

# South Hams Overview and Scrutiny Panel



<b>Title:</b>	<b>Agenda</b>												
<b>Date:</b>	<b>Thursday, 9th November, 2017</b>												
<b>Time:</b>	<b>10.00 am</b>												
<b>Venue:</b>	<b>Cary Room - Follaton House</b>												
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b> Cllr Saltern <b>Vice Chairman</b> Cllr Smerdon</p> <p><i>Members:</i></p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Cllr Baldry</td> <td>Cllr 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												
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Cllr Green	Cllr Pringle												
Cllr Hawkins													
<b>Interests – Declaration and Restriction on Participation:</b>	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.												
<b>Committee administrator:</b>	Member.Services@swdevon.gov.uk												

**1. Apologies for Absence**

**2. Minutes**

**1 - 8**

to approve as a correct record and authorise the Chairman to sign the minutes of the Panel held on 12 October 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**

**9 - 10**

A period of up to 15 minutes is available to deal with issues raised by the public;

**7. Executive Forward Plan**

**11 - 38**

**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, 6 November 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) **Formation of a Community Lottery for South Hams & West Devon** (Darren); and
- (b) **IT Procurement Options – Verbal Update** (Mike).

**8. Community Safety Partnership**

**39 - 44**

	<i>Page No</i>
<b>9. Devon Home Choice Annual Review and South Hams Allocation Policy Review</b>	<b>45 - 70</b>
<b>10. Village Housing Initiative Review</b>	<b>71 - 108</b>
<b>11. Joint Local Plan Progress: Verbal Update</b>	
<b>12. General Data Protection Regulation - Readiness Update</b>	<b>109 - 120</b>
<b>13. Quarterly Performance Indicators</b>	<b>121 - 132</b>
<b>14. Task and Finish Group Updates</b>	
<b>(a) Performance Measures.</b>	
<b>15. Actions Arising / Decisions Log</b>	<b>133 - 136</b>
<b>16. Annual Work Programme 2017/18</b>	<b>137 - 138</b>
to consider items for programming on to the annual work programme of the Panel, whilst having regard to the resources available, time constraints of Members and the interests of the local community	

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**MINUTES OF THE MEETING OF THE  
OVERVIEW & SCRUTINY PANEL  
HELD AT FOLLATON HOUSE, TOTNES ON  
THURSDAY, 12 OCTOBER 2017**

<b>Panel Members in attendance:</b>			
* 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		

<b>Other Members also in attendance:</b>
Cllrs H D Bastone, I Bramble, J Brazil, D Brown, P K Cuthbert, R D Gilbert, J M Hodgson, N A Hopwood, J A Pearce, R Rowe, R J Tucker, R J Vint, K R H Wingate and S A E Wright

<b>Item No</b>	<b>Minute Ref No below refers</b>	<b>Officers in attendance and participating</b>
All		Head of Paid Service and Senior Specialist – Democratic Services
7	O&S.58/17	Group Manager – Business Development
8	O&S.59/17	Commissioning Manager

**O&S.55/17 MINUTES**

The minutes of the meeting of the Overview and Scrutiny Panel held on 24 August 2017 were confirmed as a correct record and signed by the Chairman.

**O&S.56/17 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.57/17 PUBLIC FORUM**

In accordance with the Public Forum Procedure Rules, there were no issues received for consideration.

## O&S.58/17 **EXECUTIVE FORWARD PLAN**

The Panel was presented with the most recently published Executive Forward Plan. In accordance with Procedure Rules, a request had been made for the Panel to formally consider the following agenda item:

### (i) **Set Up of a Local Authority Lottery**

Having now viewed the published report on the Executive agenda, a Member advised that he still needed to receive assurances over a number of questions before he could support such a proposal.

As a consequence, the lead Executive Member agreed to propose that this item be deferred at the Executive meeting on 19 October 2017 to enable the Panel to then consider this item in greater depth at its next meeting on 9 November 2017.

## O&S.59/17 **ONE COUNCIL CONSULTATION PROCESS**

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

To instigate consideration of this matter, it was **PROPOSED** and **SECONDED** and when put to the vote declared **CARRIED** that:-

*'The Panel proceed to consider the consultation process and responses received.'*

By way of an introduction, the Commissioning Manager presented the results of the One Council Consultation exercise that had expired earlier that week. At the conclusion of this presentation, reference was made to:-

- (a) the telephone survey. Some Members felt that there were limitations associated with the telephone survey that included:
- the responder being asked at the offset whether or not they were in favour of the One Council proposal. These Members stated that this constituted a fundamental difference between the telephone and online surveys;
  - the lack of a statement on the survey advising responders to read the background information prior to answering the questions;
  - the perception that the introduction was somewhat leading in favour of a responder supporting the proposal; and
  - the number of responses across the two councils. The fact that 382 responses were received in the South Hams, compared to 381 responses in West Devon, did not reflect the population variances between the two areas;

To counter these concerns, officers advised that all Members had been given prior sight of the telephone survey script. Furthermore, if responders were uncomfortable with answering the questions, they were able to leave the call at any given time;

- (b) completion of the online questionnaire. Some Members highlighted that a number of responders had resented the fact that, despite not supporting the proposal, they were still forced to complete the survey and offer a view on elements including Council Tax equalisation. In reply, officers informed that, in the event of a proposal being submitted to the Secretary of State, this would ensure that all responses were still taken into account;
- (c) additional information. During the debate, Members requested receipt of the following additional information outside of this meeting:
- A summary of the town and parish council responses to the Consultation process;
  - Access to those letter and email responses received during the Consultation process;
  - The number of telephone survey dropouts; and
  - If possible, the number of respondents who left the online survey part way through;
- (d) the levels of response rates during the process. Some Members highlighted that a 4% response rate was well above the average for such surveys (deemed to be in the region of 1%). In contrast, other Members felt that, when considering just how proactive the consultation process had been, a 4% response rate was disappointing;
- (e) the face to face public consultation events. The view was expressed that these events had been successful and a number of Members wished to pay tribute to the Leader, Deputy Leader and their Executive Member colleagues for the amount of work and effort that they had put in during the process. Furthermore, particular praise was also paid to the Commissioning Manager for working tirelessly throughout the process to get to this point;
- (f) the ICT glitch. In noting that the glitch was outside of the control of the Council and had occurred on the last day of the consultation period, officers advised that mitigating measures (including extending the consultation period by one day) were put into place to minimise the impact of this unfortunate disruption;
- (g) a motion being **PROPOSED** and **SECONDED** as follows:-

*'That the results of the consultation indicate that South Hams residents and the parish and town councils that represent them are opposed to the merger. This Panel therefore recommends to Full Council not to proceed with the merger.'*

In introducing the motion, the proposer and seconder advised that, since the overwhelming majority of responders in the South Hams were against the proposal, he now considered it timely for the Panel to reflect the public view and recommend that the Council did not proceed.

Other Members felt that, since the purpose of this meeting was to focus solely on the consultation process, consideration of this motion was somewhat premature at this time and pre-emptive of the discussions to be held at the SH/WD Joint Steering Group meeting on 19 October 2017 and the Special Council meeting on 31 October 2017.

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

(NOTE: in accordance with Council Procedure Rule 15.6 (Right to require individual vote to be recorded), Cllrs K J Baldry and J P Birch requested that their votes in favour of this motion be formally recorded.)

- (h) the role of the Audit Committee. A Member expressed his disappointment that, to date, requests for an extraordinary Audit Committee meeting to specifically consider this proposal had been refused.

It was then:

### **RESOLVED**

That the Council note the following views of the Panel:

1. That the Panel are satisfied that the Single Council Consultation Process has been conducted in an open and transparent manner, with full independent overview to ensure best practice has been applied. In reaching this recommendation, the Panel ask Council to note the strength of the Independent Advisor report;
2. That the Panel are of the view that the process contained a full range of participative options to enable residents, businesses, Town and Parish Councils and stakeholders to express their views;
3. That the Panel note the distinct difference between the Online survey outcome and that of the Independent telephone survey;
4. That the Panel is however disappointed at the level of response, with 96% of electors in the South Hams choosing not to participate.



O&S.60/17 **MEDIUM TERM FINANCIAL STRATEGY FOR 2018/19 ONWARDS**

The Panel considered a report that presented the Council's Medium Term Financial Strategy for 2018/19 onwards.

In his introduction, the Chairman advised that it was his intention for the Panel to focus on the Member survey responses to each of the Budget Option questions and the following motion was therefore **PROPOSED** and **SECONDED**:-

*'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 item of business as the likely disclosure of exempt information as defined in paragraphs 1 and 3 of Schedule 12A to the Act is involved.'*

Before the vote on this motion was taken, some Members did express their disappointment that 12 Members had not taken the time to complete what was such a user friendly survey on such an important subject matter.

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

The Panel proceeded to consider the results of each of the Budget Option questions and drew the following conclusions:

- Question 1: progress this item to the next stage of the draft budget setting process;
- Question 2: progress this item to the next stage of the draft budget setting process;
- Question 3: progress this item to the next stage of the draft budget setting process;
- Question 4: since aligned to Question 3, progress this item to the next stage of the draft budget setting process;
- Question 5: progress this item to the next stage of the draft budget setting process;
- Question 6: progress this item to the next stage of the draft budget setting process;
- Question 7: remove from the draft budget setting process at the moment. In so doing, the Panel recognised that, depending upon the outcome of meetings in the upcoming weeks, it may then be appropriate to reinstate to the process;
- Question 8: progress this item to the next stage of the draft budget setting process;
- Question 9: progress this item to the next stage of the draft budget setting process;
- Question 10: progress this item to the next stage of the draft budget setting process, whilst acknowledging that a great deal more work was required;
- Question 11: progress this item to the next stage of the draft budget setting process;
- Question 12: progress this item to the next stage of the draft budget setting process and re-name the title to state '*review of*' rather than '*cease offering*';

- Question 13: remove from the draft budget setting process;
- Question 14: progress this item to the next stage of the draft budget setting process;
- Question 15: remove from the draft budget setting process, whilst acknowledging that there may be alternative methods of delivering the service and the close linkages to Question 18;
- Question 16: progress this item to the next stage of the draft budget setting process, whilst acknowledging that a great deal more work was required;
- Question 17: remove from the draft budget setting process;
- Question 18: progress this item to the next stage of the draft budget setting process, whilst noting the close linkages with Question 15;
- Question 19: remove from the draft budget setting process at the moment. In so doing, the Panel recognised that, depending upon the outcome of meetings in the upcoming weeks, it may then be appropriate to reinstate to the process;
- Question 20: progress this item to the next stage of the draft budget setting process;
- Question 21: progress this item to the next stage of the draft budget setting process, whilst requesting that the wording of the heading be revisited;
- Question 22: progress this item to the next stage of the draft budget setting process;
- Question 23: remove from the draft budget setting process;
- Question 24: remove from the draft budget setting process;
- Question 25: progress this item to the next stage of the draft budget setting process;
- Question 26: progress this item to the next stage of the draft budget setting process;
- Question 27: progress this item to the next stage of the draft budget setting process and re-name the title to state '*reduce*' rather than '*cease offering* and remove reference to a financial sum;'
- Question 28: remove from the draft budget setting process;
- Question 29: remove from the draft budget setting process;
- Question 30: since the Service had already ceased, this question to be removed;
- Question 31: progress this item to the next stage of the draft budget setting process;
- Question 32: progress this item to the next stage of the draft budget setting process;
- Question 33: progress this item to the next stage of the draft budget setting process, whilst acknowledging that a great deal more work was required;
- Question 34: progress this item to the next stage of the draft budget setting process;
- Question 35: progress this item to the next stage of the draft budget setting process. In so doing, the Panel requested that further information was made available to Members before a final decision was made;
- Question 36: remove from the draft budget setting process;
- Question 37: progress this item to the next stage of the draft budget setting process;

- Question 38: remove from the draft budget setting process at the moment. In so doing, the Panel recognised that, depending upon the outcome of meetings in the upcoming weeks, it may then be appropriate to reinstate to the process;
- Question 39: following the response to Question 38, not applicable at this time;
- Question 40: progress this item to the next stage of the draft budget setting process; and
- Question 41: progress this item to the next stage of the draft budget setting process.

It was then:

### **RESOLVED**

That the press and public be re-admitted to the meeting.

In discussion on the report and the remaining appendices, particular reference was made to:-

- (a) the savings from re-procurement of contracts. Officers confirmed that the £695,000 savings in 2017/18 related to the Leisure Contract;
- (b) salaries – provision for pay award at 1%. Since indications were that the next pay award would be higher than 1%, a Member was of the view that this budget pressure was unrealistic as currently shown. In response, the Leader advised that this matter was currently subject to national negotiations, but it would continue to be very closely monitored;
- (c) the Sherford project team. A Member queried the ongoing need to retain the £45,000 budget pressure when considering that central government had provided additional funding to support the delivery team. In response, the Section 151 Officer gave a commitment to provide the interested Member with additional information outside of this meeting;
- (d) the Invest to Earn agenda. In the event of having any further ideas to generate additional income or savings, Members were encouraged to provide these to the Group Manager – Business Development as soon as was practically possible. In the event of a number of ideas coming forward, Members recognised that work on these would have to be prioritised accordingly.

It was then:

### **RESOLVED**

That the Panel has considered the Medium Term Financial Strategy 2018/19 Onwards and specifically the contents of the Member Survey on the Budget Options and has made recommendations to the Executive in the detailed minutes (as recorded above).

**O&S.61/17 TASK AND FINISH GROUP UPDATES**

**(a) Discretionary Grant Funding**

A Member advised that the final recommendations arising from the Task and Finish Group would be incorporated into the draft budget setting proposals for 2018/19.

As part of the review, the Member advised that the Group had recommended a reduction in the annual Council contribution to the South Hams Community and Voluntary Service.

**(b) Performance Measures**

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

**O&S.62/17 ACTIONS ARISING / DECISIONS LOG**

The contents of the latest version of the Log was presented and officers were specifically asked to follow up the outstanding action relating to an update on the potential impact arising from Universal Credits.

**O&S.63/17 ANNUAL WORK PROGRAMME 2017/18**

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

- (a) As highlighted above (Minute O&S.58/17 refers), the Set Up of a Local Authority Lottery agenda item would be added to the Programme for consideration at the next Panel meeting on 9 November 2017;
- (b) Following the decision of Council on 28 September 2017, the Panel agreed that the agenda item relating to 'Options for Delivery of Social / Affordable Housing in South Hams' would be added to the Programme for consideration at the Panel meeting on 22 March 2018.

(Meeting started at 10.00 am and concluded at 12.55 pm)

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Chairman

## **PUBLIC FORUM PROCEDURES**

### **(a) General**

Members of the public may raise issues and ask questions at meetings of the Overview and Scrutiny Panel. 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 19 October 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 Panel in planning their contribution to policy development and holding the Executive to account.

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

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

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

*Cllr John Tucker – Leader of the Council*

*Cllr Simon Wright – Deputy Leader 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](mailto:member.services@southhams.gov.uk)

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

<b>Service</b>	<b>Title of Report and summary</b>	<b>Lead Officer and Executive Member</b>	<b>Decision maker</b>	<b>Anticipated date of meeting</b>
Customer First	<b>Quayside Phase 2</b> – to update Members on the master plan outcomes include public consultation for Quayside and put forward next steps for consideration	CB/Cllr Tucker	Executive	19 October 2017
SLT	<b>Medium Term Financial Strategy</b> - 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
Strategy & Commissioning	<b>Set Up of a Local Authority Lottery</b> - to consider the formation of a shared (with West Devon Borough Council) Local Authority Lottery, which would enable local good causes to raise monies to support their aims. Income raised via this venture could offset reductions to Council grants	DA/Cllr Wingate	Council	19 October 2017
Support Services	<b>Insurance Procurement – Award of Contract</b> – to award the contract for the provision of insurance services to the Council	LB/Cllr Wright	Executive	19 October 2017
Customer First	<b>Public Space Protection Orders and Anti-Social Behaviour Enforcement</b> – to consider the adoption of Public Spaces Protection Orders and an Anti-Social Behaviour Enforcement Strategy	CA&JK/Cllr Hopwood	Council	19 October 2017
Customer First	<b>SHDC Housing Stock Proposal</b>	CB/Cllr Bastone	Executive	19 October 2017
Customer First	<b>Capital Programme Project Funding</b>	AR/Cllr Bastone	Executive	7 December 2017
Customer First	<b>Single Plot Self Builds</b>	AR/Cllr Bastone	Executive	7 December 2017
Support Services	<b>Transformation Programme Closedown</b> – to provide a closedown report of the T18 Transformation Programme	LB/Cllr Wright	Executive	7 December 2017
Strategy & Commissioning	<b>Productivity Plan Joint Committee</b> - an update on the work being carried out between partners towards the formation of a joint committee who will oversee the delivery of a productivity plan for the area	DA/Cllr Tucker	Council	7 December 2017
Support Services	<b>Revenue Budget Monitoring to September 2017 (six monthly position)</b> – a revenue budget monitoring report to monitor income and expenditure variations against the approved	LB/Cllr Wright	Executive	7 December 2017

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

SLT	<b>Capital Budget Proposals 2018/19</b> – to set out recommendations for the Capital Programme Budget for 2018/19	LB/Cllr Tucker	Council	1 February 2018
SLT	<b>Revenue Budget Monitoring for 2017/18 (nine monthly position)</b> - A revenue budget monitoring report to monitor income and expenditure variations against the approved revenue budget for 2017/18, and to provide a forecast of the year end position.	LB/Cllr Wright	Executive	1 February 2018
SLT	<b>Capital Programme Budget Monitoring for 2017/18 (nine monthly position)</b> - 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	<b>Sherford Delivery Team</b>	SJ/Cllr Tucker	Council	Date TBC
Strategy and Commissioning	<b>Business Development Opportunities</b>	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

AR – Alex Rehaag – Specialist Place and Strategy

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 Panel**

Date: **9 November 2017**

Title: **Formation of a Community Lottery for South Hams & West Devon**

Portfolio Area: **Cllr Keith Wingate, Portfolio Holder for Business Development**

Wards Affected: **All**

Approval and clearance obtained: **Yes**

Urgent Decision: **No**

Date next steps can be taken: After Full Council 14 December 2017

Author: **Darren Arulvasagam,  
Group Manager, Business Development  
[Darren.Arulvasagam@swdevon.gov.uk](mailto:Darren.Arulvasagam@swdevon.gov.uk)**

### **Recommendations:**

The Panel **RECOMMENDS** to Executive to **RECOMMEND** to Council to:

- 1) APPROVE & IMPLEMENT the proposed business case for the establishment of a joint South Hams and West Devon local community lottery scheme (subject to approval from West Devon Borough Council)
- 2) Appoint Gatherwell Ltd as an External Lottery Manager (ELM) & Aylesbury Vale District Council (AVDC) to assist with project implementation (subject to a successful Contract Exemption application)
- 3) Delegate to the Head of Paid Service to nominate two responsible officers to hold the Council's lottery licence and submit the necessary application to the Gambling Commission
- 4) Delegate to the Group Manager, Business Development in consultation with the Business Development portfolio holder to approve the bespoke lottery business model policies required in order to submit a valid application to the Gambling Commission to obtain a lottery licence

## **1 Executive Summary**

- 1.1 This report sets out the proposal to implement a joint local community lottery scheme to benefit the residents of South Hams & West Devon.
- 1.2 The scheme will be shared across both areas to widen the appeal of the lottery and reach a wider audience of participating good causes and supporters / ticket buyers. A shared scheme recognises the fact that the South Hams District and West Devon Borough Council have a shared workforce and both Councils support many of the same Voluntary and Community Sector (VCS) groups.
- 1.3 Any promotional activity by the Councils will direct residents of both Councils to the shared lottery.

- 1.4 In recognition of schemes that have been successfully operating in other local authority areas, the attached business plan (Appendix A) suggests that such a scheme could help raise over £100,000 per annum for local good causes. This amount could alleviate pressure on the Council's partnership / grants budget or be in addition to such awards at the Council's discretion. A full listing of the grants currently made by the Council to local good causes / VCS is shown in Appendix B.
- 1.5 It is proposed that an External Lottery Manager (ELM) is appointed to administer the scheme. The Council would contract with Aylesbury Vale District Council (AVDC) to project manage the formation of the lottery, the set-up of the lottery website, the application to the Gambling Commission and the preparation of the initial marketing materials and work to 'on-board' the local good causes.

## **2 Background**

- 2.1 Lotteries have long been a way for smaller organisations to raise income. They are regulated by the Gambling Act 2005. There are different types of lotteries available; this proposal falls within the category of 'society lotteries'.
- 2.2 Society lotteries are promoted for the benefit of a non-commercial society. A society is non-commercial if it is established and conducted:
- for charitable purposes - For the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity
  - for any other non-commercial purpose other than private gain
- 2.3 There are two variants of society lotteries, the main difference being who issues the licence – local authorities permit small lotteries and the Gambling Commission permits large lotteries.

### A large society lottery:

- has proceeds that exceed £20,000 for a single draw
- has aggregate proceeds from lotteries in excess of £250,000 in any one year

### A small society lottery:

- does not have proceeds that exceed £20,000 for a single draw
- does not have aggregate proceeds from lotteries in excess of £250,000 in any one year

- 2.4 This proposal considers a 'large society lottery'. In all cases, lotteries have to deliver a minimum of 20 per cent of proceeds to good causes. This report recommends a lottery which sees a minimum of 50 per cent of proceeds going to good causes.
- 2.5 The proposal is for a lottery that is focused on:
- 2.5.1 *Delivering the proceeds locally* – a South Hams & West Devon lottery would deliver benefits only to local causes; players can be *assured that*

*the proceeds will stay in the District & Borough. Appendix A explains how these will be allocated.*

- 2.5.2 *Maximising benefits to the community* – to bolster support and to help in continuing the good work South Hams & West Devon already does with the voluntary and community sector (VCS). To achieve this there needs to be a significant benefit being delivered to the VCS.
- 2.5.3 *Minimising costs* – through the appointment of a recognised ELM there are minimal set-up costs (£15,000 max) and running costs are paid for out of the lottery ticket sales. Unlike the national lottery, where only 28 per cent of ticket sales goes to good causes, a minimum of 50 per cent of ticket sales will go directly to good causes.
- 2.5.4 *Delivering winners locally* – whilst anyone can play, it is likely that players will be locally-based and hence it will be easier to maximise the value from winners' stories, encouraging more participation.
- 2.5.5 *Facilitating a wider benefit* – whilst the lottery will help current funding of local VCS groups, it will also enable VCS groups to fundraise in partnership with the local authority and hence can be seen as the Council enabling local groups to help themselves. It will enable groups to access lottery funding without facing barriers such as licensing, administration or ability to support such an endeavour. Appendix A1 explains this in detail.

## 2.6 **Gambling Responsibility**

Lotteries are the most common type of gambling activity across the World, and considered to be a 'low risk' form with respect to the emergence of problem gambling. This is due to its' relatively controlled form. The South Hams & West Devon Lottery will help mitigate against many of the issues related to addictive gambling by:

- 2.6.1 The lottery only being only playable online, via direct debit and by pre-arranged sign up. Cash cannot be used to acquire tickets
- 2.6.2 There being no 'instant' gratification', 'instant win' or 'instant reward'
- 2.6.3 There being no 'high profile' activity surrounding the weekly draw
- 2.6.4 It being possible to put a maximum cap on the number of tickets an individual can purchase
- 2.7 In addition, the South Hams & West Devon Lottery website will contain a section providing links to gambling support organisations.
- 2.8 In this way the South Hams & West Devon Lottery should not significantly increase problem gambling; and the benefits to VCS / good causes in the District & Borough from the proceeds of the lottery balances against possible negative issues.
- 2.9 It is important to note that the proposed lottery will see 60% of the proceeds from ticket sales going directly to VCS / good causes as

directed by the ticket purchase. By contrast the UK national lottery only sees 28% of the proceeds from ticket purchases going to VCS. Appendix A explains this in more detail. In addition, any VCS / good cause that complies with the criteria as detailed in Appendix A1 can obtain funding through the lottery – there is no such direct benefit for these same VCS / good causes via the National Lottery.

#### 2.10 **Invest to Earn**

The South Hams Invest to Earn Member Group discussed the formation of this lottery and agreed at its meeting on 14<sup>th</sup> September 2017 that a report to Executive recommending approval and implementation should be presented in October 2017. Whilst Members felt that lotteries were a form of gambling, they appreciated the fact that the lottery proposed would appeal more to those with altruistic rather than 'get rich quick' aims. The group also acknowledged that the proposed lottery presented VCS groups with a way to increase their income at a time when the Council would need to question the long-term sustainability of its own VCS funding.

### **3. Outcomes / Outputs**

3.1 Please see the associated business plan (Appendix A) for details of the potential income the lottery could generate for the VCS / good causes who join the scheme.

3.2 The income generated by the proposed lottery could increase funding to local VCS / good causes or help ease the financial pressure on these VCS / good causes if the Council were to reduce its discretionary funding to such VCS / good causes in the future. A list of the current grants / funding to such groups is shown in Appendix B. It is proposed that the Council considers using any saving made in this discretionary spend to fund the Council promotional and marketing costs of operating the lottery.

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

4.1 In essence the options for delivery of a lottery are either in-house or through an External Lottery Manager (ELM).

4.2 **In-house** - this option would see the setting up of the necessary posts and systems to run a lottery in-house. This has not been fully costed, but it is considered somewhere in the region of a £80-100k for set-up costs alone. This would include a lottery manager and the necessary system development to enable the lottery to run.

4.3 **External Lottery Manager (ELM)** - this recommended option would see a partnership with an existing deliverer of lotteries in the market place. This in effect means 'buying in' the skills and expertise of an existing provider and sharing the risk with them to deliver the lottery. The ELM will deliver all aspects of running the lottery, from ticket purchase and payments, prize management, and licensing, and share with South Hams District Council / West Devon Borough Council and local VCS groups the role of marketing.



- 4.4 It is proposed that an External Lottery Manager (ELM) is appointed to administer the scheme. Whilst there are a number of ELMs in the market, Gatherwell Ltd, in conjunction with Aylesbury Vale District Council (AVDC) are the only provider to offer a model which allows the Council to outsource all responsibility for the administration, set-up and ongoing maintenance of the lottery to a third party. In addition, Gatherwell Ltd offer the only solution which eliminates prize fund risk (through insurance, see appendix A for more details) to the Council. As this is the only option which achieves these aims and the model has been proven by other local authorities, no detailed, costed comparison has been prepared.
- 4.5 Gatherwell will work with the Council to set-up and bespoke the lottery platform for the new scheme and thereafter operate the lottery on a day to day basis. The initial set-up cost (£3,000, which will be split 50/50 between the two Councils if approved) covers the provision of the platform as a one off implementation cost and thereafter they cover their costs from the 20% of ticket sale proceeds. More detail about this can be found in Appendix A.
- 4.6 AVDC will be appointed to complete the start-up implementation, i.e. prepare the business case, assist with the licence application, write the bespoke policies, provide a comms strategy and marketing templates, assist with the VCS / good cause comms and on-boarding process. AVDC will also provide ongoing advice and tips for future development. AVDC will charge the Councils a total of £10,000 for this work. This will be split 50/50 between the two Councils if approved.
- 4.7 It is not proposed that the initial set-up cost is recouped. However, the formation of the lottery will enable VCS / good causes to find a solution to help protect their income if the Council were to be forced to reduce its direct funding of VCS / good causes due to financial sustainability concerns.
- 4.8 A contract procurement rule exemption will be prepared if Members approve the set-up of a lottery as the set-up costs and ongoing licence and marketing costs exceed the one quotation threshold of £7,501.
- 4.9 Members could opt not to pursue the setting up of a lottery scheme. However, South Hams District Council currently grants over £200,000 (see Appendix B for a breakdown of these) in partnership / grant funding towards numerous good causes / social oriented organisations and with the impending financial challenges, this level of funding may be unsustainable in the future. Setting up a lottery scheme, where local residents and ticket buyers directly support such good causes can help soften the impact of any potential future Council reduction in funding.

## **5 Proposed Way Forward**

- 5.1 It is proposed to implement a community lottery of the type set out in this report, replicating that which has been successfully implemented by a number of other local authorities including Aylesbury Vale District Council (AVDC), Torbay Council, Wycombe District Council, Corby

Borough Council, Portsmouth Council, and Gloucester City Council. It is not proposed that the Council combines with an existing lottery as the VCS / good causes registered may “compete with” or not operate in all Council areas. It is also important that the good causes which are part of the scheme fit with the Council’s criteria as detailed in Appendix A1. This may not be the case with a shared lottery scheme across numerous localities. The benefits of a local lottery and benefits to the local community are discussed further in paragraph 2.5.

- 5.2 Whilst those areas are less rural than South Hams and West Devon, it is felt that combining the two Council areas and the marketing capability of the VCS within those areas, along with the marketing reach of the two Councils will generate sufficient ticket sales to justify the set-up costs and the value this will generate for the local VCS.
- 5.3 The delivery of a local lottery in South Hams & West Devon will enable local community groups / VCS to access and benefit from a nationally recognised funding model developed by AVDC in partnership with an external lottery manager.
- 5.4 Councillors are recommended to approve the business case attached (Appendix A) and agree to implementation of a local lottery scheme (in conjunction with West Devon Borough Council) by appointing Gatherwell Ltd as an External Lottery Manager (ELM) in line with the principles outlined in the business case and this report.
- 5.5 In order to submit the necessary application to the Gambling Commission, it is recommended that Members delegate authority to the Head of Paid Service to nominate two responsible officers (SLT) to hold the Council’s lottery licence and give delegated authority to the Group Manager, Business Development (in consultation with the Business Development portfolio holder) to approve the bespoke lottery business model policies required in order to submit a valid application to the Gambling Commission to obtain a lottery licence.
- 5.6 The lottery will only be progressed if both South Hams and West Devon approve its formation.

## 6 Implications

Implications	Relevant to proposals	Details and proposed measures to address
Legal/ Governance	Y	<p>The local authority can operate this scheme under its general powers of competence as provided by the Localism Act 2011.</p> <p>The scheme would be licensed by the Gambling Commission who would regulate the scheme under the Gambling Act 2005. They would ensure that the organisations participating in the scheme met agreed criteria such as they provide local activities or services, are properly constituted and have governance arrangements. The Gambling Commission also ensure the scheme is compliant to the licensing code of practice for gambling responsibly.</p>

		<p>The Council will hold a contract with the ELM (Gatherwell Ltd), subject to a successful contract exemption application. Gatherwell will receive a payment for the set-up cost (£3K) and will obtain a benefit from this service through the accrual of 17% of each ticket sale. Therefore, based on another authority's experience of 2,000 ticket sales per week, Gatherwell would receive £340 to cover their costs. Over a year this is £17,680. The Councils do not pay this themselves, it is recovered by Gatherwell purely from ticket sales. This would be Gatherwell Ltd.'s total income from the scheme, which effectively would accrue 50/50 from South Hams and West Devon. Gatherwell take on the risk of not recovering costs from lower ticket sales are lower.</p> <p>There is no guarantee that this level of income would be achieved, as it depends on take up of ticket sales. This type of arrangement is covered under the Concession Contract Regulations 2016. But these regulations only apply with a contract value above £400,000. A procurement contract exemption will be prepared if Members approve the set-up of a lottery as the set up costs and ongoing licence and marketing costs exceed the Council's one quotation threshold of £7,501.</p> <p>The Council will have 2 licenced individuals with responsibility for overseeing the scheme. If approved, the Head of Paid Service will nominate 2 SLT officers to hold these licences on behalf of the Council.</p> <p>A licence application is required to be submitted to the Gambling Commission and the lottery can only be formed on successful application.</p> <p>A number of bespoke policies will need to be prepared to apply for the lottery licence:</p> <ul style="list-style-type: none"> <li>• Children and Vulnerable Person Protection policy</li> <li>• Fair and Open Gambling policy</li> <li>• Implementation procedures policy</li> <li>• Protection from Source of Crime and Disorder policy</li> <li>• Social Responsibility in gambling policy.</li> </ul> <p>If approved, it is recommended that responsibility for preparing these is delegated to the Group Manager, Business Development (in consultation with the Business Development portfolio holder).</p>
Financial	Y	<p>Set up costs as a one-off: £13,000. This amount will be shared 50/50 with West Devon Borough Council (i.e. £6,500 each).</p> <p>Ongoing licence and marketing costs up to a maximum of £4 - £5k per annum (again to be split 50/50) – however, these costs will be deducted from revenues from ticket sales. See Appendix A for further details.</p> <p>The initial set-up costs can be funded from the Invest to Earn (Innovation fund) earmarked reserve which has a sufficient uncommitted balance.</p> <p>It is envisaged that the ongoing running costs are funded from the saving that the lottery can create in the grants /</p>

		partnerships budget. More detail about this can be found in Appendix A.
Risk	Y	<p>There are three main risks:</p> <p>i. That the scheme does not attract sufficient ticket purchases per week to make the scheme viable. If the scheme becomes unviable then it can be ceased and the Council would not reapply for its licence after the end of year one (or any year after it becomes unviable). Therefore the maximum financial risk to the Council in any given year is the cost of the licence (max £1,000) and any money expended (e.g. promotions) in marketing the lottery scheme (max £5,000).</p> <p>ii. That the prize awards exceed those predicted. The top prizes are insured by the ELM. Lower prizes are simply re-entries into the draw. All of this is funded from the prize fund, which itself is funded by the ELM's share of the ticket sales. The Council is not exposed to prize fund risk due to the contract it will hold with the ELM.</p> <p>iii. Reputational, in that the scheme is seen to encourage gambling (see paragraph 2.6 above for mitigations).</p>
<b>Comprehensive Impact Assessment Implications</b>		
Equality and Diversity	Y	<p>The scheme has the potential to have a positive impact on people with protected characteristics, as they will benefit from services or activities provided through the local community groups. Which people with protected characteristics will benefit is difficult to say until the community groups / good causes / VCS apply.</p> <p>People without a bank account or payment cards may feel excluded as they will be unable to take part. The council should feel confident they it can justify not taking cash payments as a proportionate means of achieving a legitimate aim, i.e. to reduce the risk of gambling addiction. By taking payments online, with no instant win option, the risk of the draw appealing to gamblers is reduced. The lottery is a giving scheme using a gambling infrastructure model.</p> <p>There is likely to be a neutral impact on religious groups who may not agree with gambling as a method of raising income. However, marketing the scheme with the promotion of good causes / VCS as its focus should help alleviate this.</p> <p>Bespoke lottery business model policies will be developed to accompany the application to the Gambling Commission to obtain an operator licence.</p>
Safeguarding	Y	Not applicable – Bespoke lottery business model policies will be developed to accompany the application to the Gambling Commission to obtain an operator licence.
Community Safety, Crime and Disorder	Y	Not Applicable – Bespoke lottery business model policies will be developed to accompany the application to the Gambling Commission to obtain an operator licence
Health, Safety and Wellbeing	Y	As discussed in report, paragraph 2.6

Other implications	N	Not Applicable – Bespoke policies will be developed to accompany the application to the Gambling Commission to obtain an operator licence
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**Appendices:**

Appendix A – South Hams & West Devon Lottery Business Plan

Appendix B – Breakdown of Partnership grants and funding for SHDC and WDBC

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# **South Hams District Council & West Devon Community Lottery Business Plan**

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## **Introduction & Background**

### **Strategic Context**

South Hams District Council covers an area of 342 square miles on the south coast of Devon and includes the towns of Totnes, Dartmouth, Kingsbridge, Ivybridge and Salcombe. West Devon Borough Council covers the towns of Chagford, Okehampton, Hatherleigh, Yelverton and Tavistock. The population (aged over 16) for both areas totals 114,500, according to the 2011 census.

South Hams and West Devon respectively have a corporate 'Our Plan' - a strategic plan that sets out the vision, objectives and activities of the two Council's. The two have a close working arrangement and have recently, in conjunction with Plymouth, prepared a Joint Local Plan – a strategic plan for the combined area to 2034.

The Councils have a vision of supporting vibrant towns and villages and enhancing the quality of life for individuals and communities whilst conserving the natural environment. The two councils share a workforce and have a single marketing team.

Many of the Voluntary and Community Services (VCS) organisations and good causes supported by the Councils receive funding from both Councils, hence the proposal to form a single shared lottery. The development of a community lottery meets the objective of empowering residents to create strong communities.

In this respect, the development of a local authority lottery has recently been proven in a number of other councils, including neighbouring Torbay, and would be suited to the South Hams and West Devon area.

This business plan formulates how the lottery will operate including financial forecasts.

### **Purpose and Rationale of the South Hams and West Devon Lottery**

Whilst there is continued pressure on local authority budgets, the implementation of a local lottery scheme can be seen to be helping communities to help themselves. A local lottery scheme has been implemented successfully by a number of local authorities and for a relatively low investment the scheme is proven to be raising significant sums per annum.

Under the scheme any voluntary or community sector (VCS) organisation, including existing council funding beneficiaries and other local groups will be able to apply to be part of the South Hams and West Devon Lottery, so long as they meet the eligibility criteria (See Appendix A1). This eligibility criteria reflects a broadened version of the grants criteria agreed by Members.

The Council will continue to award grant funding to local community groups and projects and it is proposed that this scheme will provide an additional income opportunity for VCS groups to access an unfettered funding source to support their activities.

### **Customer Insight**

In developing the South Hams and West Devon Lottery proposal we have explored the delivery of other schemes, including the Vale Lottery run by Aylesbury Vale District Council (AVDC). This has provided secondary research into both players/supporters and good causes. Evidence demonstrates 172 causes signed up to the AVDC scheme raising a gross annual income last year of over £129,000.

In turn, this has informed the unique selling point for the proposed lottery as being:

- **Delivering the proceeds locally** – South Hams and West Devon lottery would deliver benefits only to local causes, unlike the National Lottery.
- **Delivering winners locally** – whilst anyone could play, it is likely that players will be locally based and hence it will be easier to maximise PR value from winners' stories and encourage more participation.
- **Facilitating a wider benefit** – the lottery will support the ambitions and the targeted actions for South Hams and West Devon in circumstances where the Council is not able to do so.
- **Helping to improve residents' perceptions** – that South Hams and West Devon have an enabling role in support of the local VCS.

This business plan recognises that players will fall into one of two camps - those who are attracted by the possible prizes and those who are more altruistically motivated. This lottery proposal focuses on the latter of these groups, but has elements that could still appeal to a more prize-focused player.

## **Form of the South Hams and West Devon Lottery**

In supporting the outcomes of the lottery, the focus is on providing a lottery scheme that delivers a high level of funds to VCS groups as they are key to ensuring ongoing ticket sales in the long term. An External Lottery Management (ELM) operator, Gatherwell Ltd, will be appointed and their platform delivers the following benefits:

- reduced overhead costs - maximising benefits to the VCS.
- simple and easy to understand for the player.
- simple and easy to adopt for the VCS groups.
- promotes repeated but controlled re-purchasing - hence providing a steady funding stream for VCS groups.

The proposed form of the South Hams and West Devon Lottery therefore is:

- £1 ticket per week with a weekly draw
- only playable online
- funded only via Direct Debit, rolling monthly card payment, or block ticket purchase with single payment for 3, 6 or 12 months.
- 6 number self-selected ticket.
- delivered via an ELM - Gatherwell Ltd.

The draw will be made on a weekly basis at 8pm on a Saturday evening, It uses a bona fide lottery draw; in this case the Australian Super 66T draw. The community lottery draw will be announced in tandem at 8pm on a Saturday night.

Players have to have purchased cleared tickets by a deadline of midnight on the Friday before in order to be counted in that week's draw. Direct debit sign ups carry a cool off period and that period must have passed in order to be included in the draw for that week. The prize structure and odds for the draws are set out in the table below:

<b>Prize Structure</b>		
	<b>Winning Odds</b>	<b>£ Prize</b>
6 numbers	1,000,000:1	£25,000
5 numbers	55,556:1	£2,000
4 numbers	5,556:1	£250
3 numbers	556:1	£25
2 numbers	56:1	3 free tickets

NB: These odds are significantly more favourable than the National Lottery.

Distribution of proceeds from each ticket sold:

<b>Proceeds Apportionment</b>		
	<b>% Allocation</b>	<b>£ Allocation per ticket</b>
VCS groups	50	£0.50
South Hams District & West Devon Borough Council (split 50/50)	10	£0.10
Prizes	20	£0.20
ELM	17	£0.17
VAT	3	£0.03
<b>Totals</b>	<b>100</b>	<b>£1.00</b>

All prizes are the responsibility of the ELM through the fund. The ELM insures against prize fund risk. At no point is the Council liable for prize payouts. There is no roll over process if no jackpot winner is found. If 2 players win the jackpot, they both get the top payout - there is no sharing.

If a player chooses a specific cause when buying their ticket, then that cause / VCS gets 50% and the Council general pot receives 10% of every ticket. If the player doesn't choose a specific cause / VCS then 50% (plus the 10%) goes into the Council's general lottery pot.

The cost of running the lottery scheme is to be funded from the Council's general lottery pot. Any surplus funds will pay for the following year's lottery running costs and can be used to fund any Council grants / funding to VCS / good causes.

Any amount paid to a VCS from the ELM could be considered in subsequent years by the Council as good cause funding; therefore the Council could opt to reduce its direct funding to these VCS by the corresponding amount.

## **Method of Delivery**

Whilst South Hams and West Devon Council is a licensing authority in its own right and hence well aware of the restrictions and technical aspects of lottery management, it doesn't have experience of running lotteries directly. As such this scheme will be delivered through the use of an External Lottery Manager (ELM) Gatherwell Ltd.

The relationship between South Hams and West Devon and Gatherwell is summarised as:

### South Hams and West Devon Council

- responsible for the overall structure, form and control of the South Hams and West Devon Lottery (note the Gambling Commission are the licensing authority for lotteries).
- including explicit agreement to any VCS membership, as well as the groups' plans to publicise the lottery.
- delivered via two licensed members of staff through Annex A of the licence application.

### Gatherwell Limited

- responsible for all development and day to day running of the Lottery on behalf of South Hams District and West Devon Borough Council.
- this includes player management, financial management (including player funds and prizes and distribution to VCS), website management and ticket sales.

Gatherwell is licenced by the gambling commission as an external lottery manager running numerous society lotteries in the UK (Licence Number 000-036893-R-317859-004).

In summary South Hams District and West Devon Borough Council set the strategic approach, and will exercise control of the license, and Gatherwell fulfils the day to day delivery of this.

The relationship between South Hams and West Devon Council and Gatherwell will be subject to an initial one year contract for the delivery of these services. The councils will be able to extend this after the initial year, for no further initial / renewal cost. The one-off payment for the Gatherwell platform to be bespoke to the South Hams and West Devon Lottery is £3k and Gatherwell's costs going forward are to be recovered from their element of ticket sales (17%).

### Player Population, Financial Management and Modelling

There are c.114,500 possible resident players in the District & Borough (i.e. over 16, based on the 2011 Census). Technically the player population is much wider than this as there is no restriction on player location, however for simplicity this population is assumed to represent the vast majority of players.

Whilst it is difficult to assess the actual take up rates of players for the lottery, this will in part reflect the desire to play, the types and spread of VCS groups involved, and the marketing and support given to promote the lottery. The table below sets out a breakdown of possible player levels and the resulting financial split that these would produce.

Year	Ticket Price £	% of SHWD Player Pop.	Number of Players	Tickets bought per week	Number of weeks	Gross Return	SHWD share (10%)	Good Causes (50%)	Prizes (20%)	ELM (17%)	VAT (3%)	Overall sum raised for good causes
1	1	1.00%	1145	1	52	59540	5954	29770	11908	10122	1786.2	35724
2	1	1.50%	1718	1	52	89310	8931	44655	17862	15183	2679.3	53586
3	1	2.00%	2290	1	52	119080	11908	59540	23816	20244	3572.4	71448
4	1	2.50%	2863	1	52	148850	14885	74425	29770	25305	4465.5	89310
5	1	3.00%	3435	1	52	178620	17862	89310	35724	30365	5358.6	107172

NB: It is proposed that the SHWD share covers maintenance and running costs of the lottery scheme. Any surplus is to be used solely to fund VCS / good causes.

## Financial management

Gatherwell Limited will deliver all financial management elements of the South Hams and West Devon lottery. All funds are held by Gatherwell in a separate client deposit account.

Payments are collected monthly for direct debit and rolling card payments, or upfront in the case of block purchase of tickets (1, 3, 6 or 12 months) only. All funds must be in a financially cleared form prior to any prize draw.

Prize winners are notified by the ELM via email immediately after a draw if they have won. If prizes are not claimed, weekly reminders are sent to players.

The jackpot prize of £25,000 is an insured prize with Emirat (underwritten by Lloyds Banking Group). This avoids the need to accumulate this level of funding in advance. For initial draws prior to the prize pot being built, Gatherwell will also take out insurance to ensure that any prize payment can be made.

VCS group funds for distribution are similarly held in a separate client deposit account. The donations are distributed to the causes on a monthly basis direct to their bank accounts. The same process is applied to the £0.10 in every ticket to South Hams District and West Devon Borough Council.

All income accruing to the Council will be paid on a monthly basis by Gatherwell and will be held in separate budget codes within the Councils accounting system for distribution towards lottery running costs and VCS / partnership grants only, therefore maintaining a completely open and transparent process.

Any lottery disputes will be managed through the Independent Betting Adjudication Service (IBAS). Membership of the Lotteries Council will automatically give access to this service.

## Financial Forecast

The following 5 year forecast illustrates the allocation of income and expenditure for the Lottery. All costs and income are contained within the project.

%age take up of possible South Hams and West Devon Player population	Year 1	Year 2	Year 3	Year 4	Year 5	
<b>INCOME</b>						
Start up costs	£5,350	£0	£0	£0	£0	Licence, lotteries Council membership and marketing
Annual South Hams and West Devon Council support	£0	£1,150.00	£1,449.60	£1,750.00	£2,050.40	Licence, lotteries Council membership and marketing
Ticket Sales	£59,540	£89,310	£119,080	£148,850	£178,620	
<b>Sub total</b>	<b>£64,890</b>	<b>£90,460</b>	<b>£120,530</b>	<b>£150,600</b>	<b>£180,670</b>	
<b>EXPENDITURE</b>						
Prize fund	£11,908	£17,862	£23,816	£29,770	£35,724	
Initial Licence application fees	£1,000	£0	£0	£0	£0	
Annual licence fees	£0	£500	£500	£500	£500	
Lotteries Council Membership	£350	£350	£350	£350	£350	
External Lottery Manager	£10,122	£15,183	£20,244	£25,304	£30,365	
Initial Lottery Platform costs	£3,000	£0	£0	£0	£0	
Launch marketing costs	£1,000	£0	£0	£0	£0	Annual Marketing covered by ELM funds.
Annual South Hams and West Devon funding distribution costs	£0	£300	£600	£900	£1,200	
VAT	£1,786	£2,679	£3,572	£4,466	£5,359	
<b>Sub total</b>	<b>£29,166</b>	<b>£36,874</b>	<b>£49,082</b>	<b>£61,290</b>	<b>£73,498</b>	
Expenditure - distribution to good causes						
60% to good causes Lottery pot	£35,724	£53,586	£71,448	£89,310	£107,172	
<b>Sub total</b>	<b>£35,724</b>	<b>£53,586</b>	<b>£71,448</b>	<b>£89,310</b>	<b>£107,172</b>	
<b>Income less all expenditure</b>	<b>£0</b>	<b>£0</b>	<b>£0</b>	<b>£0</b>	<b>£0</b>	

## **Future developments and marketing**

The lottery has been developed to be flexible in form in order to offer 'bolt on' activities to the main lottery to raise player and good cause interest.

An example of this may be the run up period to the first draw, when players signing up to the lottery may be also entered into an additional prize draw to win an item prize e.g. an iPad. This is to assist with the overall launch and marketing of the lottery.

Other marketing activity (which may incur additional costs) may include:

- Periodic email sign off attachments to all council emails.
- Advertising on the side of council vehicles.
- Social Media channels and potential social media advertising.
- General promotion of prize winners and good cause benefactors.

South Hams and West Devon Council will produce a Lottery marketing plan, both for launch and ongoing activities.

## **Problem Gambling**

One of the concerns raised as part of implementation of the AVDC and other councils' lottery schemes is that of encouraging people to gamble. It is considered that the form of the South Hams and West Devon Lottery is not particularly attractive to those with a gambling addiction as it:

- it is being marketed always with the promotion of good causes as its focus
- it is delivered remotely, non-cash based, and takes effort to subscribe to
- there is no instant gratification element
- it provides the ability for players to self-exclude, and have the ability to place blocks or caps on players

To help offset any concerns the council will make a contribution to national gambling support groups via a one-off contribution to the Gambling Commission. This is done through the annual membership to the Lotteries Council.

Whilst marketing will be directed widely, the experience of AVDC is that most of the players come from Acorn demographic groups B (Executive Wealth) and C (Mature Money), which those in more vulnerable groups partaking in much lower numbers.

## **Delivery Timeline**

The South Hams and West Devon Lottery is predicated on delivery in late spring/early summer 2018 subject to a successful licensing application.

VCS 'on boarding' would be scheduled to start in the new year, with player 'on boarding' commencing a month ahead of the first draw.

All of the above is subject to Gambling Commission licensing process; at the time of preparation of this business case the lead in time for a new license to be approved is 16 weeks.

## **Appendix A1 - Criteria for joining the South Hams and West Devon Lottery:**

The licence under the Gambling Act 2005 will need to set out eligibility criteria for those groups wanting to take part.

### **An organisation must:**

- Provide community activities or services within the District & Borough Council boundaries.
- Have a formal constitution or set of rules.
- Have a bank account requiring at least 2 unrelated signatories.
- Operate with no undue restrictions on membership.
- Have a detailed plan as to how the lottery will be promoted.

### **And be either:**

- A constituted group with a volunteer management committee, with a minimum of three unrelated members, that meets on a regular basis (at least 3 times per year).
- A registered charity (if so, the charity must provide details of charitable status including registered number where appropriate), with a board of trustees

### **Or :**

- A registered Community Interest Company, (if so, they must provide copies of their Community Interest Statement, details of the Asset Lock included in their Memorandum and Articles of Association, and a copy of their latest annual community interest report).

### **The following groups are not eligible:**

- Organisations that do not do work within the boundaries of South Hams and West Devon Council.
- Individuals.
- Organisations which aim to distribute a profit to shareholders and/or investors.
- Organisations with no established management committee/board of trustees (unless a CIC).

All applications will be reviewed on their own merits. The Council reserves the right to accept or reject any application for any reason.

The Council reserves the right to remove any organisation from participating in the lottery with a minimum of 7 days' notice for any reason.

If fraudulent or illegal activity is suspected, this removal will be immediate.

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**Appendix B: Partnership Register 2017-18 - Summary of Financial Commitments Per Annum**

Theme	Organisation	Description	WDBC	SHDC	Contractual Position
Communities	CVS	Support and assistance to community and voluntary organisations.	£ 8,500	£ 42,616	
Communities	CAB	Provision of advice and support to individuals	£ 32,900	£ 41,867	
Communities	Ivybridge Ring & Ride	Community Transport Provision		£ 2,710	
Communities	Totnes & Dartmouth Ring & Ride	Community Transport Provision		£ 10,315	Ceased operation
Communities	Tavistock & District Local Transport Partnership	Community Transport Provision	£ 10,315		
Economy	LEAF	Invests in economic, environmental and community projects to encourage innovation and promote prosperity of the area of Greater Dartmoor.	£ 8,200	£ 8,200	Committed to 2021
Economy	LAG	Invests in economic, environmental and community projects to encourage innovation and promote prosperity of the area between Plymouth and Exeter.	£ 8,200	£ 8,200	Committed to 2021
Economy	BIP (business support)	Providing business advice for new businesses contracted to 4/18	£ 15,100	£ 8,000	Committed to 2018; however growth fund is part of this and is committed to 2020 (£1k WD pa, £2k SH pa)
Economy	LEP	Supporting the growth of the local and rural economy at a strategic level	£ 5,000	£ 5,000	
Environment	Local Resilience Forum	South Devon group formed to be able to plan and respond to civil emergencies		£ 800	
Environment	South Devon AONB	To conserve and enhance the natural beauty of the landscape, with two secondary aims: meeting the need for quiet enjoyment of the countryside and having regard for the interest of those who live there		£ 32,900	
Environment	Tamar Valley AONB	To conserve and enhance the natural beauty of the landscape, with two secondary aims: meeting the need for quiet enjoyment of the countryside and having regard for the interests of those who live and work there.	£ 9,400		
Environment	South Devon Estuaries AONB			£ 10,200	
Environment	Wembury Marine Centre			£ 6,525	Committed long term
Environment	Tamar Estuaries Consultative Forum	The estuary management partnership that brings together stakeholders to promote the delivery of integrated management for the Tamar estuaries and nearby coastal areas in order to ensure long term sustainability.	£ 7,270		
Environment	South Devon Green Infrastructure Partnership	The purpose is to secure delivery of high quality multi-functional green infrastructure and strengthen the green infrastructure network across the South Devon project area.		£ 6,500	
Environment	Slapton Nature Reserve Partnership			£ 13,595	
Heritage	World Heritage Site	To protect one of England's 10 areas in the Historic England Group - project run by Cornwall County Council	£ 4,000		
Heritage	Tavistock Townscape Heritage Initiative	A significant partnership built into the Heritage Lottery Fund / contracted	£ 10,000		Committed to 2019
Homes	Devon and Cornwall Housing Options Partnership	Housing advice and homelessness in Devon, linked to the Strategic Group	£ 6,000	£ 6,000	
Wellbeing	Villages In Action	Supporting the Arts in WD	£ 4,000		Committed for 2017/18
Wellbeing	SW Museums	Wupporting Museums in SH & WD	£ 2,000	£ 5,000	Committed until 2019
Wellbeing	Young Devon (West Devon)	Provides supported housing advice and counselling for young people in West Devon	£ 7,500		
Wellbeing	Devon Youth Games	Annual youth participation event held countywide.	£ 3,000	£ 3,000	
Wellbeing	OCRA	OCRA deliver outreach work across West Devon including Devon Youth Games and Active Villages	£ 2,000		
Infrastructure	Devon and Cornwall Rail Partnership	Promotion for the Tamar Valley Line	£ 2,500		
<b>TOTAL</b>			<b>£ 145,885</b>	<b>£ 211,428</b>	<b>£ 357,313</b>
Total Committed / Contracted			£ 47,500	£ 29,400	£ 76,900
<b>TOTAL Excluding Committed / Contracted</b>			<b>£ 98,385</b>	<b>£ 182,028</b>	<b>£ 280,413</b>
Communities			£ 51,715	£ 97,508	
Environment			£ 16,670	£ 70,520	
Economy			£ 36,500	£ 29,400	
Heritage			£ 14,000	£ -	
Homes			£ 6,000	£ 6,000	
Wellbeing			£ 18,500	£ 8,000	
Infrastructure			£ 2,500	£ -	
			<b>£ 145,885</b>	<b>£ 211,428</b>	

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Report to: **Overview and Scrutiny Panel**  
Date: **9 November 2017**  
Title: **Community Safety Partnership**  
Portfolio Area: **Customer First**  
Wards Affected: **All**

Relevant Scrutiny Committee: N/A

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

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

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

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

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## **RECOMMENDATION**

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

### **1. Executive summary**

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

### **2. Background**

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

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

The CSP is intelligence led and delivers in the context of the Devon Strategic Assessment and also the Police and Crime Plan that is owned by the Police and Crime Commissioner. The CSP continues to focus on the most vulnerable within our community in response to information provided by the Devon Strategic Assessment and any emerging threats or risks.

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

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

### **KEY ACHIEVEMENTS**

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

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

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

### **Achievements in South Hams**

- Facilitated training on safeguarding and child sexual exploitation to taxi drivers
- Chelsea's Choice - 610 Year 8 students have seen a theatre production and follow up workshops on child sexual exploitation through work with Kingsbridge, King Edward VI College and Dartmouth Academy.
- Close working with South Hams Secondary Schools to address and raise awareness of community safety issues. This model is seen as best practise

- Engagement in Operation Venus to address the use of Psychoactive Substances and drug misuse

### **Achievements in ASB**

- We are in the process of preparing Public Spaces Protection Orders (PSPO's) to replace the current Alcohol Designation Orders. This has involved consultation with Police, Town and Parish Councils. In addition a further PSPO is being prepared to deal with the ongoing problem of 'Boy racers' in the Quay Car Park, Kingsbridge. This is after consultation with local residents effected by the 'Boy racers' and Kingsbridge Town Council. The PSPO's should be in place in January 2018.
- Following a meetings with Police, Kingsbridge Town Council and local residents concerning 'Boy racers' at the Quay Car Park in Kingsbridge a plan of action was devised. This included the Town Council upgrading their CCTV system in the car park. SHDC obtaining a PSPO to deal with the behaviour. Also the Police to identify those concerned with a view to starting the Community Protection Notice (CPN) escalation procedure. Four drivers have been identified and sent first stage warning letters. Two have subsequently been sent official CPN warning letters
- Following discussion with Totnes Police a new escalation process was devised to deal with people begging within the Town Centre. The new escalation process mirrored the ASB escalation process, however within the letters were a list of partners and agencies offering help and support. After the second letter the recipient would be warned that any further offence they would be arrested and a Criminal Behaviour Order sought. To date, three of the long term homeless are now engaging with SHDC Housing Team.
- Two ASB Injunctions have been obtained by Devon and Cornwall Housing in relation to ASB by their tenants. These were obtained after extensive multi-agency working. These injunctions both refer to the Dartmouth area.

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

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

#### 5. Proposed Way Forward

The main considerations for members include –

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

#### 6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		The CSP works under several sections of legislation including –  Crime and Disorder Act 1998 Police Reform Act 2002 Anti Social Behaviour Act 2003 Police and Justice Act 2006 Policing and Crime Act 2009 Section 9 of the Domestic Violence, Crime and Victims Act (2004). Anti Social Behaviour , Crime & Policing Act 2014
Financial		2016/7 income to the CSP included a £24,000 grant of Safer Communities funding from the PCC via the Safer Devon Partnership and contributions from agencies and income to support specific projects.

		South Hams District Council costs for 2016/7:  Total contribution £ 41697
Risk		The report is for information and as such there is no risk associated with decisions to set out.
Comprehensive Impact Assessment Implications		
Equality and Diversity		The CSP addresses issues including hate crime and specific crimes relating to vulnerable members of the community such as distraction burglary.
Safeguarding		CSP staff engage in a number of safeguarding forums and promote effective safeguarding practice in their work. This links to internal Council safeguarding.
Community Safety, Crime and Disorder		The report details the many implications on Community Safety of West Devon engagement in the CSP.
Health, Safety and Wellbeing		The CSP works closely with public health and other partners on health and wellbeing issues including alcohol and licensing.
Other implications		



# Agenda Item 9

Report to: **Overview & Scrutiny Panel**  
Date: **9<sup>th</sup> November 2017**  
Title: **Devon Home Choice Annual Review & South Hams Allocation Policy Review**  
Portfolio Area: **Customer First**  
Wards Affected: **all**

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

Author: **Isabel Blake** Role: **COP lead Housing, Revenues & Benefits**

Contact: **isabelblake@swdevon.gov.uk**

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## **Recommendations:**

### **That Executive RESOLVES:**

1. That South Hams District Council continues as a partner of Devon Home Choice.
2. To continue the registering of applicants in Band E, no housing need for the purpose of Devon Home Choice
3. To accept the minor changes of updated wording to the South Hams Allocation Policy.

## **1. Executive summary**

- 1.1 Following a review of Devon Home Choice attached at Appendix 1 Members are asked to approve the recommendations as set out above.
- 1.2 The report recommends that South Hams remains a Devon Home Choice partner. As a non-stockholding Local Authority it is essential to work with Registered Providers to ensure that allocations of social housing are targeted at local people in housing need and that these opportunities are maximised.

The report concludes that there is little value in a standalone system for households seeking social housing in South Hams and that the costs of any such scheme would likely be prohibitive to the Council at this time.

- 1.3 The report also recommends to retain Band E, for applicants with no housing need. This is based on evidence that 13.5% of the allocations last year went to households in this banding.
- 1.4 The South Hams Allocation Policy remains fit for purpose and lawful. This updated version changes some of the language but not the context.

## **2. Background**

- 2.1 At the Overview & Scrutiny Panel on the 24<sup>th</sup> November 2016, it was agreed that a full review of alternative models to Devon Home Choice and Choice Based Lettings (CBL) should be completed within the next 12 months. Concerns were raised by Members that the scheme was overly bureaucratic, a perceived lack of transparency and that policy rules were not being adhered to. Also at this time some Local Authorities had started to indicate a move away from Choice Based Letting schemes and there were concerns over the future of Cornwall Home Choice, with a major provider leaving the partnership and setting up their own CBL scheme.
- 2.2 The report (Appendix 1) reviews the other options for housing allocations and concludes that although there were some indications that Local Authorities would move away from Choice Based Lettings this has not transpired with only a single council – Portsmouth using an alternative model. If the Council wished to pursue this model then it would require additional staff, additional IT and changes to working practices which currently encourage self-serve options.

The arrangements in Cornwall have continued in partnership and a recently conducted external review of Cornwall Home Choice gave options for the partnership to take forward. Devon will also be reviewing the arrangements to look into what may be able to be offered in the future, details of which are contained in the report.

As developments away from Choice Based Lettings did not materialise in other Authorities and a confidential review was under way in Cornwall which would help inform our position it was not considered essential to invoke a previous suggested Task and Finish group".

## **3. Outcomes/outputs**

- 3.1 Although Members have some concerns over Devon Home Choice, the report found these largely to be unfounded. The majority of applicants self-serve, with support for more vulnerable customers. The register has been reviewed and this is now on a rolling

programme. Our allocation policy still safeguards local interests and there is little truth in a large number of properties being allocated to people with no local connection to the area.

- 3.2 We have discussed the possibility of leaving Devon Home Choice with our largest landlord DCH. They have been clear that they are still committed to a Devon partnership, but would also like to assist Members in understanding local issues. As a non-stockholder it is essential that we continue to work positively with our providers, to not only ensure existing housing is allocated in a way that we agree with, but also to continue to attract providers to build in the South Hams.
- 3.3 There are opportunities for the Devon Home Choice Partnership to transform and simplify the process, and this is only achievable in partnership with our landlords.

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

- 4.1 South Hams could choose to leave Devon Home Choice. This proposal with some indicative costings of additional staff and ICT is set out in the attached report. There appears little or no justification for this. It is likely that the Devon Home Choice partnership would continue without us, and that landlords would continue to advertise properties for which we have no nomination rights over, through DHC. Local applicants would be required to apply on both registers to ensure they were considered for all available properties.  
It is also unlikely that South Hams could make major changes to the reasonable preference criteria, as set out in the report and enshrined in the Housing Act 1996 (as amended).
- 4.2 Members could vote to stop registering Band E applications as is the case in Exeter, Plymouth & Teignbridge. The consequence being that when Landlords do not find applicants for their properties in Bands A- D that they are advertised by alternative means.

**5. Proposed Way Forward**

- 5.1 Members are asked to recommend to the Executive the three recommendations set out above.

**6. Implications**

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	Both the Devon Home Choice Policy, and the South Hams Allocation Policy meet the statutory requirement of the Housing Act 1996 (as amended)

Financial	Y	If Members do not accept officer recommendation and pursue a standalone allocation system for South Hams The cost will increase by at least £50k (Year 1) and is detailed in Appendix 1 This would be new expenditure for which there is no budget.
Risk		Devon Home Choice and the South Hams Allocation Policy are both robust enough to ensure they are statutorily compliant.  The data security is well managed and to a high standard, with involvement from IT Colleagues in Devon.  There is more to do to fully understand customer satisfaction and to continue to offer a safety net for people who need additional support to play an active part in their housing options.
Comprehensive Impact Assessment Implications		
Equality and Diversity		This data is collated by the Devon Home Choice Partnership and closely correlates with the ethnicity of householders in the South Hams.
Safeguarding		There are inbuilt processes and systems to ensure that the most vulnerable are appropriately supported.
Community Safety, Crime and Disorder		No direct implications
Health, Safety and Wellbeing		Both the Devon Home Choice Policy and the South Hams Allocation Policy give reasonable preference to people requiring housing due to health, safety & wellbeing
Other implications		

### **Supporting Information**

#### **Appendices:**

Appendix 1 Report regarding Devon Home Choice and alternative models to Choice Based Lettings.

Appendix 2 Devon Home Choice Policy  
[https://www.devonhomechoice.com/useful-information-0#Policy\\_Procedures](https://www.devonhomechoice.com/useful-information-0#Policy_Procedures)

Appendix 3 South Hams Allocation Policy October 2017

Appendix 4 Devon Home Choice Monitoring Report 1<sup>st</sup> April 2016 – 31<sup>st</sup> March 2017

[https://www.devonhomechoice.com/sites/default/files/DevonEditor2/dhc\\_monitoringreportapr2017.pdf](https://www.devonhomechoice.com/sites/default/files/DevonEditor2/dhc_monitoringreportapr2017.pdf)

**Background Papers:**

**Approval and clearance of report**

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

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# **Report regarding Devon Home Choice and alternative models to Choice Based Lettings**

## **1. Context**

In autumn 2016 a report recommending the continuation of South Hams as a partner of Devon Home Choice went before Members of the Overview & Scrutiny Panel. Although the recommendation was approved, Members asked for a full review of alternatives to Devon Home Choice being explored during the next 12 months.

## **2. Background**

2.1 South Hams District Council has been a member of the Devon Home Choice partnership of all local authorities in Devon and 25 Registered Providers with housing stock in the County since its inception in 2010. 2054 households have been successfully rehoused in this time. Initially there was widespread government support for Councils to work together to create regional partnerships to promote social mobility for people who needed to move for work or to care for family. Previous to this partnership people requiring Affordable rented housing in South Hams would be required to register on the Council's housing register and also the registers of all local providers to ensure they were considered for all properties that became available. In South Hams this was a point's based system with points awarded depending on the degree of housing need. There were other variations of points systems used by the other providers.

2.2 As a non-stock holding Authority, South Hams is dependent on nomination arrangements with local providers. Typically this is 75% of the total properties on a scheme. Whilst this was simple to organise on brand new schemes, re-lets and the properties transferred to what was then Tor Homes and is now DCH, were more complex and there was a lack of transparency regarding this arrangement.

2.3 The will of the Councils and providers at the time, coupled with Department of Communities & Local Government funding brought together all of these housing registers under one scheme with a common application form and policy. Instead of complex points systems, applicants were placed in a banding dependent on their housing need. Once registered all property was advertised through the website, through newsletters and a recorded phone line for people without internet access. Furthermore, lists of available property were sent to elected Members, parish councils, libraries and other support workers or voluntary groups who requested them. Applicants had a week to express an interest (bid) for a property, and at closure of the advert a shortlist was generated with the applicant in the highest band for the longest period of time being made an offer of the property (subject to Section 106, age criteria or other restrictions placed on the property). Feedback would then be provided at the next advert, so applicants would be educated on how long people had been waiting and what band they were in, which would inform their future bidding.

2.4 Concerns were raised early on by Members from both South Hams and other Councils, regarding local people missing out on local property. As a result a 2% limit was set. This meant that all Councils could advertise properties with a preference to local applicants if they had accommodated more than 2% of their annual lets to households within Devon but with no local connection to that particular area.

## 2% target analysis as at 30<sup>th</sup> June 2017

	<b>No. Moved into local authority from within Devon but with no local connection</b>	<b>No moved out of local authority with no local connection to LA moved to</b>	<b>Balance</b>	<b>2016/17 Lets</b>	<b>2017/18 2% limit</b>	<b>Moved in from outside Devon with no local connection to LA moved to</b>
East Devon	8	2	6	425	9	2
Exeter		14	-14	609	12	
Mid Devon	8	1	7	290	6	
North Devon		6	-6	349	7	
Plymouth	6	9	-3	1398	28	1
<b>South Hams</b>	<b>6</b>	<b>3</b>	<b>3</b>	<b>320</b>	<b>6</b>	
Teignbridge	7	6	1	437	9	
Torbay	5	6	-1	325	7	2
Torrige	5	1	4	223	4	
West Devon	3		3	141	3	

### 3. South Hams District Council Allocation Policy

To further strengthen the offer to local people, South Hams Members approved an allocation policy where in parishes of less than 100 units of affordable housing, preference would be given to households with a local connection to that parish with a reasonable preference for affordable housing (Bands A-D of the Devon Home Choice policy). This was in addition to section 106 arrangements which also prioritised locals. The providers were accepting of this policy and have worked with the Council to ensure allocations continue to go to local applicants.

### 4. The operation of Devon Home Choice

4.1 SHDC as a non-stock holding authority pays a contribution of £1000 a year towards printing and other running costs. We directly employ 1 FTE at a Level 8 to process applications and all the associated activity connected with establishing housing need and the best options for an individual and the eventual advert of a property.

4.2 The majority of applications are submitted online and in September, of the 111 new application and changes of circumstances received, 9 were input manually. To ensure accessibility for all, 32 newsletters are sent to individuals who have requested adverts in this format. At least quarterly, people who have not bid and are in bands A&B are contacted to ensure they understand how to bid and are supported in doing so if required.

To keep the register updated and relevant, applicants are reviewed in the anniversary month of their original application. This has led to reductions in the register from July 2016 of 674 households.



	<b>Band A</b>	<b>Band B</b>	<b>Band C</b>	<b>Band D</b>	<b>TOTAL</b>	<b>Band E</b>	<b>Grand total</b>
<b>South Hams July 2016</b>	0 (0%)	188 (17%)	243 (21%)	708 (62%)	1139	738 (39%)	1877
<b>South Hams Oct 2017</b>	0 (0%)	123 (21%)	147 (26%)	305 (53%)	575	628 (52%)	1203

To support the partnership, 2 officers are hosted by Exeter City Council. These are paid for through the advert costs to stock holding Authorities and Landlords of £25 per advert. This also pays for the software, website and any enhancements needed to the system. To be clear, South Hams District Council as a non-stock holder, do not contribute to these costs.

## **5. Changes since 2010**

5.1 The Localism Act 2011 introduced some changes to the allocation of affordable rented Housing. Previously there had been a requirement to have an “open register” therefore anyone could apply to join, regardless of their likelihood to be offered housing in the future. It was perceived that this encouraged false expectations and large waiting lists.

5.2 The Act gives local authorities greater freedom to set their own policies about who should qualify to go on the waiting list for housing in their area. This means that they are now able, if they wish, to prevent people who have no need of affordable rented housing (Band E for the purpose of DHC) from joining the waiting list. Authorities are still obliged to ensure that homes go to the most vulnerable in society and those who need it most.

5.3 DHC remained an open housing register, however in the last 2 years Torbay, Teignbridge & Exeter City Councils have all removed Band E.

5.4 In 2016/17 43 of the 320 properties let in South Hams were allocated to people in Band E equating to 13.5% of the available properties.

5.5 As a compromise for removal of Band E by these 3 local authorities, it was agreed that if no one suitable applied for the property then the Landlord could re-advertise the vacancy again through alternative means. In practice this has led to affordable rented housing property being advertised and let through the gumtree website.

5.6 In addition to no longer being required to hold an open register, some Local Authorities nationally began exploring the possibility of stepping away from choice based lettings and exploring other models such as matching people directly to properties based on their housing need. Whilst 12 months ago it looked like various councils were moving towards this, to date none have moved away from operating a choice based lettings model.

5.7 The exception to this is Portsmouth, who are the only Authority currently in the Country to have moved away from CBL.

5.8 People requiring housing in Portsmouth are no longer required to complete an application form or join a housing register. An in-depth interview is conducted in person or on the phone. If the person is deemed to qualify under their Housing Allocation Policy., officers then match them with an available property. More details can be found here

<https://www.portsmouth.gov.uk/ext/documents-external/hou-housing-waiting-list-allocation.pdf>. The benefits of this scheme would ensure applicants received an interview and opportunity to discuss their housing need with a housing officer and potentially would understand the likelihood of being rehoused.

5.9 If a similar scheme was adopted in South Hams there would be challenges that would need to be addressed. By insisting all applicants apply by phone or in person, it would be necessary to increase officer resource in both the customer service team and case management and would represent a step change in the current channel shift programme which encourages customers to apply online at a time and place convenient to them. It could also be perceived that the scheme is less transparent, with no apparent list and no advertising of available property. Whilst frontloading the work to the first point of contact certainly has its benefits around early intervention, the lack of transparency, increased resource and inefficiencies in application process, would mean this is likely to be unviable in South Hams in the current climate

5.10 At the end of 2016, the Cornwall Home Choice (CHC) partnership showed signs of vulnerability as one of the Landlords, Coastline, left CHC to set up its own system. This however was another Choice Based Lettings system. The properties Cornwall Council still had nomination rights over continued to be allocated through Cornwall Home Choice. To date no other landlord in Cornwall has joined Coastline, and all still allocate their housing through CHC.

5.11 Due to the unsettlement felt by partners, Cornwall Council commissioned a report by independent Housing Consultant and former specialist advisor to the DCLG, Andy Gale. At the time of writing the findings of this report are confidential, however landlords with stock in both Cornwall and Devon, now seem optimistic about continuing the partnership in the future.

## **6. Options for South Hams**

### **Continuing as a partner in Devon Home Choice**

6.1 Members have questioned the fairness and transparency around the Devon Home Choice process. To reassure Members of the governance around the partnership, fundamentally decisions of policy go back to Members of each individual Council and the Board of each provider to decide.

6.2 A Management Board of Senior Officers for each of the partners meets bimonthly to discuss strategic issues, whilst an operational group also meets to discuss the day to day running, complex cases and ways to improve and streamline the process for both applicants and staff. A customer satisfaction survey was conducted 18 months ago, of which there was very poor uptake across Devon. In South Hams 42 applicants completed it. Of the 42 people who completed the survey for South Hams 52% did not understand why their application had been placed in the band it was in, and even though they did not understand, 74% thought the banding was unfair or very unfair. It is acknowledged by the partnership that further focused and specific research, including people who had been successfully rehoused, would give a more holistic picture of people's experience. An IT enhancement for alerting people to suitable properties has recently been completed which will improve accessibility for people looking for a home.

6.3 South Hams District Council does not own its own housing stock. Typically we have 75% of nominations over housing owned by Registered Providers, and this is the case for the stock we previously owned but has been transferred to Tor Homes, subsequently DCH who remain the largest landlord in South Hams.

6.4 DCH remain committed to the DHC partnership. They have responded to a letter setting this out. At this stage no other local Authority or Provider has intimated they intend to leave the partnership. Therefore if South Hams wished to leave Devon Home Choice, it would be leaving independently. It is likely that Devon Home Choice would still continue, and properties that were not subject to our allocation arrangement would continue to be advertised. Therefore local people would be required to register on 2 systems.

6.5 Despite the headlines of 12 months ago, the Choice Based Lettings Model remains in operation everywhere other than Portsmouth. The Portsmouth allocation policy requires individual assessments prior to being accepted for housing. Whilst there is no doubt this is a good service for applicants, who are informed of their housing options at the earliest opportunity, the rurality of South Hams make this option impractical for a number of people trying to access housing outside of the main towns. It is also not in keeping with the direction of travel of the Authority in driving through channel shift, freeing up officers to spend time on the most vulnerable customers. It is estimated that at least 2 full time officers would be required to offer a similar type of service.

6.6 For indicative purposes enquiries have been made to a major software supplier of a standalone IT option for South Hams District Council. This is commercially sensitive information and is therefore excluded from this report. However for a Housing Register alone the price would be £24,063. If South Hams members wished to continue with its own Choice Based Letting system and an online application this would be £52,663. The annual charges for support would be £11,370. It is unlikely if Devon Home Choice continued without South Hams that any provider would contribute to these costs, seeing it as a return to nominations.

	<b>Staff</b>	<b>ICT Implementation</b>	<b>ICT Annual Charges</b>	<b>Total</b>	<b>Cost per property advertised</b>
<b>Current Cost</b>	£22,940	0	£1000	£23,940	£25 fixed cost funded by landlord (Not SHDC)
<b>Estimated Cost of Standalone system</b>	£50,010	£24,063- £52,663	£11,370	£74,073 - £102,673 (Year 1) £61,380 (Year 2 ongoing)	£231 in Year 1, and £191 in subsequent years

### Option

It is likely the cost involved in a standalone scheme would be prohibitive. It is not clear of any benefit to residents of South Hams. Any allocation system is bound by reasonable preference criteria. It is therefore likely that any system would appear very similar if it were to remain lawful.

Any standalone scheme could introduce criteria ensuring it was only open to people with a local connection to the South Hams. As evidence suggests there are already existing safeguards in place within DHC with the 2% limit criteria. This would have prevented 6 households moving to the area without a local connection in 16/17. If typically 25% of the available property remained advertised through Devon Home Choice, it stands to reason that more property would be let to people without a connection to South Hams.

### **Recommendation**

**That SHDC continues in the Devon Home Choice partnership**

### **The question of continuing to register applicants in no housing need (Band E)**

Some Members in South Hams have voiced concerns over Devon Home Choice in the past. For some, registering applicants in no housing need with little chance of housing has been a futile exercise, whilst others would like the local connection preference to be extended to local people with no housing need. As we do not own any housing either option has to be in partnership with our local providers.

### **Option**

South Hams District Council can make a decision to stop registering Band E applications. However 13.5% of properties, based on last financial year could go to people through advertisements on gumtree or other websites.

Officers do not feel there is a large administration burden with the registering of Band E applicants. They are largely self-serving choosing to interact through the website, so it is unlikely to bring any office efficiency.

Regarding extending the preference to people with no housing need but with a local connection, the Council is bound by Part 6 of the 1996 Housing Act (as amended) to give "reasonable preference" to certain groups of people. These are as follows

- People who are homeless
- People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- People who need to move on medical or welfare grounds
- People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or others)

Both the Devon Home Choice Policy & the South Hams Allocations Policy currently meet these statutory requirements. It would be unlawful to give preference to people in no housing need with a local connection, above those with a reasonable preference of housing need (other than where there was a section 106 agreement in place).

### **Recommendation**

**That South Hams District Council continue to register Band E applicants for Devon Home Choice.**

## **The Future of Devon Home Choice**

With the renewed vigour in the Cornish partnership, and a willingness to share the Consultant findings as soon as possible, the other Devon partners remain committed to working together and continuing with Devon Home Choice.

As a non-stockholding Authority working in partnership with Local landlords still remains the best deal for local people.

- DHC remains a one stop shop for affordable housing to rent in Devon
  - Almost 100% of property in Devon is let through Devon Home Choice, with no need to revert to nomination arrangements
- DHC gives regular feedback to applicants on their final place on shortlists and allows them to make informed choices on where they want to live.

During the T18 transitional period, it has been important in South Hams to ensure applications were processed timely and effectively to ensure people did not miss out on properties. It is recognised that there is more work to be done to ensure people in the greatest housing need are supported in their choices. After a vacancy of nearly 12 months there is now increased specialist resource in housing. This officer has been tasked with focused targeted work to ensure we are best meeting the needs of South Hams residents. This will complement the early intervention work that the team will need to provide under the requirements of the Homeless Reduction Act – the biggest change to housing legislation since 1977 and both a challenge and an opportunity for this Council.

DHC has approached the consultant Andy Gale who conducted the Cornwall review to consider opportunities for the Devon partnership. Whilst currently unable to commit to a full review he has signalled an opportunity for the Devon partners to work together and create a new simplified version of DHC.

The partnership will therefore over the next 12 months be looking at a new model, no longer structured on the basis of offering one product only (affordable housing for rent) recognising that this traditional approach fails to recognise the reality of limited supply of rented homes and reinforces behaviour where by residents are unwilling to consider other housing solutions. A simplified banding system and initial application process with people who can help themselves encouraged to do just this, whilst using ICT solutions to create personalised housing plans highlighting to households the range of housing options they can consider (shared ownership, house shares, private rented options etc.). This could transform Devon Home Choice and provide a much needed service for people in Devon concerned about their housing options. Continuing participation in the partnership would ensure that South Hams were able to improve the opportunities we are able to give residents to the District.

Any fundamental changes to Devon Home Choice are as ever subject to the approval of each Council and Landlords Members and Boards.

Isabel Blake Community of Practice Lead Housing Revenues & Benefits October 2017

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# **SOUTH HAMS DISTRICT COUNCIL**

## **LOCAL ALLOCATION POLICY**

**South Hams District Council is committed to reflecting the full diversity of the community it serves and to promoting equality of opportunity for everyone.**

**This policy and all associated documentation and leaflets can be made available in large print, Braille, tape format or in any other languages, on request.**

**October 2017**

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# **SOUTH HAMS DISTRICT COUNCIL**

## **LOCAL ALLOCATION POLICY**

### **1 Scope of the policy**

- 1.1 This Local Allocation Policy sets out how the Council will deal with specific local issues outside of the Devon wide Choice based lettings system called Devon Home Choice. The document also sets out 'exceptions' to the Devon Home Choice Scheme i.e. where the Council will allocate outside of the scheme.
- 1.2 In exceptional circumstances South Hams District Council reserve the right to depart from any aspect of this policy. Any decision to depart from the policy will be taken by the Community of Practice Lead for Housing, Revenues & Benefits in conjunction with the lead Executive Member for Customer First.
- 1.3 Homes delivered in the Dartmoor National Park, on exception sites or on Community Led schemes are controlled by very specific needs in a particular parish. The criteria for these schemes will be set out within the Section 106 Agreement relating to the specific site.
- 1.4 The Devon Home Choice Policy is a separate document and should be read in conjunction with this policy.

### **2 Introduction**

- 2.1 South Hams District Council (SHDC) no longer holds any housing stock, having transferred the entire stock to various Registered Providers (RPs) in 1999.
- 2.1 Devon Home Choice is the model adopted by the Council, and RPs operating within the District, to allocate housing through this jointly operated Choice Based Lettings Scheme.
- 2.2 Devon Home Choice covers all 10 Devon Authorities including Plymouth and Torbay, enabling applicants to apply across Devon for vacant properties.
- 2.3 SHDC coordinates Devon Home Choice within South Hams and maintains the common housing register for all partners operating within the area.

- 2.4 Registered Providers label, advertise and let their properties. They have their own allocation policies and will verify applicants details to ensure they meet their criteria.
- 2.5 This policy document sets out:
  - a. the common policies adopted by all partners within Devon Home Choice
  - b. Council specific policies, and
  - c. exceptions to the Devon Home Choice Scheme

### **3 Statement of Choice**

- 3.1 South Hams District Council is committed to offering the greatest choice possible in the allocation of housing within the District, whilst ensuring that such choice is compatible with ensuring that housing goes to those with the greatest need.
- 3.1 Within this it must be recognised that there is very high demand for affordable housing in the South Hams and that this demand cannot currently be fully met from available resources. Consequently, more often than not, only those in the greatest housing need are likely to obtain suitable accommodation, which means that the degree of choice will always be limited.
- 3.2 South Hams District Council is also committed to extending choice to homeless households as far as is compatible with the effective use of council resources and the need to reduce the use of temporary accommodation. (paragraphs 5.1 – 5.5 of this policy which set out our policy relating to homeless households).

### **4 COMMON POLICIES**

#### **Devon Home Choice**

- 4.1 By joining the Devon Home Choice partnership all partners have agreed to the Devon Home Choice Policy.
- 4.1 The Devon Home Choice Policy document sets out in detail how the scheme will operate, how applicants will be prioritised and how properties will be let.
- 4.2 The Devon Home Choice Policy forms the best part of the Council's allocation policy, being the document which sets out the fundamental principles upon which the scheme is based.

- 4.3 The Devon Home Choice Policy is a separate document and should be read in conjunction with this policy.
- 4.4 South Hams District Council reserves the right to deviate from this policy in exceptional circumstances. Any decision to depart from this policy will be taken by the Community of Practice Lead for Housing, Revenues and Benefits along with the Executive member for Customer First.
- 4.5 Homes which are delivered through Dartmoor National Park, through the Village Housing Initiative (VHI) or on exception sites within South Hams are controlled by specific legal criteria relating to housing needs in a particular Parish. These criteria will be detailed in the Section 106 agreement.
- 4.6 Housing developments for the Over 60s are excluded from the Local Allocation Policy.

#### **HOUSING ACT 1996**

- 4.7 The Housing Act 1996 as amended requires all Councils to give 'reasonable preference' in their allocations schemes to groups in high housing need such as the homeless, those who need to move on welfare and medical grounds, people living in unsatisfactory housing and those who would face hardship unless they can move to a particular locality within the district. However guidance states that Local Authorities can take into account local pressures with regard to this.
- 4.8 Further guidance was issued in August 2012 in relation to the armed forces stating that local allocation policies should not be utilised for this group in certain circumstances, this is explained in detail in paragraph 5.15.

#### **5 COUNCIL SPECIFIC POLICIES**

- 5.1 The Council has specific duties to meet local housing needs and to meet the needs of the homeless. This section sets out the Council's policies in this respect and how they operate alongside the Devon Home Choice Policy.

##### **Homeless Households**

- 5.1 If the Council accepts a statutory duty to re-house a homeless household they will be placed in the High Housing Needs Band (Band B) in accordance with the Devon Home Choice Policy.

- 5.2 Homeless households will be offered the same degree of choice as other applicants for a period of 6 weeks after being accepted as homeless.
- 5.3 If bids have not been made for suitable accommodation within the 6 week period (and suitable vacancies have been advertised) then the Council will bid on behalf of the homeless household, for all suitable vacancies that arise, until the household is offered a property.
- 5.4 If no suitable vacancies occur within the first 6 weeks, the period of choice will be extended by a further period of up to 6 weeks.
- 5.5 Refusals of accommodation by homeless households will be considered in accordance with the Homelessness Code of Guidance.

### **Assisting Vulnerable Households**

- 5.7 To ensure vulnerable households, who do not have any support network, are able to access Devon Home Choice and bid for properties the Council will activate the automatic bidding process, this will be done with the applicants consent.
- 5.8 Regular checks will be made on “non-bidding” households to identify households who may need our support. When a household has been identified, and with their approval, bids will be made by Council staff on their behalf.
- 5.9 A copy of the Automatic Bidding Procedure is detailed in the Devon Home Choice Policy.

### **Local Housing Needs**

- 5.10 Whilst choice will be extended as widely as possible, certain housing schemes may only be let to applicants with a local housing need
- 5.11 In very rural villages with general needs rented housing stock owned by a Registered Provider of less than 100 properties, preference will be given to local households, provided they have an existing housing need i.e. bands A - D. For the purposes of clarity this is everywhere in South Hams apart from:
- Dartmouth
  - Ivybridge
  - Kingsbridge
  - Totnes
  - South Brent
  - Areas where specific lettings plans apply – Salcombe, Kingston, Stoke Fleming

- 5.12 Schemes delivered in the Dartmoor National Park and exception sites within South Hams will be controlled by very specific criteria relating to needs in a particular parish. These criteria will be set out within the S106 Agreement relating to the specific site.
- 5.13 Other larger sites enabled through the planning process within South Hams will allow 50% of all new rented affordable housing to be allocated to those in bands A – D. For the avoidance of doubt this will be schemes in Dartmouth, Ivybridge, Kingsbridge and Totnes.
- 5.14 For the purposes of clarity a household has a connection with the Parish/Town in any of the following circumstances:-
- (i) The person has lived in the parish/town for 3 out of the 5 years preceding the allocation.
  - (ii) The person has immediately prior to the allocation lived in the parish/town for 6 out of 12 months preceding the allocation
  - (iii) Immediate family have lived in the parish/town themselves for 5 years preceding the allocation. For avoidance of doubt The Local Government Association guidelines define immediate family as parents, siblings and non-dependent children.
  - (iv) The person has permanent employment in the parish/town with a minimum contract of 16 hours per week which has continued for the 6 months preceding the allocation without a break in employment of more than 3 months such employment to include self-employment. This should not include employment of a casual nature
  - (v) Any periods of (ordinary) residence of the person in the Parish/Town \* (definition see appendix 1)

## **ARMED FORCES PERSONNEL**

- 5.15 Further guidance issued in August 2012 in relation to the armed forces stated that where housing authorities utilise local connection policies they must not apply them to the following persons:
- a) those who are currently serving in the regular forces or who were serving in the regular forces at any time in the five years preceding their application for an allocation of social housing
  - b) bereaved spouses or civil partners of those serving in the regular forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service

- c) current or former members of the reserve forces who are suffering from a serious injury, illness, or disability which is wholly or partly attributable to their service

## **TENANTS INCENTIVE SCHEME**

- 5.15 One of the priorities in the Homes Strategy is to maximise the use of existing social housing stock including maximising family sized accommodation by offering a financial incentive where appropriate. The Council can offer payments to households to move to a more appropriate property in terms of size. This policy is a separate document and can be read in conjunction with the allocations policy.

## **6 EXCEPTIONS TO DEVON HOME CHOICE**

### **Supported Housing Schemes**

- 6.1 It is inappropriate to advertise vacancies in certain supported housing schemes as they have been developed to meet very specific needs.
- 6.2 The allocation process for such schemes will be agreed outside this allocation policy between Housing, Social Services and the RP and will be developed to meet the very specific needs of the client and sensitively manage the lettings of the scheme.
- 6.3 List of supported housing and Extra Care schemes exempt from Devon Home Choice within South Hams:-

Westville, Kingsbridge  
St Barnabas Project, Dartmouth  
Highland Villa, Ivybridge  
Belmont Villa, Ivybridge  
Redworth Terrace, Totnes  
Douro Court, Ivybridge  
Bishops Court, Newton Ferrers  
Quayside, Totnes  
See Separate Lettings Policies for the above.

## **Meeting the needs of the physically disabled**

- 6.4 Properties that have been adapted for the disabled will be labelled to ensure the property is let to an applicant with the need for this type of accommodation *e.g. preference will be given to an applicant with the need for a level access shower.*
- 6.5 However, there are occasions when the needs of a disabled household cannot be met within the general housing stock and a specific property needs to be built.
- 6.6 In such circumstances close liaison will take place between the Council, Social Services and the Registered Provider to ensure the property is built to meet the specific needs identified. In this case the property will not be advertised through the Devon Home Choice Scheme but will be allocated through Devon Home Choice as a direct match.

## **7 GENERAL**

### **Publicity**

- 7.1 This policy is a formal Council document and is not intended to be used as a publicity document.
- 7.2 Full details of the Devon Home Choice Scheme and the Council's policies will be produced in leaflet format and on the Council's website in a user-friendly format.

### **Diversity and Equal Opportunities**

- 7.3 South Hams District Council is committed to reflecting the full diversity of the community it serves and to promoting equality of opportunity for everyone.
- 7.4 This policy and all associated documentation and leaflets can be made available in large print, Braille, tape format or in any other languages, on request.

### **Policy Review**

- 7.5 The Devon Home Choice scheme and Policy are regularly reviewed and any changes are implemented only after majority agreement amongst all Devon Home Choice partners
- 7.6 The Council's allocation policy will be monitored regularly and reviewed and updated annually and in conjunction with new developments.



## Appendix 1

### \*Definition of Ordinary Residence

The overriding principle in determining a person's ordinary residence status is that people who have an appearance of need for community care services should not be denied assessment or subsequent service provision while that ordinary residence status is being disputed with another authority.

If the Department decides to supply or fund a service while awaiting the outcome of disputed ordinary residence, this decision should be clearly taken without prejudice. Any contractual arrangements entered into should reflect the temporary nature of the decision. This decision must be clear to the other authority, and staff with support of their managers should ensure that at no stage does the Department appear to have assumed responsibility when the situation is just being held until the matter is resolved.

There is no statutory definition of ordinary residence nor any statements about minimum residency periods, owning a house or holding a tenancy in a particular place. Making a judgement about ordinary residence involves questions of fact and degree, takes account of time, intent and continuity and has to be balanced with each individual's circumstances.

Where referral information indicates some doubt about where a person is ordinarily resident, further information will clearly be needed. For example if a person was receiving services or was living in a residential home before arriving in the county or still has a house in another county, this should alert the referral taker to a potential ordinary residence issue.

If someone has been funded in residential care by another LA, that LA retains responsibility unless or until there is a break in funding. This would usually be because the service user has moved into independent accommodation or has become self-funding.

If someone has been funded in residential care by another LA and there is a change in the care provided or the facility closes, the funding authority is responsible for a review of the service user's needs and also for continued funding, except where as in 5 above, the service user has moved into independent accommodation or has become self-funding.

At this stage staff must offer no commitment and assume no responsibility on behalf of the Department; decisions about a person's ordinary residence status should be made by the team manager following investigation.

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Report to: **Overview & Scrutiny Panel**  
Date: **7th November 2017**  
Title: **Village Housing Initiative Review**  
Portfolio Area: **Customer First**

Wards Affected: **All**

Relevant Scrutiny Committee:

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: **Alex Rehaag** Role: **Senior Specialist, Affordable Housing, Place & Strategy**

Contact: **Telephone/email: 01822 813722**  
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## **Recommendations:**

**1. To recommend to Executive to continue promoting and utilising the Village Housing Initiative model and to include this model of delivery within the Supplementary Planning Document (SPD) once the Joint Local Plan (JLP) is adopted.**

**2. Members to agree to the inclusion of Band E following the cascade for Village Housing Initiative schemes as set out in the report**

### **1. Executive summary**

- 1.1. This report asks the Panel to recommend to Executive that the Village Housing initiative continues to be utilised in the South Hams. The previous report on the VHI is attached at appendix 1.
- 1.2. Feedback to the review is included at appendix 2, these are the survey monkey results. Members to note the feedback to the survey at Appendix 2. However some responses were emailed and these can also be viewed if requested. The

email responses accord with the survey monkey results but add further written detail.

- 1.3. Changes proposed as a result of the review will allow for a cascade to band E applicants. Allocations for the VHI will be considered in the following way:
  - a) to allow applicants in band A-D from the parish to be considered for an allocation.
  - b) to then cascade to applicants in the immediately neighbouring parishes in band A-D to be considered for an allocation.

For a) and b) applicants must meet the local connection criteria set out in the s106. As this will be included in the s106, this criteria will be expected on initial allocation and on all subsequent re-lets.

Once a) and b) have been exhausted, Applicants in Band E from the parish of provision only to be considered for an allocation of accommodation before cascading out to the district.

- 1.4 This will address member concerns about the operation of the VHI and local connection issues around tenants.
- 1.5 The report highlights the survey's findings and concerns about timescales and delays which have occurred within the VHI schemes.

## **2. Background**

- 2.1. The VHI has been used within the District since 2010 to allow the delivery of up to four open market homes on non-allocated sites. The Initiative did not seek to replace the Council's adopted Exception sites policy which has remained in operation alongside the VHI.
- 2.2. The aim of the VHI is to increase the supply of affordable housing sites in rural villages by allowing small scale affordable housing developments on sites which might not otherwise be allocated for housing. The initiative responds to the clear message received from landowners over recent years that they would be willingly provide their site in return for a house, either for themselves, their children or employees.
- 2.3. The Overview & Scrutiny committee have requested a review of this scheme. This is timely as once the JLP has been approved, the VHI scheme is intended to be included in the SPD, any relevant issues and changes can be addressed now in preparation for the SPD. The results of the review include responses from communities, elected members and RP's.
- 2.4. The VHI was intended to speed up delivery and the projects were intended to take no more than 12 months from initiation to start on site.
- 2.5. The schemes mentioned below which have been a success have encountered issues which have resulted in delays. This review seeks to

identify solutions and safeguards that can be implemented to ensure delivery happens in a timely manner.

- 2.6. A number of successful schemes have been delivered in the area, but there have been issues and lessons have been learnt:
- Rattery
  - Newton Ferrers
  - Churchstow
  - Frogmore
- 2.6. A number of communities have sought to deliver schemes but issues around suitability of land, landowner expectations and timescales have prevented development in some communities from progressing. The recent schemes that did not come to fruition were:
- Dittisham
  - Staverton
  - Sparkwell
- 2.7 Since the introduction of the VHI, Neighbourhood Plans were introduced. Many of our communities who are developing a plan see the VHI as the most fitting delivery mechanism. This will satisfy the aspirations and needs of the communities who do not want large scale development but wish to meet the affordable housing needs of their communities.

### 3. Outcomes/outputs

#### 3.1.1 Band E

The amendment will provide communities with greater certainty that tenants who occupy VHI houses will have a local connection to the parish of provision and the immediately surrounding area before this cascades out to the district as a whole. It is proposed to follow the allocations process set out below in order of priority:

- a) to allow applicants in band A-D from the parish to be considered for an allocation.
- b) to then cascade to applicants in the immediately neighbouring parishes in band A-D to be considered for an allocation.  
For a) and b) applicants must meet the local connection criteria set out in the s106. As this will be included in the s106, this criteria will be expected on initial allocation and on subsequent re-lets.
- c) Once a) and b) have been exhausted, Applicants in Band E from the parish of provision only to be considered for an allocation of accommodation before cascading out to the district.

3.1.2 Officers will ensure that awareness raising events and information will be available to Parish Councils and Neighbourhood Planning Groups to highlight the availability of affordable housing in an area.

### **3.2 Timescales**

3.2.1 Officers will re-issue guidance to Neighbourhood Planning Groups, Parish Councils and landowners about the expectations of delivery in particular timescales of the VHI.

3.2.2 Timescales were highlighted as a particular concern for communities and it is anticipated that this can be reduced particularly once Neighbourhood Plans have been adopted and from the outset of any VHI's being initiated by the community.

3.2.3 Additional concerns linked to timescales were the issues around small scale developers going in to liquidation, bringing delays to the scheme. This should now be resolved when working with and RP as they have additional safeguards in place due to the procurement of their contractors.

### **3.3 Funding**

3.3.1 The council has funding streams which can be accessed to assist in land purchase on behalf of a Neighbourhood Planning Group. This could be achieved through Section 106 monies, agreed capital programme and the Community Housing Fund (CHF). Community involvement in the planning and development process will be key.

3.3.2 Section 106 funding can be accessed by communities as a result of the 6<sup>th</sup> July O&S report to councillors attached at appendix 3.

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

4.1. The VHI could be reviewed in another 2 years to measure its success. This delivery mechanism is intended to be within the emerging SPD post JLP examination. This would also give adequate time for Neighbourhood Plans to be ratified by the planning inspectorate.

4.2. There will always be risks in terms of slippage in development terms but the council's intervention through funding land options could reduce this risk.

### **Proposed Way Forward**

4.3. It is recommended that South Hams District Council do not make any fundamental changes to the existing Village Housing Initiative, but to agree to continue to promote the model and allow the inclusion of Band E as per the recommendation and paragraph 3.1.

4.4. Members will have a further opportunity for changes prior to agreement of the SPD after the JLP has been approved however the review and

subsequent report is intended to address fundamental issues now rather than at a later date.

## 5. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	Individual s106 agreements for each scheme
Financial	N	None. Schemes which apply for funding will be assessed on a scheme by scheme basis which will be supported by viability information.
Risk	N	Delays to individual scheme, not included in 5yr land supply issues
Comprehensive Impact Assessment Implications		
Equality and Diversity		This is addresses on each individual scheme.
Safeguarding		No direct safeguarding concerns with regard to this policy.
Community Safety, Crime and Disorder		<ul style="list-style-type: none"> <li>• No direct implications</li> <li>• Police liaison consulted on individual applications</li> </ul>
Health, Safety and Wellbeing		None
Other implications		None

### Appendices:

**Appendix 1 – VHI report 2010**

**Appendix 2 – Survey Monkey results**

**Appendix 3 – S106 report**

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## APPENDIX 1

AGENDA  
ITEM

AGENDA  
ITEM

### SOUTH HAMS COUNCIL

<b>NAME OF COMMITTEE</b>	<b>Executive</b>
<b>DATE</b>	<b>7 October 2010</b>
<b>REPORT TITLE</b>	<b>Village Housing Initiative</b>
<b>Report of</b>	<b>Affordable Housing Manager</b>
<b>WARDS AFFECTED</b>	<b>All</b>

---

#### **Summary of report:**

This report provides an update on the Village Housing Initiative (VHI) and seeks approval to extend the initiative for a minimum period of 2 years.

#### **Financial implications:**

There are no direct financial implications arising from this report. Any investment made in individual Village Housing Initiative schemes will be subject to a separate Housing Capital Programme report.

#### **RECOMMENDATIONS:**

It is recommended that;

1. The Village Housing Initiative be extended for a minimum period of 2 years commencing on 1 November 2010

#### **Officer contact:**

*Liam Reading – Affordable Housing Manager. [Liam.reading@southhams.gov.uk](mailto:Liam.reading@southhams.gov.uk)  
Tel: (01803) 861306*

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## 1. BACKGROUND

- 1.1 As Members will recall, the Village Housing Initiative (VHI) was proposed as a pilot project by the Council's Community Policy Development Group in November 2008 (minute number CPDG.23/08) and subsequently approved by the Executive in December 2008 (minute number E.84/08)
- 1.2 The aim of the VHI is to increase the supply of affordable housing sites in rural villages by allowing small scale affordable housing developments on sites which might not otherwise be allocated for housing.
- 1.3 The approach is similar to the adopted Exception Sites Policy (AH5) but allows for up to two open market homes to be built. These two market units are used to provide a return to the landowner and also to help cross subsidise the affordable housing thereby reducing the reliance on public subsidy.
- 1.4 The initiative responds to the clear message received from landowners over recent years that they would willingly provide their site in return for a house, either for themselves, their children or employees. The initiative aims to meet this aspiration through providing landowners with one of the following options.
- **Option A: One Completed House**  
This option provides the landowner with one completed dwelling which may be occupied or disposed of. The specification is agreed between the landowner and developing association within certain parameters.
  - **Option B: Development Plot and Build Cost Payment**  
This option provides the landowner with one development plot with detailed planning consent for a single dwelling together with a financial contribution towards the reasonable build cost. The landowner may construct a home on the plot or dispose of it on the open market.
  - **Option C: Financial Receipt**  
This option provides the landowner with a cash receipt. The receipt is broadly equivalent to option A and B.
- 1.5 As members will be aware, the level of grant funding for affordable housing is likely to diminish considerably in future years. In order to reduce the reliance on public subsidy, the VHI provides a level of cross subsidy from one of the two market units which significantly reduces the grant requirement. In some case, for example where there is a higher proportion of intermediate homes, the cross subsidy can eliminate the need for grant altogether.

- 1.6 A copy of the DRAFT information leaflet which will be published to promote the initiative is appended at annex 1.

## **2. ISSUES FOR CONSIDERATION**

- 2.1 The VHI was initially approved as a pilot scheme for a period of 1 year during 2009/10. During this time a site has been identified in Newton Ferrers. The scheme has progressed well and has strong local support. Subject to planning approval, the scheme is expected to start on site early in the next financial year.
- 2.2 Given the positive progress achieved with the pilot project, it is proposed that the VHI be extended throughout the District for a minimum period of 2 years. A number of potential VHI sites have been identified which could be brought forward, subject to consultation with the relevant ward Members and Development Management approval.

## **3. PLANNING POLICIES / COMMUNITY SUPPORT**

- 3.1 The VHI is, in part, a response to the economic downturn and decreased level of public subsidy available for affordable housing. As such it is seen as an interim measure. It does not seek to replace the Council's adopted Exception Sites Policy which will remain in operation alongside this initiative
- 3.2 The VHI aims to enable communities to respond to their housing needs through small scale developments specifically for local people. This is very much in line with the emerging localism agenda which promotes the community role in decision making on issues such as housing provision. As such we would only progress the VHI in locations where there was clear community support.

## **4. LEGAL IMPLICATIONS**

- 4.1 The VHI seeks to deliver affordable homes on sites that would not otherwise be allocated for housing. The inclusion of market housing, albeit limited, places the initiative outside of adopted Council planning policy. Any scheme brought forward under the VHI therefore constitutes a departure from policy. As such the Council is required to advertise the scheme as a departure in line with the requirements of the planning circular, Town and Country Planning (Consultation) (England) Direction 2009.
- 4.2 Local authorities are entitled both to set policy and to depart from it where the circumstances require an exception to be made; indeed it is unlawful to stick rigidly to policy and "fetter our discretion" where an exception ought to be made.

## 5. FINANCIAL

5.1 The initiative sets an informal policy framework which enables affordable homes to be delivered. As such there are no direct financial costs associated with it. As with all affordable housing schemes, the Council may choose to invest resources from the Housing Capital Programme to support individual schemes. Any such proposal would be subject to a separate Member approval under the Housing Capital Programme.

## 6. RISK MANAGEMENT

6.1 The risk management implications are:

<b>Opportunities</b>	<b>Benefits</b>
The VHI provides an opportunity to increase the supply on affordable housing sites whilst also reducing the reliance on public subsidy.	The benefits include the delivery of affordable homes for local people as per the Council's number one corporate priority.
<b>Issues/Obstacles/Threats</b>	<b>Control measures/mitigation</b>
The biggest issue is the potential to undermine the Council's existing Exception Sites policy by introducing a higher landowner return.	As mitigation, it is proposed that the VHI be a time limited initiative and that in future the Council will rely solely on the existing Exception Sites Policy. .

<b>Corporate priorities engaged:</b>	CP1 – Affordable Homes
<b>Statutory powers:</b>	Town & Country Planning Act 1990; Town and Country Planning (Consultation) (England) Direction 2009; Local Government Act 1972
<b>Considerations of equality and human rights:</b>	It is considered that there are no human rights or equality issues arising from the report.
<b>Biodiversity considerations:</b>	Not applicable to this report but will be considered in relation to any applications which follow
<b>Sustainability considerations:</b>	The VHI aims to enable affordable homes in sustainable locations but also to support the

	sustainability of rural communities.
<b>Crime and disorder implications:</b>	Issues of crime and disorder are addressed through secure by design principles which will be incorporated during the design stage of any VHI scheme.
<b>Background papers:</b>	Community Policy Development Group 27 <sup>th</sup> November 2008 – Report Title ‘ <i>Impact of Current Economic Conditions on the Delivery of Affordable Housing</i> ’  Executive 4 December 2008  Affordable Housing Development Plan Document
<b>Appendices attached:</b>	Draft VHI Information Leaflet

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#1

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Tuesday, September 12, 2017 7:52:27 AM  
**Last Modified:** Tuesday, September 12, 2017 7:59:04 AM  
**Time Spent:** 00:06:37  
**IP Address:** 46.18.47.216

Page 1: about your scheme

**Q1** Please provide your name and address or company name and address

Cllr Peter Smerdon

**Q2** Who are you responding on behalf of? eg parish council. **personal response**

**Q3** Do you know if a housing needs survey was carried out in the village? **Yes**

**Q4** Was a housing scheme built in your village **Yes**

**Q5** Which partners or agencies did you work with?

Parish council, Community Council Devon, Housing Association

**Q6** Was a call for sites carried out in the area? **No**

**Q7** Did you have issues in finding a site in terms of flooding, drainage, AONB etc? **no**

**Q8** Did you receive financial assistance from the council for pre-planning costs? **Yes**

**Q9** Did you receive funding for this scheme, if so from who? **South Hams District Council**

**Q10** Do you know how many open market units were built? please detail

2

**Q11** Do you know how many rented and shared ownership units were built? please detail

6 rent 4 shared

---

**Q12** Do you know how many bedrooms the properties have? please detail for open market and affordable if possible.

OM 3, Affordable 3,2,1

---

**Q13** Were the affordable rented properties let to people with a local connection?

Yes

---

**Q14** were the shared ownership properties sold to people with a local connection to the village?

Yes

---

**Q15** How long did it take from the point of looking at schemes to the properties being ready for occupation?

7 years

---

**Q16** Was this too long?

Yes

---

**Q17** Were there any delays throughout the process, if yes please provide the details.

First Developer went bust, then it was a huge task to find another

---

**Q18** Were there changes that you would make if you did this again. Please detail

Not use a small contractor

---

**Q19** What changes or additions do you think that the council should consider through this review. please provide as much detail as possible.

Give it a relaunch and do a call for sites across the district

---



## #2

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Wednesday, September 13, 2017 9:53:17 AM  
**Last Modified:** Wednesday, September 13, 2017 10:01:05 AM  
**Time Spent:** 00:07:47  
**IP Address:** 46.226.49.231

Page 1: about your scheme

**Q1** Please provide your name and address or company name and address

Eleanor Stark

**Q2** Who are you responding on behalf of? eg parish council. **Registered Provider**

**Q3** Do you know if a housing needs survey was carried out in the village? **Yes**

**Q4** Was a housing scheme built in your village **No**

**Q5** Which partners or agencies did you work with?

Parish Council and LA

**Q6** Was a call for sites carried out in the area? **No**

**Q7** Did you have issues in finding a site in terms of flooding, drainage, AONB etc? **no**

**Q8** Did you receive financial assistance from the council for pre-planning costs? **no**

**Q9** Did you receive funding for this scheme, if so from who? Other (please specify): plus HCA and internal RCGF

**Q10** Do you know how many open market units were built? please detail

0

**Q11** Do you know how many rented and shared ownership units were built? please detail

8 rent and 7s/o

---

**Q12** Do you know how many bedrooms the properties have? please detail for open market and affordable if possible.

range of 2-4 beds

---

**Q13** Were the affordable rented properties let to people with a local connection?

Nonination agreement was in place but majority of lets went to neighbouring parish

---

**Q14** were the shared ownership properties sold to people with a local connection to the village?

no

---

**Q15** How long did it take from the point of looking at schemes to the properties being ready for occupation?

10 years

---

**Q16** Was this too long?

Yes

---

**Q17** Were there any delays throughout the process, if yes please provide the details.

yes, planning and local consultaion

---

**Q18** Were there changes that you would make if you did this again. Please detail **Respondent skipped this question**

---

**Q19** What changes or additions do you think that the council should consider through this review. please provide as much detail as possible.

The Council to provide financial support through the pre-planning process. The RP was expceted to take all the risk and over a 10 year period and would not do so again.

---

## #3

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Wednesday, September 13, 2017 4:10:48 PM  
**Last Modified:** Wednesday, September 13, 2017 4:20:08 PM  
**Time Spent:** 00:09:19  
**IP Address:** 87.112.19.176

Page 1: about your scheme

**Q1** Please provide your name and address or company name and address

Cllr Blackler, Ward member for Sparkwell to Newton Ferrers

**Q2** Who are you responding on behalf of? eg parish council. **personal response**

**Q3** Do you know if a housing needs survey was carried out in the village? **Yes**

**Q4** Was a housing scheme built in your village **No**

**Q5** Which partners or agencies did you work with?

As above

**Q6** Was a call for sites carried out in the area? **Yes**

**Q7** Did you have issues in finding a site in terms of flooding, drainage, AONB etc? **no**

**Q8** Did you receive financial assistance from the council for pre-planning costs? **no**

**Q9** Did you receive funding for this scheme, if so from who? **Other (please specify):  
None to my knowledge**

**Q10** Do you know how many open market units were built? please detail

New scheme are coming forward

---

**Q11** Do you know how many rented and shared ownership units were built? please detail

Not yet

---

**Q12** Do you know how many bedrooms the properties have? please detail for open market and affordable if possible.

3 sites coming forward in Sparkwell

---

**Q13** Were the affordable rented properties let to people with a local connection?

No details yet

---

**Q14** were the shared ownership properties sold to people with a local connection to the village?

As above

---

**Q15** How long did it take from the point of looking at schemes to the properties being ready for occupation?

None uet

---

**Q16** Was this too long?

Yes

---

**Q17** Were there any delays throughout the process, if yes please provide the details.

Still going forward

---

**Q18** Were there changes that you would make if you did this again. Please detail

Not uet

---

**Q19** What changes or additions do you think that the council should consider through this review. please provide as much detail as possible.

Not applicable yet

---

## #4

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Sunday, September 17, 2017 8:48:19 PM  
**Last Modified:** Sunday, September 17, 2017 8:53:42 PM  
**Time Spent:** 00:05:22  
**IP Address:** 159.253.162.63

Page 1: about your scheme

**Q1** Please provide your name and address or company name and address

South Hams DC

**Q2** Who are you responding on behalf of? eg parish council. Other (please specify):  
District Council

**Q3** Do you know if a housing needs survey was carried out in the village? **Yes**

**Q4** Was a housing scheme built in your village **Yes**

**Q5** Which partners or agencies did you work with?

DCH

**Q6** Was a call for sites carried out in the area? **Yes**

**Q7** Did you have issues in finding a site in terms of flooding, drainage, AONB etc? if there were issues please detail:  
AONB, outside parish Development boundary

**Q8** Did you receive financial assistance from the council for pre-planning costs? **unsure**

**Q9** Did you receive funding for this scheme, if so from who? **South Hams District Council**

**Q10** Do you know how many open market units were built? please detail

1

---

**Q11** Do you know how many rented and shared ownership units were built? please detail

14

---

**Q12** Do you know how many bedrooms the properties have? please detail for open market and affordable if possible.

**Respondent skipped this question**

---

**Q13** Were the affordable rented properties let to people with a local connection?

Mostly

---

**Q14** were the shared ownership properties sold to people with a local connection to the village?

Partly

---

**Q15** How long did it take from the point of looking at schemes to the properties being ready for occupation?

6 years

---

**Q16** Was this too long?

**About right**

---

**Q17** Were there any delays throughout the process, if yes please provide the details.

Yes. Delay getting landowner agreement

---

**Q18** Were there changes that you would make if you did this again. Please detail

**Respondent skipped this question**

---

**Q19** What changes or additions do you think that the council should consider through this review. please provide as much detail as possible.

---

**Respondent skipped this question**

---

## #5

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Monday, September 18, 2017 9:37:29 PM  
**Last Modified:** Monday, September 18, 2017 9:45:10 PM  
**Time Spent:** 00:07:40  
**IP Address:** 88.110.224.182

Page 1: about your scheme

**Q1** Please provide your name and address or company name and address

Cllr Tom Holway, SHDC

**Q2** Who are you responding on behalf of? eg parish council. **personal response**

**Q3** Do you know if a housing needs survey was carried out in the village? **Yes**

**Q4** Was a housing scheme built in your village **No**

**Q5** Which partners or agencies did you work with?

N A

**Q6** Was a call for sites carried out in the area? **Yes**

**Q7** Did you have issues in finding a site in terms of flooding, drainage, AONB etc? **if there were issues please detail:  
Access considered too difficult**

**Q8** Did you receive financial assistance from the council for pre-planning costs? **no**

**Q9** Did you receive funding for this scheme, if so from who? **Other (please specify):  
No Scheme**

**Q10** Do you know how many open market units were built? please detail

N A

---

**Q11** Do you know how many rented and shared ownership units were built? please detail

N A

---

**Q12** Do you know how many bedrooms the properties have? please detail for open market and affordable if possible.

N A

---

**Q13** Were the affordable rented properties let to people with a local connection?

N A

---

**Q14** were the shared ownership properties sold to people with a local connection to the village?

N A

---

**Q15** How long did it take from the point of looking at schemes to the properties being ready for occupation?

N A

---

**Q16** Was this too long?

No

---

**Q17** Were there any delays throughout the process, if yes please provide the details.

N A

---

**Q18** Were there changes that you would make if you did this again. Please detail

Need to overcome perceived access difficulties

---

**Q19** What changes or additions do you think that the council should consider through this review. please provide as much detail as possible.

Consider sites that are less than perfect.

---



## #6

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Wednesday, September 20, 2017 12:13:37 PM  
**Last Modified:** Wednesday, September 20, 2017 12:30:37 PM  
**Time Spent:** 00:17:00  
**IP Address:** 82.153.93.20

Page 1: about your scheme

**Q1** Please provide your name and address or company name and address

Harberton &amp; Harbertonford CLT Ltd, 2 The Old Hall, Tristford Road, Harberton, TQ97SD

**Q2** Who are you responding on behalf of? eg parish council. **Community Land Trust****Q3** Do you know if a housing needs survey was carried out in the village? **Yes****Q4** Was a housing scheme built in your village **No****Q5** Which partners or agencies did you work with?

HCA, Ventursome, Sustainable Design Collective (Architects) and a range of specialist survey firms

**Q6** Was a call for sites carried out in the area? **Yes****Q7** Did you have issues in finding a site in terms of flooding, drainage, AONB etc?

if there were issues please detail:

We are currently ready to go to planning with our application that is why I have put down it is not built yet. Main issues were finding a site that wouldn't contribute to an increase of the flooding problem in the village plus working on the County Councils transport objection

**Q8** Did you receive financial assistance from the council for pre-planning costs? **Yes**

**Q9** Did you receive funding for this scheme, if so from who?

Other (please specify):  
South Hams, HCA and Ventursome plus some locality funding

**Q10** Do you know how many open market units were built? please detail

We plan one for the land owner and one for the CLT

**Q11** Do you know how many rented and shared ownership units were built? please detail

We plan ten

**Q12** Do you know how many bedrooms the properties have? please detail for open market and affordable if possible.

A mix of 4,3 and 2 plus one 2 bed bungalow

**Q13** Were the affordable rented properties let to people with a local connection?

Yes

**Q14** were the shared ownership properties sold to people with a local connection to the village?

Some and some to neighbouring parishes

**Q15** How long did it take from the point of looking at schemes to the properties being ready for occupation?

currently we are at 5 years I estimate 6-6.5 for occupation if we get planning

**Q16** Was this too long?

Yes

**Q17** Were there any delays throughout the process, if yes please provide the details.

Main issues were finding someone to sell the land in the parish, funding for pre development work initially and an abortive first attempt with an organisation that brought the idea of a CLT to the Parish Council

**Q18** Were there changes that you would make if you did this again. Please detail

NP's help by identifying development land. We would know more about calls for members of the CLT

**Q19** What changes or additions do you think that the council should consider through this review. please provide as much detail as possible.

A bank of solicitors familiar with community housing would be good as we have spent a large sum on both the land option and the builders agreement with the CLT members. If it were possible to have draft versions that would be useful.

---

#7

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Thursday, September 21, 2017 2:04:08 PM  
**Last Modified:** Thursday, September 21, 2017 2:06:20 PM  
**Time Spent:** 00:02:11  
**IP Address:** 86.165.85.191

Page 1: about your scheme

**Q1** Please provide your name and address or company name and address

Julian Brazil SHDC

**Q2** Who are you responding on behalf of? eg parish council. **personal response**

**Q3** Do you know if a housing needs survey was carried out in the village? **Yes**

**Q4** Was a housing scheme built in your village **No**

**Q5** Which partners or agencies did you work with? **Respondent skipped this question**

**Q6** Was a call for sites carried out in the area? **No**

**Q7** Did you have issues in finding a site in terms of flooding, drainage, AONB etc? **no**

**Q8** Did you receive financial assistance from the council for pre-planning costs? **Yes**

**Q9** Did you receive funding for this scheme, if so from who? **Housing Association**

**Q10** Do you know how many open market units were built? please detail

2

**Q11** Do you know how many rented and shared ownership units were built? please detail

9

**Q12** Do you know how many bedrooms the properties have? please detail for open market and affordable if possible.

Respondent skipped this question

**Q13** Were the affordable rented properties let to people with a local connection?

Yes

**Q14** were the shared ownership properties sold to people with a local connection to the village?

Respondent skipped this question

**Q15** How long did it take from the point of looking at schemes to the properties being ready for occupation?

5 years

**Q16** Was this too long?

About right

**Q17** Were there any delays throughout the process, if yes please provide the details.

Respondent skipped this question

**Q18** Were there changes that you would make if you did this again. Please detail

Respondent skipped this question

**Q19** What changes or additions do you think that the council should consider through this review. please provide as much detail as possible.

Respondent skipped this question

## #8

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Friday, September 22, 2017 5:08:30 PM  
**Last Modified:** Friday, September 22, 2017 5:13:16 PM  
**Time Spent:** 00:04:45  
**IP Address:** 86.155.173.103

Page 1: about your scheme

**Q1** Please provide your name and address or company name and address

Dittisham Parish Council

**Q2** Who are you responding on behalf of? eg parish council. **Parish Council**

**Q3** Do you know if a housing needs survey was carried out in the village? **Yes**

**Q4** Was a housing scheme built in your village **No**

**Q5** Which partners or agencies did you work with? **Respondent skipped this question**

**Q6** Was a call for sites carried out in the area? **Yes**

**Q7** Did you have issues in finding a site in terms of flooding, drainage, AONB etc? **no**

**Q8** Did you receive financial assistance from the council for pre-planning costs? **no**

**Q9** Did you receive funding for this scheme, if so from who? **Respondent skipped this question**

**Q10** Do you know how many open market units were built? please detail **Respondent skipped this question**

**Q11** Do you know how many rented and shared ownership units were built? please detail **Respondent skipped this question**

**Q12** Do you know how many bedrooms the properties have? please detail for open market and affordable if possible.

Respondent skipped this question

---

**Q13** Were the affordable rented properties let to people with a local connection?

Respondent skipped this question

---

**Q14** were the shared ownership properties sold to people with a local connection to the village?

Respondent skipped this question

---

**Q15** How long did it take from the point of looking at schemes to the properties being ready for occupation?

Respondent skipped this question

---

**Q16** Was this too long?

Respondent skipped this question

---

**Q17** Were there any delays throughout the process, if yes please provide the details.

Respondent skipped this question

---

**Q18** Were there changes that you would make if you did this again. Please detail

Respondent skipped this question

---

**Q19** What changes or additions do you think that the council should consider through this review. please provide as much detail as possible.

No houses were built. Although a need was found the participants were not able to fund the construction. The site was withdrawn. .

---

#9

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Tuesday, September 26, 2017 2:12:49 PM  
**Last Modified:** Tuesday, September 26, 2017 2:33:35 PM  
**Time Spent:** 00:20:45  
**IP Address:** 195.2.244.193

Page 1: about your scheme

**Q1** Please provide your name and address or company name and address

Jo Flint, Hastoe Housing Association, Fleur De Lis, Middlemarsh Street, Poundbury, Dorset DT1 3GX

**Q2** Who are you responding on behalf of? eg parish council. **Registered Provider**

**Q3** Do you know if a housing needs survey was carried out in the village? **Yes**

**Q4** Was a housing scheme built in your village **Yes**

**Q5** Which partners or agencies did you work with?

Frogmore Parish Council, Devon Communities together, South Hams

**Q6** Was a call for sites carried out in the area? **Respondent skipped this question**

**Q7** Did you have issues in finding a site in terms of flooding, drainage, AONB etc? **yes**

**Q8** Did you receive financial assistance from the council for pre-planning costs? **no**

**Q9** Did you receive funding for this scheme, if so from who? **Other (please specify):  
Hastoe, HCA and SHDC**

**Q10** Do you know how many open market units were built? please detail

none yet. Initially granted planning for 1 property, landowner then sought planning for an additional one property



**Q11** Do you know how many rented and shared ownership units were built? please detail

9 x affordable rented homes

---

**Q12** Do you know how many bedrooms the properties have? please detail for open market and affordable if possible.

1, 2 and 3 bed homes

---

**Q13** Were the affordable rented properties let to people with a local connection?

Yes - all of them

---

**Q14** were the shared ownership properties sold to people with a local connection to the village?

N/A

---

**Q15** How long did it take from the point of looking at schemes to the properties being ready for occupation?

9 1/2 years

---

**Q16** Was this too long?

Yes

---

**Q17** Were there any delays throughout the process, if yes please provide the details.

Yes. (1) landowner originally to sell site to Hastoe, then chose to change the scheme to VHI after this policy came in. (2) very expensive site to build on, delays with HCA funding and fitting the scheme into our programme (3) delays with landowner ref. agreeing option/land (4) delays at practical completion due to 4 properties being built in wrong location.

---

**Q18** Were there changes that you would make if you did this again. Please detail

Ensure option agreement was in place at start of development process to avoid delays in land transfer

---

**Q19** What changes or additions do you think that the council should consider through this review. please provide as much detail as possible.

I don't believe the VHI has increased the number of potential sites that have come forward to Hastoe, although I could not give and supporting evidence to this statement. The VHI has increased the value landowners expect from their exception sites. Landowner no longer accept £7-10,000 per plot, they now expect several plots with planning permission even on a small site. This is happening across the south west and it is particularly worrying to RP's as construction costs are rising sharply, our rental income is being reduced and grant rates are still limited.

---

## #10

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Friday, September 29, 2017 10:48:43 AM  
**Last Modified:** Friday, September 29, 2017 10:57:04 AM  
**Time Spent:** 00:08:20  
**IP Address:** 213.205.194.118

---

Page 1: about your scheme

**Q1** Please provide your name and address or company name and address

Richard Haigh Bozdown Rattery TQ10 9LJ

**Q2** Who are you responding on behalf of? eg parish council. **Parish Council****Q3** Do you know if a housing needs survey was carried out in the village? **Yes****Q4** Was a housing scheme built in your village **Yes****Q5** Which partners or agencies did you work with?

Devon and Cornwall Housing; SHDC

**Q6** Was a call for sites carried out in the area? **No****Q7** Did you have issues in finding a site in terms of flooding, drainage, AONB etc? **no****Q8** Did you receive financial assistance from the council for pre-planning costs? **no****Q9** Did you receive funding for this scheme, if so from who? **Housing Association****Q10** Do you know how many open market units were built? please detail

Two

**Q11** Do you know how many rented and shared ownership units were built? please detail

Ten

---

**Q12** Do you know how many bedrooms the properties have? please detail for open market and affordable if possible.

Varied from 3 to 1

---

**Q13** Were the affordable rented properties let to people with a local connection?

Yes

---

**Q14** were the shared ownership properties sold to people with a local connection to the village?

Yes, local to S. Devon

---

**Q15** How long did it take from the point of looking at schemes to the properties being ready for occupation?

approx 4 years

---

**Q16** Was this too long?

Yes

---

**Q17** Were there any delays throughout the process, if yes please provide the details.

The initial building contractor failed

---

**Q18** Were there changes that you would make if you did this again. Please detail

Have a more up-to-date housing needs survey; more careful choice of contractor; more control by parish council over design of the houses to fit into village.

---

**Q19** What changes or additions do you think that the council should consider through this review. please provide as much detail as possible.

Listen more carefully to the Parish Council to ensure that the new housing fits in.

---

#11

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Tuesday, October 03, 2017 12:57:06 PM  
**Last Modified:** Tuesday, October 03, 2017 1:21:00 PM  
**Time Spent:** 00:23:54  
**IP Address:** 31.52.133.126

Page 1: about your scheme

**Q1** Please provide your name and address or company name and address

Cllr John Green

**Q2** Who are you responding on behalf of? eg parish council. **personal response**

**Q3** Do you know if a housing needs survey was carried out in the village? **Yes**

**Q4** Was a housing scheme built in your village **Yes**

**Q5** Which partners or agencies did you work with? **Respondent skipped this question**

**Q6** Was a call for sites carried out in the area? **Respondent skipped this question**

**Q7** Did you have issues in finding a site in terms of flooding, drainage, AONB etc? **Respondent skipped this question**

**Q8** Did you receive financial assistance from the council for pre-planning costs? **Respondent skipped this question**

**Q9** Did you receive funding for this scheme, if so from who? **Respondent skipped this question**

**Q10** Do you know how many open market units were built? please detail **Respondent skipped this question**

**Q11** Do you know how many rented and shared ownership units were built? please detail **Respondent skipped this question**

**Q12** Do you know how many bedrooms the properties have? please detail for open market and affordable if possible.

Respondent skipped this question

**Q13** Were the affordable rented properties let to people with a local connection?

2 have gone to primary connection of Newton/Noss, and the other 6 have gone to South Hams connections.

**Q14** were the shared ownership properties sold to people with a local connection to the village?

Out of the 7 for sale, 5 of the properties were allocated to those with a South Hams connection – 4 being Newton & Noss & 1 being Yealmpton. 1 property was allocated to a Plymouth connection and the final property was allocated to a M.O.D family.

**Q15** How long did it take from the point of looking at schemes to the properties being ready for occupation?

Respondent skipped this question

**Q16** Was this too long?

Respondent skipped this question

**Q17** Were there any delays throughout the process, if yes please provide the details.

Respondent skipped this question

**Q18** Were there changes that you would make if you did this again. Please detail

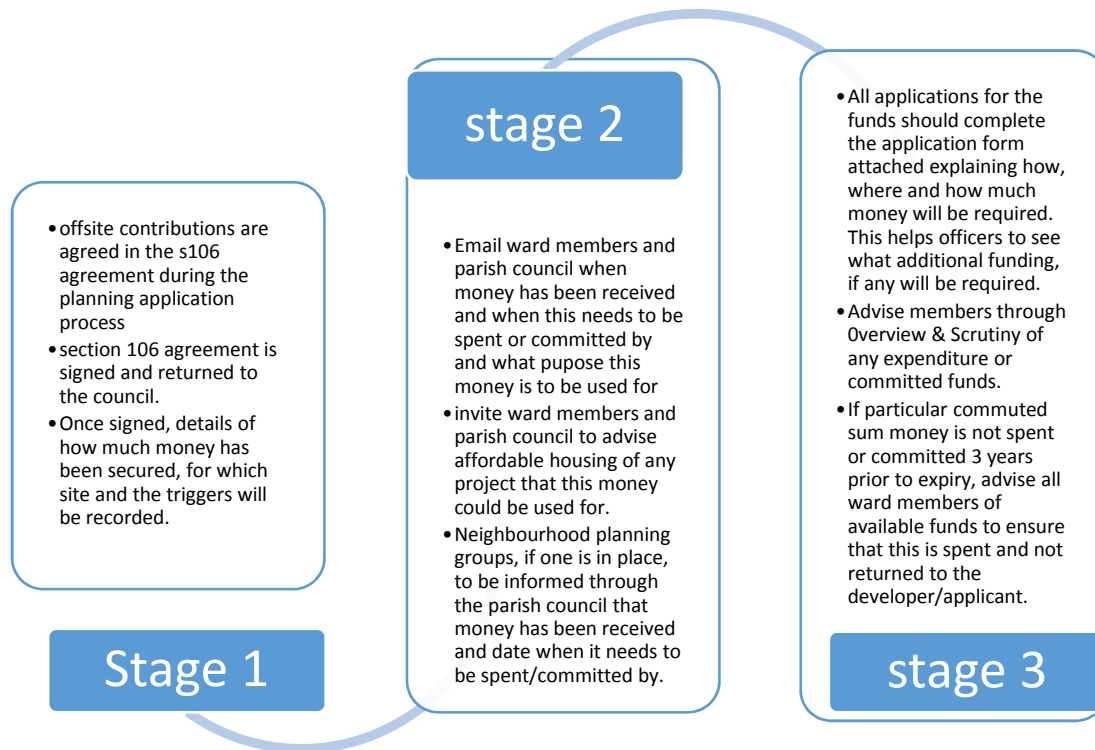
Respondent skipped this question

**Q19** What changes or additions do you think that the council should consider through this review. please provide as much detail as possible.

For Shared Ownership properties, I think that it would be worth considering the implications of giving priority to people along the following lines, as I think that there are benefits for society of enabling people to live near to relations and where they have been brought up or have been living in recent years: - A-D housing need for people living in the Parish - A-D housing need for people living in the neighbouring Parishes - E housing need for people living in the Parish who are not able to afford an open market house (as defined by the Help to Buy South West <https://www.helptobuysw.org.uk/Default/FrequentlyAskedQuestions>) - A-D housing need from the rest of the South Hams - E housing need for people living in the neighbouring Parishes - E housing need from the rest of the South Hams

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APPENDIX 3



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

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Report to: **Overview and Scrutiny Panel**

Date: **9 November 2017**

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

Portfolio Area: **Support Services**

Wards Affected: **All**

Relevant Scrutiny Committee: **N/A**

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

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

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

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

## **RECOMMENDATION**

**That the Overview and Scrutiny Panel support the approach to GDPR readiness ahead of its implementation in May 2018.**

### **1. Executive summary**

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

### **2. Background**

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

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

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

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

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

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

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

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

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

- 2.3.4.1. The biggest change that the Councils will need to implement in this respect is the ability to locate and delete individual's data across all of the Councils systems. Many customer records are now held in W2 which would make the information relatively easy to delete.
- 2.3.5. **Subject Access Requests** – The new regulations mean that we cannot charge for complying with SAR's and we have to comply with the request within a month rather than the current 40 days allowed. During the last 12 months that Council has handled 4 SARs. The current legislation allows for a fee of £10 to be levied.
- 2.3.6. **Lawful basis for processing personal data** – For each processing activity that the Council undertakes, we need to identify the lawful basis for the processing. It is important to assess this particularly in light of the right for data to be deleted – if the only lawful basis for processing is 'Consent' then the information must be deleted on request. The lawful basis for processing the information must also be included within the Privacy Notice.
- 2.3.7. **Consent** – We must review how we seek, record and manage consent. Consent for us processing data must be freely given, specific, informed and unambiguous. Consent can also not be inferred. Consent for data processing must be separate for any other terms and conditions in documents, web pages or other data capture means.
- 2.3.8. **Children** – For the first time, the GDPR will bring in special protection for children's personal data. If the Council obtains personal data in respect of Children, the privacy notice must be written in a language that Children will understand
- 2.3.9. **Data Breaches** – The GDPR introduces a duty to report certain types of data breach to the ICO, and in some cases, to individuals. The Council will only have to report a breach to the ICO where it is likely to result in a risk to the rights and freedoms of individuals. Additionally, where there is a high risk to these rights and freedoms, resulting in potential for discrimination, reputational damage, financial loss, loss of confidentiality etc., there is an additional requirement for the individual concerned to be notified. There has been some misleading press articles stating that all breaches will need to be reported to the ICO.
- 2.3.10. **Data Protection by design and Data Protection Impact Assessment** – The GDPR makes privacy by design an express legal requirement. It also makes Privacy Impact Assessments mandatory where a new technology is being deployed, where a profiling operation is likely to significantly affect individuals or where there is processing on a large scale of the special categories of data.
- 2.3.11. **Data Protection Officers** – as a Local Authority, we are required to appoint a Data Protection Officer. The regulation states that the appointment must be made on an individuals' professional qualities and expert Data Protection knowledge, laws and practices. They must also be a direct report to the senior tier of management and able to act independently of the Council. The Senior Leadership Team have set out

that the Group Manager, Business Development be appointed to this role.

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

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

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

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

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

### 3. **Outcomes**

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

3.2. By May 2018 the Council will;

3.2.1. Have a compliant General Data Protection Regulation Policy (currently under development)

3.2.2. Delivered online training on the new regulations to all employees

3.2.3. Delivered face to face training sessions for Information Asset Owners

3.2.4. Completed its information asset register for all processing activities and identified the lawful basis for that processing

3.2.5. Updated its Privacy Notices to be compliant with the new regulation

3.2.6. Addressed the high priority actions from the Action plan in Appendix 1

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

4.1. Although the regulations continue to be interpreted and clarifications provided by the Information Commissioners Office, the Council must aim to be compliant by 25<sup>th</sup> May 2018 to avoid the risk of substantial fines and reputational damage.

4.2. The new regulations allow the ICO to impose up to £17m fine per breach although the ICO have confirmed that fines will be the last resort (of the

17,300 cases reported to the ICO last year, 16 of them resulted in a fine to the organisations concerned).

4.3. So far for 2017, 9 Data Protection complaints have been made to the Council, two of which have been referred to the ICO for investigation.

**5. Proposed Way Forward**

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

**6. Implications**

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

**Supporting Information**

**Appendices:**

Appendix A – GDPR Action Plan

**Background Papers:**

None

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## General Data Protection Regulation - Readiness Assessment

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

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



Data sharing and use of data processors	R18	Ensure that an agreement is in place with all instances of outsourced processing and/or sharing. Test each agreement to ensure that a) the terms are in the Councils favour and compliant with the needs of GDPR; b) indemnities are appropriate; and c) the data processing instructions issued are effective. Consider creating standardised templated agreements	Medium	- Legal to undertake review of agreements (although no large scale outsourcing undertaken in SH)	Apr-18	0%
	R19	Undertake a privacy impact assessment on the data processors used in order to properly assess the risks that it might pose and/or to document the measures taken to ensure that adequate protection is in place .	Medium		May-18	0%
Data Transfer Protocols	R20	Review existing transfer arrangements and introduce a policy defining approved secure data transfer and operating procedures for employees. If excel and email are to be used ensure that spreadsheets are password protected or encrypted			Feb-18	0%
International Transfers	R21	Review all data sharing and transfers to test if data is transferred outside of the UK and test the adequacy of arrangements where international transfers occur	Low	Not aware that we make any international transfers of data	n/a	100%
	R22	Introduce a process for periodically reviewing the adequacy arrangement for all overseas processors to ensure that their adequacy arrangement does not lapse and for ensuring that new arrangements are not put in place without appropriate due process	Low	Not aware that we make any international transfers of data	n/a	100%
Data Quality and Accuracy	R23	Draft a data quality policy focusing on how different types of information will be maintained accurately. Give emphasis in particular to data such as communication preferences, volatile data which may change frequently, and data which would cause harm / distress to the subject if it is incorrect	Low	Policy drafted, just needs finalising then adding to policy library	Dec-17	50%
Data Minimisation	R24	Undertake a deep dive review of data being handled by South Hams DC and consider what steps would be appropriate to review and maintain accuracy	Low	- wait until IAO training delivered	Business as usual	0%
Data Retention	R25	Review the data processing purposes and data used for each processing activity and determine how long it needs to be held in a format allowing identification of data subjects for the purpose (s). Review which mechanisms would be appropriate in each of the cases to enable South Hams to comply with the 5 <sup>th</sup> data protection principle	Medium	- Complete information asset register - undertake review / interview with IAO to assess actual processing purposes	Mar-18	0%
	R26	Carry out a deep dive exercise on data retention across all information assets then review and disseminate the RM policy and retention schedules for compliance and work-ability	Medium	Will be undertaken with any high risk areas identified in R25	Apr-18	0%
IT Management	R27	Review ICT policy framework to ensure that they are adequate for GDPR purposes	Medium	-policy review underway, new policy tool in place for staff to accept policies	Jan-18	40%

Monitoring and testing control measures	R28	Consider using dedicated log servers to improve logging of events on the systems and also increasing the frequency of IT security audits	Medium	Optional / not required for compliance		0% optional
Destruction and Disposal	R29	Document how redundant equipment and media are to be disposed of	Medium	Confirmed destruction contract in place for redundant equipment and media		100%
Disaster Recovery and Business Continuity	R30	Review existing arrangements and test for GDPR compliance	Medium	- Disaster recover plan being reviewed Oct / November 17 - With ELT for input into timescales	Mar-18	50%
Security events , incidents and breach management	R31	Review incident reporting provisions to ensure alignments with GDPR. Remind employees through awareness and training	Low	place. Reminder to be circulated to all staff about what should be reported and	Feb-18	75%
	R32	Review all processor contracts for information security breach notification provisions	Low	- Lined to completion of contracts database	Feb-18	0%
Right to information and transparency	R33	It is recommended that all privacy statements and privacy forms re correlated and reviewed to ensure compliance with the GDPR. Consider placing website privacy policy in a more prominent location	Medium	- Review existing forms (March 18) - Update and ensure live May 18	May-18	0%
	R34	Introduce work methods to ensure that privacy information and its publishing / deployment are strictly controlled	Medium	- Updates to managers / IAOs in terms of requirements	Mar-18	0%
	R35	Devise a fair processing strategy that provides a workable layered approach to privacy information	Medium	- Drafted Jan 18 (first draft started) - communicated Feb 18 - On website - April 18	Apr-18	0%
	R36	Review data systems to ensure that they are able to record what privacy information each data subject has been provided with	High	- review capability of W2 for this process - review to be taken out by Dec, with solution in place May 18	May-18	0%
Right of access	R37	Amend SAR policy and process to ensure that it is GDPR compliant and ensures employees are trained in its application	Medium	- Under review currently - Training for Team Leaders to be arranged April 18 (GDPR online course includes module)	May-18	25%
Right to object to processing	R38	Establish a mechanism for logging any objection and determining the extent to which the legitimate interests might over-ride those data subjects	Medium	- Talk to other Councils about their approach / advice from ICO - Agree process by March 18 - Training April 18	Mar-18	0%
Right to object to direct marketing	R39	Review current arrangements for recording objects to direct marketing	Low	- Talk to comms to understand how information handled - Agree approach for future	Feb-18	0%
Right not to be subject to automated processing and profiling	R40	Review data processing activities and test them against automated decision making rules	Medium	- Assessment with ICT of any automated decision making processes - If any, review testing results	Apr-18	0%

Right to restriction of data processing	R41	Define and implement a method of applying restricted processing to data where a relevant objection is received	High	- W2 process to be amended for individuals objecting to processing - needs a warning note	Feb-18	0%
Right to correction / erasure of data	R42	South Hams should review its processes for executing R2BF requests and also improve its understanding of who data is shared with or disclosed to in order to facilitate onward notification of data erasure	High	- Procedure note to be drafted - recording mechanism to be put in	Mar-18	15%
	R43	Identify where R2BF requests may come from. Introduce a R2BF policy and procedures which can identify and erase data as appropriate. Introduce a process which ensures the Councils are able to identify and log any such request and execute it in a timely manner.		See R42		

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**Report to:** Overview and Scrutiny Panel

**Date:**

**Title:** Q2 2017/18 Performance Report

**Portfolio Area:** Strategy & Commissioning

**Author:** Jim Davis, Specialist - Performance & Intelligence

**Presented by:** Cllr Keith Wingate

**Recommendations:**

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

**Executive summary**

- 1.1. Performance measures for Quarter 2 have been generally good.
- 1.2. Q2 performance had 3 measure at 'Red': % calls answered in 20 seconds, missed bins per 100,000, and % of Benefits Change of circumstances submitted online, a new measure to capture online take up.
- 1.3. Due to the meeting schedule, waste measures are provisional due to the usual delay in data from third parties.
- 1.4. Planning determination performance in Q2 was above target for all types of applications for the seventh successive quarter.
- 1.5. New dashboards have been developed to display information in an easy to understand way. These are available online from any web-enabled device and can be used to monitor performance in between the O&S reporting cycle. There is a regular update of the previous month's figures that occurs by the 3<sup>rd</sup> Wednesday of the month, for SLT to keep on top of performance issues.

## **2. Background**

- 2.1. The current set of indicators came from a review of all Performance measures which was undertaken by a Task & Finish Group. The format has changed to allow better viewing in black & white and to include target information to provide context.
- 2.2. The balanced scorecard had four areas including information about the T18 Programme. The programme has moved past the active project management phase so these measure are less informative and new measures will continue to be developed focusing on online transactions and uptake of online services.
- 2.3. The new web-based performance dashboards provide monthly up-to-date information to provide context against the report that comes to Committee and gives access to a much larger range of data if desired.

## **3. Outcomes/outputs**

- 3.1. **Appendix A** is the balanced scorecard – this contains the high level targeted performance information.
- 3.2. **Appendix B** is an information and exception report. This contains the data only performance information for context and the detail of the targeted measures which have fallen below target in the quarter being reviewed.
- 3.3. **Appendix C** contains the description of the targets chosen for the Balanced Scorecard
- 3.4. Covalent Dashboards are accessed via a web-link and users have access to more than one dashboard. All the dashboards can be 'drilled into' for more information and they can be viewed on any web-enabled device, smartphone or ipad.

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

- 4.1. O&S reporting could be dealt with completely through dashboards or in conjunction with reports, with the report element focusing on other areas such as management comments rather than data.

## **5. Proposed Way Forward**

- 5.1. Feedback from Members is encouraged to improve dashboard usability and usefulness to aid Members fulfil their scrutiny role. Further training sessions will be organised and communicated through the Member bulletin.

## 6. Implications

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

### **Supporting Information**

#### **Appendices:**

Appendix A – Corporate Balanced Scorecard

Appendix B – Background and Exception Report

Appendix C – Explanation of targets

#### **Background Papers:**

None

#### **Approval and clearance of report**

None

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# Corporate Balanced Scorecard

## Community/Customer

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

## Online uptake

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

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

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

## Processes

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

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

## Performance

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

## Key

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

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# Information Report




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

PI Description	Managed By	Q2 16/17	2016/17	Q2 2017/18		17/18	Comment (If Applicable)
			YTD or Total			YTD or total	
<p><b>Planning Enforcement (Workload)</b></p> <p>Change: Due to issues extracting the information, breaking down the action in each enforcement case isn't possible. Volume of all current outstanding work is being reported instead</p>	Pat Whymer	-	-	Enforcement cases closed: 82 Live enforcement cases: 322 Enforcement cases received: 90		-	<p><i>Figures as at the end of September.</i></p> <p><i>Latest figures are available on the online dashboards as soon as it is available</i></p>
<p><b>All: Complaints resolved</b></p> <p>Complaints logged against each Service per quarter. Highlights changes over time and the effects of initiatives.</p>	Area	Complaints rec last qtr 2017/18 Q1		Total	Avg Time (Days)	2017/18 YTD	<p>This breakdown of area and average time to complete timings is only available for the completed complaints.</p> <p>84 complaints were logged during the quarter, 30 of the completed processes were service issues that were dealt with immediately and aren't formal complaints. The remaining 12 processes that are yet to be completed will be a mix between service issues and formal complaints.</p> <p><b>Note:</b> Service Issues – Some issues are logged as complaints as the customer has a justified concern. Often these are simple issues resolved by talking with the customer so don't form part of our formal complaints process but still are captured for improvement and analysis purposes</p>
	Case Management	-	Case Management	-	-	-	
	Council Tax	5	Council Tax	4	25.7	9	
	Customer Service Team	2	Customer Service Team	-	-	2	
	Environmental Health	-	Environmental Health	-	-	-	
	Environmental Protection	-	Environmental Protection	-	-	-	
	Housing Benefits	4	Housing Benefits	-	-	4	
	Housing Advice	-	Housing Advice	-	-	-	
	ICT/Internet	-	ICT/Internet	-	-	-	

PI Description	Managed By	Q2 16/17	2016/17	Q2 2017/18			17/18	Comment (If Applicable)
			YTD or Total				YTD or total	
	Legal		-	Legal	1	14	1	
	Planning		12	Planning	8	28	20	
	Waste		7	Waste	19	34	26	
	Commercial Services		4	Commercial Services	10	22	14	
	Car Parks/Parking		-	Car Parks/Parking	-	-	-	
	Total		34	Total	42	29	76	
	Service Issues		25	Service Issues	30	N/A	64	
<b>Long term sickness (days)</b> Number of days lost due to long term sickness	Andy Wilson	347	YTD 1001	715		YTD 1529	Equivalent to 2 days/FTE for the Qtr. Q1 figure: 2.3 days/FTE This figure relates to 24 individuals averaging 30 working days away	
<b>Short term sickness (days)</b> Number of days lost due to short term sickness	Andy Wilson	203	YTD 381	317		YTD 536	Equivalent to 0.91 days/FTE for the quarter. Q1 figure: 0.6/FTE Public sector averages for all sickness (long term and short term) are around 2-3days/FTE	
<b>Top 5 call types</b>	Anita Iley			1) Other - Call transferred to another organisation 2) Call dealt with on Switchboard 3) Revenues - Move 4) Domestic Waste - Missed Waste 5) General - Other Enquiry - Dealt with		-	Last Qtr 1) Call transferred to other organisation 2) Revenues move 3) Domestic waste - missed waste 4) Call dealt with on switchboard 5) Domestic waste - order bin / caddy / repair	
<b>Top 5 website processes</b>	Kate Hamp		-	1) Garden waste subscription 2) Letter of representation 3) Recycling Sack Request 4) Missed Domestic Waste Report 5) Waste Container or Sack Request Contact		-	This measure has changed to reflect the transactional focus of the website	

PI Description	Managed By	Q2 16/17	2016/17	Q2 2017/18	17/18	Comment (If Applicable)
			YTD or Total		YTD or total	
<b>% of customer contact through online interaction (Workflow360)</b> Demonstrating channel shift	Kate Hamp	23.8%	20%	55.6%	Q1 16/17 49.2%	Figures as rising more slowly now but seem to be settling around 50% of all transactions
<b>Total number of online transactions</b>	Kate Hamp	5635	9246	Workflow360(W2): 20700	38120	Number of online interactions continues to increase as well as the percentage of all contact through online means. The levels are beginning to level off so further rises from these levels will likely be smaller and based on additional processes coming online and in response to channel shift activities
<b>% of calls resolved at first point of contact</b> Percentage of calls which are resolved at initial contact with CST	Anita Ley	70%	70%	-	-	Measure no longer captured in new phone system. Online CST dashboard has more measures data updated monthly and broken down into call types and answer speed.
<b>Nuisance complaints Received</b>	Ian Luscombe	141	220	142	314	The nuisance process (covering noise, odours, smoke, etc) has now gone into Workflow360, this has moved the processes into the Customer Service Team and case management with specialist involvement only required later for more complex investigation. An increase in early summer is expected with more bonfires and other outdoor issues being more prevalent.
<b>Average time taken for processing Disabled Facilities Grants</b> (Portion under council control) (Days)	Ian Luscombe	3 days	3 days	0 days	0 days	This is the portion of the process completely under the council's control (from application to approval). Our target is completion within 5 days  The average number of days is 0 and has been improving steadily throughout the year. This means on average the completed paperwork is received and completed on the same working day.

## Exception Report:

Code and Name	Managed by	Prev Status	Last Qtr	July 2017	Aug 2017	Sep 2017	Q2 2017/18		Action Response
			Q1	Value	Value	Value	Value	Target	
<b>% calls answered in 20 seconds</b>	Anita Ley		25%	29%	34%	41%	34%	50%-80%	There has been a consistent improvement in this measure since March from a low of 21%. It is approaching the target range to deliver a good level of service for our phone customers.
<b>Average no. of missed bins per 100,000 collections</b>	-		472	191	213	182	586	225	This measure has been increasing since March, coinciding with us making it much easier to log missed bins online. It is currently running at around twice the historical average.
<b>% of Benefits change of circumstances online (IEG4)</b>	Lorraine Mullineaux		5%	5.1%	6.7%	9.1%	8%	25%	This is a new measure and a stretching target. The uptake of new claims online has been very good but change of circumstances hasn't been as used as extensively. Various channel shift activities will take place over the coming months to improve this figure and naturally as the new claimants, that applied online initially, become a higher percentage of the active claimants the number of changes of circumstances submitted online should increase.

Measure	Target	Explanation
Overall waste recycling rate %	55%	A combination of recycling, re-use & composting for household waste. A self-set stretching target based on historic collection rates and current ambitions
Residual waste per household	92kg/qtr	The residual waste left after recycling and re-use. Equivalent to c.14kg per fortnightly collection per household
Avg number of missed bins	<75 per 100,000	
<i>*Average Call Answer Time No longer captured</i>	<i>1 min</i>	<i>Additional information captured in CST Dashboard but overall figure not collated. Individual areas have % of calls answered in 5 minutes</i>
<i>*% of enquiries resolved at first point of contact: No longer captured</i>	<i>60%</i>	
% of calls answered	90%	Target set at this level as we would expect some calls dropped as customers choose to follow recorded message recommendation and submit requests online rather than hold on the phone
% of calls answered in 20 secs	50%-80%	A goldilocks measure that captures how much time CST have without a queue. Being too high would signify over-resourcing
% of Applications determined within time frame Major	60%	Statutory performance measure target
% of Applications determined within time frame Minor	65%	Old statutory performance measure target
% of Applications determined within time frame Other	80%	Old statutory performance measure target
Avg End to End time Benefits New Claims	24 days	Time for processing new claims
Avg End to End time Benefits Change of circumstances	11 days	Time for processing changes to existing claims
% of nuisance complaints resolved at informal stage	90%	Handling nuisance complaints informally saves time and money and often provides a more satisfactory outcome for all involved
Avg days short term sickness/FTE	1.5days/qtr	Private sector average of c.6 days/year, Public sector average of c.8 days has informed this initially stretching target. Agile working has had a very

		positive impact on sickness as people feeling under the weather have remained at home, working and reduced the likelihood of transfer of communicable infections to colleagues.
Complaint response speed	30 days	Time to respond to a Level 1 complaints
<i>T18: Programme timescales on track</i>	<i>Against Plan</i>	Superseded
<i>T18: Performance vs. Budget</i>	<i>Under/over spend</i>	Superseded
<i>T18: No. of Processes live</i>		Superseded
Ratio of web/call-post-email submissions (W2)	20% increasing over time	Ratio for customers calling vs self-servicing using integrated processes online. Customers currently fill in online forms but this then requires input into our systems. The new integrated approach inputs directly to our system and routes work where needed. Initially requires creation of account before first submission so expectation of slight drop off in ratio to begin with and then increasing as more customers sign up. Communication initiatives will be coordinated at key times during the year, for example, with annual council tax bills to drive sign ups so a stepwise increase in submissions is expected.
Ratio of benefit new claims web/post submissions (IEG4)	60%	Ratio of submissions via the new IEG4 portal
Ratio of benefit change of circumstances web/post submissions (IEG4)	25%	Ratio of submissions via the new IEG4 portal



## 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 <b>O&amp;S.21/17</b>	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	Transitional Resources Monitoring Report <b>O&amp;S.30/17</b>	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.	Issy Blake	
27 July 2017	Planning Enforcement Service Review <b>O&amp;S.31/17</b>	<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>(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>	Steve Mullineaux  Pat Whymer / Darryl White	Sessions will be arranged following the appointment of the Enforcement Specialist – interviews taking place in mid-October
24 August 2017	Annual Review of Health and Safety Policy <b>O&amp;S.47/17</b>	- Officers advised that work was progressing on the creation of a specific Lone Worker Policy for Members and it was agreed that the Deputy Leader and Cllr Green should be consulted on its content prior to it being presented for approval;	Ian Luscombe / Darryl White	Draft version has been prepared and currently being discussed with Cllrs Green and Wright

12 October 2017	Executive Forward Plan <b>O&amp;S.58/17</b>	That the Set Up of a Local Authority Lottery agenda item be considered at the next Panel meeting on 9 November 2017.	Darren Arulvasagam / Darryl White	Work programme updated accordingly
12 October 2017	One Council Consultation Process <b>O&amp;S.59/17</b>	<p>During the debate, Members requested receipt of the following additional information outside of this meeting:</p> <ul style="list-style-type: none"> <li>- A summary of the town and parish council responses to the Consultation process;</li> <li>- Access to those letter and email responses received during the Consultation process;</li> <li>- The number of telephone survey dropouts; and</li> <li>- If possible, the number of respondents who left the online survey part way through;</li> </ul> <p><b>RESOLVED</b> That the Council note the following views of the Panel:</p> <ol style="list-style-type: none"> <li>1. That the Panel are satisfied that the Single Council Consultation Process has been conducted in an open and transparent manner, with full independent overview to ensure best practice has been applied. In reaching this recommendation, the Panel ask Council to note the strength of the Independent Advisor report;</li> <li>2. That the Panel are of the view that the process contained a full range of participative options to enable residents, businesses, Town and Parish Councils and stakeholders to express their views;</li> <li>3. That the Panel note the distinct difference between the Online survey outcome and that of the Independent telephone survey;</li> </ol>	Nadine Trout	<p>Circulated accordingly to all Members following the Panel meeting</p> <p>Proposal to be considered at the Special Council meeting on 31 October 2017</p>

		4. That the Panel is however disappointed at the level of response, with 96% of electors in the South Hams choosing not to participate.		
12 October 2017	Medium Term Financial Strategy for 2018/19 Onwards <b>O&amp;S.60/17</b>	<p>- the Sherford project team. A Member queried the ongoing need to retain the £45,000 budget pressure when considering that central government had provided additional funding to support the delivery team. In response, the Section 151 Officer gave a commitment to provide the interested Member with additional information outside of this meeting;</p> <p><b>RESOLVED</b> That the Panel has considered the Medium Term Financial Strategy 2018/19 Onwards and specifically the contents of the Member Survey on the Budget Options and has made recommendations to the Executive in the detailed minutes (as recorded above).</p>	Lisa Buckle  Lisa Buckle	Panel views considered by the Executive at its meeting on 19 October
12 October 2017	Task and Finish Group Updates <b>O&amp;S.61/17</b>	<p><b>(a) Discretionary Grant Funding</b> A Member advised that the final recommendations arising from the Task and Finish Group would be incorporated into the draft budget setting proposals for 2018/19.</p> <p><b>(b) Performance Measures</b> By way of an update, it was noted that the Group was still gathering information in advance of its next meeting on 29 November 2017. In addition, the Group remained on target to produce its final recommendations early in the New Year.</p>	Nadine Trout  Jim Davis	To be considered by the joint Panel / DM Committee on 18 January 2018
12 October 2017	Annual Work Programme <b>O&amp;S.63/17</b>	Following the decision of Council on 28 September 2017, the Panel agreed that the agenda item relating to 'Options for Delivery of Social / Affordable Housing in South Hams' would be added to the Programme for consideration at the Panel meeting on 22 March 2018.	Alex Rehaag	Work programme updated accordingly



## OVERVIEW AND SCRUTINY PANEL

### DRAFT ANNUAL WORK PROGRAMME – 2017-18

Date of Meeting	Report	Lead Officer
18 January 2018	Draft Budget 2018/19 (joint meeting with DM Committee Members) (To include the concluding recommendations of the Discretionary Grant Funding Review Group and the Performance Measures Review Group)	Lisa Buckle Nadine Trout Jim Davis
	Executive Forward Plan	Kathy Trant
	Corporate Plan	Nadine Trout
	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	
Page 137	South Hams Citizens Advice Bureau – Annual Update	Nadine Trout
	South Hams CVS – Annual Update	Nadine Trout
	S106 Agreement Schedule – to include an update on the work of the recently appointed S106 Officer	
22 March 2018	Executive Forward Plan	Kathy Trant
	Task and Finish Group Updates	
	Neighbourhood Planning – Support to Groups: Update	Drew Powell / Tom Jones
	Options for Delivery of Social / Affordable Housing in South Hams ( <i>as per Council motion on 28 September 2017</i> )	Alex Rehaag
3 May 2018	Quarterly Performance Indicators (NB. to include Development Management PI's)	Jim Davis / Pat Whymer

Future items to be programmed:-

- Future Use of Follaton House – to include heating;
- 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?).

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