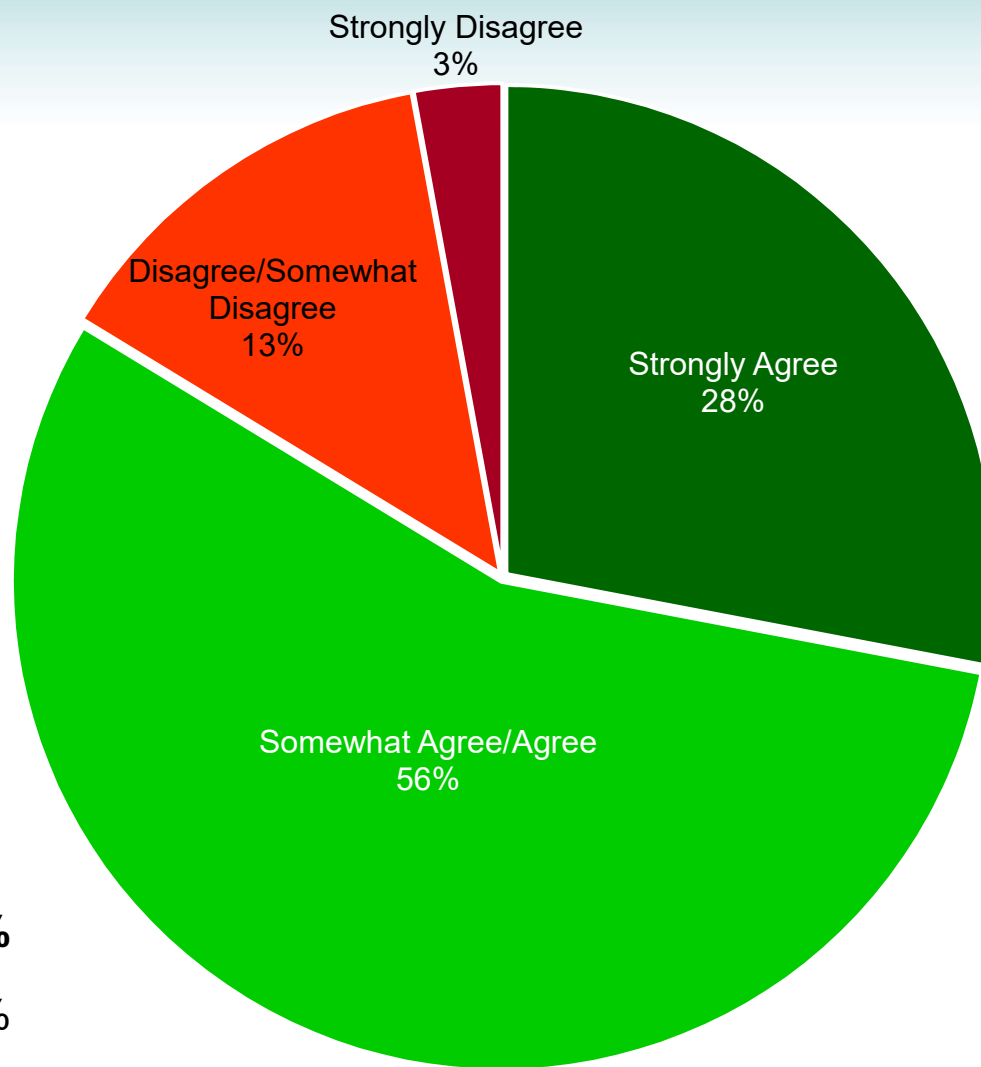


2016

Negative 32%

Positive 68%

Q18. I am clear about my role and responsibilities.

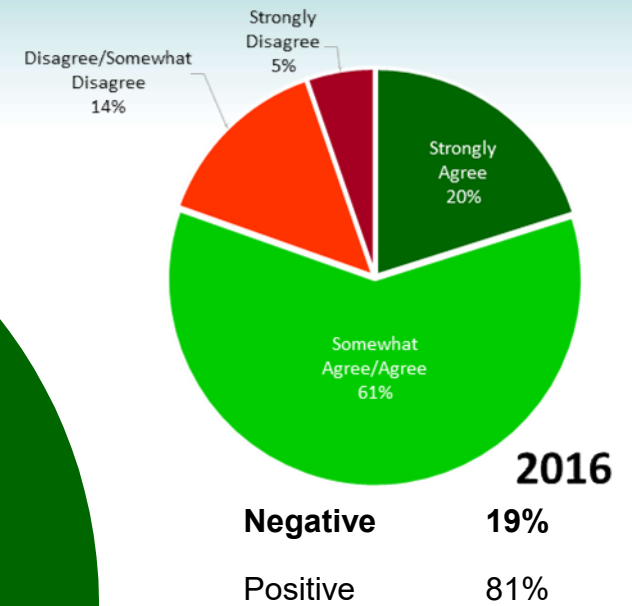
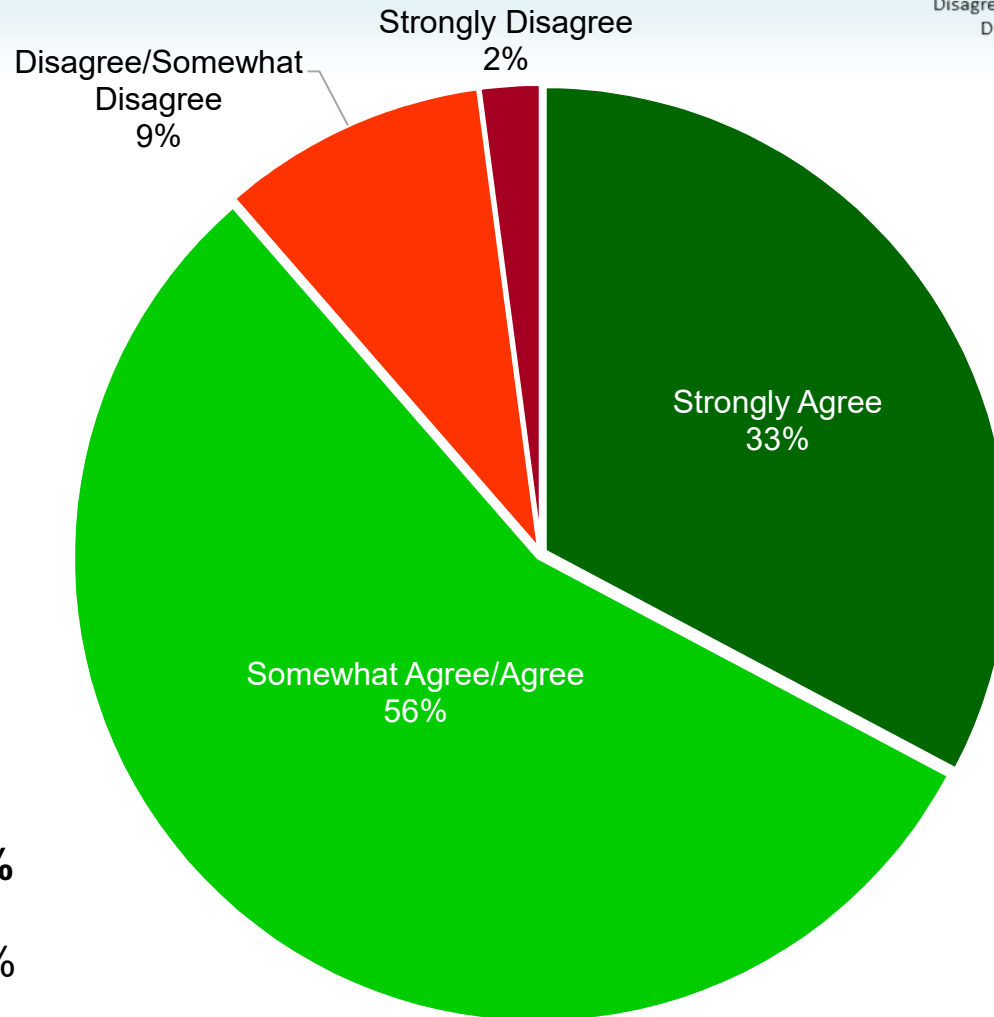


2016

Negative 34%
Positive 66%

Negative 16%
Positive 84%

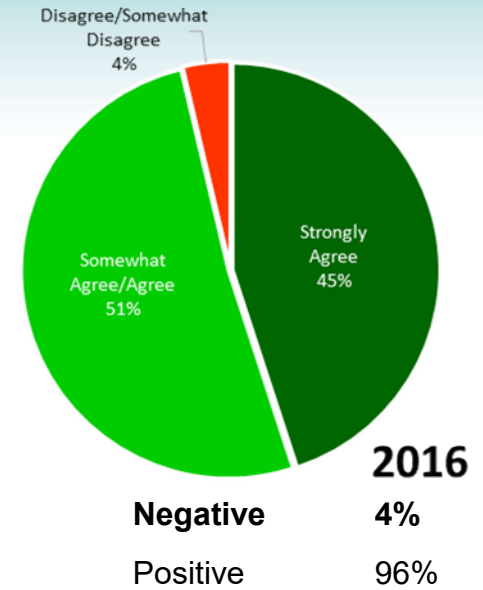
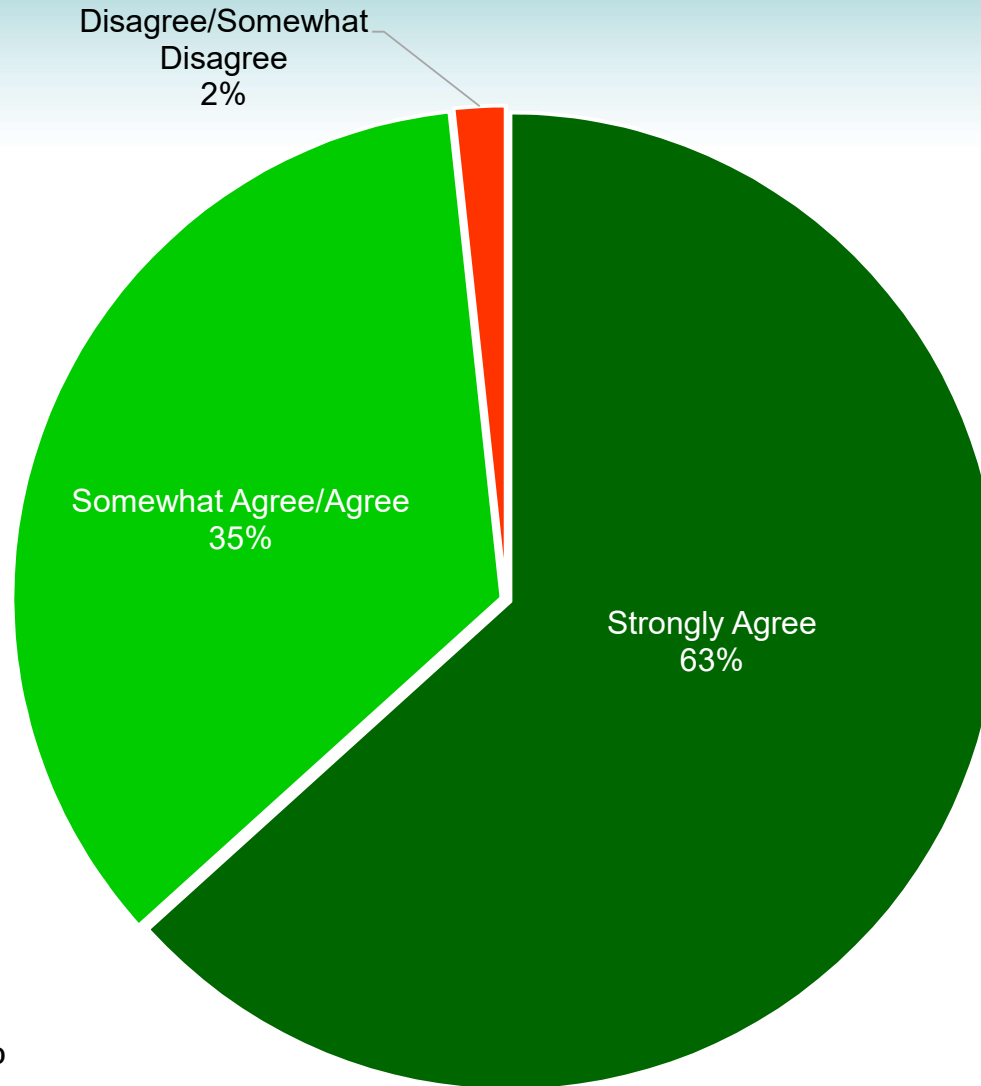
Q19. I am encouraged to suggest improvements in the way I do my work.



Negative 11%

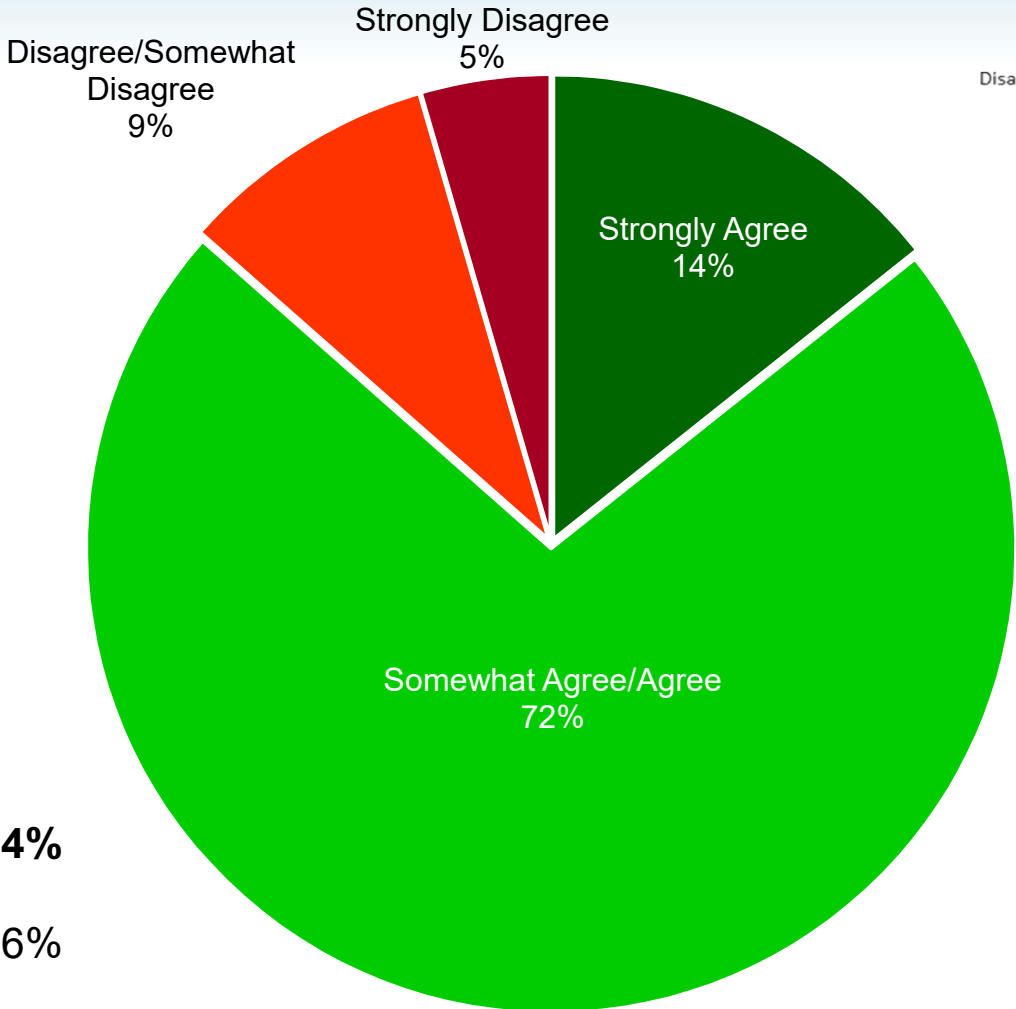
Positive 89%

Q20. I have a good working relationship with my colleagues.

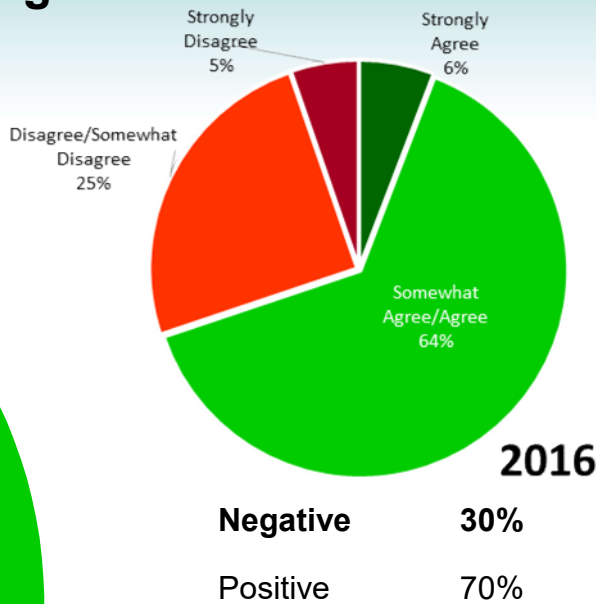


Negative	2%
Positive	98%

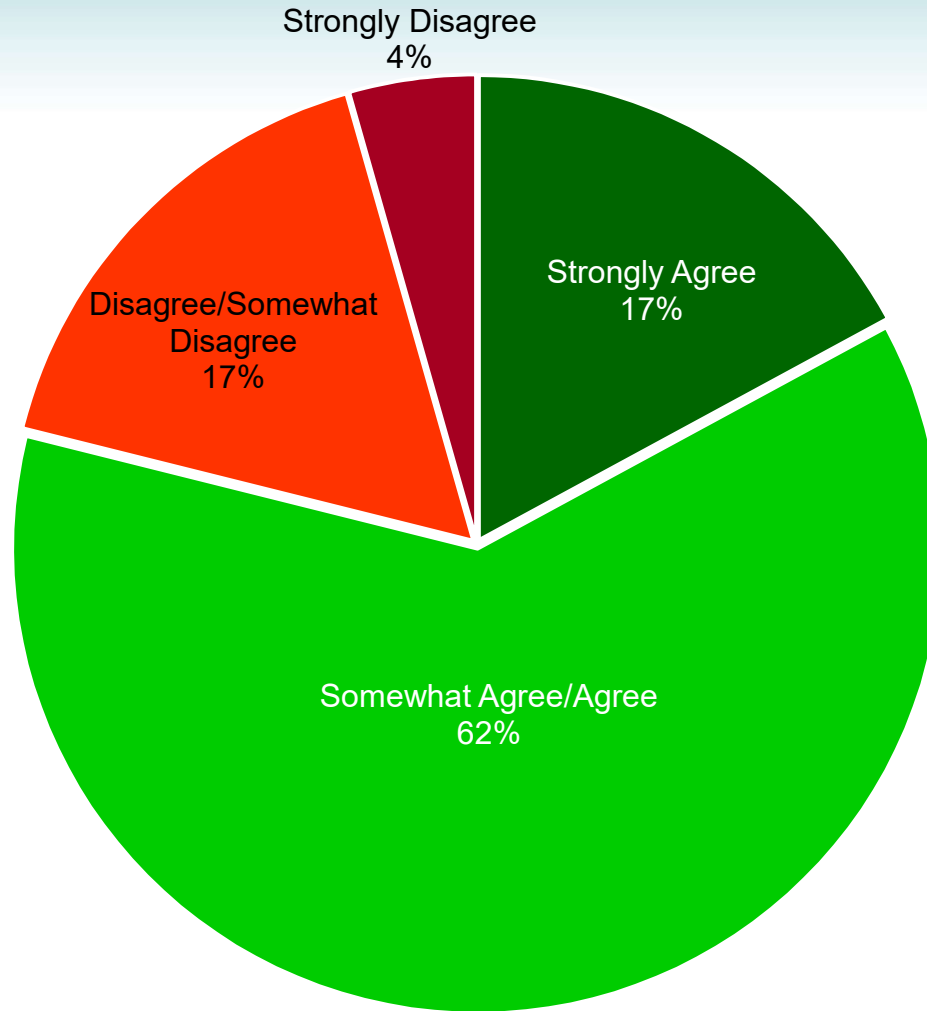
Q21. I think the Senior Leadership Team are effectively leading us through the challenging times facing local government.



Negative 14%
Positive 86%



Q22. I have enough contact with relevant members of the Extended Leadership Team to do my job efficiently.

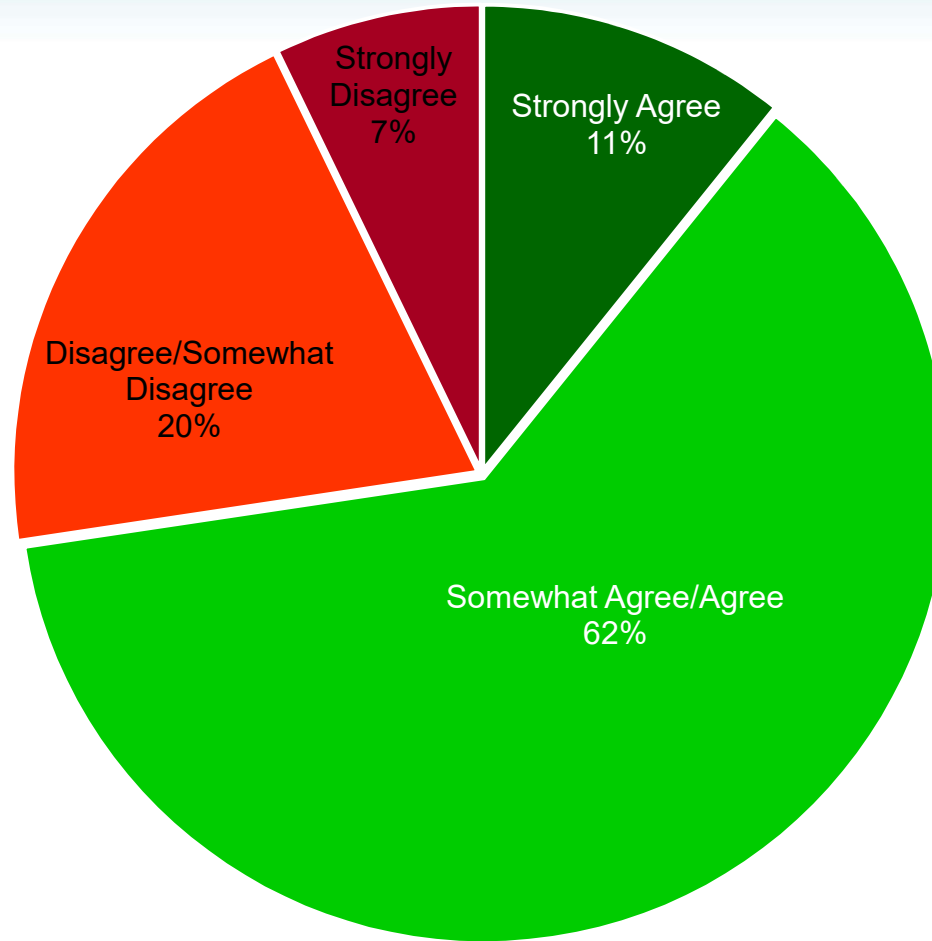


Negative 11%

Positive 79%



Q23. The members of ELT relevant to my work area unblock problems and provide solutions that make my job more effective.



Negative 27%

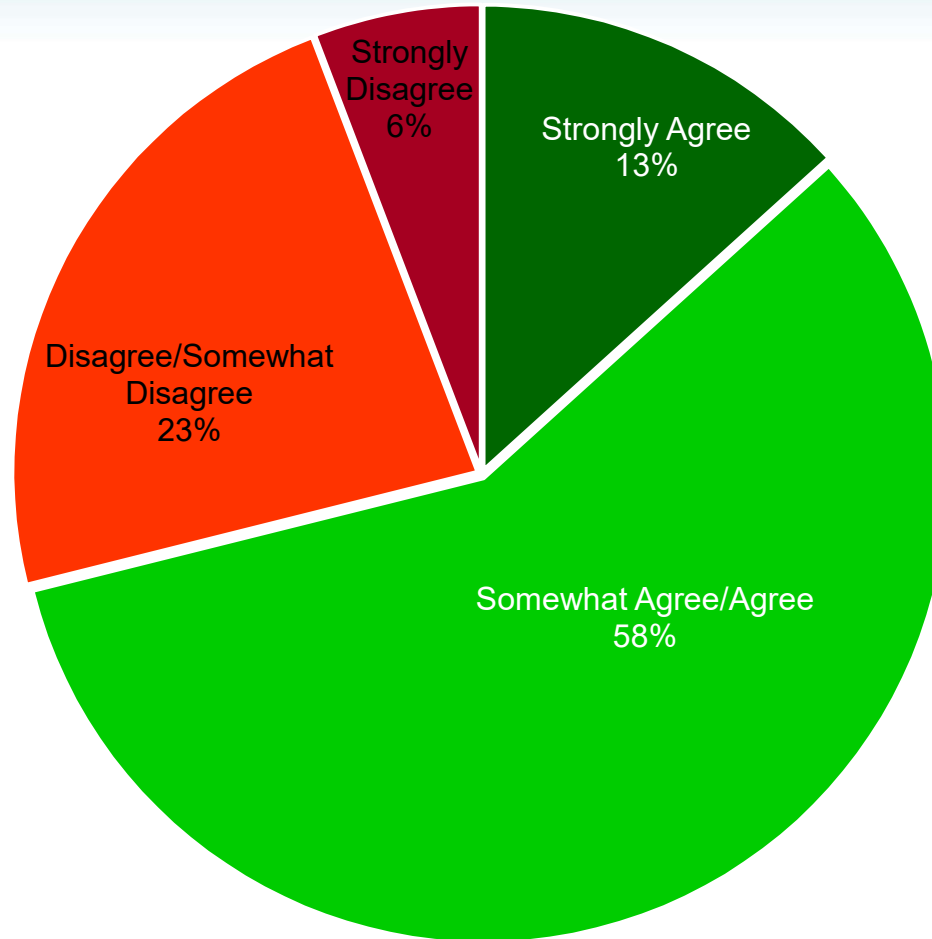
Positive 73%



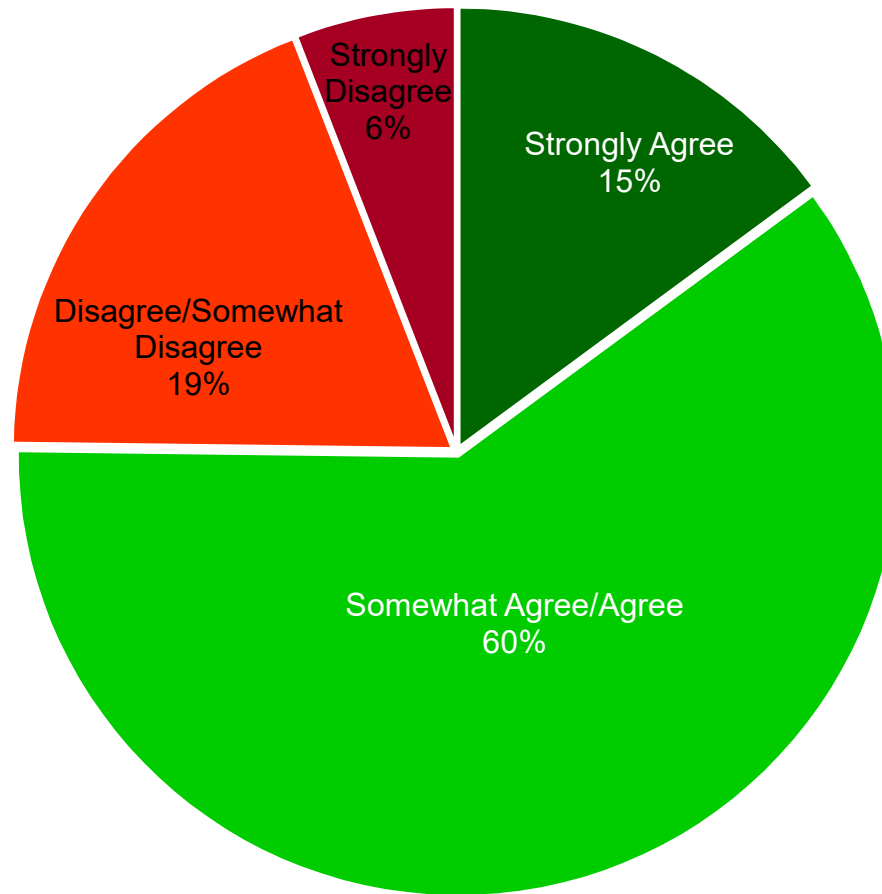
Q24. The members of ELT relevant to my work area actively support my professional development.

Negative 29%

Positive 71%



Q25. The members of ELT relevant to my work area encourage me and my colleagues to challenge the way we work and listen to new ideas.

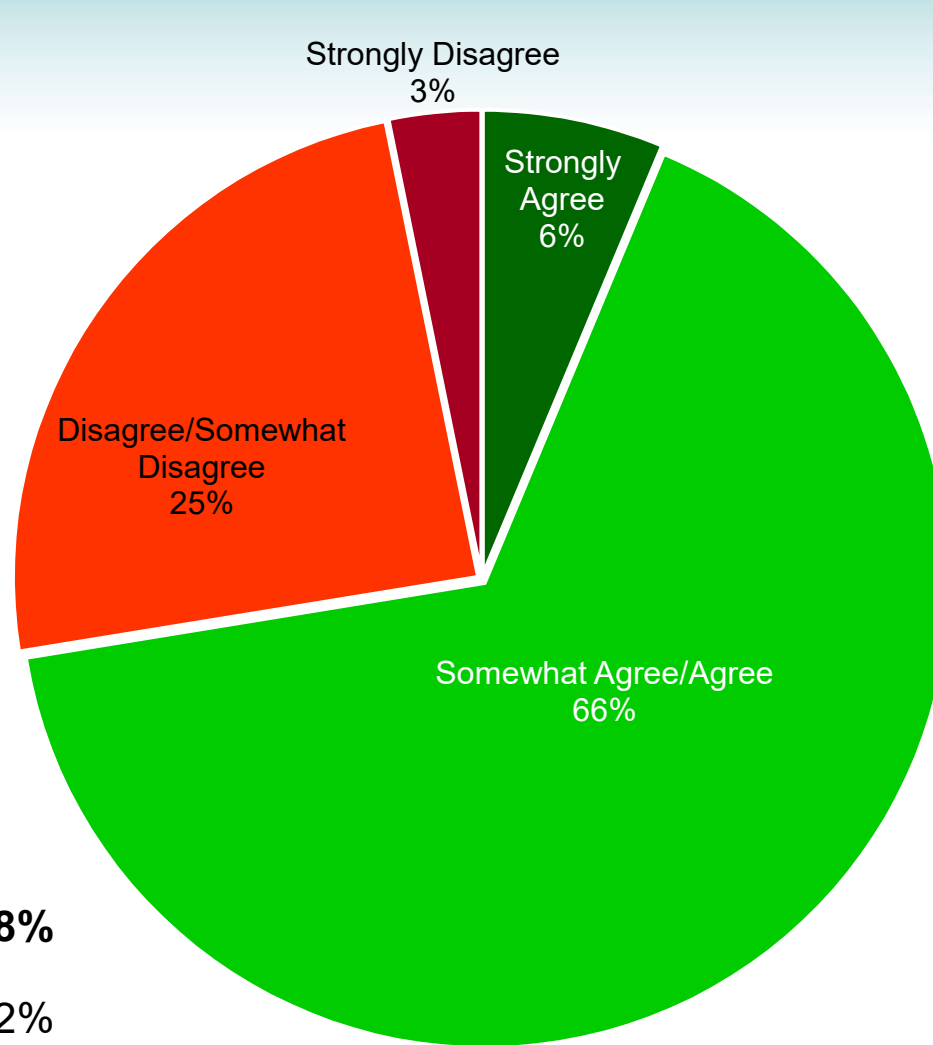


Negative 25%

Positive 75%

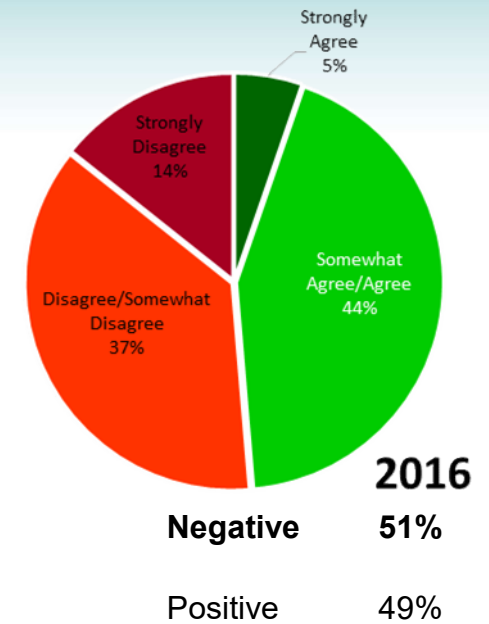


Q26. I believe that actions are taken as a result of staff surveys in this organisation.

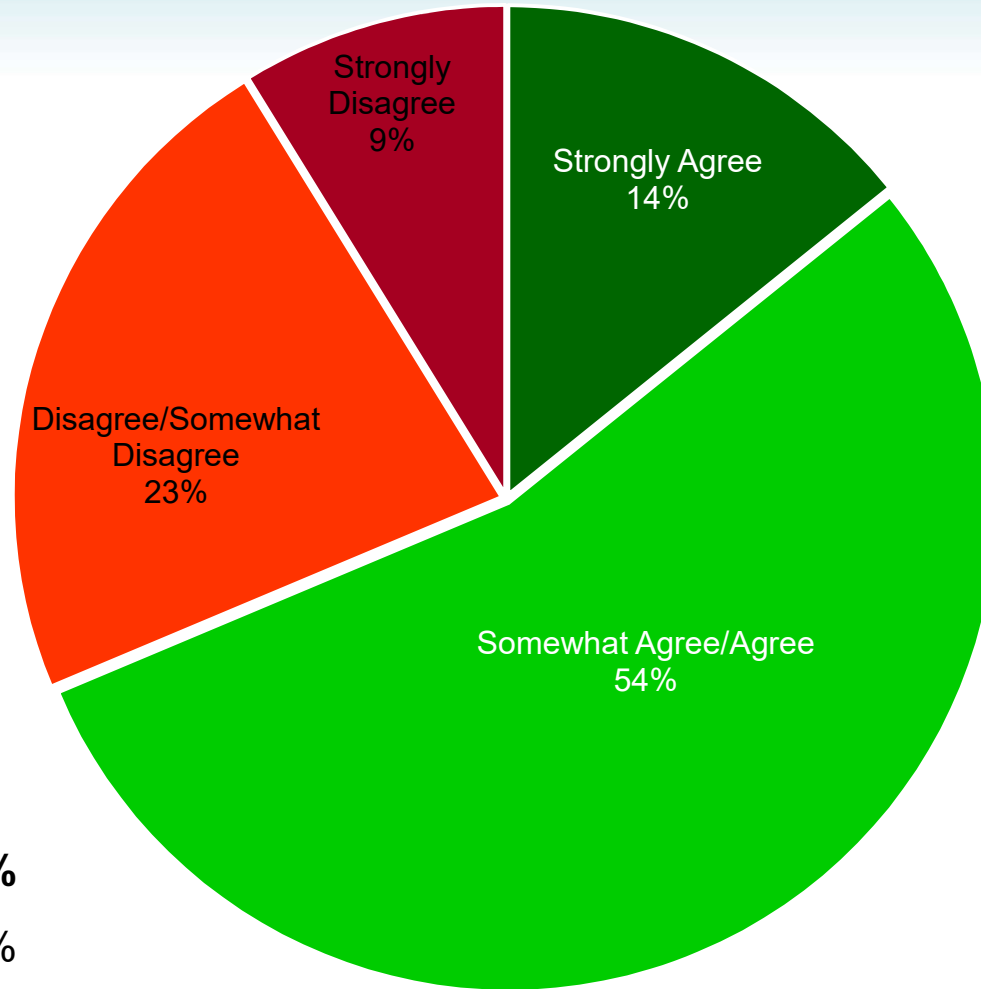


Negative 28%

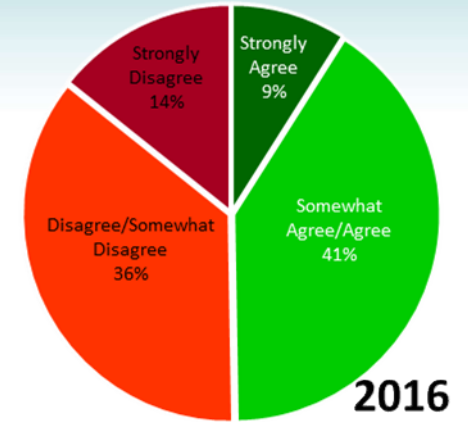
Positive 72%



Q27. I would recommend working here to a friend.

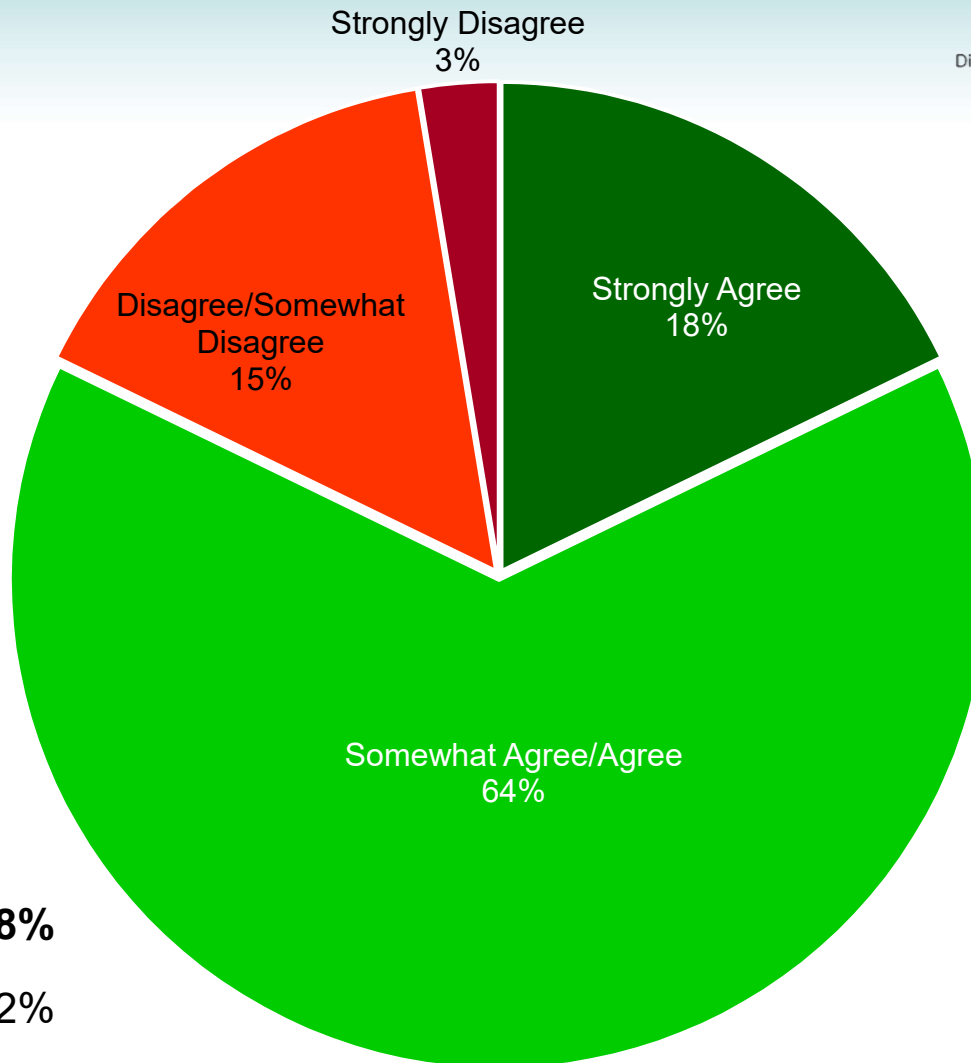


Negative 32%
Positive 68%



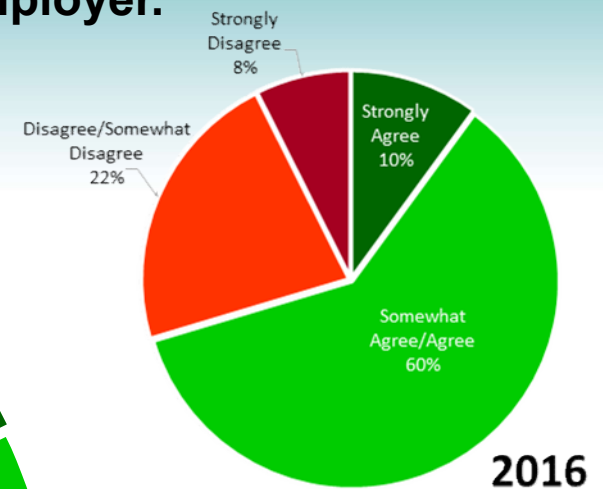
2016
Negative 50%
Positive 50%

Q28. I think the Councils are a good employer.



Negative 18%

Positive 82%

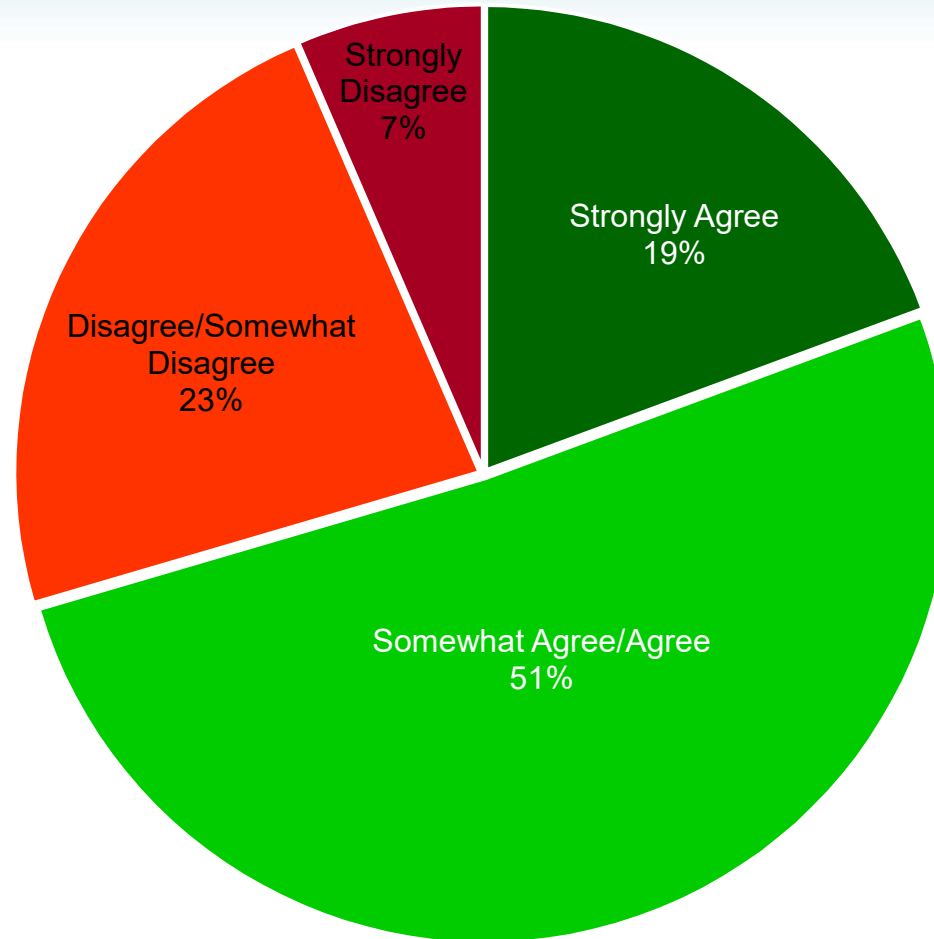


2016

Negative 30%

Positive 70%

Q29. Performance has improved in my area of work over the last 12 months.

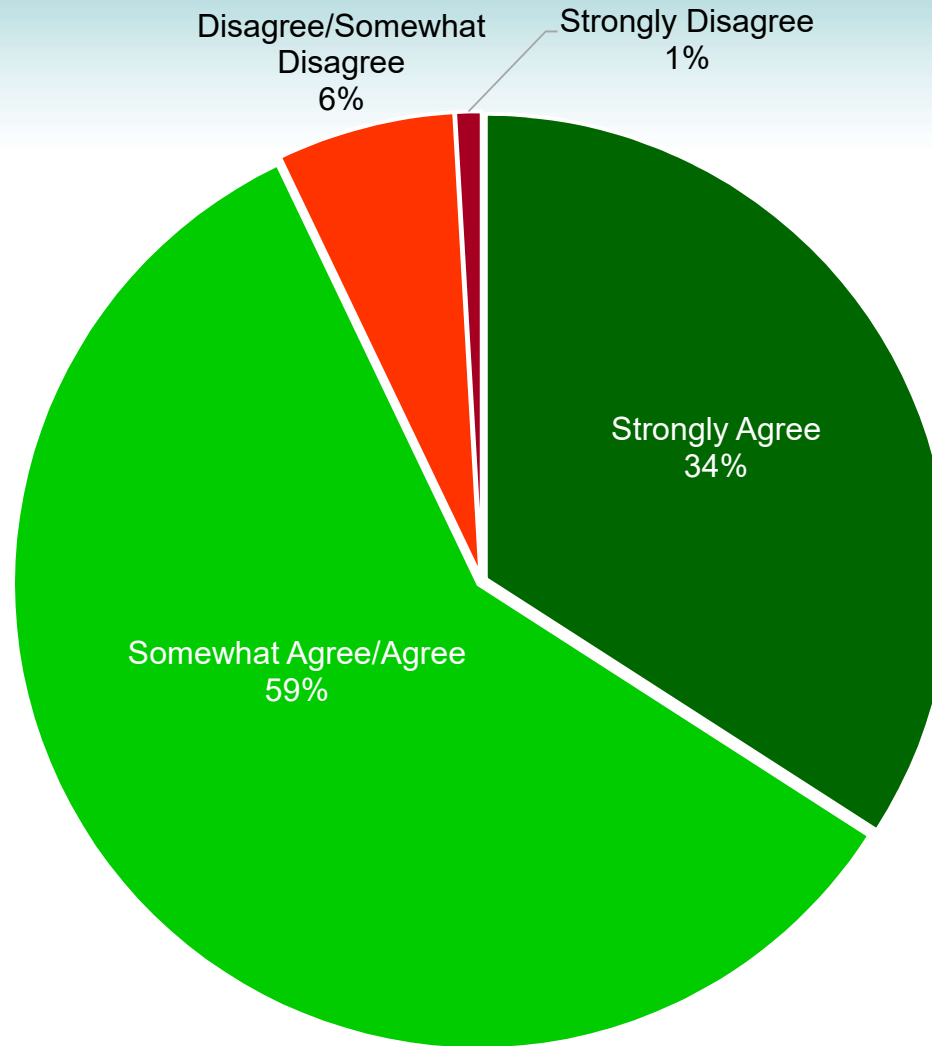


Negative 30%

Positive 70%

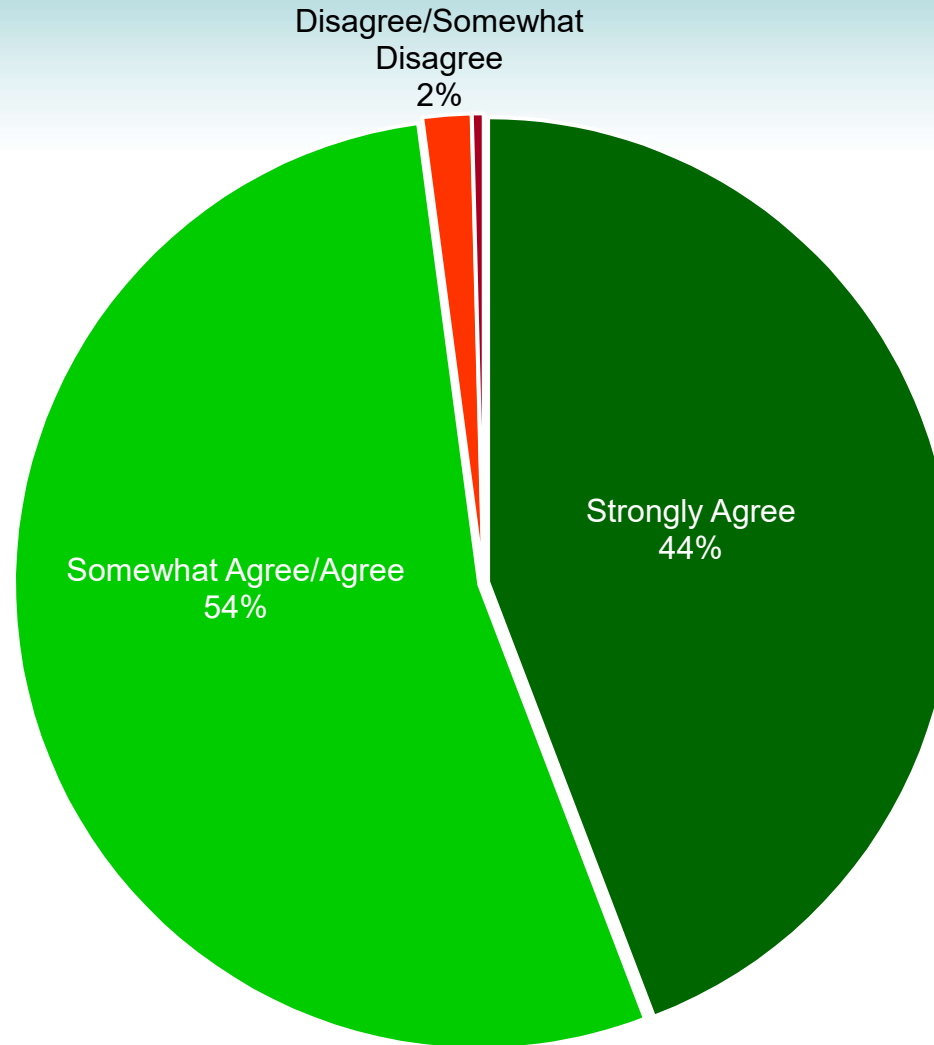


Q30. I understand my personal responsibilities and the organisation's responsibilities in relation to Health and Safety.



Negative 7%
Positive 93%

Q31. I understand my personal responsibilities and the organisation's responsibilities in relation to Data Protection.



Negative 2%

Positive 98%



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Employee Health and Well Being Strategy



Introduction

1. The importance of employee health and well-being has become more widely recognised in the UK in recent years. Whilst it remains critical that we protect employees from the risk of unsafe working practices, the complex changes in the world of work and in society at large mean that individuals can now be at risk from other organisational and wider environmental pressures that can lead to psychological and physical harm.
2. At South Hams/West Devon, the past few years have seen unprecedented change in the way we work; with a significant reduction in the number of people, big changes in technology, innovation in the way we design and manage our teams and a greater emphasis on how, when and where we do work rather than a simple focus on what we do.
3. This Health and Well-Being Strategy is a commitment to create a working environment and culture that allows our people to flourish and achieve their full potential for the benefit of themselves and our organisation.
4. The Strategy brings together the policies, practices and activities that promote health and well-being and is a starting point for identifying new initiatives that will help us become a better organisation to work for.

Our Approach – the 4 territories of health and well-being

5. Our model identifies four inter-related territories of employee health and well-being. Each territory has supporting components and, in turn, policies, practices, activities and initiatives that demonstrate and deliver our commitment to promoting an organisation focussed on the health and well-being of its people.
6. The model is a framework and should not be seen as exhaustive. Indeed, a large part of employee well-being is giving people the opportunity to bring forward ideas and suggestions to improve our work, both in terms of the way we deliver services through system and processes and also how we create the sustainable working environment that promotes health and well-being and protects our people from wider physical and psychological risks inherent in the modern world.
7. There is a large degree of inter-dependency and overlap between the territories and supporting components. For example, strong and effective line management should be a feature that runs through many of the components as it is not only central to the effective management of performance and absence but also a core enabler of effective employee voice and personal growth.
8. The Health and Well-Being Community of Practice has responsibility for the formulation of a delivery plan to meet the commitments in this strategy.

The Four Territories of Employee Health and Well-Being



Health – physical health, physical safety and mental health



Employee Health and Well Being Strategy



We will promote the physical health of our people by:

- Creating a Healthy Living group to champion and promote activities
- Hosting medical screening events at our worksites hosted by our leisure partners
- Use Learning Pool to send out a schedule of healthy living messages
- Promote healthy living initiatives through Learning Pool, such as healthy eating, alcohol and tobacco awareness, fitness
- Referrals to Occupational Health
- Effectively managing absence

We will promote the physical safety of our people by:

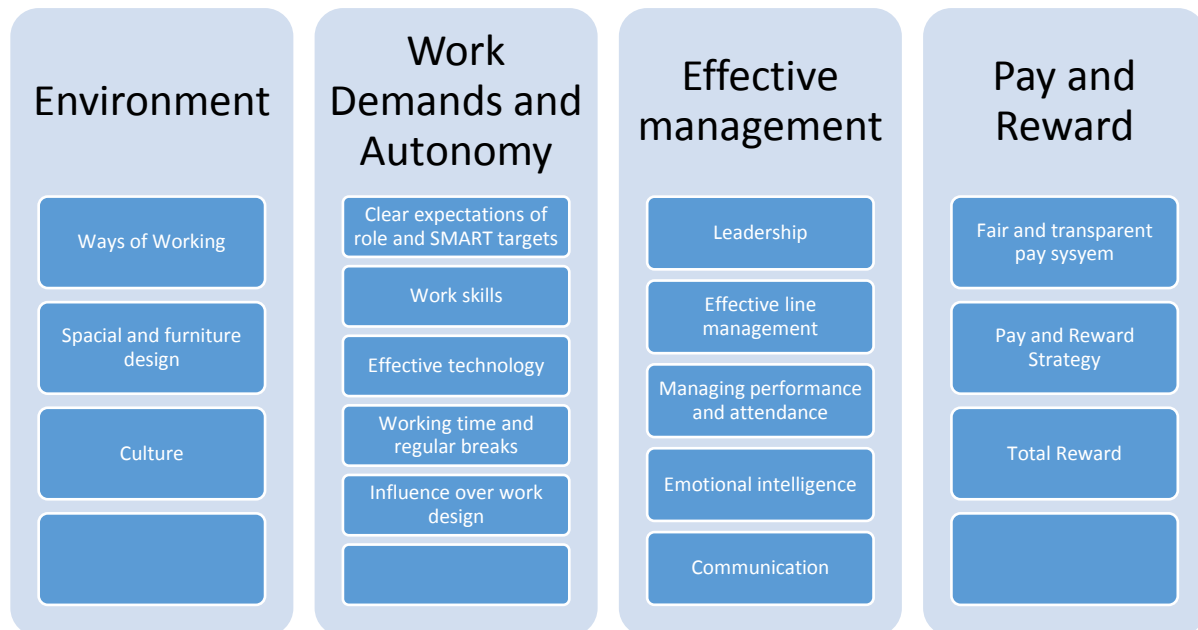
- Adopting safe working practices throughout the organisation
- Carrying out and keeping under review risk assessments wherever necessary
- Providing all necessary safety training
- Providing all necessary personal protective equipment (PPE)
- Adopting safe working practices for lone and agile workers

We will promote the mental health of our people by:

- Providing a self-referral counselling service
- Providing open access to a range of advisory and counselling services through an Employee Assistance Programme (EAP)
- Promote mental health initiatives and provide access to information and support
- Build resilience by providing access to relevant training on coping with change, mindfulness and building resilience
- Ensure all line managers understand the causes and can identify early signs of workplace stress and can signpost to support

Employee Health and Well Being Strategy

Work – working environment, work demands & autonomy, effective management and pay & reward



We will promote well-being in the working environment by:

- Adopting flexible working practices that enable our people to strike a good work-life balance
- Providing working spaces and furniture at our main offices that are ergonomically designed
- Encourage regular breaks from working in front of a screen
- Promote the effective use of communal space and support a culture where people foster positive working relationships

We will empower our people in their job by:

- Setting clear expectations about performance
- Setting SMART targets that enable success to be measured
- Providing the opportunity to acquire and retain the necessary key work skills through a comprehensive mixed delivery learning and development programme
- Providing effective technology to support efficient working
- Encouraging challenge to way work is designed and listening to ideas to for continuous improvement

We will effectively manage our people by:

- Displaying strong corporate leadership
- Equipping line managers with the right tools and skills to be effective
- Managing performance and attendance consistently and fairly
- Ensuring there are regular and accessible channels of communication
- Instilling emotional intelligence in our interaction with people

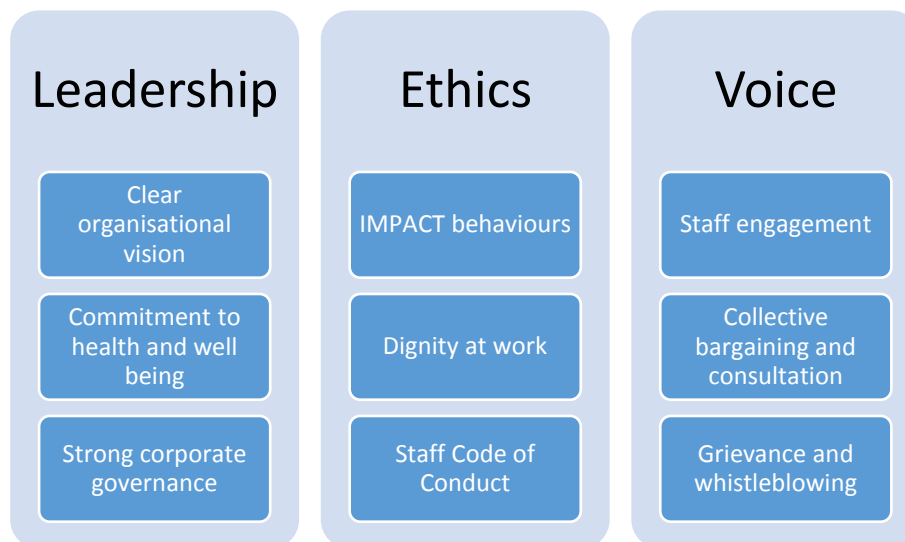
We will reward our people by:

- Maintaining a fair and equitable pay system and structure

Employee Health and Well Being Strategy

- Publishing an annual Pay and Reward Strategy
- Developing a Total Reward approach and including components that employees value

Values – leadership, values and employee voice



We will provide strong leadership by:

- Developing a strong corporate vision that everyone understands and can buy into
- Developing strong governance arrangements
- Committing to the health and well-being of our people

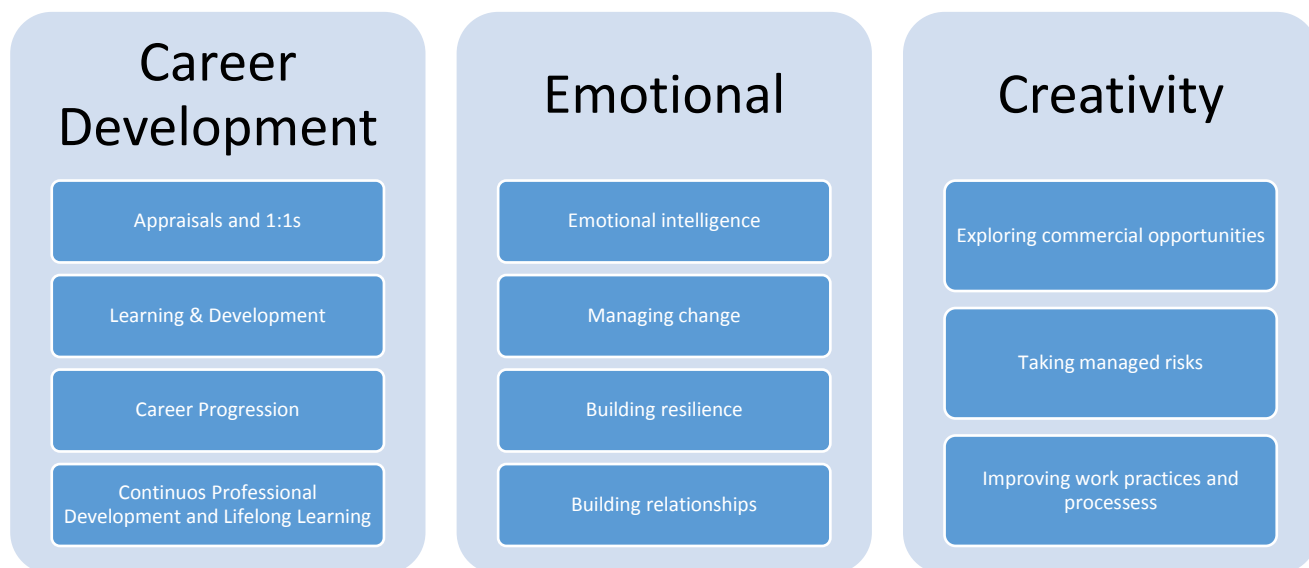
We will build a strong ethical base for our organisation by:

- Continuing to work with the IMPACT behavioural framework
- Developing a Staff Code of Conduct so that all our people understand expected behaviour and conduct
- Supporting the right to dignity at work for all

We will give our people a strong voice at work by:

- Being committed to strong employee engagement through staff briefings, e-communication
- Holding an open and honest staff survey each year and tracking our progress against issues raised
- Supporting local and national collective bargaining and understanding the important role played by recognised trade unions in employee relations
- Supporting a Staff Forum
- Consulting on proposals that have significant impact on working lives
- Removing all barriers to our people reporting wrongdoing (Whistleblowing) or raising grievances

Personal Growth – career development, emotional well-being and creativity



We will support the career development of our people by:

- Making sure everyone has a meaningful annual performance appraisal
- Making sure everyone has regular 1:1 discussions with their line manager
- Making sure everyone receive regular and constructive feedback on their performance
- Providing access for everyone to professional, personal and elective learning and development opportunities to promote continuous development
- Wherever possible, opening up vacancies to internal candidates to encourage career development and progression
- Wherever possible offer opportunities to act up into a more responsible or different role
- Wherever possible, offer secondment opportunities

We will support people's emotional well-being by:

- Embracing the concept of emotional intelligence to understand individual need when managing and interacting with people
- Equip people to manage change constructively
- Equip people to build resilience in the workplace and in their personal lives
- Equip people to build, retain and develop effective and positive working relationships

We will encourage people to be creative and innovative at work by:

- Providing opportunities to explore commercial opportunities
- Supporting the taking of managed risks in service delivery
- Listening to suggestions for improvements in work processes and practices
- Reward innovation that improves customer service

June 2017

Report to: **Overview & Scrutiny Panel**
Date: **24 August 2017**
Title: **Ombudsman Annual Review Letter 2017**
Portfolio Area: **Portfolio Area: Customer First**
Wards Affected: **All**
Relevant Scrutiny Committee: N/A

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

Date next steps can be taken: **Executive 14.09.17**

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

Contact: **Email: Catherine.Bowen@swdevon.gov.uk**

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 necessary recommendations to the Executive.

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 also report 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 £810.00
- 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	22	22
2015/16	15	21
2014/15	27	19
2013/14	28	44

- 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. However, whilst there has been an increase in the number of complaints received by the Ombudsman (increase of 7 on last year) the number of cases decided by the Ombudsman is similar to last year. The number of complaints where the Ombudsman has found fault has increased from 3 to 5 (but this includes findings of partial fault).
- 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 five of those complaints (and some only in part). 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, and the number of upheld complaints are fairly consistent with last year's figures (where there was a significant reduction on previous year's figures). It is considered that this continues to build on the implementation of the new corporate complaints policy introduced in 2015 which sets out a clear and consistent two-stage process across the Councils for considering complaints.

4.2. A further factor in the reduction in the number of complaints referred to the Ombudsman can be attributed to the complaints-handling training undertaken by officers across the Authority which has resulted in a more proactive approach by officers, with the aim of remedying any faults found in line with the Ombudsman's guidelines. Further officers have attended Ombudsman training in July this year. The LGO has produced an online manual for officers to refer to when dealing with complaints and this has been circulated widely across the Council.

4.3. It is recommended that the Council continues to embed the corporate complaints policy across the Council and endeavour to resolve complaints at a local level, and implement the learning outcomes to enable even further improvements.

5. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	<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 & Scrutiny Panel is responsible for having an overview of complaints handling and for an overview of Ombudsman complaints, and the Ombudsman Annual Review Letter is an important part of that process.</p> <p>The decisions in respect of each case are provided to the relevant service in order that any recommendations made</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 £810.00.</p> <p>There are resource implications in the officer time spent in dealing with the complaint in both the initial stages under the Council's internal complaints policy as well as the resources required in responding to the Ombudsman complaint, but it is not currently possible to quantify this time.</p>
Risk		<p>It is important that the Council is aware of the number and type of complaints made to the Ombudsman together with the outcomes and lessons learnt.</p> <p>Whilst it is not possible to eliminate complaints, it is possible to manage the complaints efficiently and learn from the outcomes of these complaints to mitigate the risk of recurrence and deliver service improvements.</p>
Comprehensive Impact Assessment Implications		
Equality and Diversity		This has been considered in the Complaints policy and within the individual complaint's where relevant
Safeguarding		N/a
Community Safety, Crime and Disorder		N/a
Health, Safety and Wellbeing		N/a
Other implications		

Supporting Information

Appendices:

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

Appendix B: Table of South Hams District Council's Ombudsman Complaints for 2016 – 2017

Background Papers

None

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20 July 2017

By email

Sophie Hosking
Executive Director
South Hams District 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

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

Yours sincerely



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
1	3	5	0	1	0	0	12	0	22

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Decisions made

				Detailed Investigations			
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate	Total
0	0	9	7	0	5	100%	21

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
5	0

	Reference	Authority	Category	Received
1	15018454	South Hams District Council	Benefits & Tax	25-Apr-16
2	16000553	South Hams District Council	Planning & Development	14-Apr-16
3	16001511	South Hams District Council	Planning & Development	04-May-16
4	16001520	South Hams District Council	Planning & Development	04-May-16
5	16002415	South Hams District Council	Corporate & Other Services	20-May-16
6	16002502	South Hams District Council	Planning & Development	23-May-16
7	16002617	South Hams District Council	Corporate & Other Services	09-Jun-16
8	16003725	South Hams District Council	Planning & Development	15-Jun-16
9	16003836	South Hams District Council	Adult Care Services	06-Sep-16
10	16004314	South Hams District Council	Planning & Development	24-Jun-16
11	16004840	South Hams District Council	Benefits & Tax	06-Jul-16
12	16005207	South Hams District Council	Environmental Services & Public Protection & Regulation	12-Jul-16
13	16008331	South Hams District Council	Benefits & Tax	06-Feb-17
14	16008599	South Hams District Council	Corporate & Other Services	14-Sep-16
15	16009150	South Hams District Council	Corporate & Other Services	23-Sep-16
16	16010173	South Hams District Council	Planning & Development	12-Oct-16
17	16010687	South Hams District Council	Planning & Development	24-Oct-16
18	16010798	South Hams District Council	Corporate & Other Services	25-Oct-16
19	16011525	South Hams District Council	Planning & Development	07-Nov-16
20	16012286	South Hams District Council	Planning & Development	21-Nov-16
21	16014898	South Hams District Council	Planning & Development	16-Jan-17
22	16019458	South Hams District Council	Planning & Development	30-Mar-17

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Reference	Authority	Category	Decision		Remedy	
			Date	Decision		
1	15008441	South Hams District Council	Benefits & Tax	12-Jul-16	Upheld	Financial Redress
2	15016653	South Hams District Council	Planning & Development	25-Jul-16	Upheld	Financial Redress
3	15018454	South Hams District Council	Benefits & Tax	16-May-16	Referred back for local resolution	Null
4	15019051	South Hams District Council	Corporate & Other Services	21-Oct-16	Upheld	Apology,Financial Redress
5	15020621	South Hams District Council	Planning & Development	28-Apr-16	Referred back for local resolution	Null
6	16000553	South Hams District Council	Planning & Development	16-May-16	Closed after initial enquiries	Null
7	16001511	South Hams District Council	Planning & Development	17-Oct-16	Upheld	Apology
8	16001520	South Hams District Council	Planning & Development	01-Jun-16	Closed after initial enquiries	Null
9	16002415	South Hams District Council	Corporate & Other Services	13-Jun-16	Referred back for local resolution	Null
10	16002502	South Hams District Council	Planning & Development	24-Jun-16	Closed after initial enquiries	Null
11	16002617	South Hams District Council	Corporate & Other Services	25-Aug-16	Upheld	New appeal/review
12	16003725	South Hams District Council	Planning & Development	06-Jul-16	Referred back for local resolution	Null
13	16003836	South Hams District Council	Adult Care Services	03-Oct-16	Closed after initial enquiries	Null
14	16004314	South Hams District Council	Planning & Development	20-Jul-16	Referred back for local resolution	Null
15	16004840	South Hams District Council	Benefits & Tax	25-Aug-16	Closed after initial enquiries	Null
16	16005207	South Hams District Council	Environmental Services & Public Protection & Regulation	12-Jul-16	Referred back for local resolution	Null
17	16008599	South Hams District Council	Corporate & Other Services	21-Oct-16	Closed after initial enquiries	Null
18	16009150	South Hams District Council	Corporate & Other Services	21-Oct-16	Closed after initial enquiries	Null
19	16010173	South Hams District Council	Planning & Development	13-Oct-16	Referred back for local resolution	Null
20	16010687	South Hams District Council	Planning & Development	24-Oct-16	Referred back for local resolution	Null
21	16011525	South Hams District Council	Planning & Development	17-Nov-16	Referred back for local resolution	Null

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

	Ref	Category	Brief Description	Decision date	Decision	Decision Details	Learning Outcomes
1	15 019 051	Corporate	Complainant alleged Councillor used inside knowledge inappropriately	21/10/2016	Fault	Councillor requested to apologise and to pay £500 to complainant for uncertainty resulting from his actions.	Councillor has attended a briefing with Head of Paid Service and Monitoring Officer together with one-to-one training with Monitoring Officer.
2	15 008 441	Revs and Bens	Council accused of dealing incorrectly with council tax reduction and caused delays processing housing benefit claims . The Council acknowledged some poor service and offered £100 goodwill ex-gratia at stage 2 review.	12/07/2016	Partial fault	Fault by the Council in how it dealt with request for information, failing to identify council tax reduction and how it dealt with the issue of overpayment. Recommended payment of £160.00 against overpayment.	New systems and altered ways of working have reduced risk of a repetition of this error.
3	16 000 553	Assets	Complaints about the park at Dartmouth and complaints about how officers dealt with this matter.	16/05/2016	Not investigating	Partly outside jurisdiction and partly alleged injustice is not sufficient to warrant investigation	N/a
4	15 020 621	Enforcement	Complainant dissatisfied with stage 1 response about an enforcement issue and requested a stage 2 review. Acceptable action agreed with Complainant but nothing further happened.	19/04/2016	Premature	Council to complete the stage 2 complaint and agreed actions. Complainant did not return to Ombudsman	Further work continuing on ensuring that enforcement process is followed.

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

5	15 016 653	Planning	Complainant felt Council failed to determine neighbour's planning application properly - particularly with regards to effect on complainant's property	25/07/2016	Some fault	Some fault found as Officer used Google Map to determine distance. £150 to pay for uncertainty to complainant but the outcome not altered by correct distance	Correct procedure reemphasised to officers and DM have produced 'how to' guide to ensure right and consistent procedures followed
6	15 018 454	Revs and Bens	Allegation that student discount was not properly applied	16/05/2016	Premature	Council completed stage 2 of complaint process and complainant did not return to Ombudsman	N/a
7	16 001 520	Planning	Complainant felt siting of planning notice was in the wrong place	01/06/2016	Not investigating	No evidence of fault	N/a
8	16 002 415	Enforcement	Illegal Gypsy & Traveller site near home impacting on selling property	13/06/2016	Premature	Stage two response offered various solutions, but property was sold before any further action required	
9	16 002 502	Planning	Complainant felt Council had failed to properly investigate his complaints about how a planning decision was reached	24/06/2016	Not investigating	Complainant had already appealed to the Planning Inspector	N/a
10	16 003 836	Parking	Allegations that the Council was at fault for introducing parking charges for tax exempt vehicles in car parks.	03/10/2016	Not investigating	Council had already reviewed its initial consultation and determined it was not comprehensive enough - therefore Council re-ran the consultation. Complainant received a free parking permit.	Review of consultation and how to ensure that we reach people most impacted by potential changes.

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

11	16 001 511	Enforcement	Council has taken no action to enforce removal of patio at rear of neighbouring property	18/10/2016	Partial fault	Already remedied by apology given by Council during complaints process	N/a
12	16 003 725	Enforcement	Complainant felt Council should investigate reason for delay in responding to her complaint and pursue the possible planning breach notification	06/07/2016	Premature	Council to proceed with stage 2. This was done and complainant did not return to Ombudsman	Greater communication and review of Enforcement
13	16 002 617	Councillor Standards	Complainant unhappy with behaviour of a district councillor and also unhappy with the way the standards complaint was investigated	25/08/2016	Fault causing injustice - accepted Council's suggested remedy	During review of standards complaint investigation, Council became aware of oversight in that Independent Person possibly knew complainant. Offered to re-run investigation into standards complaint. Remedy accepted by Ombudsman	Filing systems reviewed to mitigate against this error recurring.
14	16 004 314	Enforcement	Enforcement issues outstanding with property causing it to be uninhabitable	20/07/2016	Premature	Council continues to pursue this enforcement issue	N/a
15	16 004 840	Revs and Bens	Complainant felt Council dealt badly with his council tax account	26/08/2016	Not investigating	No evidence of fault, plus complainant has already appealed against Council Tax decisions	N/a
17	16 009 150 & 16 009 599	Councillor Standards	Complainant alleged the Monitoring Officer was not impartial, had not assessed the evidence. Also refused alleged that the Council failed to investigate Parish Councillors during election	21/10/2016	Not investigating	Standards Complaint: no grounds for an investigation Election Complaint: no evidence found to criticise District Council's decision not to investigate	N/a

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

19	16 011 525	Planning	Complaint about lack of service, and about housing development in local area	17/11/2016	Premature	Stage one concluded, no further contact with Ombudsman	N/a
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Report to: **Overview & Scrutiny Panel**
Date: **24 August 2017**
Title: **Regulation of Investigatory Powers Act 2000 (RIPA) Policy and update**
Portfolio Area: **Support Services**
Wards Affected: **All**
Relevant Scrutiny Committee: N/A

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

Date next steps can be taken: **Executive 14.09.17**
(e.g. referral on of recommendation or implementation of substantive decision)

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

Contact: Catherine.Bowen@swdevon.gov.uk

Recommendations:

- 1. To recommend to the Executive that the guidance on Social Networking Sites in investigations (Appendix B) is approved and included in the Council's RIPA policy**
- 2. The Panel notes that there have been no RIPA Authorisations in the last three years, and makes any necessary recommendations to the Executive.**

1. Executive summary

- 1.1. The purpose of this report is to:
 - 1.1.1. review the Council's RIPA policy and approve guidance on Social Networking Sites in investigations
 - 1.1.2. update Members on the use of RIPA, and
 - 1.1.3. report on the role of the Office of Surveillance Commissioners (OSC)
 - 1.1.4. report on training for officers
- 1.2. The Regulation of Investigatory Powers Act 2000 (RIPA) was designed to regulate the use of investigatory powers, and its effect is that formal

authorisation must be obtained before carrying out certain surveillance, monitoring and other evidence gathering activities. RIPA ensures that the right balance is achieved between public interest and individual human rights.

- 1.3. RIPA requires the Council to have in place procedures to ensure that when required, surveillance is seen as necessary, proportionate and is properly authorised. These procedures are set out in the RIPA Policy attached to this report (Appendix A) and they are designed to protect the Council against a claim of a breach of Article 8 of the Human Rights Act if correctly followed (right to respect for private and family life, home and correspondence).
- 1.4. RIPA also requires the Chief Surveillance Commissioner to keep under review the use of RIPA by local authorities, and this is carried out by inspectors from the OSC. Historically these reviews were carried out by an Inspector's visit to all local authorities every three years, but given the reduction in the number of RIPA authorisations by local authorities, the OSC has changed the inspection regime, and visits are no longer automatic.
- 1.5. The Chief Surveillance Commissioner is now applying a more flexible approach to RIPA inspections to ensure compliance with RIPA. The Council was due a visit in August 2017 (the previous inspection having been carried out in August 2014) but this has been carried out this year by the completion of a questionnaire and submission of relevant documentation. The Inspector will send a report based on the information we have supplied in due course and a further report will be brought back to the O&S Panel.

2. RIPA Policy

- 2.1. The Council's RIPA Policy is attached at Appendix A. It was amended following the last OSC visit in 2014 to reflect the minor amendments recommended by the Inspector, and to also reflect changes to the Authorising Officers following the appointment of the current Senior Leadership Team.
- 2.2. The previous Inspector confirmed that (subject to the above minor amendments made at the time) the Policy is comprehensive and very clear and no further amendments have been made at this time. The 2017 Inspector's report may make recommendations on any updates that he considers are necessary (see 1.5 above) but if this is the case, a further report will be brought to Overview & Scrutiny.
- 2.3. The previous Inspector recommended that the Council adopts guidance on the use of Social Networking Sites for RIPA investigations and a draft is attached at Appendix B to this report for Members' approval. The approved version will form Annex B to the Council's RIPA Policy to ensure all of the policy documentation is accessible in one document.

3. RIPA activity

- 3.1. No RIPA authorisations have been applied for, or granted, in the three years since the inspection in August 2014.
- 3.2. The reasons are due a combination of factors, including the fact that for local authorities, the only statutory reason for a RIPA authorisation is for the purposes of preventing or detecting a criminal offence where that offence is punishable by a minimum term of at least 6 months imprisonment. The OSC also cite reduced resources, greater access to data-matching and overt, rather than covert, law enforcement.

4. OSC report

- 4.1. The OSC is responsible for reviewing RIPA activity and monitoring compliance with RIPA and previously had a three-year inspection programme for councils. On this basis, the Council was due a visit in August 2017. As set above, the OSC recognise that, for a variety of reasons, local authorities have granted fewer RIPA authorisations with many councils not having granted any authorisations over the last three years. The OSC can therefore elect to review a Council's RIPA activity through a questionnaire, submission of documents and details of training undertaken by relevant officers. This is the case for South Hams, and a report is awaited from the Inspector in due course. It is likely that the Inspector will make recommendations in the same way that he has made recommendations following a visit, and a further update will be brought to Members once that has been received.

5. Training

- 5.1. The Senior Leadership Team (the Authorising Officers) together with the Monitoring Officer, and officers who would be responsible for carrying out any RIPA investigations, attended RIPA training in February this year. The training covered a wide range of issues including the following:
 - Why RIPA?
 - RIPA and Local Authorities
 - Surveillance
 - CHIS
 - Communications Data
 - Role of authorising officers
 - Necessity and proportionality
 - Judicial Approval
 - Social Networks
 - The Investigatory Powers Act 2016
- 5.2. As the Council has not made any RIPA applications in the previous three years, (unless recommended otherwise by the OSC Inspector) further training will only be required when we appoint new Authorising or Investigating Officers or as a refresher to those currently trained officers. This will be built into the Councils' developing training programmes.

6. Outcomes/outputs

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

7. Options available and consideration of risk

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

8. Proposed Way Forward

- 8.1. To consider the current Policy attached at Appendix A. Pending the OSC Inspector's report, no amendments are recommended at this time save for the approval of the guidance for Social Networking Sites investigations to be added as Annex B to the Policy.

9. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Council's duties for covert surveillance are set out in RIPA and these requirements are reflected in the Council's RIPA Policy at Appendix A. The Home Office guidance on covert surveillance recommends that Members should review the RIPA policy annually, and regularly consider reports on the use of RIPA. Reports on the use of RIPA will be brought to O&S if the Council grants any authorisations.
Financial	N	There are no direct financial implications to this report.
Risk	Y	Adoption of (and compliance with) a RIPA policy will minimise any risk to the Council of breaches of the Human Rights Act in any future investigations involving covert surveillance. Regular review of Policy and RIPA use, together with reporting to O&S will

		further mitigate that risk and ensure consistent application of the policy.
Comprehensive Impact Assessment Implications		
Equality and Diversity		There are no direct implications to this report but these issues are considered in each individual application and RIPA authorisation
Safeguarding		There are no direct implications to this report but these issues are considered in each individual application and RIPA authorisation
Community Safety, Crime and Disorder		There are no direct implications to this report but these issues are considered in each individual application and RIPA authorisation
Health, Safety and Wellbeing		There are no direct implications to this report but these issues are considered in each individual application and RIPA authorisation
Other implications		N/a

Supporting Information

Appendices:

Appendix A: RIPA Policy

Appendix B: Guidance on the use of Social Networking Sites for RIPA investigations

Background Papers:

None

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

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

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Introduction

Overview

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

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

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

What is this document for and why is it needed?

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

Article 8 of the European Convention on Human Rights provides:

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

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

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

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

In simple terms, RIPA requires the Council to have in place procedures to ensure that when required, surveillance is seen as necessary and is properly authorised. Surveillance is usually a last resort that an investigator will use to prove or disprove an allegation. RIPA sets out a statutory mechanism for authorising covert surveillance and the use of covert human intelligence sources (see below). RIPA seeks to ensure that any interference with an individual's rights under Article 8 is necessary and proportionate and that, therefore,

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

What is meant by necessary?

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

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

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

What is meant by proportionate?

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

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

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

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

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

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

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

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

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

Do we need to follow these rules?

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

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

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

What is the relevant legislation?

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

Authorisation may only be granted if it is necessary for the reason permitted by RIPA. For local authorities the only statutory reason is **for the purposes of preventing or detecting a criminal offence where that offence is punishable (whether on summary or indictment) by a minimum term of at least 6 months imprisonment.**

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

What is the Council's Policy on RIPA?

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

Copies of the Codes of Practice are available on the Home Office site: www.homeoffice.gov.uk. These are:

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

When will this document be reviewed?

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

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

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

The RIPA Co-ordinating Officer is responsible for the RIPA Policy, the Central Register of authorisations, and for making regular reports on the use of RIPA to the Councils' Scrutiny Committees.

How do I find out more?

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

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

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

Surveillance

What is Surveillance?

“Surveillance” includes

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

Surveillance can be overt or covert.

Overt Surveillance

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

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

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

Overt surveillance does not require authorisation under RIPA.

Covert Surveillance

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

Covert surveillance does require authorisation under RIPA.

What are the different types of covert surveillance?

RIPA regulates two types of covert surveillance:

- Directed Surveillance, and
- Intrusive Surveillance;

RIPA also regulates the use of Covert Human Intelligence Sources.

Directed Surveillance

Directed surveillance is defined as surveillance which is:

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

Intrusive surveillance

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

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

It is important to get this right because:

COUNCIL OFFICERS CANNOT CARRY OUT INTRUSIVE SURVEILLANCE

Covert Human Intelligence Sources

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

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

A person is a Source if he/she:

- establishes or maintains a covert personal or other relationship for the purposes of:

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

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

Interception of Communications

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

These are:

In the course of normal business practice

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

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

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

Interception with the consent of both parties.

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

Interception with the consent of only one of the parties.

Such interception would require RIPA authorisation because it would fall within the definition of surveillance (either directed or using a Source). The main type of interception envisaged here is the recording of telephone calls where either the caller or the receiver has given consent to the recording.

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

Interception without the consent of either of the parties

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

Procedures

What is the procedure for obtaining authorisation under RIPA?

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

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

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

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

The Standard Forms are available from the Home Office web-site www.homeoffice.gov.uk

Directed Surveillance

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

Use of a Source

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

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

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

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

Who is the Senior Responsible Officer?

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

What are my duties?

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

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

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

The Application

The application for authorisation is the responsibility of the Investigating Officer

What do I need to do?

You will need to consider:

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

These are discussed in more detail below.

What do I need to consider?

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

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

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

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

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

Authorisation may only be granted if it is necessary for the reason permitted by RIPA. For local authorities the only statutory reason is **for the purposes of preventing or detecting a criminal offence where that offence is punishable (whether on summary or indictment) by a minimum term of at least 6 months imprisonment.**

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

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

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

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

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

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

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

- **Consideration: Surveillance from private premises**

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

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

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

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

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

How do I apply?

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

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

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

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

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

What if authorisation is urgent?

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

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

Monitoring

How long will an authorisation last for?

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

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

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

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

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

During the surveillance, you should ensure:

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

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

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

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

What do I do if circumstances change during the investigation?

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

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

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

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

Renewals

Why are renewals important?

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

What should I do?

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

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

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

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

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

Cancellations

Why are cancellations important?

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

How do I cancel an authorisation?

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

Authorising Officer Responsibilities under RIPA

The Approval

Who are the Authorising Officers?

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

If the investigation may involve the acquisition of confidential or religious material, or require an authorisation for using juveniles or vulnerable persons as sources, the Authorising Officer is, by law, the Chief Executive (or in his absence one of the Corporate Directors).

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

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

What are my responsibilities?

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

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

What do I need to consider?

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

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

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

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

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

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

Consideration: The risk of collateral intrusion

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

Consideration: confidential material

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

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

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

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

Consideration: Safety and welfare arrangements of a Source

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

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

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

Consideration: local community

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

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

What do I do if I have refused the application?

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

What do I do if I have approved the application?

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

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

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

What do I do if the authorisation is urgent?

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

What do I do with the completed form?

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

Monitoring

How long will an authorisation last for?

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

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

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

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

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

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

You will regularly monitor the surveillance to ensure:

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

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

Renewals

Why are renewals important?

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

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

What are my responsibilities in respect of renewals?

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

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

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

The outcome of a consideration for renewal may lead to:

- Approval
- A new application
- Refusal

Approval

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

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

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

A new application for authorisation

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

Refusal

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

What do I do with the completed form?

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

Cancellations

Why are cancellations important?

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

What are my responsibilities in respect of cancellations?

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

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

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

What do I do with the completed form?

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

Working with or through other Agencies

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

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

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

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

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

Record-Keeping

What records must I keep?

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

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

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

How long must I keep these records?

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

How should the records relating to a Source be maintained?

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

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

How should material be handled and stored?

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

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

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

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

What about confidential material?

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

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

Complaints

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

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

Investigatory Powers Tribunal
PO Box 33220
London
SW1H 9ZQ

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

Annex

AUTHORISING OFFICERS

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

EXECUTIVE DIRECTOR (Service Delivery & Commercial Development) –

Sophie Hosking

COMMERCIAL SERVICES GROUP MANAGER – Helen Dobby

CUSTOMER FIRST & SUPPORT SERVICES GROUP MANAGER – Steve

Mullineaux

BUSINESS SUPPORT GROUP MANAGER – Darren Arulvasagam

NB. Only the Executive Director has the authority to grant authorisation for the acquisition of confidential information or where the authorisation would involve juvenile or vulnerable CHIS.

SENIOR RESPONSIBLE OFFICER

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

EXECUTIVE DIRECTOR (Strategy & Commissioning) - Steve Jordan

RIPA CO-ORDINATING OFFICER

Legal Specialist – Becky Fowlds

ANNEX B to RIPA Policy

Guidance on the use of Social Networking Sites for investigations

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

Social Networking Sites

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

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

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

1. It is not possible to provide a definitive list of social networking sites, so this should be taken to mean any site which involves individuals creating a profile which contains personal information and is viewable by others, whether accepted as 'friends' or otherwise. This might include sites such as 'Facebook' and 'LinkedIn'
2. As the definition of 'private information' under RIPA includes:

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

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

3. If an allegation is received or, as part of an investigation into an individual, it is necessary to view their social networking site, officers may access the main page of the individual's profile once in order to take an initial view as to whether there is any substance to the allegation or matter being investigated.

4. The initial viewing must be reasonable – for example, it would not be reasonable to spend any significant amount of time searching through various pages of the individual's profile or to print out several pages just in case they may reveal something useful.

5. In some cases where, for example, a link to a site is provided by a complainant, it may be relevant for the receiving officer to view the link before passing it onto the investigating officer to also view. This would count as one viewing. However, it would not be reasonable for each officer in a team to view the site in turn so that they may each gather some information.

6. Each single viewing of an individual's social networking site must be recorded on the log maintained by Legal Services (RIPA Co-ordinating Officer). This is to enable the reporting of the number of viewings to the Overview & Scrutiny Committee of each Council.

7. If it is considered that there is a need to monitor an individual's social networking site, authorisation must be obtained from an Authorising Officer.

8. If the offence being investigated falls under RIPA, a formal RIPA application must be completed, authorised by one of the Councils' Authorising Officers and then approved by a Magistrate.

9. If the offence being investigated falls outside of RIPA (for example if the offence does not carry a custodial sentence of at least 6 months imprisonment or is not a core function of the council) a non-RIPA form must be completed. General guidance on RIPA and appropriate forms can be found on the Councils' Intranet and in the main RIPA Policy document.

Report to: **Overview and Scrutiny**
Date: **24th August 2017**
Title: **Annual review of Health and Safety Policy**
Portfolio Area: **Strategy and Commissioning**
Wards Affected: **All**
Relevant Scrutiny Committee: Overview and Scrutiny

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

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

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

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

Recommendations:

1.To recommend to Full Council to adopt the revised policy and that it is signed by the Head of Paid Service and the Leader of the Council

1. Executive summary

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

- 1.4 The only significant change in the policy is in 4.7 and Appendix B (Section 2)(of the Policy) the substitution of the Harbour Master for the Community of Practice Lead for Assets, in respect of responsibilities relating to health and safety and marine safety at Salcombe harbour and the lower ferry.
- 1.5 The wording in 5.1.1 has also been amended to provide greater clarity.
- 1.6 The attached Appendix B provides an update on progress against a programme of work related to achieving compliance with health and safety requirements. There has been significant progress over the last 18 months to ensure that the Council is compliant with its legal obligations and aspires to promote good practice in the organisation.

2. Background

- 2.1 The Council is required to have a written health and safety policy under the Health and Safety at Work Act 1974. The Policy is an important document to set the responsibility for the health and safety of staff in the Council's employment and those persons effected by its activities. The Policy covers the entire range of Council Services.
- 2.2 The Policy is supplemented by a number of Safety Codes dealing with specific issues relevant to particular Service Groups and/or activities, e.g., Work at Height, Working Alone, Incident Reporting, etc. These Codes will have the same status as the Policy
- 2.3 The Policy adopts a sensible approach to managing risk which reflects best practice and is based on integrated management principles enabling the Council to achieve a correct balance in managing health and safety as part of an overall risk management
- 2.4 The Policy should be reviewed annually and revised to include any significant changes
- 2.5 The Council carried out a GAP analysis of its health and safety provision in January 2016 and identified a number of areas that required improvement to ensure compliance with its obligations under the Health and Safety at Work Act 1975
- 2.6 The Council established a work programme to carry out a number of actions across all Council areas. This included the updating of risk assessments, method statements , policies , guidance material and training.
- 2.7 This approach has been successful with a significant amount of progress being achieved to ensure compliance with health and safety requirements. The focus of the programme is now on audit

and improving best practice and to improve the health and safety culture of the organisation and enable continuous improvement.

- 2.8 The status of health and safety compliance is regularly communicated to the senior leadership team and is reviewed quarterly as part of the corporate risk register.
- 2.9 The Council is also implementing a health and wellbeing strategy with the intention of supporting staff health and wellbeing through areas such as health, personal growth, values and work. This will involve for example wider access to e-learning, effective staff engagement and access to counselling services.

3. Outcomes/outputs

- 3.1 The Council is required to have a Health and Safety Policy agreed by senior management and members, signed off by the Head of Paid Service and the Leader of the Council
- 3.2 The work carried out over the past 18 months is summarised in Appendix B – the health and safety work programme. The work is supervised by the Internal Health and Safety Community of Practice (CoP) , a group of officers from across the Council who are responsible for the delivery of health and safety control measures.
- 3.3 The future work programme will be informed by the internal health and safety audit and an aspiration to demonstrate continual improvement and good practice.

4. Options available and consideration of risk

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

5. Proposed Way Forward

- 5.1 The Council should agree the revised Health and Safety Policy and continue to review it on an annual basis and/or when significant changes occur.
- 5.2 The Internal Health and Safety CoP should provide a basis for integrating health and safety into its management structure and achieve continuous improvement in health and safety standards.

6. Implications

Implications	Relevant to	Details and proposed measures to address
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	proposals Y/N	
Legal/Governance	Y	Health and Safety at Work etc Act 1974 The Policy conforms to the 2013 HSE guidance in order to ensure that the Council is legally compliant. Accordingly, the Policy needs to be formally adopted by the Council.
Financial	Y	Achieving legal compliance requires the Council's officers to actively engage in carrying out health and safety responsibilities intrinsic to their job role. The cost will be officer time which is accounted for within existing budgets. Achieving best practice will require an ongoing commitment to continuously improve the health and safety management system which will add to the cost of officer time.
Risk		The potential cost of not achieving legal compliance includes: i HSE enforcement costs ii legal and court cost iii compensation costs iv loss of credibility.
Comprehensive Impact Assessment Implications		
Equality and Diversity		The Policy applies to all members of staff and has considerations of the effect of Council activities on non-employees. Effective management of health and safety should ensure that equality and human rights are not infringed.
Safeguarding		Indirect impact derived from suitable and sufficient risk assessment of activities associated with vulnerable groups
Community Safety, Crime and Disorder		No direct impact
Health, Safety and Wellbeing		As above, indirect impact on wellbeing derived from suitable and sufficient assessment of risk of work activities, e.g., lone working
Other implications		None

Supporting Information

Appendices:

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

B - Health and Safety work programme

Background Papers:

[under provisions of the Local Government Act 1972]

None

Process checklist	Completed
Portfolio Holder briefed	Yes/No
SLT Rep briefed	Yes/No
Relevant Exec Director sign off (draft)	Yes/No
Data protection issues considered	Yes/No
If exempt information, public (part 1) report also drafted. (Cabinet/Scrutiny)	N/A

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HEALTH AND SAFETY STATEMENT AND POLICY

Revisions

Version 1	September 2015
Version 2	November 2016
Version 3	July 2017

1. Statement of Intent

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

2. Policy

- 2.1 It is the policy of the Councils as employers that they will comply so far as is reasonably practicable, with the requirements of the Health and Safety at Work etc. Act 1974 and all other relevant statutory provisions.
- 2.2 This policy is supported by Codes of Practice that apply throughout the Councils and will have the same status as this policy. The Codes of Practice will reflect:
- minimum legal requirements
 - best practice.

- 2.3 The Councils will do all that is reasonably practicable to prevent personal injury and illness, loss and damage to premises, plant and equipment by:
- Appropriate assessment and management of risk for all activities and seeking to eliminate hazards and/or reduce risks;
 - ensuring appropriate competence of all employees in health and safety by the provision of information, instruction, training, supervision, management support and performance appraisal;
 - ensuring close co-operation and participation of management and staff through normal working relationships and consultation with employees.
- 2.4 The Councils will pursue the above aims by the implementation of the objectives at **Appendix A** and the three year safety plan.
- 2.5 The remainder of this document contains the following sections:
- Organisation and responsibilities
 - Arrangements for implementation
 - Objectives.

3. Policy Review

- 3.1 This policy will be reviewed annually, in consultation with the unions, by the Internal Health and Safety Service who will advise the Senior Leadership Team (SLT) on possible amendments
- 3.2 The Codes of Practice will be reviewed by the Internal Health and Safety Service as and when legislation changes, best practice dictates or when otherwise necessary.

4. Organisation and responsibilities

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

4.2 Head of Paid Service

- 4.2.1 The **Head of Paid Service** has overall responsibility to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all the Councils' employees and to ensure, so far as is reasonably practicable, the health and safety of others who work in and visit the Councils or may be affected by the Councils' activities.
- 4.2.2 The **Head of Paid Service** will include Health and Safety in his/her annual report to Council.

4.3 Group Managers

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

4.3.2 Community of Practice Lead Specialist- Environmental Health

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

4.4 Managers/supervisors

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

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

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

4.6 Employees

Employees shall:

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

4.7 Key staff with additional health and safety responsibilities

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

- Community of Practice Lead Specialist- Environmental Health
- Harbour Master

Comment [IL1]: Was Assets Cop lead

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

4.8 **Members of the Internal Health & Safety Virtual Community of Practice group (HSvCoP)**

- Membership of HSvCoP will consist of CoP Leads and Managers and other relevant persons
- The group will be a forum for discussion for Internal Health and Safety matters and responsible for developing and progressing health and safety awareness throughout the Councils.
- The group will identify and implement work programmes relating to internal health and safety, including a programme of auditing and review, and any other tasks arising to achieve compliance with regulatory requirements or best practice.
- A member of SLT will be in attendance. This will **enable** key decisions to be made or effectively escalated to SLT.
- This group will also be a point of contact for Union Representatives and Staff Forums.

Comment [IL2]: Changed from "allow"

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

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

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

5. **Arrangements for implementation**

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

5.2 **Strategic aims, objectives and three-year action plan**

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

This approach is designed to:

- a. address the health and safety implications of the various activities of the organisations;
- b. identify the hazards and assess the level of risk;
- c. apply the following general principles of prevention in the order shown:
 - avoiding risks;
 - evaluating the risks which cannot be avoided;
 - combating the risks at source;
 - adapting the work to the individual, especially as regards the design of workplaces, the choice of work equipment and the choice of working and production methods, with a view, in particular, to alleviating monotonous work and work at a predetermined work-rate and to reducing their effect on health;
 - adapting to technical progress;
 - replacing the dangerous by the non-dangerous or the less dangerous;
 - developing a coherent overall prevention policy which covers technology, organisation of work, working conditions, social relationships and the influence of factors relating to the working environment;
 - giving collective protective measures priority over individual protective measures; and
 - giving appropriate training and instructions to employees.

5.3 Codes of Practice

5.3.1 Where a need is identified, through legislation, risk assessments, best practice, health and safety auditing, the proceedings of committees or other means, a Code of Practice will be established to set the standard of implementation and operation for the identified topic. These Codes of Practice will be reviewed as and when legislation changes or practice dictates.

5.3.2 The Codes of Practice shall have the same status as the main policy document and will outline how to implement the requirements of the main policy in specific risk areas.

5.4 Training

5.4.1 The Internal Health and Safety Service in conjunction with the training partnership and workplace managers and supervisors, will provide guidance on Health and Safety Training and general training needs, and identifying those key workers who should attend. The Internal Health and Safety CoP will administer health and safety training across the organisations and develop a training competency matrix, which will establish key training for all staff.

5.4.2 Each Service will ensure that good working arrangements for health and safety training exist. This training will include attendance at corporate

induction training and appropriate special to job induction training.

- 5.4.3 Each Service will ensure that health and safety is included as an integral part of their annual business plan.
- 5.4.4 Records of safety training provided will be maintained on Team Spirit and but may also be maintained by service managers.
- 5.4.5 The identification of health and safety training needs is to be part of the annual appraisal process. Managers are responsible for identifying the training needs of individuals. The Internal Health and Safety Service needs in conjunction with Human Resources will be responsible for an analysis of the corporate training.

5.5 Risk assessment

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

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

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

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

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

5.5.3 Risk assessments will be reviewed:

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

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

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

5.6 Health and safety standards, audit and inspection

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

5.6.2 The Internal Health and Safety Service CoP will develop a programme of audits and a standardised form to identify whether the management of risk has been carried out in each service area. The programme should be designed to reflect the needs of the Councils and the individual Service and will take into account the particular kinds of hazard or health and safety issues encountered. The timing of health and safety audits will appear in the annual safety plan and will be proportionate to the level and scope of the hazards and risks present.

5.6.3 The combination of the review of safety standards and the audit process is designed to ensure that we can demonstrate our level of health and safety management. The results will be analysed, considered, prioritised and shaped into an action programme.

5.7 Occupational health

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

5.8 Incidents

5.8.1 Any incident or injury occurring whilst at work or on the Council's premises, however trivial it may appear at the time, must be reported to the Internal Health and Safety Service on the prescribed form.

5.8.2 Any report of an incident caused by defective fixtures and fittings, furniture, equipment etc. should make the cause clear so that steps can be taken to rectify the fault and avoid a recurrence.

5.9 First Aid Arrangements and Medical facilities

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

5.10 Eye tests for display screen equipment users

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

5.11 Smoking and vaping

5.11.1 Smoking or vaping is not permitted in any of the Council's premises, in any of its workplaces, or within the confines of its depots or the defined area at Follaton House or at any workplace. The text of the policy is set out in the appropriate Code of Practice and on the Health and Safety pages of the Intranet. This also extends to the use of E Cigarettes.

Comment [IL3]: This text will be deleted

5.12 Emergency Procedures

5.12.1 Fire

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

5.12.2 Emergency procedures for staff with disabilities

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

5.12.3 Threats Against the Councils

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

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

5.13 Security

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

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

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

5.15 Consultation With Employees

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

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

.....
Steve Jorden
Head of Paid Service

.....
John Tucker
Leader of the Council

South Hams District Council
Follaton House
Totnes
TQ9 5NE

.....
Philip Sanders
Leader of the Council

West Devon Borough Council
Kilworthy Park
Tavistock
PL19 0BZ

Date November 2017

Appendices

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

Aims and Objectives**Aims**

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

Objectives

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

Appendix B

Key Staff with Additional Health and Safety Responsibilities

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

Comment [IL4]: Duties were previously with Asset CoP Lead

Standards linked to Health and Safety Objectives

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

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

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

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

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

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REQUIREMENT	DESCRIPTION OF REQUIREMENT	DETAIL OF GAP ANALYSED	ACTION REQUIRED	Progress	Outcome	BY WHEN
OH&S Policy Page 193	Policy is proportionate, includes a commitment to: <ul style="list-style-type: none"> • prevention of injury and ill health • Comply with applicable legal requirements and with CoPs to which it subscribes • Provides for setting & reviewing objectives • Is documented and maintained • And periodically reviewed 	Policy not signed and available to staff – general lack of awareness of requirements	Amend & approve policy to indicate commitment to continual improvement in OH&S management and performance	Policy to Exec (18th Oct) and Hub (1st Nov)	Policy statement in place and reviewed annually	1 st November 2016
		There is a supporting policy for communicating to staff which is not implemented	Approve and implement Communication of Safety Statement and Policy & Associated Safe	Communication policy agreed. Await sign off of Policy above and circulate	Communication policy in place	1 st November 2016
		There is no policy for communicating to interested parties (e.g., contractors)	Supply policy to contractors when appointed	Phil Conday (IH&SS) has drafted and will circulate to H&S CoP	Policy now supplied to contractors when appointed	1 st December 2016
		Supporting Codes of Practice have not been formally agreed and made available to staff. Staff largely unaware of existence.	Draft, approve and implement Management of Contractors Policy		Codes of Practice agreed and circulated via intranet	1st November 2016
Planning <ul style="list-style-type: none"> • Hazard identification, risk assessment and determining controls • Legal and other requirements • Objectives and programmes (s) 	The procedure for hazard ID and RA shall be proactive and take into account: <ul style="list-style-type: none"> • Routine and non-routine activities • Activities of contractors and visitors • Human behaviour / error • External factors including environmental • Plant • Change / modifications • Legal obligations 	A comprehensive RA Code of Practice document has been prepared but managers largely unaware. Code of Practice / Policy for Managing contractors is not complete	Code of Practice needs to be re-implemented and recirculated Draft of Policy to be completed and agreed	Reviewed Code of Practice to be circulated to CoP for onward circulation Reviewed Policy to be circulated to CoP for onward circulation	Code of practice reviewed and circulated Policy completed	Immediately 1 st Nov 2016
		Review across all services of compliance with risk management (RA, policies, procedures) has outlined some inadequate assessment of risks in individual service areas. Lack of response to self assessments to address	Comprehensive review of Risk Assessment within individual services by managers, aided by IHSS where required.	H&S CoP members and Group Managers need to ensure instruction is given to all service and workplace managers to review RA and policies in line with Self-assessment findings	Service and workplace managers have implemented a review of RA and policies in line with self-assessment findings and gap analysis. IHSS time to aid review and implementation.	1st Feb 2017 (See additional sheet)
					Outstanding self assessments to be returned to IHSS as soon as	immediately

	<ul style="list-style-type: none"> Practicable, consistent and measureable objectives 	<p>Safe working procedures for Lone Working across service areas are not reflective of current working practices, putting staff at risk.</p>	<p>Workplace managers to review and implement lone working procedure for service area, based on the Code of Practice for Lone Working</p>	<p>Customer First lone working procedure in draft form; Salcombe Harbour procedure in place; various other methods in place but need to be checked against Code of Practice</p>	<p>Lone working procedure in place and key staff trained and recorded</p>	<p>1st October 2016</p>
			<p>Implement lone working procedures</p>	<p>Personal contacts of staff to be collated for Lone working purposes and held in a secure location but accessible to key personel</p>	<p>this has been reviewed and will be replaced as a requirement by the Council writing to staff to inform them that the escalation procedure (for non return to</p>	<p>1st October 2016</p>
<p>Implementation and operation</p> <ul style="list-style-type: none"> Resources, roles, responsibility, accountability and authority Competence, training and awareness Communication, participation and consultation Documentation Control of documents 	<ul style="list-style-type: none"> Top management shall take specific responsibility for OH&S irrespective of other responsibilities Training procedures which take into account differing levels of responsibility, ability, language skills and literacy; and risk Establish, implement and maintain procedures for: communicating hazards and the management system; involving staff, contractors, visitors and relevant Documentation which is proportional to the level of complexity, hazards and risks concerned and is kept to the minimum required for effectiveness Documents are relevant, approved, reviewed, current and available. They must also be legible, readily identifiable and their distribution controlled Operational controls are integrated into the OH&S management system re: purchases, contractors and other visitors, procedures and stipulated criteria 	<p>Joint Health and Safety Satatement and Policy sets out roles and responsibilities for implementation of Policy and Codes, but this is not clearly implemented due to a complex matrix management structure.</p> <p>A training matrix template needs to be populated to identify levels of training required across the organisation.</p> <p>Document storage system is not consistent across services. No central depository for essential policies, procedures and guidance documents.</p>	<p>Duty-holders need to integrate h&s planning at the initial stages of work stream development to avoid costly oversight in the future, including identifying responsibilities and training provision.</p> <p>Implement e-learning approach and reflect observations</p> <p>adopt communication policy</p> <p>Need to adopt a suitable repository for information to be held and referenced</p> <p>Establish current training requirements and how identified, introduce a training matrix for identifying and centralising training needs.</p> <p>Files need to be reviewed and rationalised to ensure there is no ambiguity. Establish secure document storage for both individual service areas and a central bank.</p>	<p>Responsibilities now clearer following review of H&S policy; need a more structured repository for Policies and Codes of practice</p> <p>E-learning products available on work pal or similar</p> <p>See previous actions with respect to Communication policy</p> <p>Croner option to be subject to business case 6.5k per annum</p> <p>Identify training needs arising from risk assesement and establish a training matrix</p> <p>Croner product (or similar) subject to business case</p>	<p>Policy statement in place and reviewed annually; s dirve and intranet now the repository</p> <p>HR team; virtual CoP to own training matrix of corporate issues eg first aid training</p> <p>ionterim storage now backed up by info provision from Barbour index and BSI - need to roll out across org as info source</p> <p>IH&SS with Service Managers</p> <p>S drive and intranet in use</p>	<p>now using combination of s drive and intranet</p> <p>Training matrix forwarded to Managers</p> <p>1st November 2016</p> <p>1st December 2016</p> <p>Jul-17</p> <p>intranet</p>

<p>• control</p> <p>Operational</p> <p>• Capability to identify, respond through prevention or mitigation to emergency situations</p> <p>• Emergency preparedness and response</p> <p>Page 195</p>	<p>Code of Practice in place for Threats to the Council and emergency Planning, but requires reviewing.</p> <p>No mechanism for feedback from Service Group or Centre managers to update management system.</p> <p>Health & safety Induction and training (on the job) is not sufficient, although now eLearning available for new starters.</p>	<p>Co-ordinate with Emergency Planning / Community Safety Specialists to establish, approve, implement and maintain a procedure which conforms to Councils' objectives</p> <p>SLT establishes h&s item is routinely (and permanently) featured on all operational meeting agenda</p> <p>Implementation of Corporate Induction to include H&S (E-learning)</p> <p>Health & Safety responsibilities for staff and managers need to be included in job descriptions.</p> <p>Procedures for new starter Safety Induction Training (on the job training)</p>	<p>Review of business continuity and relationship with H&S</p> <p>Virtual CoP now in place with direct line into SLT</p>	<p>emergency response plan updated , business continuity update expected in autumn 2017</p> <p>H&S standing monthly item at SLT and ELT</p> <p>New corporate induction is now live</p> <p>HR Team to implement when new appointments made</p> <p>elearnign is now live - requires further roll out</p>	<p>emergency response plan revised, business continuity in work plan for DEPS. (Due Autumn 2017)</p> <p>1st November 2016</p> <p>1st December 2016</p> <p>1st October 2016</p>
<p>Checking</p> <p>• using both proactive and reactive measures which are qualitative and quantitative</p> <p>• Performance measurement and monitoring</p> <p>• Evaluation of compliance</p> <p>• Incident investigation, nonconformity, corrective action and preventive action</p>	<p>• evaluate consistent with its commitment to compliance</p> <p>• investigate to find root causes, deal with actual and potential nonconformities and take corrective and preventive action subject to risk assessment</p> <p>• establish, implement and maintain a procedure for identification, storage, protection, retrieval, retention and disposal of records which shall remain legible, identifiable and traceable</p>	<p>No evidence of proactive checks or audits of safety management systems for all service areas. No agreed system or methodology for internal audit.</p> <p>Evidence of incident investigation apparent evaluation of which results in corrective and preventive action. Still inadequate accident/incident reporting and awareness of requirements.</p>	<p>Establish, implement and maintain a procedure to monitor and measure OH&S performance on a regular basis.</p> <p>Provide resources to undertake auditing.</p>	<p>Need a system in place that allows for periodic audit of safety management systems and presents new and emerging risks</p> <p>Business case for Croner or similar system</p> <p>Need a repository for storage of incident reports and corrective action that is auditable and visible to appropriate levels of organisation</p> <p>working on W2 solution but unclear if will fit with HR records system (Teamspirit) or if practical to sit apart from other documentation</p>	<p>Internal audit programmed for 12 months</p> <p>Business case did not prove a need for a separate system; using s drive, work pal and</p> <p>Currently email based but will revise to be more transparent when w2 process in place</p> <p>awaiting resource to prioritise and complete; alternative system currently in place</p> <p>1st June 2017 (Audit schduled for August 2017)</p> <p>1st June 2017</p> <p>1st June 2017</p> <p>1st June 2017 (manual sytem in place while we await resource to progress)</p>

<ul style="list-style-type: none"> Control of records Internal audit 	<ul style="list-style-type: none"> objective and impartial audits to provide information on the efficacy of the management system 	<p>Records need to be controlled and review implemented across the service areas.</p>	<p>Agree a system of keeping records and reviewing outcomes. Recirculate Incident reporting procedure.</p>	<p>Need a system in place that allows for periodic audit of safety management systems and presents new and emerging risks</p> <p>Consider as part of internal audit programme</p>	<p>SLT to ensure appropriate system in place; audit in summer 2017 and monthly CoP meeting in place</p> <p>SLT to ensure appropriate resource in place; audit Summer 2017</p>	<p>1st June 2017</p> <p>1st June 2017</p>
<p>Management review</p>	<p>Input to review shall include: results of internal audits; feedback; performance data; status of incident investigations, corrective actions and preventive actions; and changing</p> <p>Outputs shall include: any decisions and actions related to changes in performance; policy and objectives; and, resourcing and shall be communicated and subject to</p>	<p>There is no formal reporting mechanism to SLT in place, and does not appear on agenda items. No means of discussion at SLT level at present.</p> <p>No evidence that this exists. No methodology to achieve this.</p>	<p>Establish mechanism for reporting to management and to act on management decisions to achieve continual improvement.</p> <p>Virtual CoP Lead for Health & Safety to provide a link between ELT and SLT.</p> <p>2 way feedback mechanism needed between SLT and ELT, and from ELT to managers and supervisors</p>	<p>virtual CoP now in place with direct access to SLT</p> <p>virtual cop and communication policy will resolve this</p> <p>virtual cop and communication policy will resolve this</p>	<p>SLT member is present on CoP meetings</p> <p>IL reports monthly to SLT</p> <p>Now a monthly item on SLT agenda and on ELT agenda</p>	<p>1st April 2017</p> <p>12 months</p>

Policy and Risk Assessment - ready reckoner Feb 2017

Commercial Service

ra ssw tool box

Environment Services

Building Maintenance	14	2	
Car parks	2		
Civil Enforcement			
Facilities	3		
Grounds Maintenance	8	21	
PC Cleaning	1		

localities

office based staff

dealing wth abusive or violent behaviour
 employmnt of contractors
 lone working
 volunteer workers

Street cleansing

8 2

tipping

1 1

Waste

COSHH

Skip Loading Opeations

Street cleaning

Transfer Station

Waste and Recycling

2 wheel bir	1	1	1
4 wheek bi	1	1	1
bag sacks	1	1	1
collecting v	1	1	1
individual p	1	1	1

Customer First

Asbestos
 Biological Agents
 BSU & Taxi Inspections
 Drainage Investigations
 Execution of Warrants
 Inspections (Commercial, Domestic)
 Lone Working
 Mobile Phones & Electronic Devices
 New & Expectant Mothers
 Noise at Work
 NOx Sampling
 Office Activities
 Office Activities (supplement)
 Petrol Stations
 Private Water Supplies
 Radiation Hazards
 Shellfish Sampling
 Standby Call Out

Stress
Vessel and Dock areas
Risk Assessment Guidance & Policy
Shellfish Sampling

Harbour 52

Support Services
Member Services

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OVERVIEW & SCRUTINY PANEL – ACTIONS ARISING

Meeting Date	Report Title and Minute Ref.	Decision / Action	Officer / Member	Officer / Member comments and Target Date
6 July 2017	Actions Arising / Decisions Log O&S.21/17	Officers gave an assurance that they would ask for a progress update to be circulated to all Members on the pre-application service review.	Kate Cantwell	
27 July 2017	Executive Forward Plan O&S.29/17	<p>A Member made reference to a recent article that he had viewed from Wokingham Borough Council (WBC). The Member highlighted that WBC had set up a local housing company to provide an income stream back to its council through developing affordable housing and he felt that this should also be considered by South Hams District Council. As a way forward, it was agreed that the article should be circulated to all Members for their information and officers advised that colleagues had already been in touch with WBC and this matter would be looked at during the upcoming draft budget setting process.</p> <p>Members asked that the Transformation Programme Closedown agenda item be presented to its meeting on 9 November 2017 prior to its presentation to the Executive.</p>	Alex Rehaag / Darryl White	Article circulated to all Members accordingly.
27 July 2017	Transitional Resources Monitoring Report O&S.30/17	In light of increasing volumes of work, officers still had concerns over the current capacity in the DM service and they anticipated that a further report would be presented to Members in the future that sought funding for additional resources in DM. A Member felt that certain aspects of the service (e.g. planning validation) were being undertaken by both Specialists and Case Managers and requested that such duplication of effort be eliminated. Whilst of the view that duplication was not as significant as had been indicated, officers	Neil Hawke	Work programme updated accordingly.
27 July 2017	Transitional Resources Monitoring Report O&S.30/17	In light of increasing volumes of work, officers still had concerns over the current capacity in the DM service and they anticipated that a further report would be presented to Members in the future that sought funding for additional resources in DM. A Member felt that certain aspects of the service (e.g. planning validation) were being undertaken by both Specialists and Case Managers and requested that such duplication of effort be eliminated. Whilst of the view that duplication was not as significant as had been indicated, officers	Steve Mullineaux / Pat Whymer	

		<p>did agree that there was scope for further service efficiency improvements to be made.</p> <p>Some Members who had accepted the recent invite to visit the Centre paid tribute to the excellent work being undertaken by the team but noted that some working practices were resulting in a duplication of effort.</p> <p>The Panel acknowledged that staff retention was an issue in the Contact Centre and it was agreed that the merits of imposing a condition on new members of staff not being able to apply for other internal posts for a prescribed period of time should be explored;</p> <p>Whilst noting that the rollout had been delayed from October 2017 to January 2018, some Members expressed a number of concerns regarding the potential impact arising from Universal Credits and it was agreed that officers would provide an update via a future Members' Bulletin edition.</p> <p>RESOLVED That the Panel:</p> <ol style="list-style-type: none"> 1. endorse the contents of the Transitional Resources Monitoring Report and the progress to 31 March 2017; and 2. insist that the Transformation Programme Closedown report (to be presented to the Panel meeting on 9 November 2017) include the most up to date available figures. 	<p>Anita Ley</p> <p>Steve Mullineaux</p> <p>Issy Blake</p> <p>Steve Mullineaux</p> <p>Lisa Buckle</p>	
27 July 2017	<p>Planning Enforcement Service Review O&S.31/17</p>	<p>(a) The Panel felt that the Council's Locality Team could be upskilled further and become even more involved in supporting the Planning Enforcement Service;</p>	<p>Steve Mullineaux</p>	

		<p>(b) The Panel reiterated that there was a need for greater interaction between Members and those officers working in Planning Enforcement. In an attempt to keep resource implications to a minimum, the Panel requested that, initially as a pilot, a drop-in session be arranged for Members to be able to pre-book a timeslot with an Enforcement Officer to enable for an open discussion on live cases within their local ward;</p> <p>(c) In doubting whether even this additional resource would be sufficient, some Members asked lead officers and the lead Executive Member to keep a close watching brief on the case backlog;</p> <p>(d) A number of Members expressed their support for the creation of a Local Enforcement Plan. However, a Member felt that the proposed targets for 'Medium Priority' and 'Low Priority' investigations to commence were too long. Instead of the suggested one month and three months, the Member felt that these should be reduced to two weeks and four weeks respectively;</p> <p>(e) Upon the production of the latest schedule of enforcement cases, a Member requested that a brief progress update be added for each case.</p> <p>RESOLVED That the Panel support the actions proposed and the ongoing monitoring of the Service by the Community Of Practice Lead and the Case Management Manager.</p>	<p>Pat Whymer / Darryl White</p> <p>Steve Mullineaux / Pat Whymer / Cllr Bastone</p> <p>Pat Whymer</p> <p>Pat Whymer</p> <p>Pat Whymer / Kate Hamp</p>	
27 July 2017	Street Naming and Numbering Policy O&S.32/17	A number of Members expressed their support for the revised Policy but the request was made that, prior to its adoption, a final proofread be carried out to ensure that, where reference was made	Kate Hamp	

		<p>to consulting with the local town/parish council, local Ward Member(s) also be included.</p> <p>Officers gave a commitment to advise Members outside of the meeting as to whether or not property developers were sent a copy of the adopted policy upon the determination of their planning application(s).</p> <p>RECOMMENDED That the Executive RECOMMEND to Council that the revised Street Naming and Numbering Policy be adopted.</p>	<p>Steve Mullineaux</p> <p>Kate Hamp</p>	<p>Recc to be presented, in the first instance, to the Executive meeting on 14 September</p>
27 July 2017	Q1 2017/18 Pls O&S.33/17	<p>(i) the percentage of calls answered within 20 seconds. As part of the upcoming Performance Measures Task and Finish Group Review, Members asked that the merits of the 20 seconds target be given particular consideration;</p> <p>(ii) long-term sickness absence. It was noted that an overview of the monitoring process for sickness absence was currently scheduled on the Panel Work Programme for consideration at its next meeting on 24 August 2017;</p>	<p>Cllr Hicks</p> <p>Andy Wilson</p>	
27 July 2017	SH/WD JSG Update O&S.34/17	<p>- It was agreed that officers would provide Members with the background information concerning the formation of the JSG and its terms of reference;</p> <p>- In addition, it was agreed that the need for JSG meeting notes to be given exempt classification would be reconsidered by the Council's Monitoring Officer. Finally, the current practice whereby JSG meetings were hosted either in Totnes or Tavistock was asked to be reviewed, with a request made for all future meetings to be held in</p>	<p>Darryl White</p> <p>Catherine Bowen</p> <p>Neil Hawke</p>	

		Ivybridge. RESOLVED That, in the event of the Council agreeing to pursue the Single Council proposal, the Panel review the outputs of the consultation process and provide feedback at its meeting on 5 October 2017.	Nadine Trout	Work Programme Updated accordingly
27 July 2017	Task and Finish Group Updates: Dartmouth Lower Ferry O&S.35/17(a)	By way of an update, the Chairman of the Task and Finish Group advised that a detailed report would be presented to the next Panel meeting on 24 August 2017.	Helen Dobby	Work Programme Updated accordingly
27 July 2017	Task and Finish Group Updates: Discretionary Grant Funding O&S.35/17(b)	Ultimately, it was the aim of the Group to present its final recommendations to the Panel meeting on 5 October 2017.	Nadine Trout	Work Programme Updated accordingly
27 July 2017	Task and Finish Group Updates: Performance Measures O&S.35/17(c)	Officers were now in the process of setting a date for the first Joint Group meeting.	Steve Mullineaux / Darryl White	
27 July 2017	Actions Arising / Decisions Log O&S.36/17	When questioned, the Head of Paid Service gave a commitment to establish exactly when officers would be in a position to present to the Panel the Schedule listing all Section 106 Agreements (Minute O&S.16/17 refers).	Steve Jorden	
27 July 2017	Annual Work Programme O&S.37/17	(a) With regard to representatives from the NEW Devon and South Devon and Torbay Clinical Commissioning Groups attending a future Panel meeting, it was agreed that it would be more appropriate for this item to be scheduled on to the agenda for a future Informal Council session; (b) Whilst noting that a Joint Local Plan Update was due for consideration by the Panel on 5 October 2017, it was requested that, in the meantime, a brief progress update be circulated to	Darryl White Tom Jones / Cllr Hicks	

		<p>all Members on behalf of the Joint Steering Group;</p> <p>(c) It was agreed that the Panel Chairman should exercise his discretion to schedule a future agenda item on to the Work Programme in relation to the Devon Building Control Partnership;</p> <p>(d) In response to a request regarding Air Quality and Air Pollution, it was agreed that, in the first instance, a Briefing Note should be produced and circulated to all Members outside of this meeting.</p>	<p>CLlr Saltern / Darryl White</p> <p>James Kershaw</p>	<p>Note circulated to all Members on Friday, 28 July.</p>
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OVERVIEW AND SCRUTINY PANEL

DRAFT ANNUAL WORK PROGRAMME – 2017-18

Date of Meeting	Report	Lead Officer
24 August 2017	Executive Forward Plan (to include): Medium Term Financial Position 2018/19 to 2022/23; Quayside Phase 2; and Business Rates Relief Policy	Kathy Trant Lisa Buckle Chris Brook Isabel Blake
	Task and Finish Group Updates: (To include the concluding recommendations of the Dartmouth Lower Ferry Review Group)	Helen Dobby
	Health and Safety Policy Progress Report	Ian Luscombe
	Position Paper on the levels of support being provided to Neighbourhood Planning Groups	Thomas Jones
	RIPA Update	Catherine Bowen
	Ombudsman Annual Review Letter	Catherine Bowen
	Overview of the Sickness Absence Monitoring Process	Andy Wilson
	South Devon College Principal Presentation	
	Future Use of Follaton House – to include heating	Stuart Truss
12 October 2017	Executive Forward Plan	Kathy Trant
	Single Council Proposal Consultation Outcome	SLT
	Task and Finish Group Updates: (To include the concluding recommendations of the Discretionary Grant Funding Review Group)	Nadine Trout
	Joint Local Plan Progress Update	Tom Jones
	General Data Protection Regulations	Neil Hawke
9 November 2017	Quarterly Performance Indicators (NB. to include Development Management Pl's)	Jim Davis / Pat Whymer
	South Devon and Dartmoor Community Safety Partnership – Annual Update	Louisa Daley
	South Hams Citizens Advice Bureau – Annual Update	Louisa Daley
	South Hams CVS – Annual Update	Louisa Daley
	Executive Forward Plan (to include): - Transformation Programme Closedown	Kathy Trant SLT
	Task and Finish Group Updates	
	Allocations Policy and Devon Homes Choice Policy Review	Issy Blake

	Village Housing Initiatives Update	Alex Rehaag
18 January 2018	Draft Budget 2018/19 (joint meeting with DM Committee Members)	Lisa Buckle
	Executive Forward Plan	Kathy Trant
	Task and Finish Group Updates	
8 February 2018	Quarterly Performance Indicators (NB. to include Development Management PI's)	Jim Davis / Pat Whymer
	Executive Forward Plan	Kathy Trant
	Task and Finish Group Updates	
22 March 2018	Executive Forward Plan	Kathy Trant
	Task and Finish Group Updates	
3 May 2018	Quarterly Performance Indicators (NB. to include Development Management PI's)	Jim Davis / Pat Whymer

Future items to be programmed:-

- Section 106 Agreement Schedule;
- Devon Building Control Partnership;
- Regular Monitoring (Six Monthly) of the Homelessness Strategy 2017/22 and the 2017 Action Plan; and
- Renewable Energy – Income Generation Opportunities (Task and Finish?).