

South Hams Executive



Title:	Agenda
Date:	Thursday, 10th September, 2015
Time:	10.00 am
Venue:	Cary Room - Follaton House
Full Members:	<p style="text-align: center;">Chairman Cllr Tucker</p> <p style="text-align: center;">Vice Chairman Cllr Ward</p> <p><i>Members:</i> Cllr Bastone Cllr Hicks Cllr Gilbert Cllr Wright</p>
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.
Committee administrator:	Member.Services@swdevon.gov.uk

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1. Minutes	1 - 6
to approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Executive held on 23 July 2015	
2. Members in Attendance	
the Chairman is advised of non Executive Members wishing to speak;	
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 Question Time	7 - 8
a period of up to 15 minutes is available to deal with questions submitted to the Council in accordance with the Executive Procedure Rules;	
7. Release of s106 Funds for Open Space, Sport & Recreation and Community and Landscape projects	9 - 28
to consider a report that seeks to approve the release or allocation of s106 funds for as set out in the presented report	
8. Introduction of a Discretionary Local Business Rate Relief Discount policy	29 - 40
to consider a report that seeks to recommend to Council to offer local businesses discretionary business rate relief where it is in the interest of local council tax payers to do so	
9. Invest to Save: Glass Banks at Torr Quarry	41 - 44
to consider a report that seeks approval for investment in glass storage bays to reduce requirement for glass collections across the district	

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10. Devon Home Choice and Local Allocations Policy Review	45 - 82
to consider a report that asks Members to endorse the Council remaining in the Devon Home Choice Partnership and making no changes to the Local Allocation Policy	
11. Joint Data Protection Policy	83 - 92
to consider a report that seeks authority to approve a Joint Data Protection Policy	
12. Annual Treasury Management Report 2014/2015	93 - 102
to consider a report that updates Members on the Annual Treasury Management Report and seeks approval for the actual 2014/15 prudential and treasury indicators set out in the presented report	
13. Write Off Report (Q1 2015/16)	103 - 110
to consider a report that updated Members on write offs for all revenue streams within the Revenue and Benefits service	
14. Reports of other bodies	111 - 120

a) Overview and Scrutiny Panel – 27 August 2015

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**MINUTES OF A MEETING OF
THE EXECUTIVE
HELD AT FOLLATON HOUSE ON THURSDAY, 23 JULY 2015**

Members in attendance: * Denotes attendance			
*	Cllr H D Bastone	*	Cllr R J Tucker
*	Cllr R D Gilbert	*	Cllr L A H Ward
*	Cllr M J Hicks	*	Cllr S A E Wright

Also in attendance and participating		
Item 7	E.12/15	Cllrs Baldry, Hodgson, Holway, Pearce, Pennington, Saltern and Smerdon
Item 8	E.13/15	Cllrs Hodgson, Holway and Pearce
Item 9	E.14/15	Cllrs Baldry, Hodgson and Pennington
Also in attendance and not participating		
Cllrs Bramble,- Brown,- Cuthbert, Hitchins and- Steer		

Officers in attendance and participating		
All items		Executive Director Strategy & Commissioning (SJ), Executive Director Service Delivery and Commercial Development (SD&CD) (SH), COP Lead Specialist (Finance) (LB) and Senior Case Manager (KT)
Item 7	E.12/15	COP Lead Specialist Place and Strategy (RK)

E.09/15 MINUTES

The minutes of the meeting of the Executive held on 18 June 2015 were confirmed as a correct record and signed by the Chairman.

E.10/15 DECLARATIONS OF INTEREST

Members and officers were invited to declare any interests in the items of business to be considered during the course of this meeting and the following were made:

During discussion of Item 9 – ‘Capital Programme Monitoring Report’ (Minute E.14/15 refers), Cllr Bastone declared a personal interest by virtue of being a past president of the Rowing Club and an Honorary member of Dartmouth Yacht Club. He remained in the meeting but abstained on the vote taken on those issues that related specifically to Dartmouth.

E.11/15 PUBLIC QUESTION TIME

It was noted that no public questions had been received.

E.12/15 LEISURE SERVICE PROCUREMENT

Members were asked to consider a report that sought approval of the award criteria for the joint leisure service procurement project for South Hams District Council and West Devon Borough Council, sought agreement that West Devon Borough Council be nominated as the Lead Council for the purposes of the joint procurement for leisure services and that Members adopt the Memorandum of Understanding which set out the principles of collaboration and joint procurement.

The Leader introduced the report (as it related to commissioning), and then the Portfolio Holder for Customer First set out the background to the report and drew Members attention to the award criteria as set out in the presented report. He concluded by stating that West Devon Borough Council had already received and approved the recommendations within the report.

During discussion, a number of Members commented on the duty of the district council to support the health and wellbeing of residents. Whilst provision of leisure centres was not a statutory responsibility, there was a responsibility to support health and wellbeing. One Member felt that this responsibility sat with the NHS rather than council taxpayers. Members also stated that the procurement process should make reference to outreach and innovation in ways of thinking to make sure health and wellbeing was accessible.

Members were reminded that the discussion today related only to confirmation of the award criteria, not whether or not the Council should be providing leisure services. Members were also advised that the Project Board would not be making the final decision but they would report back on the outcome of their work.

A Member asked that green travel be included to ensure affordable access. The COP Lead Specialist confirmed that outreach and green travel matters would be incorporated. In response to a question regarding provision in Ivybridge, he advised that there were specific issues in Ivybridge and this item today did not change previously agreed matters. Assurances were given to the meeting that Ivybridge specific matters would be discussed with the appropriate local ward Members.

It was then:

RESOLVED

1. That the award criteria for the joint leisure service procurement project for South Hams District Council and West Devon Borough Council (as set out in para 3 of the presented agenda report) be approved;
2. That, in accordance with para 11 of the Joint Collaboration Agreement, West Devon Borough Council be nominated as

the Lead Council for the purposes of the joint procurement for leisure services; and

3. That the Memorandum of Understanding which sets out the principles of collaboration and joint procurement be adopted (subject to any final wording amendments being delegated to Lead Specialist – Place and Strategy in agreement with the Portfolio Holder).

E.13/15 T18 BUDGET MONITORING REPORT – QUARTER 4 2014/15

Members considered a report that set out the progress to date on the T18 Transformation Programme, and updated Members in respect of the waste round review.

The Leader introduced the report and advised Members that major strides were being made and the next few months were critical. He also drew their attention to the breakdown of budget and spend contained within the report.

One Member had forwarded questions relating to the report and stated that the table presented on page 34 of the presented agenda papers was difficult to assess as it did not include forward budget predictions. She also raised a question relating to the software for the channel shift plan and how effective it was for a rural location. The Executive Director (SD&CD) responded that the software system was not the only method of obtaining this information and, although the cost was reasonable, it was important to ensure value for money and this would continually be reviewed. In response to the first question regarding forward budget predictions, the Leader advised that the information was available and gave a verbal summary of the position and confirm that this would be included with the Members Bulletin.

The Deputy Leader reported positive feedback regarding the Locality team and advised that they were already having an impact in the community.

The Portfolio Holder for Support Services advised that this area was now on schedule and accepted that standards may fall but only in the short term during a period of learning.

One Member asked that climate change mitigation be included as a risk. In response, the Executive Director (SD&CD) advised of ways in which the whole programme was in tune with climate change mitigation and was seen as an opportunity rather than a risk. The Member replied that it would be important that this was not lost.

The COP Lead Specialist (Finance) responded to questions related to the likely final spend for implementation by advising that the only outstanding costs were for the Phase 2 recruitment exercise and this would bring the total cost of implementation and design of the future operating model to approximately £191,000.

It was then:

RESOLVED

1. That progress to date on the T18 Transformation Programme be noted; and
2. That the waste round review originally scheduled to take place in September 2015 be delayed to take place during 2016.

E.14/15 CAPITAL PROGRAMME MONITORING REPORT

Members were asked to consider a report that advised of the progress on individual schemes within the approved capital programme, including an assessment of their financial position.

The Leader referred this report to the Portfolio Holder for Support Services, and he then drew Members attention to the key details contained. The Portfolio Holder for Assets reminded Members that the minutes of the previous meeting stated that a decision would be made during consideration of this agenda item following a request by another local Ward Member to transfer funds within the Capital Programme from the slipway at Dartmouth to the Indoor Pool, to facilitate a link corridor between the pool and the existing leisure centre. Members briefly discussed this and it was then **PROPOSED, SECONDED** and on being put to the vote declared **CARRIED**, that the request not be accepted and the funds remain in their current place within the Capital Programme.

A Member raised a query regarding the Task and Finish Group set up previously to look at Disabled Facilities Grants. The Chairman of the Overview and Scrutiny Panel confirmed that he would look into this matter. Another Member noted the importance of these grants.

It was then:

RESOLVED

1. That the report be noted; and
2. That the underspend on £45,151 of the Disabled Facilities Grant budget for 2014/15 be carried forward and added to the 2015/16 Disabled Facilities Grant (DFG) budget of £600,000 (giving a total DFG budget of £645,151 for 2015/16) be agreed.

(NOTE: THESE DECISIONS WILL BECOME EFFECTIVE FROM 5.00PM ON MONDAY, 3 AUGUST 2015 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).

(Meeting commenced at 10.00 am and concluded at 11.05 am)

Chairman

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PUBLIC QUESTIONS AT EXECUTIVE MEETINGS

The Council at its meeting on 21 June 2001 agreed that 15 minutes should be set aside at the beginning of the Council's monthly Executive meetings to allow members of the public to ask questions.

Any member of the public who wants to raise a question at a meeting should:-

- (a) submit the question in writing to the Democratic Services Manager by 5.00 pm on the Monday prior to the Executive meeting. This will allow a detailed answer to the question to be given at the meeting. If advance notice of the question cannot be given, the Chairman of the meeting has the discretion to allow questions on matters which are felt to be urgent;
- (b) ensure that normally questions are no longer than 50 words in length;
- (c) ensure that the question does not relate to a specific planning matter (this is specifically excluded from the public question time);
- (d) ensure that the question relates to something over which the Council has some control and is suitable to be considered, ie, that it is not derogatory to the Council or relates to matters which the Council could consider confidential.

For any further advice on questions for Executive meetings, please contact Kathryn Trant (Member Services Manager).

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Agenda Item 7

Report to: **Executive**
Date: **10 September 2015**
Title: **Release of s106 Funds for Open Space, Sport & Recreation, Community and Landscape projects**

Portfolio Area: **Customer First**

Wards Affected: **Langage Landscape s106 Fund:**
All or parts of: Bickleigh and Cornwood, Charterlands, Ermington and Ugborough, Ivybridge East, Ivybridge West, Newton and Yealmpton, Wembury and Brixton.

Other s106 Agreements:

Blackawton and Stoke Fleming, Dartington and Staverton, Kingsbridge, Loddiswell and Aveton Gifford, Marldon and Littlehempston, Newton and Yealmpton, Salcombe and Thurlestone, South Brent, Totnes, Wembury and Brixton.

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

Date next steps can be taken: **Current**

Author: **Ross Kennerley** Role: **Lead Specialist – Place and Strategy**

Chris Brook **Lead Specialist - Assets**

Contact: **01803 861379 / ross.kennerley@swdevon.gov.uk**

Recommendations:

1. To approve the release or allocation of s106 funds for Open Space, Sport & Recreation, Community and Landscape projects as set out in the report, including that relating to the Langage Landscape Fund.

2. That in relation to the Langage Landscape Fund, final project details will be subject to approval by Centrica, the operators of the Langage Power Station.
3. That where a Town or Parish *Open Space, Sport and Recreation Plan* is proposed that agreement of specific projects within the plan be delegated to the Assets Lead Specialist in consultation with Ward Member(s) and Portfolio holder.
4. That where a specific project is identified that agreement of specific details be delegated to the Assets Lead Specialist in consultation with Ward Member(s) and Portfolio holder.
5. Agreement to any substitution of alternative projects to those identified in Table 1 shall be delegated to the Assets Lead Specialist in consultation with Ward Member(s) and Portfolio holder subject to the alternative being in accordance with the s106 agreement and meeting pooling restrictions.

1. Executive summary

The Council has a key role as Local Planning Authority in securing funds for appropriate mitigation projects in relation to development. These funds can be deployed either directly on Council projects or released to community groups and other organisations to develop projects of community benefit that assist in mitigating the impact of developments. The current mechanism for securing funds is through Section 106 (s106) of the Town and County Planning Act.

The Council has significant secured s106 funds for Open Space, Sport & Recreation, Community and Landscape projects. The Council's Financial Procedure Rules require that where expenditure is proposed over £30,000 that this be authorised by Executive. The purpose of this report is to request the release or allocation of s106 funds over £30,000 for delivery of a wide range of projects.

The release of funds will allow the provision of enhancements to open space, sport and recreation facilities as well as enhancements to community facilities and landscapes to mitigate the impacts of specific developments.

The report anticipates expenditure of both funds already held by SHDC, but also those committed in s.106 agreements but yet to be triggered by development. This is to allow a long term and comprehensive approach to be taken to projects and, in particular, allow Town and Parish Councils to plan and phase projects in a well planned manner and maximise chances to gain match funding from other sources.

2. Background

Where development creates an impact on a local community it is appropriate that reasonable mitigation be put in place to deal with that impact. Where the impact can't be mitigated on the site then it is appropriate to seek financial contributions for offsite projects. The current mechanism for this is through agreements signed under Section 106 of the Town and Country Planning Act. For Open Space, Sport & Recreation, financial contributions are sought in accordance with current DPD policy DP8 and the Open Space, Sport & Recreation Supplementary Planning Document). Other contributions for community and landscape projects may be sought on a case by case basis.

Under the Community Infrastructure Levy (CIL) Regulations 2012 there are clear constraints on the collection and use of s106 funds. The purposes to which the funds are applied must be:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

Since April 2015 there have been restrictions on the pooling of planning obligations. Only five s106 contributions can be pooled for use on the same infrastructure project (dating back to March 2010). The schedule of projects presented for agreement in this item has been reviewed in light of this constraint.

Once received, funds are held in ring fenced accounts by SHDC and projects are then developed by the Assets Community of Practice to deliver the required outcomes – with opportunities to maximise benefits for existing communities and to lever in additional funding being key outcomes from such projects. Some projects take place on SHDC land but a significant number take place on third party land. Where they take place on third party land the funds are offered by way of a conditional grant which secures the Council's interests and the specific requirements of the s106 agreement.

Background to Langage Landscape Fund

The s106 agreement for the Langage Power Station included the creation of a Landscape Fund of £1,138,000. The primary objectives for use of the fund are:

- To reduce the landscape and visual impact of the Power Station;
- To undertake planting and landscape works¹ to address climate change; and
- To support landscape and planting schemes involving local communities in areas affected by the Development for the benefit of the people of the South Hams and the public at large.

¹ Including new planting and management of existing landscape features e.g. hedgerows and woodlands.

Between 2008 and 2011 expenditure of the Langage Landscape Fund was concentrated on new woodland planting in the vicinity of the Power Station. This achieved 48 hectares of planting on 45 separate sites.

From 2011 the fund has been targeted at community projects through the 'Big Greenspace Challenge'. So far this has delivered around 50 community landscape projects within the vicinity of the Power Station. Phase 1 of the programme ended in March 2015.

In 2014, £100,000 from the fund was provided to the New England Woodland Trust to help purchase part of New England Wood and manage it as community woodland in perpetuity.

With committed expenditure, the residual funds available stand at approximately £250,000.

Background to Other s106 Agreements

The Council has secured s106 agreements for Open Space, Sport & Recreation, Community and Landscape projects in the following wards:

- Blackawton and Stoke Fleming
- Dartington and Staverton
- Kingsbridge
- Loddiswell and Aveton Gifford
- Marldon and Littlehempston
- Newton and Yealmpton
- Salcombe and Thurlestone
- South Brent
- Totnes
- Wembury and Brixton

As demonstrated above, the Council has significant secured s106 funds in relation to the Langage Landscape Fund (approximately £250,000) and other s106 agreements (approximately £1,865,000). Some of this money has already been received by SHDC and is being held in ring fenced accounts and the remainder has been secured through s106 agreements and will be received by SHDC when the relevant triggers detailed in the agreements are met. It does need to be noted that if development doesn't advance that the contributions won't need to be made.

The Council's Financial Procedure Rules require that where expenditure is proposed over £30,000 that this be authorised by Executive. Detailed proposals regarding the expenditure of secured s106 funds can be found in section 5 of this report.

3. Outcomes/outputs

The desired outcomes are the provision of enhancements to open space, sport and recreation facilities as well as enhancements to community facilities and landscapes to mitigate the impacts of specific developments.

In combination the received and anticipated funds will deliver a significant programme of facility improvements across the South Hams. Early agreement of the funds allows a well planned programme across the district and the opportunity to work with partners to maximise community benefit of projects and match funds from other sources.

4. Options available and consideration of risk

The Council has a legal obligation to spend the s106 funds in accordance with the agreements. There are two main alternative approaches for expenditure of the s106 funds:

Option 1 – SHDC develop and deliver projects

The first option is for SHDC Officers to develop and deliver projects. This allows more control over project plans and potentially more certainty that they will be delivered in accordance with the requirements of the s106 agreement. However there is an implication with regard to time resource and other partners may be best placed to lead community consultation and bring in other funds.

Option 2 – SHDC pass funds to community groups/other organisations to develop and deliver projects

The second option is to pass s106 funds to community groups/other organisations to develop and deliver projects.

Where SHDC has done this in the past the offers of grants have been made with the appropriate terms and conditions securing the interest of the Council and ensuring that the requirements of the s106 agreements are adhered to.

SHDC is also promoting the development of Town or Parish *Open Space, Sport & Recreation Plans* which will help to determine the local priority for spend on Open Space, Sport & Recreation.

The Neighbourhood Planning process is also providing an opportunity for communities to consider the priorities for investing s106 funds in open space, sport and recreation projects.

SHDC is keen to maximise benefits for communities by ensuring that match funding is sought wherever possible.

In reality it is likely that some projects will be developed and delivered via Option 1 and some via Option 2.

5. Proposed Way Forward

Proposals for the expenditure of secured s106 funds are detailed below.

Langage Landscape Fund

Following six years worth of project spend, the Langage Landscape Fund holds an uncommitted balance of approximately £250,000. Officers recommend that the residual funds be split into two programmes as follows; this work would be led by the Green Infrastructure Co-ordinator.

Final project details will be subject to approval by Centrica, the operators of the Langage Power Station.

Community Programme (£120,000)

It is proposed that the Community Programme be used to continue targeting community projects through the 'Big Greenspace Challenge' or an equivalent updated scheme.

Big Greenspace Challenge - Plymouth

It is proposed that £30,000 be allocated to community greenspace projects in the Plymouth project area². This element would be led by Stepping Stones to Nature/Plymouth Natural Infrastructure team.

Big Greenspace Challenge - South Hams and West Devon

It is proposed that £90,000 be allocated to community greenspace projects and greenspace information projects in the South Hams and West Devon project area³. This will also have the added benefit of helping to deliver relevant projects identified in the South Hams Green Infrastructure Framework⁴. This element would be led for South Hams and West Devon by the Green Infrastructure Co-ordinator with assistance from associated delivery partners.

Land Management Programme (£130,000)

It is proposed that the Land Management programme be split into two key elements with a suggested £30,000 for Orchard Creation and Restoration and £100,000 for Habitat Creation, Enhancement and Connection.

Orchard Creation and Restoration

² The Langage Landscape Fund project area is approximately 10km from the Langage Power Station. The Plymouth project area refers to the area under Plymouth City Council control which falls within 10km of the Power Station.

³ The Langage Landscape Fund project area is approximately 10km from the Langage Power Station. The South Hams and West Devon project area refers to the areas under South Hams and West Devon control which fall within 10km of the Power Station.

⁴ See www.southhams.gov.uk/greeninfrastructure

It is proposed that the Orchard Creation and Restoration element would support new orchard creation and planting within existing orchards in the South Hams and West Devon project area.

This element would be led by the South Devon AONB alongside their Growing Orchard Communities project, for which they are applying for a grant from the Heritage Lottery Fund (HLF) in summer 2015. The project is identified within the AONB Management Plan 2014 – 2019 Part 2: Delivery Plan 2015-2016⁵.

It is proposed that the Growing Orchard Communities project be run in partnership with Orchard Link and local communities with the aim of developing and supporting a strong community orchard network. The HLF funding would focus on community support and training where as the money provided through the Langage Landscape Fund would focus on biodiversity and landscape enhancements through both new planting and management. The two elements would complement each other and enable delivery of a well rounded project benefiting both the orchards and their communities and helping to safeguard an important part of our landscape heritage.

Habitat Creation, Enhancement and Connection

It is proposed that the Habitat Creation, Enhancement and Connection element would support delivery of landscape and biodiversity improvements through habitat creation, enhancement and connection projects in the South Hams and West Devon project area. The project would help to deliver relevant projects identified in the South Hams Green Infrastructure Plan and South Devon AONB Management Plan.

This element would be developed for South Hams and West Devon by the Green Infrastructure Co-ordinator alongside other relevant organisations and partnerships, including the Plymouth and Devon Local Nature Partnerships.

Potential projects ideas include:

- Woodland and hedgerow enhancements including new planting and improved management.
- Enhanced management of County Wildlife Sites in the project area, particularly woodland sites.
- Contribution to delivery of South Devon B-Lines⁶ through new wildflower and hedgerow planting. Potential pilot area to be developed around Wembury.
- Contribution to delivery of landscape and habitat enhancements identified through the Plymouth Urban Fringe (Wembury) Habitat

⁵ See

http://www.southdevonaonb.org.uk/uploads/files/mp2014/SD_AONB_MP_2015-16_Delivery_Plan_19-06-2015.pdf

⁶ See <https://www.buglife.org.uk/campaigns-and-our-work/habitat-projects/south-devon-b-lines>

and Landscape Opportunity Mapping project led by the South Devon AONB team with Plymouth University.

These proposals will put the balance of the Langage Landscape Fund to effective and compliant use, helping to achieve the primary objectives of the fund and also deliver identified projects within the South Hams Green infrastructure Framework and South Devon AONB Management Plan. The Community and Land Management programmes will complement each other allowing both local and strategic enhancements to take place.

Other s106 Funds

Table 1 overleaf details proposed projects (many still at formative and consultation stage) for consideration and agreement in the following wards:

- Blackawton and Stoke Fleming
- Dartington and Staverton
- Kingsbridge
- Loddiswell and Aveton Gifford
- Marldon and Littlehempston
- Newton and Yealmpton
- Salcombe and Thurlestone
- South Brent
- Totnes
- Wembury and Brixton

The final column of Table 1 lists the projects on which it is proposed the funds be spent.

In several instances it states that the proposed projects are to be confirmed through an *Open Space, Sport & Recreation (OSSR) Plan*.

It is proposed that the towns and parishes in question be supported to produce OSSR Plans to ensure that all potential OSSR projects are considered and prioritised in consultation with local sports clubs, community groups and parish residents. This will ensure the most effective allocation of any available s106 funds. The OSSR Plan will need to be compliant with CIL Regs and any fund pooling restrictions.

Consultation with Ward Members and Town and Parish Councils will be undertaken to finalise the specific details of identified projects in Table 1 or to agree priorities for spend through the OSSR Plans.

In recognition that Ward Members and Town and Parish Councils might have different suggestions for projects, alternative projects to those identified in Table 1 may be substituted subject to Ward Member and Portfolio holder agreement (as well as compliance with the s106 agreement and pooling restrictions).

Funds identified for release are either already available and held in an SHDC account or have been secured through a s106 agreement with funds due to be received when the relevant trigger detailed in the agreement is met. No project funds will be released until all supporting payments have been received from the developer and banked by SHDC to allow the full costs to be covered.

The figures given in Table 1 may vary due to:

- Inflationary adjustments that will take place between the point at which the s106 is signed and the point at which the payment is received.
- Housing numbers and types still being subject to change at the point at which the s106 was signed⁷ and figures in Table 1 therefore being based on assumed numbers and occupancy rates. Final figures will be based on the agreed formula in the s106 agreement once the housing numbers and types have been confirmed.

⁷ This can be the case if a planning application has been granted in outline form. The housing numbers and types are confirmed in a subsequent reserved matters application.

Table 1: s106 Funds over £30,000 for Open Space Sport & Recreation, Landscape and Community Projects

Parish & Related Planning Application	Ward	Financial Contribution or Contribution Remaining	Purpose of s106 funds	Requirement	Proposed Project(s)
Blackawton 06/0992/14/F	Blackawton and Stoke Flemming	£52,877 Split between uses to be confirmed	Sport and Recreation	Development has generated additional need	Enhancements to Blackawton playing fields or tennis courts
			Community	Development has generated additional pressure on community facilities	Enhancements to Blackawton Village Hall or another community facility
Brixton (Venn Farm) 07/2022/12/F	Wembury and Brixton	£53,467.30	Open Space commuted sum (£12,000)	On-site open space requires long term maintenance	Maintaining on site open space
			Sport and Recreation (£40,500)	Development has generated additional need	TBC by <i>Brixton OSSR Plan</i>
			Conservation of Tamar Estuaries Complex SPA (£967.30)	Mitigation of recreational pressure on Tamar Estuaries Complex SPA	To be paid to Tamar Estuaries Consultative Forum

Parish & Related Planning Application	Ward	Financial Contribution or Contribution Remaining	Purpose of s106 funds	Requirement	Proposed Project(s)
Brixton (Sherford) 7_49/2426/06/O	Wembury and Brixton	£225,000	Off site landscaping (£55,000)	Off site landscaping mitigation	At locations specified in Appendix 4.5 of the s106 agreement
			Conservation of Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA (£170,000)	Mitigation of recreational pressure on Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA	Actions in Tamar and Yealm Estuary Management Plans linked to the management and mitigation of off-site recreational impacts of the residents at Sherford on the SAC and SPA
Dartington (Sawmills) 14/1744/13/F	Dartington and Staverton	£135,504	Open space and play (£44,667)	Development has generated additional need	Enhancements to Meadowbrook play area
			Sport (£90,837)	Development has generated additional need	TBC by <i>Dartington OSSR Plan</i>
Dartington (Webbers Yard) 14/1745/13/O	Dartington and Staverton	£67,751	Open space and play (£22,333)	Development has generated additional need	Enhancements to Meadowbrook play area

Parish & Related Planning Application	Ward	Financial Contribution or Contribution Remaining	Purpose of s106 funds	Requirement	Proposed Project(s)
			Sport (£45,418)	Development has generated additional need	TBC by <i>Dartington OSSR Plan</i>
Kingsbridge K1 (land at Trebble Park) 28/1244/13/O	Kingsbridge	Occupiers *£975 1 bed = 1.5 people 2 bed = 2.5 people 3 bed = 4 people 4 bed = 5 people	Sport and Recreation	Development exacerbates existing deficiencies and has generated additional need	New football facilities in Kingsbridge
Kingsbridge K5 (West Alvington Hill) 28/0508/15/O	Kingsbridge	Occupiers * £595 1 bed = 1.5 people 2 bed = 2.5 people 3 bed = 4 people 4 bed = 5 people	Sport	Development exacerbates existing deficiencies and has generated additional need	New football facilities in Kingsbridge
Loddiswell (Harvey's Field) 31/0844/12/F & 32/1929/13/F	Loddiswell and Aveton Gifford	£30,000	Sport	Development has generated additional need	Improvements at Loddiswell playing field – football and/or tennis
Malborough (Alston Gate Phase 1) 33_46/1890/11/F	Salcombe and Thurlestone	£30,000	Open Space, Sport and Recreation	Development exacerbates existing deficiencies and	Improvements at Malborough village hall and playing field

Parish & Related Planning Application	Ward	Financial Contribution or Contribution Remaining	Purpose of s106 funds	Requirement	Proposed Project(s)
				has generated additional need	
Malborough (Alston Gate Phase 2) 33_46/0918/14/O	Salcombe and Thurlestone	£30,000	Open Space, Sport and Recreation	Development exacerbates existing deficiencies and has generated additional need	Improvements at Malborough village hall and playing field
Marldon (Moorview) 34/2184/13/O 34/1513/14/RM	Marldon and Littlehempston	£124,312	Play (£48,450)	Development has generated additional need	Enhancements to Torfield play area, Ipplepen Road
			Sport and Recreation (£75,862)	Development has generated additional need	TBC by <i>Marldon OSSR Plan</i>
Salcombe (Batson Cross) 41/1915/13/F	Salcombe and Thurlestone	£174,963	On-site Open Space and Play commuted sum (£17,500)	On-site open space and play requires long term maintenance	On site maintenance
			Off-site Open Space and Play (£61,370)	Development has generated additional need	TBC by <i>Salcombe OSSR Plan</i>
			Sport (£96,093)	Development has generated	

Parish & Related Planning Application	Ward	Financial Contribution or Contribution Remaining	Purpose of s106 funds	Requirement	Proposed Project(s)
				additional need	
South Brent (Land at Lower Green)	South Brent	£91,652	Play (£35,744)	Development has generated additional need	Saunderspool Play Area and/or Palstone Park Play Area
			Sport (£55,908)	Development has generated additional need	Enhancements at Palstone Park
Sparkwell (Golf Course) 49/0445/14/O	Newton and Yealmpton	Occupiers *£975 1 bed = 1.5 people 2 bed = 2.5 people 3 bed = 4 people 4 bed = 5 people	Open Space, Sport and Recreation	Development has generated additional need	TBC by <i>Sparkwell OSSR Plan</i>
Totnes (Follaton Farm) 56/2346/10/O & 56/1355/12/RM	Totnes	£72,000	Open Space, Sport and Recreation (£60,000)	Development has generated additional need	TBC by <i>Totnes OSSR Plan</i>

Parish & Related Planning Application	Ward	Financial Contribution or Contribution Remaining	Purpose of s106 funds	Requirement	Proposed Project(s)
			Pedestrian path to Arboretum (£12,000)	Development has generated need for access improvements	Provision of pedestrian path between development and Arboretum – Follaton Arboretum access link
Totnes (Riverside) 56/0447/12/O	Totnes	£242,462.50 (TBC)	Playing fields and/or community facilities in Bridgetown and/or community facilities on site Play (92,462.50) Sport (£150,000)	Development has generated additional need	TBC by <i>Totnes OSSR Plan</i>
Totnes (Ashburton Road) 56/2246/13/F	Totnes	£110,075	Sport and Recreation	Development has generated additional need	TBC by <i>Totnes OSSR Plan</i>
Wembury (Knighton Road) 58/1352/12/F	Wembury and Brixton	£101,158	Pedestrian and cycle path (£100,000)	Development has generated need for access improvements from Knighton Road to the Recreation Ground	Pedestrian and cycle path from Knighton Road to the Recreation Ground

Parish & Related Planning Application	Ward	Financial Contribution or Contribution Remaining	Purpose of s106 funds	Requirement	Proposed Project(s)
			Conservation of Tamar Estuaries Complex SPA (£1,158)	Mitigation of recreational pressure on Tamar Estuaries Complex SPA	Tamar Estuaries – to be paid to Tamar Estuaries Consultative Forum
Wembury (Leyford Close) 58/0176/13/O & 58/1267/14/RM	Wembury and Brixton	£140,887.50	Sport and Recreation (£140,887.50)	Development has generated additional need	TBC via <i>Wembury OSSR Plan</i>
			Conservation of Tamar Estuaries Complex SPA (TBC)	Mitigation of recreational pressure on Tamar Estuaries Complex SPA	Tamar Estuaries – to be paid to Tamar Estuaries Consultative Forum
West Alvington (Hole Field West) 59/2482/14/F	Salcombe and Thurlestone	£73,125	Access to Play/Recreation (£28,500)	Development has generated need for access improvements to existing community play/recreation areas	Access improvements to facilities at Townsend Lane, West Alvington
			Sport (£44,625)	Development has generated additional need	The Butts Cricket Ground community use

Parish & Related Planning Application	Ward	Financial Contribution or Contribution Remaining	Purpose of s106 funds	Requirement	Proposed Project(s)
Yealmpton (Underhay) 62/2948/11/O	Newton and Yealmpton	£110,000	Sport and Recreation (£90,000)	Development has generated additional need	Yealmpton MUGA
			Sport and Recreation (£20,000)	Development has generated additional need	TBC via <i>Yealmpton OSSR Plan</i>
TOTAL		£1,865,234			

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	<p>s106 agreements are secured under Section 106 of the Town and Country Planning Act to support projects that mitigate the impact of development. The Council has an obligation to spend the funds in accordance with the terms of the agreement.</p> <p>It should be noted that the legislative framework for receipt and expenditure of s106 funds has become increasingly restrictive. Under the Community Infrastructure Levy (CIL) Regulations 2012 there are clear constraints on the collection and use of s106 funds. The purposes to which the funds are applied must be:</p> <ul style="list-style-type: none"> • Necessary to make the development acceptable in planning terms; • Directly related to the development; and • Fairly and reasonably related in scale and kind to the development. <p>Since April 2015 there have been restrictions on the pooling of planning obligations. Only five s106 contributions can be pooled for use on the same infrastructure project (dating back to March 2010).</p> <p>The Council has powers to promote wellbeing under the General Powers of Competence in the Localism Act 2011.</p>
Financial	Y	<p>The Council's Financial Procedure Rules require that where expenditure over £30,000 is proposed that this needs to be agreed by Executive.</p> <p>Proposals for expenditure over £30,000 are set out in section 5.</p> <p>The expenditure relates to s106 funds specifically for the purpose of mitigating impacts from development. The parameters for expenditure (in particular the location and type of project that can be supported) are prescribed in the s106 agreement.</p>
Risk	Y	<p>There is a risk of funds not being spent in accordance with the s106 agreement. To address</p>

		<p>this, where any s106 funds are passed to community groups to develop and deliver projects, offers of grants will be made with appropriate terms and conditions securing the interest of the Council and ensuring that the requirements of the s106 agreements are adhered to. If ambiguity exists over the appropriateness of a project agreement of the developer will be sought.</p> <p>Some s106 agreements have 'clawback' clauses allowing the developers to be re-paid the money if it is not spent within a certain timeframe. Thus there is a risk of communities losing out if money is not spent within the specific timeframes. Careful monitoring will prevent this from happening. In addition the development of Parish Open Space, Sport & Recreation Plans will ensure that the Parish priorities are known and that projects can be readily progressed.</p> <p>There is a risk of funds not being spent in accordance with community aspirations and that community benefits may not be secured for the long term. The development of Parish Open Space, Sport & Recreation Plans will ensure that the Parish priorities are known and plans for expenditure will be agreed with Ward Councillors and Parish Councils. Any recipients of grant offers will need to hold necessary powers and have a suitable organisational structure in place. Where necessary Community Use Agreements will be implemented to secure long term community use.</p> <p>There is a risk that the requirements of the Council's Financial Procedure Rules will not be met. All payments will be made in accordance with the Rules and contracting/tendering procedures where relevant.</p>
Comprehensive Impact Assessment Implications		
Equality and Diversity	Y	Projects need to address accessibility issues to ensure access to all wherever reasonable and practicable.
Safeguarding	N	N/A
Community Safety, Crime and Disorder	N	N/A

Health, Safety and Wellbeing	Y	Enhancements to Open Space, Sport & Recreation facilities are closely linked with improved health and wellbeing.
Other implications	N	
Process checklist		Completed
Portfolio Holder briefed		Yes
SLT Rep briefed		Yes
Relevant Exec Director sign off (draft)		Yes
Data protection issues considered		Yes
If exempt information, public (part 1) report also drafted. (Committee/Scrutiny)		No

Prepared: 24th August 2015

Report to: **Executive**

Date: **10 September 2015**

Title: **Introduction of a Discretionary Local Business Rate Relief Discount Policy**

Portfolio Area: **Business Development, Strategy & Commissioning**
Cllr Michael Hicks
Cllr.Hicks@SouthHams.gov.uk

Wards Affected: **All**

Relevant Scrutiny Committee: **N/A**

Approval and clearance obtained: **Yes**

Urgent Decision: **No** Date next steps can be taken: **After Special Council 10/9/15**

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Lisa Buckle,
S151 Office / CoP Lead, Finance
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Recommendations:

That the Executive recommends to Council:

- a) to offer local businesses discretionary business rate relief where it is in the interest of local Council tax payers to do so
- b) to ratify a new discretionary business rate relief policy as detailed within Appendix one and approve the rate relief application form as shown in Appendix two attached to this report
- c) to agree the formation of a discretionary business rate relief decision panel, who will appraise and determine applications on an as-needs basis as set out in paragraph 1.6 of this report

1. Executive summary

- 1.1. This report recommends that the Council utilises its powers to apply discretionary business rate relief
- 1.2. Section 69 of the Localism Act 2011 amends Section 47 of the Local Government Finance Act 1988 and allows billing authorities such as South Hams District Council, to grant discretionary rate relief in any circumstances, provided it is in the interests of the local Council tax payers to do so
- 1.3. The purpose of these new powers is to give billing authorities the ability and scope to encourage, sustain and improve local economic performance by temporarily lowering the business rate burden while local businesses grow and create significant additional employment or safeguard jobs within the District
- 1.4. Appendix one contains the recommended policy, whilst appendix two contains the recommended discretionary rate relief application form
- 1.5. Members are requested to agree a Discretionary Business Rate Relief Policy and Application as attached at Appendices 1 and 2 together with the formation of a new discretionary business rate relief decision panel, who will review and determine applications in line with this report and appended policy
- 1.6. It is suggested that this panel is formed by three Members: the Chairman of the Overview & Scrutiny Committee; the Leader of the Council, and; the portfolio holder for Business Development. Two further Members are to be nominated as substitute panellists, in the event that one of the core three cannot attend a review panel meeting within a timely manner (or have a conflicting declaration of personal interest). The Deputy Leader of the Council and any other member of the Executive are suggested as stand-by panellists

2. Background

- 2.1. In order to stimulate local business growth and retain local businesses and jobs within the District, it is proposed that the Council applies powers available to it to offer discretionary business rate relief, where there is a tangible benefit to local tax payers.

The relief will offer growing businesses discretionary financial assistance through their growth transition and can help to safeguard jobs. Without a Policy, growing businesses would not be able to receive assistance from this billing authority and could be attracted by the financial benefits offered by local enterprise zones or soft landing policies in other Districts / Boroughs.

- 2.2. When South Hams receive business rates, it has to pay other public bodies a share of the revenue it receives. 50% is returned to Central Government; 9% is paid to Devon County Council and 1% is paid to the Fire Authority. 40% is retained by South Hams.

Offering a discretionary business rate relief will reduce the revenue generated by South Hams in the short term and consequently reduces the amount payable to these other authorities. This is currently the case with other discretionary awards made by the Council, such as non-profit making bodies and charitable occupation relief.

- 2.3. South Hams is not part of the Devon Business Rate Pool for the current year. However, nothing contained within this policy would fetter the Council's ability to re-join the pool in the future.

3. Outcomes/outputs

- 3.1. The aim of this policy is to attract, nurture and retain businesses within the billing authority and encourage them to expand and create more jobs and economic value for the District. Once in place, the policy will help the District compete with other areas looking to attract growing businesses.
- 3.2. It is not possible to forecast the amount of business rate income that will be foregone by adopting this policy. Applications and therefore awards will vary according to the type of business applying and their individual circumstances and the panel's decision on what level of discount and discount duration to award.
- 3.3. It is expected that the policy will apply to all premises irrespective of ownership.
- 3.4. The panel will use its discretion to determine discount applications, paying due attention to safeguard local businesses, including those competing with the discount applicant.

4. Options available and consideration of risk

- 4.1. Members could opt to do nothing – however, this could realistically result in local businesses opting to move and expand their operations outside of the District. Such a move could result in local job losses, vacant property and an eventual reduction in business rate revenue.
- 4.2. Members could facilitate an alternative method of offering local businesses financial support to grow and create additional job opportunities. At present no other funding streams or reserves are available to small and medium sized businesses other than grant applications to the South Devon Coastal Local Action Group (SDC LAG) and / or the Greater Dartmoor Local Enterprise Action Fund (GD LEAF). Applications of this type are typically restricted to certain business types and for defined purposes. GDLEAF and SDC LAG can offer one-off grants of £50,000 or less, however applications are not currently being accepted due to delays experienced by the Rural Payments Agency. Applications are expected to be accepted from October.

5. Proposed Way Forward

- 5.1. It is recommended that South Hams District Council Members agree to utilise its power to offer local businesses discretionary business rate relief where it is in the interest of local Council tax payers to do so. This policy will be used in exceptional circumstances at its absolute discretion, where the criteria of the policy has been met and the principles of the policy followed.
- 5.2. Appendix one sets out the principles and criteria whilst the discretionary business rate relief application form is shown in appendix two.
- 5.3. A discretionary business rate relief decision panel will be formed of three Members, with two stand-by substitutes in order facilitate a timely decision on applications.
- 5.4. The policy and applications will be promoted on an as-needs basis to relevant businesses in the locality.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/ Governance	Y	<p>The Council has a Discretion under section 69 of the Localism Act whether to grant rate relief provided that it is in the interests of the local council tax payers, and in order to exercise that discretion the Council needs to adopt a Policy.</p> <p>Care must be taken to ensure that any relief awarded must not contravene state aid laws. There is provision within the policy principles and criteria to request that applicants state all prior state aid assistance and evidence to ensure this does not exceed the 'de minimis' level of €200,000 over three years from any Government body / organisation.</p> <p>The Council must have regard to its fiduciary duty to Council tax payers – by awarding temporary relief, Council tax payers are in effect subsidising businesses to grow. The policy and principles are based around a rapid return on investment, i.e. greater business rate returns after the initial relief period.</p>
Financial	Y	<p>Relief will only ever be awarded for a defined time period. Business rate income could reduce in the short term as applications are accepted and relief is awarded. However, beyond the initial relief period, business rate revenue is expected to increase. Applicants will be required to evidence a long lease / freehold to remain in the locality in order to apply for the relief. Clawback provisions will be included in the event the business were to relocate within a 5 year time period after application.</p>

		<p>There is a financial impact to awarding rate relief discounts under Section 47 of the Local Government Finance Act 1988 and the cost to the council is 40% of the relief awarded. Applications will be assessed on a case by case basis. There is no Government support for such awards, thereby having a direct impact on the taxpayers of the District. The policy and principles are based around a rapid return on investment, i.e. greater business rate returns after the initial relief period.</p> <p>It should be noted that when a business relocates from within the District to a new property within the District, rates on the former premises (which would then be empty) are subject to 100% mandatory relief for 3 months (extendable to 6 months depending on premises type). This reduces income for the period. After the 3/6 months, rate liability reverts to the full amount on the former premises.</p>
Risk	Y	<p>The policy has been drafted to ensure that it protects the interests of local Council tax payers and will only help businesses who are intending and in a position to grow.</p> <p>Not having a defined policy could result in the Council having to determine discretionary rate relief applications without a defined set of criteria or principles and could result in unfair and anti-competitive awards.</p>
Comprehensive Impact Assessment Implications		
Equality and Diversity	N/A	
Safeguarding	N/A	
Community Safety, Crime and Disorder	N/A	
Health, Safety and Wellbeing	N/A	
Other implications	N/A	

Please refer to Appendix 1 for the full policy and Appendix 2 for the suggested discretionary local business rate relief discount Application form.

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

Appendix One: Draft Discretionary Business Rate Relief Policy

Powers to apply discretionary business rate relief

Section 69 of the Localism Act 2011 amends Section 47 of the Local Government Finance Act 1988 to allow billing authorities such as South Hams District Council, to grant discretionary rate relief in any circumstances, provided it is in the interests of the local Council tax payers to do so.

The purpose of this new power is to give billing authorities the ability and scope to encourage, sustain and improve economic performance by having the power to lower the business rate burden while businesses grow and create significant additional employment or safeguard jobs within the District.

Local Business Rate Relief Discount (LBRRD) Requirements

The following principles apply when considering LBRRD applications:

- i. The Council will consider the cost of funding the LBRRD and the burden this places on its finances
- ii. The LBRRD will support opportunities for new business growth, expansion and employment and the safeguarding of jobs within the District and the effect this will have on competing local businesses
- iii. If it is reasonable to offer a LBRRD having taken into account the interests of the Council tax payers as a whole
- iv. Any LBRRD award will be at the absolute discretion of the billing authority. The LBRRD may be awarded to any property or business of the Councils choosing, at any level between 0% and 100%. For example, 20% or 100% or for companies who are relocating within the District, the discount awarded may equal the difference between the old premises business rates payable and the new premises business rates payable
- v. Claims for LBRRD cannot be backdated
- vi. The Council reserves the right to withdraw the LBRRD scheme at any time
- vii. Whether the award of a LBRRD may constitute state aid. The total de minimis aid granted to any undertaking of any size must not exceed €200,000 over any period of three fiscal years from any source. The onus is on the applicant to provide sufficient evidence to the billing authority to confirm that the de minimis level is not and will not be breached. Applications which may constitute state aid will not be considered

Criteria for valid LBRRD applications

Each application will be considered on its individual merits against the criteria set out below:

- 1) Does the LBRRD incentivise the creation of new permanent contract, (not zero hour contract) jobs for local people (paying living wage as a minimum)?
- 2) Will the LBRRD provide a return on investment from higher future rates income?
- 3) Are there social or economic implications for the area if the LBRRD is not applied?
e.g. the loss of a substantial number of jobs or skills from the area
- 4) Is the request for temporary relief (LBRRD will not be repeated year after year)
- 5) To be considered for an award under this policy the applicant must be either :
 - a) A new business starting up in the area
 - b) A business relocating to the area

- c) An existing business expanding within the area and creating additional or safeguarding existing jobs
- 6) The applicant must evidence a minimum remaining lease period of 10 years (or ownership of a freehold)
- 7) No LBRRD will be awarded for greater than 2 years
- 8) No LBRRD will be awarded that would mean the applicant has received a grant / award or assistance from a Government body / organisation for a cumulative total of greater than €200,000 over three years, in line with State Aid guidelines at the time of writing this policy
- 9) No LBRRD can be awarded until the applicant has all required permissions, licences, and other provisions in place in order to begin lawfully trading from the premises at which the rate relief will be applied
- 10) In considering an application for a LBRRD, applicants may be asked to provide certain information. This may include, but is not limited to, the last two years of financial accounts; a business plan, and; evidence of at least three years' occupation of commercial premises
- 11) All LBRRD decisions are to be made by the discretionary business rate relief panel within four weeks of receipt of a fully completed application form and all requested supporting evidence
- 12) Any LBRRD awarded will be paid by crediting the business rate account to which it applies
- 13) There is no statutory right to appeal against a decision made by the discretionary business rate relief panel other than a Judicial Review. An applicant may make a request for the decision panel to review a decision within four weeks of notification of a decision but only where either:
 - a) Additional relevant information that was not available at the time the decision was made becomes available, or
 - b) There are good grounds to believe the application or supporting information was not interpreted correctly at the time the decision was taken

Cases will be reviewed by the same discretionary rate relief panel. A request for review must set out the reasons for the request to review and include the relevant supporting information.

- 14) The applicant must sign a statement of intent to agree to operate the business in the District for five years or more.
- 15) The Council may at its absolute discretion if (in the Council's opinion) any of the clawback events or termination events listed in Appendix A occur:
 - a) Suspend the payment of the LBRRD under this Policy for such period as the Council shall determine;
 - b) Vary the LBRRD payable under this Policy, in which case the payment of funding shall thereafter be made in accordance with the written variation notified to the Applicant;
 - c) Terminate any agreement to pay the LBRRD under this Policy whereupon the Council shall cease to be under any obligation to provide any further LBRRD to the Applicant and (in addition) the Council may require the Applicant to repay the whole or any part of the LBRRD previously paid to the Applicant and the Applicant agrees that upon receipt of written notice requiring repayment the Applicant shall repay the sums required within 30 days of receipt of such notice.

Notwithstanding the provisions of Clauses (a) and (b) above, in the event that an applicant relocates the business for which the LBRRD is payable to a location outside of the District, within a period of five years from the date of the decision to award the LBRRD, the Council shall be entitled to recover some or all of the LBRRD on the following basis:

The relocation occurs before 5 calendar years have expired beginning with the date of the decision, 100% of the LBRRD shall be recoverable, at the Council's discretion.

APPENDIX A - CLAWBACK AND TERMINATION EVENTS

The following Clawback and Termination Events apply to this Policy:

1. There is any change in the Applicant's legal status and such a change is likely to adversely affect the LBRRD; or
2. Any claim and/or report submitted by the Applicant does not properly comply with the requirements detailed in this Policy; or
3. Any information supplied by the Applicant under or in connection with the LBRRD proves to be materially incorrect or misleading; or
4. The Applicant does not comply with or observe any condition of this Policy; or
5. The assistance exceeds European Community State Aid limits to the extent that any LBRRD paid should not have been paid or if a decision of the European Commission or of the European Court of Justice requires payment to be withheld or recovered; or
6. There is an unsatisfactory report from the auditors. This will be the case if the auditors refer to a fundamental uncertainty, a disagreement or a limitation to their opinion, or if the auditors are unable to form an opinion; or if they report that the statement of grant does not give a true and fair view; or
7. There is evidence of irregularity, impropriety or negligence; or
8. If:
 - a. the Applicant, being an individual, an incorporated or an unincorporated body, becomes bankrupt, has a receiving order or administration order made against it, makes any composition or arrangement for the benefit of creditors, makes any conveyance or assignment for the benefit of creditors or purports to do so, or is the subject of an application under the Insolvency Act 1986 (or superseding legislation) for the sequestration of the Applicants estate or of a trust on behalf of the Applicant's creditors; or
 - b. the Applicant, being an unincorporated body is dissolved; or
 - c. the Applicant, being an incorporated body passes a resolution that the Applicant should be wound up, is ordered by the High Court to be wound up, has an administrator appointed by order of the Court, has an administrative receiver appointed, or being a company is struck from the register at Companies House.

Appendix Two

Discretionary Local Business Rate Relief Discount Application Form

Please complete all fields and supply supporting evidence where applicable

Account Reference number:	
Applicant name:	
Contact address:	
Postcode:	
Telephone number:	Mobile number:
Email Address:	
Address in respect of which application is made:	
Description / Type of business:	
How long have you been trading in South Hams?	
Number of staff employed?	Date lease due to expire?

Reasons why a local business rate relief discount should be awarded

Please state how the granting of a discount will support opportunities for new business growth, expansion and employment within the area:

Social or economic implications

What are the social or economic implications for the District?

Prepared: 24th August 2015

- Any discount awarded will only be for a defined temporary period
- You must provide any other supporting evidence deemed necessary as requested by the billing authority
- Incomplete applications will not be considered

Please return this completed form and the required supporting evidence to:

Revenues and Benefits Department
South Hams District Council
Follaton House
Totnes
TQ9 5NE

Or email to : Revenues and Benefits Department (details to be provided)

Prepared: 27th August 2015

Report to: **Executive**

Date: **10 September 2015**

Title: **Invest to Save: Glass Banks at Torr Quarry Depot**

Portfolio Area: **Commercial Services**
CLlr Rufus Gilbert
CLlr.Gilbert@southhams.gov.uk

Wards Affected: **All**

Relevant Scrutiny Committee: **N/A**

Urgent Decision: **No** Date next steps can be taken: **Immediately After Council Approval 8 Oct 15**

Author: **Helen Dobby,**
Commercial Services, Group Manager
01803 861272 / Helen.Dobby@swdevon.gov.uk

Terry Penhaligon
Interim Environmental Services Manager

Recommendations:

For members to recommend to Council that it supports:

- a) Investment in a capital spend of a maximum of £28,000 to build three new glass storage bays at Torr Quarry in order to reduce resource requirement for glass collections / journeys across the district. It is estimated that the investment will pay back within year one.
- b) Immediate implementation in order to maximise the income which can be derived from the Council's glass recycle
- c) That the spend is taken from the capital programme contingency reserve

1. Executive summary

- 1.1. A business case has been prepared for an invest to save project.
- 1.2. A capital spend of less than £28,000 is required, which can be funded from the capital contingency budget, to build 3 new glass storage bays at Torr Quarry in order to reduce resource requirement for glass collections / journeys across the district.
- 1.3. The project will see 3 glass bays constructed within the Torr Quarry depot site at Kingsbridge.
- 1.4. This will allow for the Council to maximise income from its' glass cullet and command a higher market price for this valuable material.
- 1.5. It is estimated that the investment will pay back within year 1.
- 1.6. Immediate implementation is desired after Member agreement is granted.

2. Background

- 2.1. The current glass recycling operation requires the use of 2 vehicles (both hired) and 2 drivers.
- 2.2. The glass recycling banks are predominantly located in the southern half of the district and have to be taken considerable distances to tip. This in effect doubles the resource required to operate the service.
- 2.3. The paper banks are currently taken to the Torr depot which drastically reduces the time and mileage incurred.
- 2.4. It is proposed that 3 separate glass storage bays are constructed at Torr Quarry depot to reduce the resource requirement for the service by half, whilst increasing the value of the recycle material. This is because we can sell each colour separately and bulk haul the material on subcontracted vehicles.
- 2.5. A costing of the civil works has been undertaken by the Council and the estimate is for a total of £27866. This includes the 3 bays and the drainage required to comply with the EA licence conditions.
- 2.6. Member approval is required for expenditure for which no budget provision has been made.

3. Outcomes/outputs

- 3.1. If approved, the benefits include the reduction to one vehicle (from two) and one driver (from two), increased revenue stream from material sales and an improved service level as more sites can be serviced each day.
- 3.2. We are currently struggling to provide the quality of service required due to the extreme distances to the points of disposal.
- 3.3. There are only 2 accessible disposal points available to us and both are out of the District - one in Plymouth and the other in Torquay.

- 3.4. Collecting bins from the Kingsbridge / Salcombe and Dartmouth area takes considerable time and both Plymouth and Torquay suffer from considerable traffic congestion.
- 3.5. There are a small number of containers that would continue to be taken to Plymouth, such as the Lee Mill Tesco banks. Any banks situated near Totnes would be taken to Torquay but the majority of the banks could be taken to Torr quarry.

4. Options available and consideration of risk

- 4.1. Members could opt to do nothing and continue as is – savings of £48k pa would not be achieved and service levels would not be improved.

5. Proposed Way Forward

- 5.1. It is recommended that South Hams District Council Members approve the capital spend to construct the glass bays and effect changes within the recycling service to make the savings detailed.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/ Governance	Y	The Environment Protection Act 1990 conveys discretionary powers to the Council to provide this service. The recommendations seek to provide a more efficient use of council tax payer money to fulfil these requirements.
Financial	Y	<p>An investment of a maximum of £28,000 is required – this can be funded from the capital programme contingency budget. There is a capital programme contingency budget for 2015/16 of £300,000 which is currently unallocated. Member approval is required for expenditure for which no budget provision has been made.</p> <p>The increased revenue from the segregated glass material is expected to cover the increased bulk haulage costs.</p> <p>Total annual saving is estimated at £48,360 when compared with current cost. This would enable the in-house team to operate the service for considerably less than a third party.</p> <p>The annual savings have been calculated as follows: Hired vehicle saving equals £22,360 rental pa. Driver cost is £22,000 including on costs, pa. Fuel is approximately £4,000 pa.</p>

		NB: The mileage of the remaining vehicle would stay the same but the vehicle would be servicing twice the number of banks as a minimum.
Risk	Y	None – process for glass would replicated paper recycle
Comprehensive Impact Assessment Implications		
Equality and Diversity	N/A	
Safeguarding	N/A	
Community Safety, Crime and Disorder	N/A	
Health, Safety and Wellbeing	N/A	
Other implications	N/A	

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

Devon Home Choice

Report to: **Executive**
Date: **10 September 2015**
Title: **Devon Home Choice Policy 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)

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Specialist Housing, Revenues
& Benefits**

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Recommendations:

That the Executive:

1. Note the content and findings of this report
2. Endorse that the Council remain in the Devon Home Choice partnership and review in 12 months
3. Make no changes at this time to the South Hams District Council Local Allocation Policy and review in 12 months

Devon Home Choice

1. Executive summary

- 1) This report reviews the existing arrangements for Devon Home Choice – the Authority’s current model of allocating affordable housing in the district. We will summarise the experiences of other authorities who have made significant changes locally to the Devon Home Choice Policy and set out the reasons for our recommendations for going forward.

2. Background

- 1) Devon Home Choice has operated in South Hams since 2010. It is a partnership between all 10 Local Authorities and 25 Registered Providers. There is a common policy between all partners, however in addition South Hams District Council also has its own local allocation policy which forms the basis on which units of affordable housing are allocated to people in housing need and or with a local connection. (Appendix 1)
- 2) The Devon Home Choice Policy (Appendix 2) was last reviewed at the Community Life and Housing Scrutiny Panel on the 27th March 2014, with a recommendation that it be reviewed in 12 months time. Due to elections and the maternity leave of the key member of staff, this is the earliest it has been able to be reviewed.
- 3) There are currently 1334 applications on the South Hams Devon Home Choice Register, in Bands A-E, The breakdown of which is below.

Band	A (Emergency)	B (High)	C (Medium)	D (Low)	E (No Housing Need)
Number of Applicants	0	168	252	577	337*

(As of 30th July 2015)

*Please note the reduction in Band E applicants from the full monitoring report as of 1/4/15, this is due to a review of applicants in this band.

Although Band E represents “No Housing Need”, in South Hams we have allocated accommodation to people in this band, when higher bands have been exhausted. In the 2014/15 financial year 226 general needs properties were advertised in the South Hams through Devon Home Choice. Of this 9% were allocated to people with no housing need. (Appendix 3 is the breakdown of these properties)

For sheltered housing this increased to 20% of the available properties, allocated to applicants in this band. These properties included flats, properties with age restricting criteria and where there was a local connection requirement

Devon Home Choice

In rural areas the priority for sustainability and homes for local people has been a condition of the land being released for new homes. This was the case in 2014 with land in Holne. Therefore it is not unusual for homes in very rural areas being allocated to a local family who is not in housing need.

An example of this is the new scheme recently let in Salcombe. This is an area renowned for its high number of second homes, above average house prices and the limited number of vacancies that occur in affordable rented stock. It was felt necessary to go above and beyond the Local Allocations Policy and implement a specific local letting plan. All of the new properties were allocated to people with a local connection to Salcombe and 5 of the 14 properties were let to people in Band E.

- 4) The most common changes other Devon Local Authorities have made to their operation of Devon Home Choice is in connection to the exclusion of applicants in Band E – No housing need. Both Torbay and Teignbridge Councils closed their housing registers to Band E applicants in 2014, following new powers contained in the Localism Act 2011. This has reduced the pool of applicants potentially applying for housing and represents a change to the partnership policy. Despite not registering applicants 2% of general needs properties were still allocated to Band E applicants and 4% in Teignbridge. These applications were registered with other Local Authorities.
- 5) In addition, in the case of Torbay the change to Devon Home Choice has seen them bear the advert costs for all homes advertised in Torbay. Last year this was 293 general need homes at £25 per advert - a total additional cost of £7325. In South Hams this would be an additional cost of approximately £5650 based on the 14/15 figures. This is because the partner Landlords viewed this as a deviation from the partnership agreement and therefore a return to the nominations process where the Landlord would request an applicant from the Local Authority.

One of the other major changes to the policy in Teignbridge was the added criteria to Band D for “community contribution”.

a) What is Community Contribution?

Community contribution is defined as....

- Applicants in paid or unpaid employment for more than 16 hours per week for a period of more than 12 months; Example roles include:
 - School Governor
 - Parish Councillor
 - Community Land Trust Board Director
 - Church Warden
 - Member of the PTFA
 - Organisers of Sports / Social Clubs

Devon Home Choice

- Member of Teign Valley Community Hall Committee
- Any other “significant” contribution in respect of time and duration.

This was introduced to caveat people who contribute locally and to a large degree (at least 16 hours a week) but otherwise would have been in Band E and unable to register. However there is a further list of people who will qualify for housing who have to contact the Registered Provider directly. This introduces some risk into the process, as there are multiple channels in which people can apply, it also impacts on an applicant’s ability to self-serve by registering online and having to telephone the provider during office opening times. Having an open register, allowing anyone to register mitigates against this. As the Community Contribution criteria favours people who make a significant contribution to their local community (at least 16 hours a week) if South Hams District Council chose to explore this option, an equality impact assessment would be necessary to ensure this would not be detrimental to certain groups – for example carers or people who work full time and therefore are unable to volunteer to this degree.

- 6) In conjunction with our Local Allocations Policy the Council remains lawful with regards to giving priority to people with local connection whilst meeting its statutory duty towards people in a “reasonable preference” group (this includes people who are homeless or have a need to move for their health & wellbeing). (Section 4.6 & 4.7 of the South Hams District Council Allocations Policy, Appendix 1)

3. Options available and consideration of risk

- 1) South Hams is a non-stockholding authority and if we wished to consider changes to our Allocations Policy or Devon Home Choice, Registered Providers may view this as a return to a nomination agreement which could see us both charged for property adverts as is the case with Torbay, and also change our entitlement to Registered Provider’s properties. (i.e. in the case of properties transferred from South Hams District Council to Tor Homes the agreement is for 75% of properties to be let in accordance with Council policy, the other 25% for the Registered Provider to allocate as they see fit. As a regional landlord this could mean tenants coming from elsewhere in Devon or Cornwall, outside of our control. That could mean (using 2014/15 figure) of the 286 properties advertised (226 general needs and 60 sheltered) potentially 72 properties could be allocated outside our policy.
- 2) New powers contained in the Localism Act 2011 allowed Local Authorities to restrict access to its register. The London Borough of Kensington & Chelsea is one Authority that made this change, reducing their register by insisting all applicants attend a face to face process to determine eligibility. While certainly reducing numbers on the register, Members may wish to consider that this is a London Borough, with easier routes of access and ample transport links than applicants may find in South Hams, and while certainly it has reduced the numbers of applicants in no housing need, it is acknowledged that in South

Devon Home Choice

Hams we do not always allocate based on housing need but on a local connection. These applicants under this scheme would be excluded.

- 3) If we wished to make significant changes to our allocations policy and withdraw from Devon Home Choice completely we would need to purchase our own IT system that supported the corporate desire for channel shift towards self-serve and the additional administration costs, whilst still being at a comparable cost as Devon Home Choice for our Registered Providers. As we are non-stock holding we cannot meet our statutory functions under the 1996 Housing Act (as amended) without these partnerships.
- 4) There has been no change in legislation which would mean that Devon Home Choice was no longer fit for purpose. It fulfils the function we require of it. The Devon Home Choice register already includes a residency test as part of the eligibility criteria; in December 2013 further guidance was issued by the Government called *providing social housing for local people* which is in addition to Allocation of Accommodation guidance issued in 2012. This stated that local authorities could decide whether a local connection criterion was implemented to prioritise housing for local people in their area. This paper specifically mentions local connection through family and employment within the **district**.
- 5) South Hams had previously implemented this for bands A – D within the local allocations policy in May 2013. The 2013 paper goes further and advises that when dealing with sensitive rural villages, local connection could be defined as a parish connection. This could therefore incorporate Band E. However, should members decide to explore this option within the allocations policy it should be born in mind that there are risks. South Hams District Council needs to meet their statutory duty of those within a “reasonable preference” category within our district. Implementing this may mean that we are unable to fulfil this and the use of temporary accommodation could rise due to much of the district being rural and the acute shortage of affordable housing. If members choose to explore this then a further legal view will need to be sought regarding “sensitive rural areas” and our ability to meet our statutory requirement.
- 6) We have recently conducted a survey of applicants in South Hams & West Devon. We received 442 responses to 5 questions around local connection. A summary of the results is included at Appendix 4. One of the questions was on whether the person the local authority should prioritise is the person in the worst circumstances or the person with the local connection. By a small majority (51.62%) people believed it was the person in the worst circumstances. This is reflected in our Allocations Policy and also our S106 agreements which prioritise housing need in conjunction with local connection.

Devon Home Choice

4. Proposed Way Forward

- 1) It is recommended that South Hams District Council do not make any changes to the existing Devon Home Choice policy in the local area, and to review in 12 months.
- 2) It is recommended that the South Hams District Council Allocations Policy remains as is and is reviewed in 12 months.
- 3) The Devon Home Choice partnership offers South Hams District Council a robust platform on which to manage a housing register. It remains fit for our purpose at low cost.

5. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	<p>The Localism Act 2011 can restrict access to its Housing Register and are no longer required to keep an “open register”</p> <p>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</p> <ul style="list-style-type: none"> • 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) <p>Both the Devon Home Choice Policy & The South Hams Allocations Policy meets these statutory requirements.</p>
Financial		<p>Current expenditure on maintaining the Housing Register is minimal £13k This is for one part-time member of staff and £1000 a year towards printing costs, and software updates.</p>

Devon Home Choice

		<p>If we wished to leave Devon Home Choice, the additional staff and advert cost would be £20,200. There would also be additional one off IT costs for purchasing software.</p> <p>If we remained in Devon Home Choice but made changes to the policy which Registered Providers viewed as a return to our historical nomination arrangement, potentially we would need to finance the advert costs, as is the case in Torbay. This will be a further £5650 and an estimated additional staff resource of £4275.18.(based on an additional day a week of existing post holder)</p>
Comprehensive Impact Assessment Implications		
Equality and Diversity		If Members wished to introduce a Community Contribution criteria, this would require an Equality Impact Assessment to ensure that some groups were not treated less favourably than others (main report section 2:5: a :)
Safeguarding		No direct safeguarding concerns with regard to this policy, however there are inbuilt processes and systems within the Devon Home Choice system to deal with our most vulnerable applicants.
Community Safety, Crime and Disorder		No direct implications
Health, Safety and Wellbeing		Both the Devon Home Choice Policy and South Hams Local Allocations Policy give reasonable preference to people requiring housing due to Health, safety & Wellbeing.
Other implications		None

Supporting Information

Appendices:

Appendix 1 – South Hams Local Allocations Policy.

Devon Home Choice

Appendix 2 Devon Home Choice Policy (Please note this is a 79 page policy)
http://www.devonhomechoice.org.uk/Devon_Home_Choice/PDF/DHCPolicyv40from19May15.pdf

Appendix 3 – Breakdown of General Needs Band E Lets

Appendix 4 2015 Local Connection Survey

Appendix - 5 Annual Devon Home Choice 14/15

Background Papers:

Localism Act 2011

Housing Act 1996 (as amended)

DCLG Providing Social Housing for Local People.

Rural Allocations Report 2014-15 –Devon Rural Housing Partnership

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

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.

**May 2013 (updated
August 2015)**

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SOUTH HAMS DISTRICT COUNCIL

LOCAL ALLOCATION POLICY

1 Scope of the policy

- 1.1 This Local Allocations 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 Housing Advice Manager in conjunction with the Executive Member or Housing and the Head of Customer Services.
- 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.
- 2.2 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
- 2.3 Devon Home Choice covers all 10 Devon Authorities including Plymouth & Torbay, enabling applicants to apply across Devon for vacant properties.
- 2.4 SHDC coordinates Devon Home Choice within South Hams and maintains the common housing register for all partners operating within the area.
- 2.5 RPs label, advertise and let their properties. They have their own allocation policies and will verify applicants details to ensure they meet their criteria

2.6 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.
- 3.2 Within this it must be recognised that there is very high demand for affordable housing in 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.
- 3.3 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.
- 4.2 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
- 4.3 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
- 4.4 The Devon Home Choice Policy is a separate document and should be read in conjunction with this policy

- 4.5 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 Revenue & Benefits in consultation with the Executive member for housing.
- 4.6 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.

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

- 5.2 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
- 5.3 Homeless households will be offered the same degree of choice as other applicants for a period of 6 weeks after being accepted as homeless
- 5.4 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

- 5.5 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
- 5.6 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 social rented housing stock of less than 100 properties, preference will be given to local households, provided they have an existing housing need ie bands A - D. For the purposes of clarity this is everywhere in South Hams apart from Dartmouth, Ivybridge, Kingsbridge, South Brent and Totnes.
- 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

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

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 RP 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.

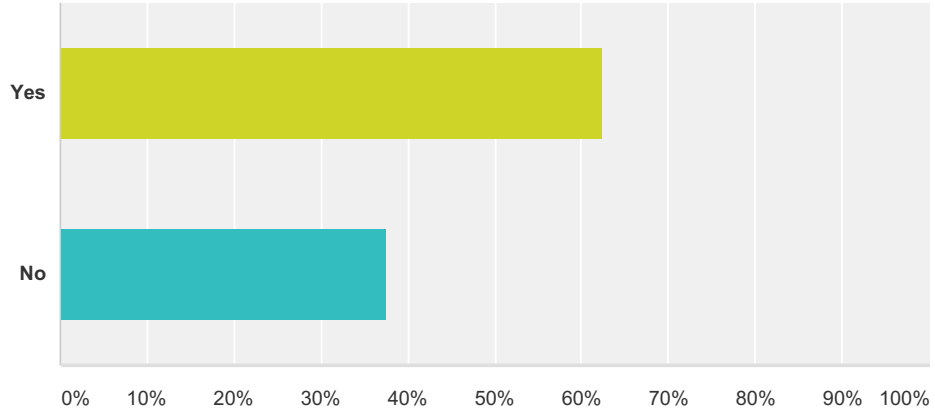
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sub_portal_code	advert_number	total_number_bids	let_bid_position	subAreaDescription	property_address1	property_address2	property_address3	property_address4	landlord_name	is_sheltered	band_desc	bid_closing_date	number_bedrooms	user_id	mobility_category_code	sign_up_tsd	
South Hams	3505073		11	11 SH_Kingsbridge	Coronation Road	Kingsbridge	Devon		DCH	N	BandE	17/11/14		2	3016903	6-General Needs	26-Jan-15
South Hams	3505221		2	2 SH_Chillington	Meadowside	Chillington	Kingsbridge		DCH	N	BandE	22/12/14		2	806629	6-General Needs	09-Feb-15
South Hams	3505949		14	13 SH_Chillington	Helmers Way	Chillington	Devon		DCH	N	BandE	17/03/14		2	805111	6-General Needs	19-May-14
South Hams	3505981		73	45 SH_Hoile	Little Bewden	Hoile	Newton	Devon	Hastoe	N	BandE	07/04/14		3	801027	6-General Needs	17-Jun-14
South Hams	3506031		4	4 SH_West Alvington	Townsend Close	West Alvington	Devon		DCH	N	BandE	23/06/14		2	805947	6-General Needs	23-Jun-14
South Hams	3506039		11	11 SH_Totnes	Stafford Court	Higher Westonfield	Totnes	Devon	South West Housing Society	Y	BandE	26/05/14		1	109557	6-General Needs	26-May-14
South Hams	3521325		39	37 SH_Loddiswell	Cedar Drive	Loddiswell	Kingsbridge	Devon	DCH	N	BandE	28/07/14		2	528224	6-General Needs	30-Jun-14
South Hams	3521458		16	15 SH_Loddiswell	Cedar Drive	Loddiswell	Kingsbridge		DCH	N	BandE	28/07/14		3	803245	6-General Needs	28-Jul-14
East Devon	3521460		8	7 SH_South Brent	Ashwood	Courtney Park	South Brent	Devon	DCH	Y	BandE	04/08/14		1	3004929	5-Max 3 Steps	28-Jul-14
South Hams	3521506		3	3 SH_Salcombe	Chandlers Heights	Shadycombe Road	Salcombe	Devon	DCH	Y	BandE	30/06/14		1	805778	4-Step Free	01-Sep-14
South Hams	3521841		14	10 SH_Kingston	Yellands Park	Kingston	Kingsbridge		DCH	N	BandE	14/07/14		3	802768	6-General Needs	11-Aug-14
South Hams	3521945		11	11 SH_Totnes	Home Meadow	Warlands	Totnes		DCH	N	BandE	21/07/14		1	806458	6-General Needs	21-Jul-14
South Hams	3522504		5	3 SH_Dartmouth	Higherside	High Street	Dartmouth		DCH	N	BandE	24/11/14		3	805164	6-General Needs	08-Dec-14
South Hams	3522900		17	11 SH_Totnes	Home Meadow	Warlands	Totnes		DCH	Y	BandE	29/09/14		1	600504	5-Max 3 Steps	22-Dec-14
South Hams	3522943		15	12 SH_Stoke Fleming	School Road	Stoke Fleming	Devon		South West Housing Society	N	BandE	29/09/14		2	804354	6-General Needs	29-Sep-14
South Hams	3522964		6	6 SH_South Brent	Courtenay Park	South Brent	South Brent		Westward	N	BandE	29/09/14		3	715698	6-General Needs	05-Dec-14
South Hams	3523001		2	2 SH_South Brent	Ashwood	Courtenay Park	South Brent	Devon	DCH	Y	BandE	10/11/14		1	3017807	5-Max 3 Steps	01-Dec-14
South Hams	3523078		18	15 SH_Totnes	Home Meadow	Warlands	Totnes		DCH	N	BandE	06/10/14		1	802854	6-General Needs	06-Oct-14
South Hams	3523078		18	15 SH_Totnes	Home Meadow	Warlands	Totnes		DCH	N	BandE	06/10/14		1	3004806	6-General Needs	06-Oct-14
South Hams	3523128		19	18 SH_Yealmpton	Tappers Lane	Yealmpton	Yealmpton		Sovereign South West	N	BandE	13/10/14		3	806862	6-General Needs	15-Dec-14
South Hams	3523142		1	1 SH_Newton Ferrers	Bishops Court	Newton Hill	Newton Ferrers		Spectrum	N	BandE	10/11/14		1	805662	6-General Needs	01-Dec-14
South Hams	3523490		22	21 SH_Totnes	Home Meadow	Warlands	Totnes		DCH	Y	BandE	26/01/15		1	3023902	6-General Needs	05-Jan-15
South Hams	3523490		22	21 SH_Totnes	Home Meadow	Warlands	Totnes		DCH	Y	BandE	26/01/15		1	713208	6-General Needs	05-Jan-15
South Hams	3523581		7	7 SH_Dartmouth	School Court,	Dartmouth,	Devon		Sanctuary HA	N	BandE	10/11/14		2	3017885	6-General Needs	19-Jan-15
South Hams	3523811		18	17 SH_Totnes	Home Meadow	Totnes	Totnes		DCH	Y	BandE	22/12/14		1	805695	6-General Needs	02-Feb-15
South Hams	3523976		13	6 SH_Blackawton	The Grove	Blackawton	Blackawton		DCH	N	BandE	01/12/14		2	800605	6-General Needs	22-Dec-14
South Hams	3523998		10	9 SH_Totnes	Home Meadow	Warlands	Totnes		DCH	Y	BandE	01/12/14		1	3006278	6-General Needs	12-Jan-15

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Q1 Are you aware that alongside Devon Home Choice we have an allocation policy that gives preference to local people?

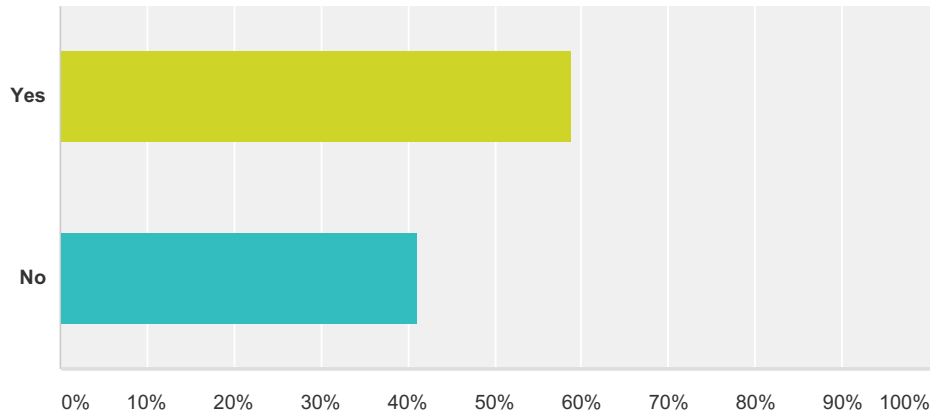
Answered: 442 Skipped: 0



Answer Choices	Responses
Yes	62.44% 276
No	37.56% 166
Total	442

Q2 Are you aware that homes are built with planning restrictions in place to ensure they are only rented or bought (shared ownership) by people with a qualifying local connection (For example residence, family, work, former residency)

Answered: 436 Skipped: 6



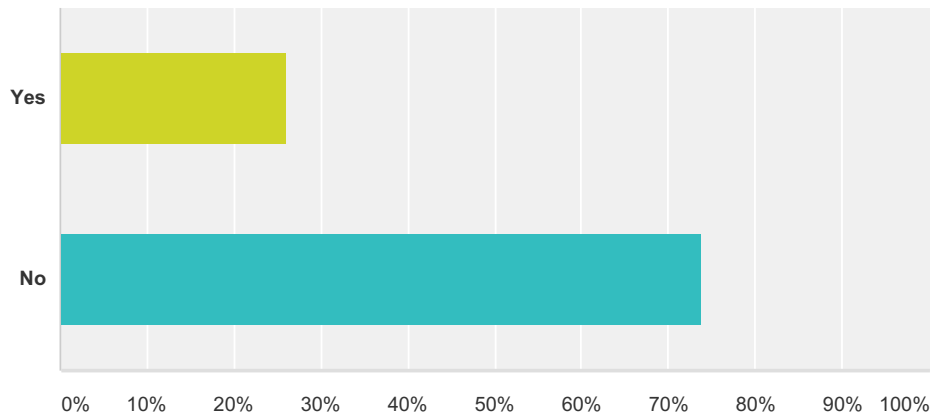
Answer Choices	Responses
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Local Connection Survey 2015

Yes	58.94%	257
No	41.06%	179
Total		436

Q3 Did you know that Devon Home Choice only allows 2% of properties to be allocated to people outside of South Hams or West Devon? when this number has been exceeded we place a note on the advert advising that preference will be given to people with a local connection.

Answered: 430 Skipped: 12

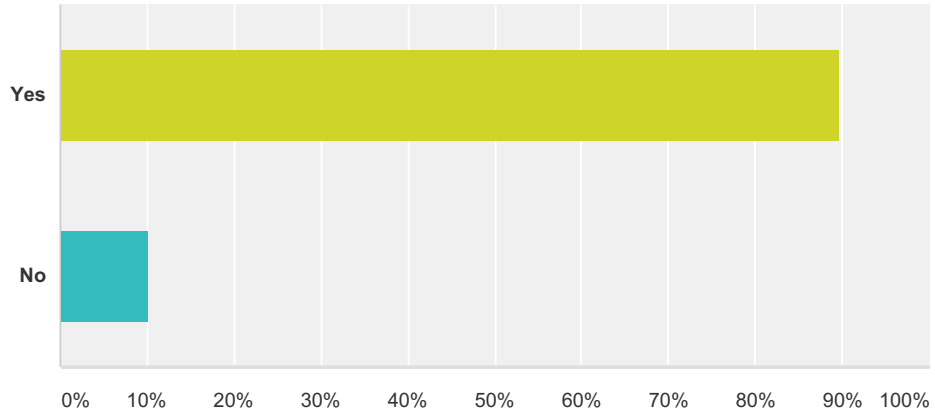


Answer Choices	Responses	
Yes	26.05%	112
No	73.95%	318
Total		430

Q4 Do you agree with this approach to give preference to local people?

Answered: 422 Skipped: 20

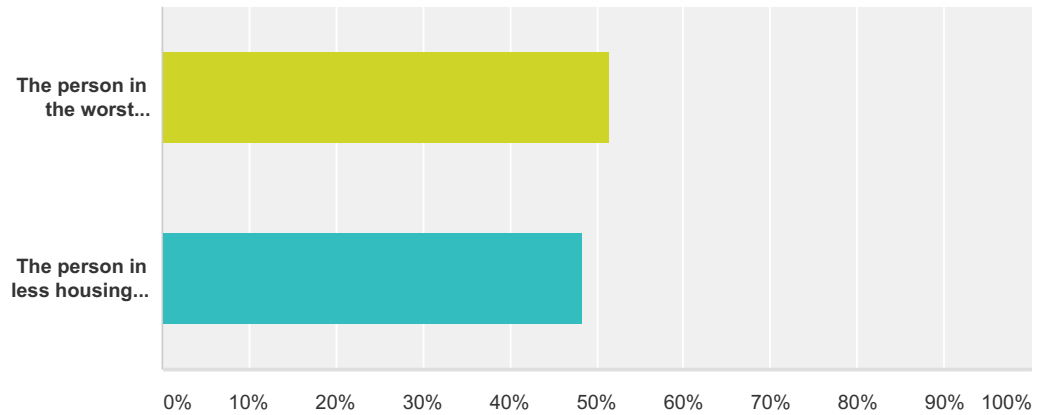
Local Connection Survey 2015



Answer Choices	Responses
Yes	89.81% 379
No	10.19% 43
Total	422

Q5 Who do you believe should be prioritised for housing?

Answered: 401 Skipped: 41



Answer Choices	Responses
The person in the worst circumstances	51.62% 207
The person in less housing need but with a local connection	48.38% 194
Total	401

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Devon Home Choice Quarterly Monitoring Report (April 2015)



Introduction

This report provides the latest key information from Devon Home Choice and covers 1st April 2014 to 31st March 2015

Households registered with Devon Home Choice

The total number of households in housing need (Bands A to D) has increased for the fourth quarter in succession from a figure of 16,032 in April 2014 to 18,901 on 1 April 2015, an increase of 17.8%. It is apparent that there are a number of out of date applications on the system, this should begin to be addressed when the renewals function is set up on the Home Connections system.

The percentage of all applicants in Band E has fallen slightly to 43% from 44% at the end of the previous quarter.

Table 1: Number of households in housing need (Bands A to D) as at 1 April 2015

	Band A		Band B		Band C		Band D		Total	Band E	
	No.	%	No.	%	No.	%	No.	%		No.	%
East Devon	1	0%	267	16%	508	31%	885	53%	1661	636	28%
Exeter	3	0%	481	21%	546	24%	1275	55%	2305	2437	51%
Mid Devon	0	0%	194	20%	306	32%	462	48%	962	1169	55%
North Devon	0	0%	245	18%	359	27%	721	54%	1325	1300	50%
Plymouth	9	0%	1365	20%	1705	26%	3580	54%	6659	5279	44%
South Hams	0	0%	166	17%	237	25%	561	58%	964	1286	57%
Teignbridge	3	0%	390	22%	571	32%	798	45%	1762	5	0%
Torbay	1	0%	340	18%	485	26%	1031	56%	1857	26	1%
Torridge	5	1%	250	34%	230	32%	243	33%	728	825	53%
West Devon	2	0%	103	15%	194	29%	379	56%	678	1015	60%
Total	24	0%	3801	20%	5141	27%	9935	53%	18901	13978	43%
Jan 2015 %		0%		21%		28%		51%			44%

Note: The percentages given for Bands A – D refer to the proportion of households in housing need who are in that Band (e.g. 20% of all households in housing need across Devon are in Band B). The percentage given for Band E refers to the proportion of households in Band E of all those registered (e.g. 43% of households registered across Devon are in Band E).

The greatest need across all Local Authority areas remains for one bedroom properties, (Table 2) with the percentage of applicants requiring one bedroom rising to 58%, the highest figure reported.

**Devon Home Choice
Quarterly Monitoring Report
(April 2015)**



Table 2: Bedroom need of applicants in housing need (Bands A to D) as at 1 April 2015

	1 Bed		2 Bed		3 Bed		4 Beds +		Total
	No.	%	No.	%	No.	%	No.	%	
East Devon	971	58%	439	26%	154	9%	97	6%	1661
Exeter	1375	60%	560	24%	249	11%	121	5%	2305
Mid Devon	490	51%	280	29%	121	13%	71	7%	962
North Devon	737	56%	332	25%	142	11%	114	9%	1325
Plymouth	3987	60%	1635	25%	681	10%	356	5%	6659
South Hams	593	62%	223	23%	101	10%	47	5%	964
Teignbridge	910	52%	541	31%	194	11%	117	7%	1762
Torbay	1048	56%	480	26%	206	11%	123	7%	1857
Torrige	365	50%	223	31%	89	12%	51	7%	728
West Devon	411	61%	159	23%	81	12%	27	4%	678
Total	10887	58%	4872	26%	2018	11%	1124	6%	18901

Table 3 and Chart 1 below show the numbers on the register in housing need (Bands A to D) by quarter. Although this quarter has seen an increase in numbers in housing need for the fourth quarter in a row the figure remains 22% lower than the peak of 24,269 in October 2011.

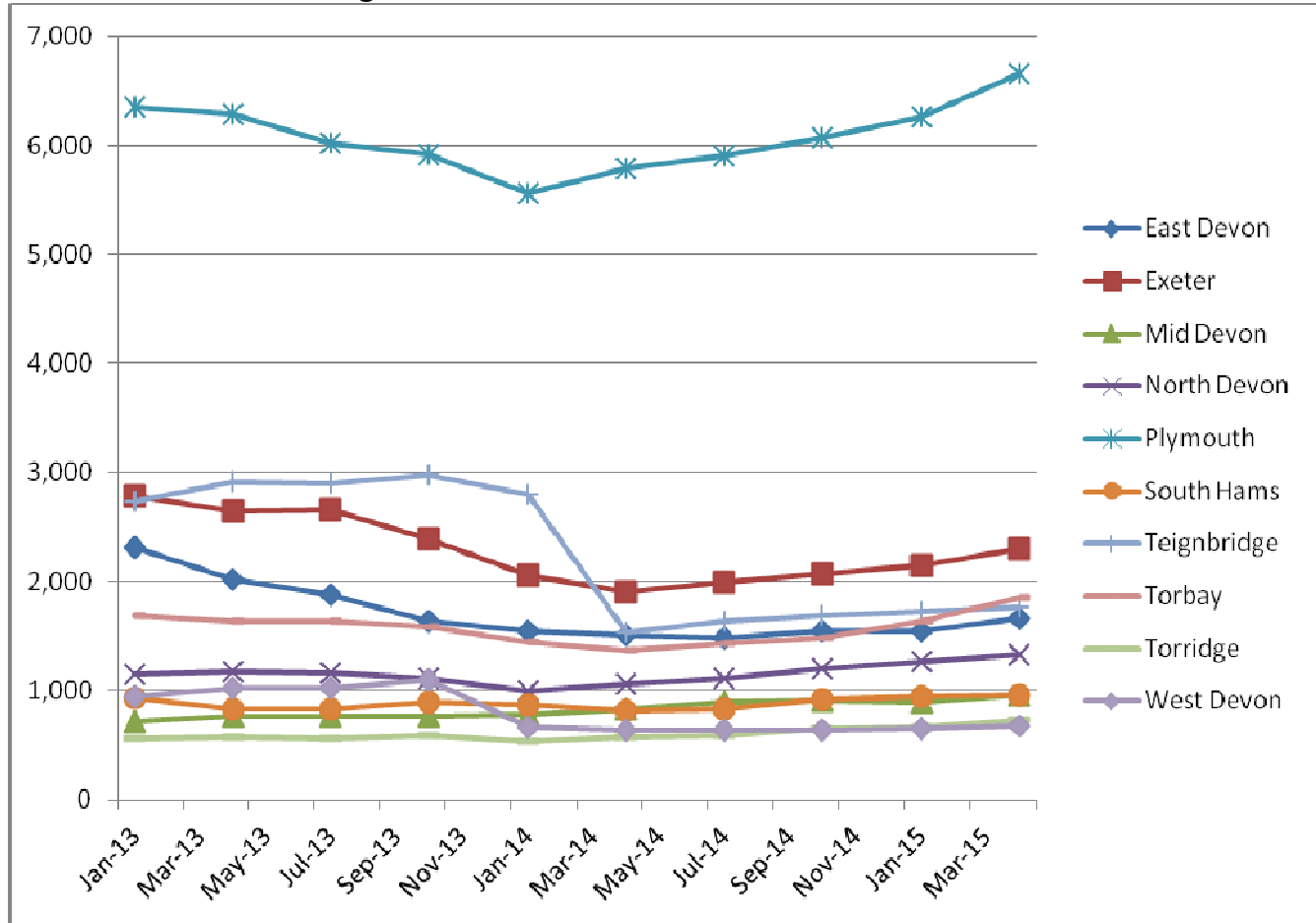
Table 3: Numbers on the register in Bands A to D by Local Authority by quarter

	Jan-13	Apr-13	Jul-13	Oct-13	Jan-14	Apr-14	Jul-14	Oct-14	Jan-15	Apr-15
East Devon	2,307	2,022	1,878	1,641	1,551	1,509	1,489	1,541	1,543	1661
Exeter	2,790	2,651	2,663	2,392	2,061	1,900	1,993	2,069	2,150	2305
Mid Devon	716	769	765	764	780	832	889	904	890	962
North Devon	1,152	1,172	1,166	1,114	1,002	1,065	1,117	1,199	1,265	1325
Plymouth	6,349	6,283	6,013	5,915	5,556	5,789	5,908	6,074	6,264	6659
South Hams	929	825	834	898	874	820	837	918	950	964
Teignbridge	2,736	2,915	2,901	2,980	2,796	1,540	1,630	1,681	1,721	1762
Torbay	1,690	1,642	1,631	1,588	1,448	1,372	1,428	1,489	1,638	1857
Torrige	566	575	566	592	533	570	585	649	661	728
West Devon	949	1,024	1,029	1,104	663	635	634	641	646	678
Total	20,184	19,878	19,446	18,988	17,264	16,032	16,510	17,165	17,728	18901

Devon Home Choice Quarterly Monitoring Report (April 2015)



Chart 1: Numbers on register in Bands A to D



Bidding Patterns

Table 4 below shows the percentage of applicants in each Local Authority and Band who have not logged in or bid since the Home Connections system went live in June 2014.

The total percentage of applicants who have not logged in or bid has decreased in all LA areas from the figures in December 2014. This is likely to be the result of efforts which have been made to contact applicants who had not logged in or bid on the new system to ensure that they understand how the system works.

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Table 4: Proportion of applicants who have not logged in or bid on Home Connections.

	Band A	Band B	Band C	Band D	Band E	Total	Dec 14 total
East Devon	100%	25%	42%	57%	29%	42%	58%
Exeter	0%	44%	35%	54%	72%	60%	66%
Mid Devon	N/A	44%	41%	54%	67%	59%	66%
North Devon	N/A	31%	40%	55%	50%	48%	59%
Plymouth	11%	42%	39%	56%	73%	59%	65%
South Hams	N/A	39%	39%	54%	67%	59%	64%
Teignbridge	0%	45%	42%	47%	80%	45%	49%
Torbay	100%	36%	41%	56%	23%	48%	53%
Torrige	20%	28%	40%	59%	73%	59%	65%
West Devon	50%	42%	56%	69%	75%	69%	75%
Total	21%	39%	40%	55%	68%	56%	63%

The increases in the number of applicants logging in and bidding is reflected in an increase in the average number of bids received for 1, 2 and 3 bed general needs homes – Table 5 and Chart 2.

Table 5: Average number of bids for general needs homes

	1 bed	2 beds	3 beds	4 beds
2010/11 Q1	63	64	68	62
2010/11 Q2	84	74	84	84
2010/11 Q3	81	71	78	70
2010/11 Q4	79	65	75	78
2011/12 Q1	89	72	81	87
2011/12 Q2	93	80	83	93
2011/12 Q3	92	82	79	75
2011/12 Q4	98	84	82	70
2012/13 Q1	103	87	90	79
2012/13 Q2	103	96	80	51
2012/13 Q3	90	87	72	40
2012/13 Q4	102	87	62	59
2013/14 Q1	110	80	62	43
2013/14 Q2	91	62	47	44
2013/14 Q3	80	53	46	50
2013/14 Q4	83	58	41	55
2014/15 Q1*	75	64	48	48
2014/15 Q2	55	37	32	47
2014/15 Q3	51	32	30	54
2014/15/Q4	66	38	35	45

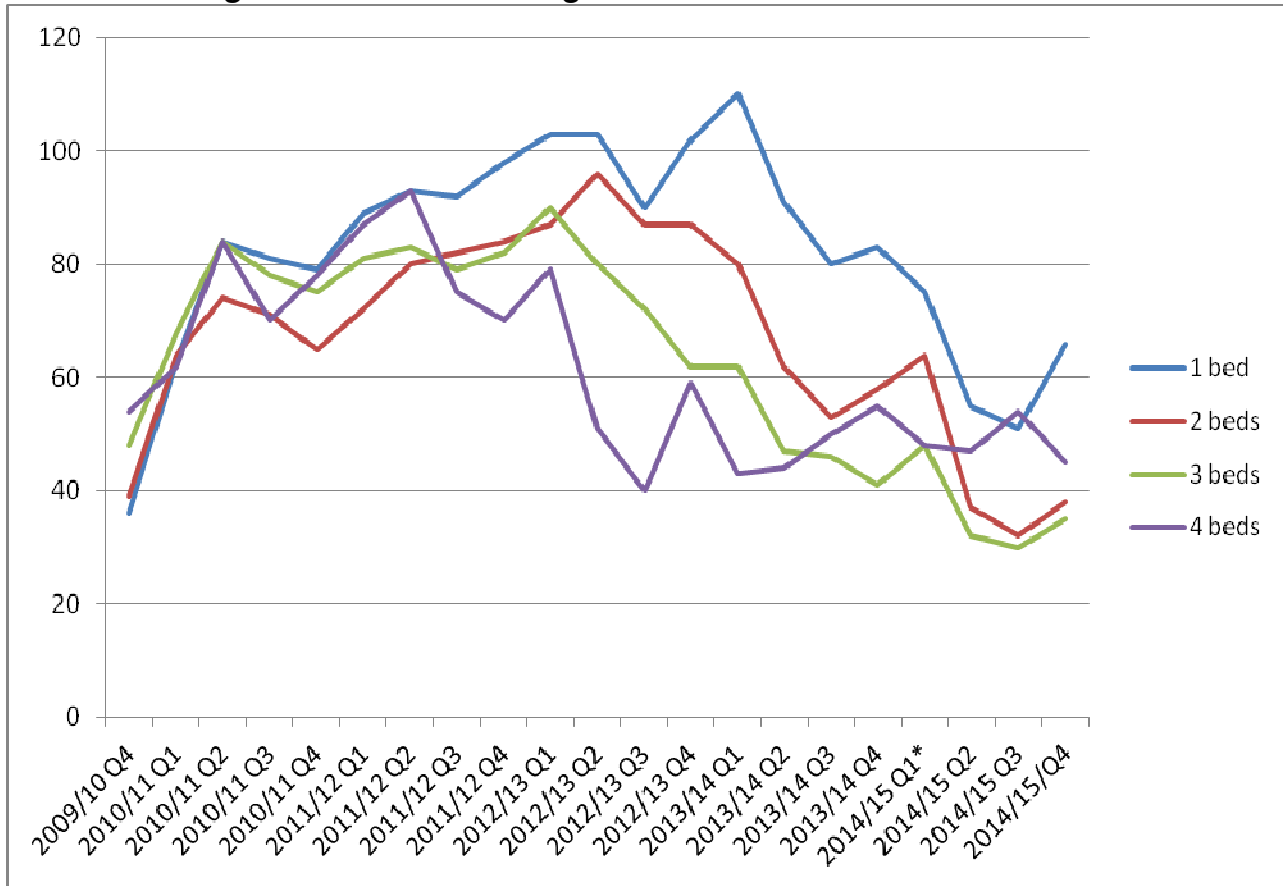
* Q1 2014-15 includes homes let on both the Abritas and Home Connections IT systems

Devon Home Choice Quarterly Monitoring Report (April 2015)



The highest average number of bids for one bedroom properties is in Plymouth where the average is 91, compared to 51 in the rest of Devon.

Chart 2: Average number of bids for general needs homes



The average number of bids placed on sheltered properties has also increased from the previous quarter (Table 6 and Chart 3 below) although the figures remain 30% lower for one bedroom properties and 68% lower for two bedroom properties compared to the peak in 2013/14 Q1. .

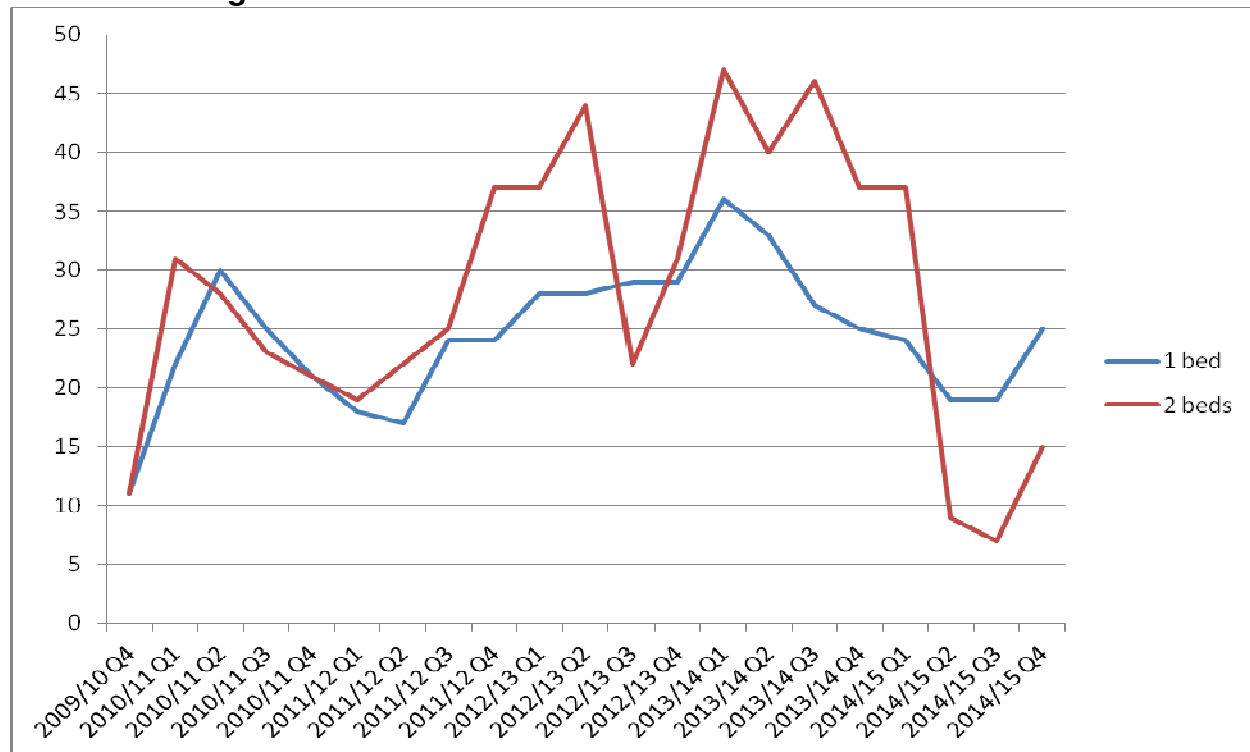
Devon Home Choice Quarterly Monitoring Report (April 2015)



Table 6: Average number of bids for sheltered homes

	1 bed	2 beds
2010/11 Q1	22	31
2010/11 Q2	30	28
2010/11 Q3	25	23
2010/11 Q4	21	21
2011/12 Q1	18	19
2011/12 Q2	17	22
2011/12 Q3	24	25
2011/12 Q4	24	37
2012/13 Q1	28	37
2012/13 Q2	28	44
2012/13 Q3	29	22
2012/13 Q4	29	31
2013/14 Q1	36	47
2013/14 Q2	33	40
2013/14 Q3	27	46
2013/14 Q4	25	37
2014/15 Q1	24	37
2014/15 Q2	19	9
2014/15 Q3	19	7
2014/15 Q4	25	15

Chart 3: Average number of bids for sheltered homes



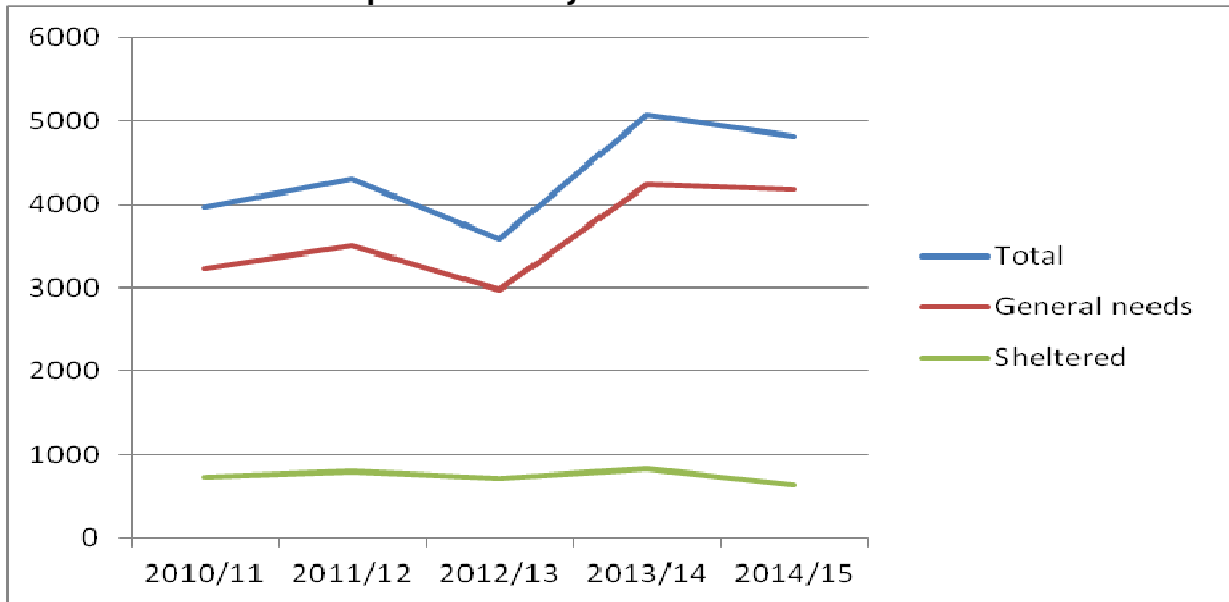
Devon Home Choice Quarterly Monitoring Report (April 2015)



Homes let

A total of 4,812 homes were let through Devon Home Choice in the 2014/15 financial year. 4,182 of these were general needs homes and 630 were sheltered. This is down from a figure of 5,070 lets in 2013/14 but is the second highest figure in the five years that Devon Home Choice has been live – see Chart 4.

Chart 4: Number of lets per financial year



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(April 2015)**



Table 7: General needs homes let (1 April 2014 to 31 March 2015)

	Band A		Band B		Band C		Band D		Band E		Total
	No.	%	No.	%	No.	%	No.	%	No.	%	No.
East Devon	3	1%	132	29%	207	46%	61	14%	45	10%	448
Exeter	9	2%	275	52%	158	30%	74	14%	11	2%	527
Mid Devon	3	1%	96	34%	104	37%	54	19%	23	8%	280
North Devon	2	1%	163	56%	75	26%	28	10%	21	7%	289
Plymouth	29	2%	775	56%	358	26%	155	11%	73	5%	1390
South Hams	5	2%	69	31%	83	37%	48	21%	21	9%	226
Teignbridge	6	1%	147	36%	201	49%	43	10%	16	4%	413
Torbay	7	2%	135	46%	97	33%	48	16%	6	2%	293
Torrige	0	0%	89	53%	46	28%	16	10%	16	10%	167
West Devon	2	1%	64	43%	39	26%	26	17%	18	12%	149
Total	66	2%	1945	47%	1368	33%	553	13%	250	6%	4182

The proportion of general needs homes let to applicants in Band B at 47% is the lowest annual figure reported to date, falling from 61% in 2013/14 and a high of 63% in 2012/13 (see Table 8 and Chart 5).

The proportion of lets to Band B applicants varies from 29% in East Devon to 56% in North Devon and Plymouth – Table 7 above.

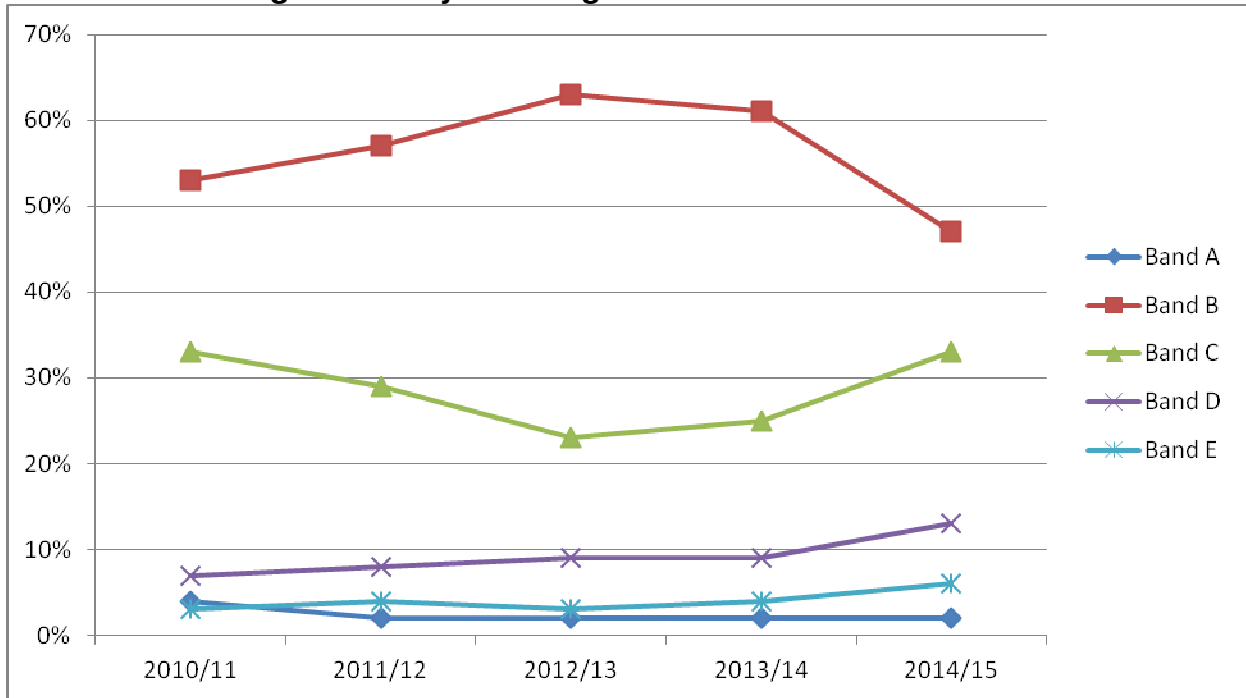
Table 8: General needs homes let by Band (2010/11 – 2014/15)

	Band A		Band B		Band C		Band D		Band E		Total
	No.	%	No.	%	No.	%	No.	%	No.	%	
2010/11	140	4%	1721	53%	1053	33%	225	7%	89	3%	3,228
2011/12	67	2%	1,992	57%	1,027	29%	297	8%	126	4%	3,509
2012/13	68	2%	1,880	63%	675	23%	254	9%	94	3%	2,971
2013/14	80	2%	2,580	61%	1,065	25%	364	9%	159	4%	4,248
2014/15	66	2%	1,945	47%	1,368	33%	553	13%	250	6%	4,182

Devon Home Choice Quarterly Monitoring Report (April 2015)



Chart 5: Percentage of lets by Band – general needs



**Devon Home Choice
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(April 2015)**



Table 9: Sheltered homes let (1 April 2014 to 31 March 2015)

	Band A		Band B		Band C		Band D		Band E		Total
	No.	%	No.	%	No.	%	No.	%	No.	%	No.
East Devon	0	0%	63	64%	25	25%	11	11%	0	0%	99
Exeter	1	2%	22	36%	16	26%	18	30%	4	7%	61
Mid Devon	0	0%	11	37%	8	27%	7	23%	4	13%	30
North Devon	2	3%	26	38%	13	19%	21	31%	6	9%	68
Plymouth	0	0%	35	34%	24	23%	32	31%	13	13%	104
South Hams	1	2%	14	23%	16	27%	17	28%	12	20%	60
Teignbridge	0	0%	44	46%	31	33%	14	15%	6	6%	95
Torbay	1	2%	26	43%	15	25%	15	25%	4	7%	61
Torrige	0	0%	14	56%	5	20%	2	8%	4	16%	25
West Devon	0	0%	10	37%	7	26%	7	26%	3	11%	27
Total	5	1%	265	42%	160	25%	144	23%	56	9%	630

The proportion of sheltered lets to Band B applicants has remained more consistent, falling to 42% from 44% in 2013/14 (Table 10 and Chart 6 below). The figures vary widely between LA areas though from 23% in South Hams to 64% in East Devon (Table 9 above).

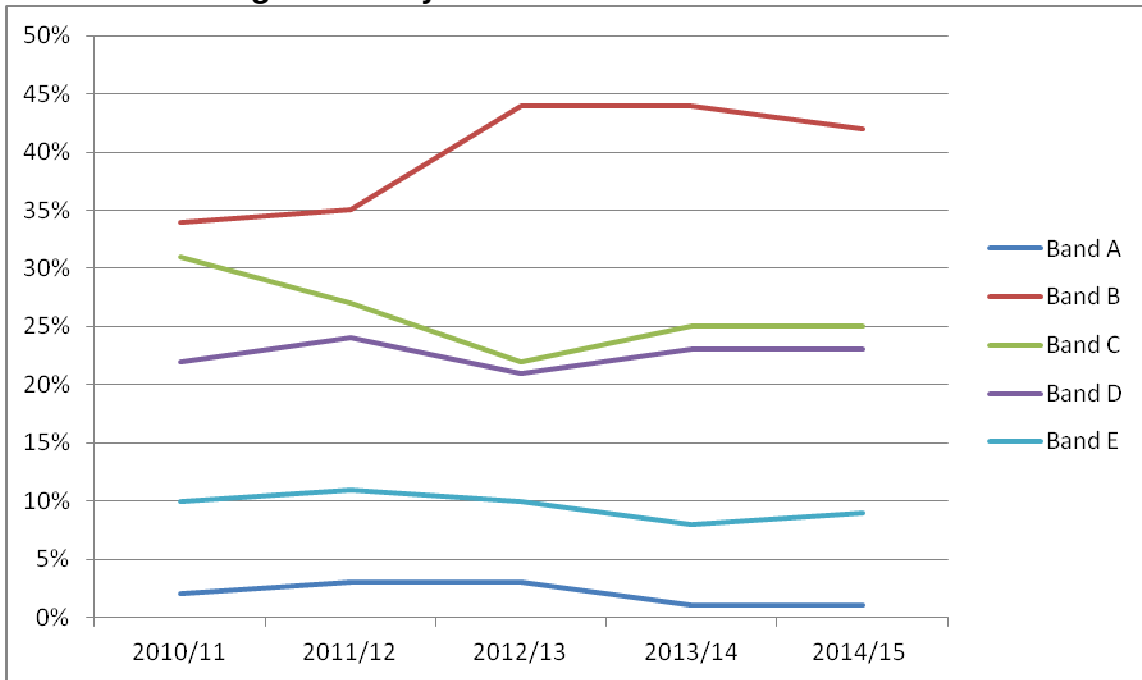
Table 10: Sheltered homes let (2010/11 – 2014/15 Q3)

	Band A		Band B		Band C		Band D		Band E		Total
	No.	%	No.	%	No.	%	No.	%	No.	%	
2010/11	15	2%	253	34%	232	31%	162	22%	77	10%	739
2011/12	21	3%	277	35%	217	27%	191	24%	87	11%	793
2012/13	20	3%	311	44%	157	22%	153	21%	72	10%	713
2013/14	8	1%	360	44%	203	25%	188	23%	63	8%	822
2014/15	5	1%	265	42%	160	25%	144	23%	56	9%	630

Devon Home Choice Quarterly Monitoring Report (April 2015)



Chart 6: Percentage of lets by band – sheltered



**Devon Home Choice
Quarterly Monitoring Report
(April 2015)**



Table 9: Number of properties let by quarter

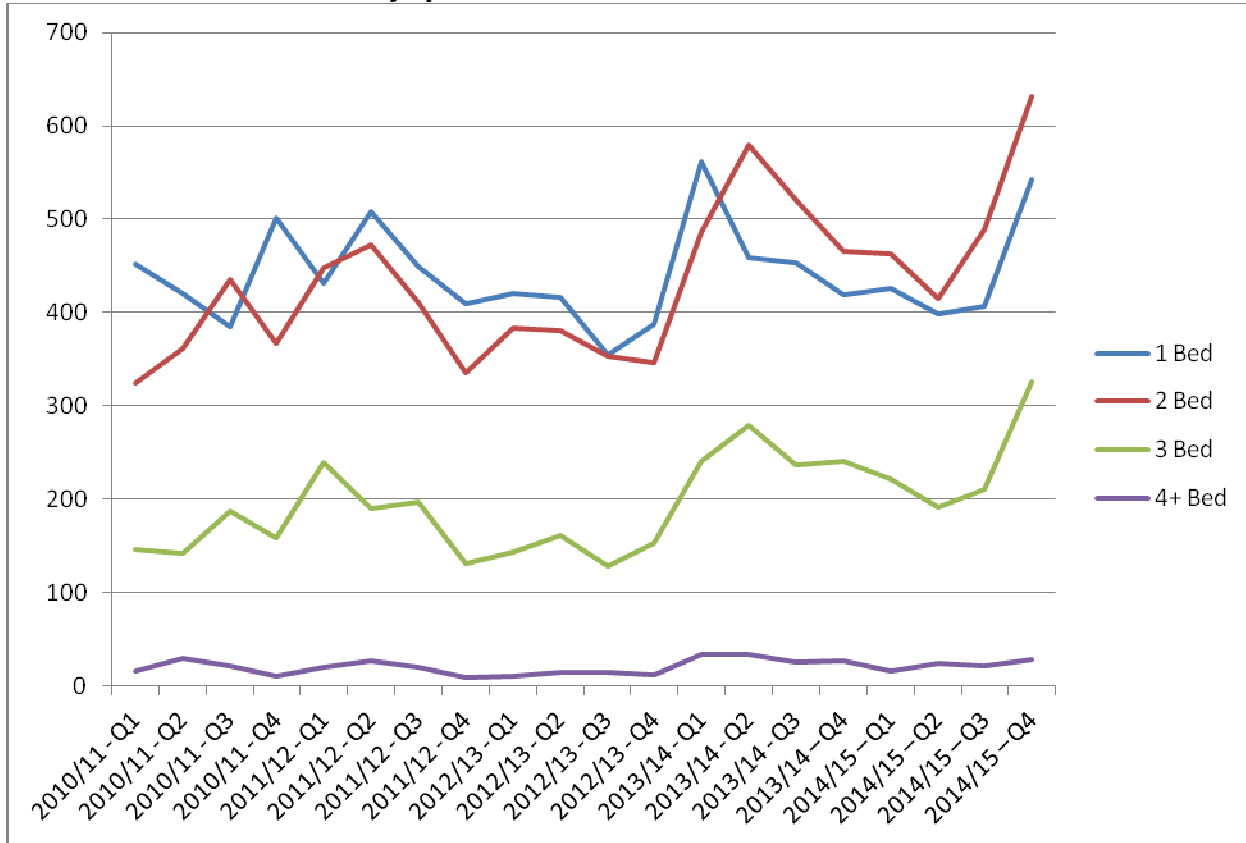
	1 Bed	2 Bed	3 Bed	4+ Bed	Total
2010/11 - Q1	452	325	146	16	939
2010/11 - Q2	420	362	142	29	954
2010/11 - Q3	385	436	187	21	1,029
2010/11 - Q4	501	367	158	10	1,037
2010/11 Total	1,758	1,490	633	76	3,959
2011/12 - Q1	432	448	240	20	1,140
2011/12 - Q2	508	472	190	27	1,198
2011/12 - Q3	449	411	197	20	1,080
2011/12 - Q4	409	335	131	9	884
2011/12 Total	1,798	1,666	758	76	4,302
2012/13 - Q1	421	384	144	11	961
2012/13 - Q2	416	380	161	15	973
2012/13 - Q3	354	353	128	14	849
2012/13 - Q4	388	346	153	12	900
2012/13 Total	1,579	1,463	586	52	3,683
2013/14 - Q1	561	486	241	34	1,324
2013/14 - Q2	459	579	279	34	1,358
2013/14 - Q3	454	520	236	26	1,236
2013/14 - Q4	419	466	241	27	1,153
2013/14 Total	1,893	2,051	997	121	5,071
2014/15 - Q1	426	463	222	16	1,127
2014/15 - Q2	399	415	191	24	1,029
2014/15 - Q3	407	489	211	22	1,129
2014/15 - Q4	542	631	326	28	1,527
2014/15 Total	1,774	1,998	950	90	4,812

The number of lets recorded in Q4 of 2014/15 increased by 35% from the previous quarter but this is likely to be largely due to a focus on updating old shortlists.

Devon Home Choice Quarterly Monitoring Report (April 2015)



Chart 7: Number of lets by quarter



For more information please contact Rupert Warren (rupert.warren@exeter.gov.uk) or Gary Pitman (gary.pitman@exeter.gov.uk).

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Report to: **Executive**
Date: **10 September 2015**
Title: **Joint Data Protection Policy**
Portfolio Area: **Support Services**
Wards Affected: **All**
Relevant Scrutiny Committee:

Urgent Decision: **N**

Date next steps can be taken: **10 September 2015**

Author: **Catherine Bowen** Role: **Community of Practice Lead Specialist (Legal) and Monitoring Officer**

Contact: Catherine.Bowen@swdevon.gov.uk

Recommendations:

That Council be RECOMMENDED:

1. To approve the Joint Data Protection Policy attached at Appendix A and supporting Codes of Practice and documentation at:
<http://shdcweb.swdevon.lan/article/10247/Data-Protection-Policy>
2. Delegation to the Monitoring Officer to make minor amendments to the Codes of Practice and supporting policy documentation to reflect the emerging working practices of the Council.

1. Executive summary

- 1) The purpose of this report is to bring before Members a revised Joint Data Protection Policy for approval. A Joint Data Protection Policy has been drafted to support the Council's T18 ways of working.
- 2) The Data Protection Policy needs to be reviewed and updated in order to reflect current legislation and current working practices and a revised Joint Data Protection Policy is attached at Appendix A.
- 3) The supporting and underpinning Codes of Practice are available on the Council's intranet at: <http://shdcweb.swdevon.lan/article/10247/Data-Protection-Policy> and comprise the following:
 - Guidance on Data Protection
 - Data Protection and Elected Members

- Rights of Individuals
- Obtaining Personal Information
- Managing Personal Information
- Disclosing Personal Information and Information sharing
- Data Protection and Procurement
- Information Security
- Use of Surveillance Cameras
- Privacy and Electronic Communications regulations

4) It is important to have an up-to-date Policy to ensure that:

- Compliance with the principles of the Data Protection Act is maintained
- Personal information is well-managed, held securely and that the rights of individuals are respected
- Data protection is integrated into the Council's working practices and information systems from the moment information is collected through to its destruction
- We have effective codes of practice, procedures, staff reporting and training in place to ensure this policy works in practice.

2. Background, Outcomes and outputs

- 1) The Data Protection Act applies to anyone in the Council who has access to, uses or passes on personal information in their day-to-day work, and applies to personal information that is held by the Council about living, identifiable individuals. It may be automatically processed, such as on a computer, recording device or closed circuit tv system, or on paper such as hand-written meeting notes stored in a folder.
- 2) The Act comprises eight principles, which require that personal information must be:
 - Fairly and lawfully processed
 - Held only for specified and lawful purposes
 - Adequate, relevant, and not excessive
 - Accurate and where necessary kept up to date;
 - Kept for no longer than necessary;
 - Processed in accordance with the rights of individuals
 - Kept secure, with appropriate security measures taken to prevent the loss, destruction or unauthorised disclosure of the information;
 - Only transferred to countries outside the European Economic Area with adequate protections in place.
- 3) In adopting an up-to-date Policy and underlying Codes of Practice, the Council can demonstrate that it has a relevant and fit for purpose set of practices and guidelines understood by Members, Officers and the public, which will be consistency applied to ensure compliance with the legislation.

- 4) Following the T18 restructure it is intended to rollout a programme of training for all staff and Members to ensure understanding of the Data Principles and application of the policy. It is anticipated that this will be on-line training to minimise costs.
- 5) The Codes of Practice have been prepared over the last twelve months and will require some further modifications to ensure that they reflect the emerging working practices of the Council and it is recommended that these minor amendments are delegated to the Monitoring Officer. Any significant changes will be brought back before Members.

4. Options available and consideration of risk

- 1) The alternative is to rely on the existing policy which has not been recently reviewed with the consequent risk that it does not reflect all legislative requirements or current best and working practice.
- 2) It is important that the Policy is regularly reviewed and updated; Data Protection Act breaches may result in complaints to the Information Commissioner's Office and finding of breaches could result in the Council facing monetary penalties of up to £500,000, being publicly named-and-shamed, and would result in the loss of trust from the people we provide services to.
- 3) For employees, it is a criminal offence to obtain or disclose personal information without the Council's authorisation or consent, and, when providing information in response to a subject access request, if they alter, deface, block, erase, destroy or conceal any information that the requester is entitled to.
- 4) It is suggested that an annual report is taken to the Audit Committee on the application of the Policy as Audit currently has responsibility for an overview of Data Protection.

5. Proposed Way Forward

- 1) In order to ensure compliance with the Data Protection Act and to protect the Council and members of the public, it is recommended that Members approve the Data Protection Policy attached at Appendix A together with the supporting Codes of Practice available on the Council's website at:
<http://shdcweb.swdevon.lan/article/10247/Data-Protection-Policy>

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	<p>The Data Protection Act 1998 sets out legislative requirements to ensure compliance with Data Protection principles to make sure that personal information is well-managed and that the rights of individuals are respected.</p> <p>It is therefore important that the Council has in place effective codes of practice and procedures and that those policies are approved by Members. The Executive is responsible for adopting the Council's Policies (unless otherwise provided for in the Constitution).</p>

Financial	Y	There are no direct financial implications arising from this report but as mentioned in the report, there are serious financial implications if the Council does not comply with the Data Protection Act whereby the Information Commissioner's Office may impose fines up to a maximum of £500,000. There will be ongoing training costs to ensure compliance and understanding but it is anticipated that these will be kept to a minimum through on-line training.
Risk	Y	There are serious risks associated with failing to adopt a current Data Protection Policy which are identified within the body of the report.
Comprehensive Impact Assessment Implications		
Equality and Diversity		Where relevant these have been identified within the Policy documents
Safeguarding		N/a
Community Safety, Crime and Disorder		N/a
Health, Safety and Wellbeing		n/a
Other implications		None

Supporting Information

Appendices:

Appendix A: Data Protection Policy

The underlying and associated Data Protection Policy **Codes of Practice** are available at: <http://shdcweb.swdevon.lan/article/10247/Data-Protection-Policy>

If Members require copies please contact Member Services

South Hams District Council

&

West Devon Borough Council

Data Protection Policy

Data Protection Overview

What is Data Protection?

The Data Protection Act 1998 ('the Act') applies to personal information that is held by the Council about living, identifiable individuals. Information may be automatically processed, such as on a computer, recording device or closed circuit TV system, or on paper such as hand-written meeting notes stored in a folder.

The Act comprises **eight principles**, which require that personal information must be:

- Fairly and lawfully processed, and shall not be processed unless certain conditions for processing are met;
- Held only for specified and lawful purposes, and not processed in any way that is incompatible with those purposes;
- Adequate, relevant, and not excessive;
- Accurate and where necessary kept up to date;
- Kept for no longer than necessary;
- Processed in accordance with the rights of individuals, which includes the right to see a copy of information held about them;
- Kept secure, with appropriate security measures taken to prevent the loss, destruction or unauthorised disclosure of the information;
- Only transferred to countries outside the European Economic Area with adequate protections in place.

How does the Data Protection Act affect me?

The Act applies to all Councillors, Staff, Partners, Agents and Contractors - anyone who has access to, uses or passes on personal information in their day-to-day work.

Breaches of principle may result in the Council facing monetary penalties of up to £500,000, being publicly named-and-shamed, and would result in the loss of trust from the people we provide services to.

For users of the Policy, it is a criminal offence to obtain or disclose personal information without the Council's authorisation or consent, and, when providing

information in response to a subject access request, if they alter, deface, block, erase, destroy or conceal any information that the requester is entitled to.

Data Protection Policy

What is the Council's Data Protection Policy?

The Council's aims are to make every effort to ensure:

- Compliance with the Principles of the Act
- Personal information is well-managed, held securely and that the rights of individuals are respected.
- Data protection is integrated into the Council's working practices and information systems from the moment information is collected through to its destruction.
- We have effective Codes of Practice, procedures, staff reporting and training in place to ensure this Policy works in practice.

This Policy is supported by Councillors and the Senior and Extended Leadership Teams and commits the Council to providing the necessary resources to ensure that this Policy's goals can be achieved.

Codes of Practice and procedures that support and underpin this Policy are available on the Council's website.

Who is Responsible for Data Protection?

Data Protection Officer

The Data Protection Officer is the lead officer with overarching responsibility for Data Protection. The Data Protection Officer will report to the Audit Committee as necessary, and is responsible for:

- Ensuring the objectives of the Act and related legislation are achieved and assisting the Council with its compliance and maintaining standards of good practice.

- Ensure the Policy objectives are achieved and reporting progress to the Senior Leadership Team.
- Providing advice to the Council for the resolution of queries and maintaining the accuracy of the Council's register entry and keeping it up to date.
- Managing data protection procedures, policies, Codes of Practice and revised documentation.
- Arranging training opportunities for Councillors and those who work for the Council.
- Constructing and reviewing compliance monitoring programmes; ensuring their completion and reporting findings

Extended Leadership Team

The Extended Leadership Team and its nominated officers will support the Data Protection Officer to meet the Council's overall Policy objectives, and endeavour to ensure that adequate funding is available to enable compliance.

This includes:

- ensuring that personal information held within their area of responsibility is managed in a way which meets the aims of the Council's Data Protection Policy.
- submitting all changes to processing of personal information to the Data Protection Officer
- identifying training needs and cascading information to staff,
- ensuring procedures and policy are supported
- dealing with compliance queries/issues and responding to subject access requests,
- reporting deviations from this Policy and supporting Codes of Practice to the Data Protection Officer
- handling enquiries or assessments from the Information Commissioner relating to their area of responsibility.

People who work at the Council

All people who work for the Council who create, receive and use personal information, have responsibilities under this Policy, its Codes of Practice and the Act.

It is the responsibility of the Extended Leadership Team to ensure that anyone who is sub-contracted or employed on a temporary or voluntary basis is made aware of this Policy and underlying Codes of Practice and practice procedures.

Where personal data is disclosed to our service providers (or anyone else acting on our behalf) we will ensure that there is a written agreement in place that includes the requirement for them to comply with the Data Protection Act (in particular Principle 7 - Security).

What happens if I contravene this policy?

Disciplinary action, including dismissal, may be taken against any member of staff who contravenes this Data Protection Policy and supporting Codes of Practice and procedures.

On discovering that this Policy is not being complied with or if an intentional breach of the Data Protection Principles, undertaking, or criminal offence has taken place under the Act, the Data Protection Officer shall have full authority to take such immediate steps as considered necessary.

Is this policy linked to any other policies and procedures?

This policy is linked to the following policies and information available on our website:

- Data Protection Codes of Practice
- ICT Policy
- Freedom of Information Policy
- Regulation of Investigatory Powers Act Policy
- Records Management Policy

Is there any guidance to help?

There is Guidance on the Data Protection webpage and you can ask for further guidance from your Manager and the Data Protection Officer.

Will this policy be monitored or reviewed?

Compliance with the Data Protection Policy will be monitored and reviewed every three years (or earlier if required) to ensure that it takes account of new legislation and best practice.

This Data Protection Policy has been approved by the Council on

Agenda Item 12

Report to: **Executive**
Date: **10 September 2015**
Title: **ANNUAL TREASURY MANAGEMENT REPORT
2014/15**
Portfolio Area: **Support Services**
Wards Affected: **ALL**

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

Author: Lisa Buckle Role: **Finance Community of
Practice Lead**
David Bennett **Specialist Accountant**

Contact: **Email Lisa.buckle@swdevon.gov.uk 01803 861413**

Recommendations:

That the Executive

1. Approves the actual 2014/15 prudential and treasury indicators in this report
2. Notes the Annual Treasury Management Report for 2014/15

1. Executive summary

Income from investments this year was £137,000 which is £27,000 higher than the budget of £110,000 at an average return of 0.57%. The comparable performance indicator (Benchmark) is the average 7-day LIBID rate which was 0.35%. Therefore the Council achieved 0.22% return on investments over the benchmark for 14/15.

2. Background

Introduction

This Council is required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators for 2014/15. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).

Treasury management is defined as:

"The management of the local authority's cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks "

During 2014/15 the minimum reporting requirements were that the full Council should receive the following reports:

- an annual treasury strategy in advance of the year (Executive 06/03/2014 – E75/13)
- a mid-year (minimum) treasury update report (Council 23/10/2014 – E37/14)
- an annual review following the end of the year describing the activity compared to the strategy (this report)

The regulatory environment places responsibility on members for the review and scrutiny of treasury management policy and activities. This report is therefore important in that respect, as it provides details of the outturn position for treasury activities and highlights compliance with the Council's policies previously approved by members.

This Council also confirms that it has complied with the requirement under the Code to give prior scrutiny to all of the above treasury management reports by the Executive Committee before they were reported to the full Council.

The Economy and Interest Rates

The original market expectation at the beginning of 2014/15 was for the first increase in Bank Rate to occur in quarter 1 2015 as the unemployment rate had fallen much faster than expected through the Bank of England's initial forward guidance target of 7%. In May, however, the Bank revised its forward guidance. A combination of very weak pay rises and inflation above the rate of pay rises meant that consumer disposable income was still being eroded and in August the Bank halved its forecast for pay inflation in 2014 from 2.5% to 1.25%. Expectations for the first increase in Bank Rate therefore started to recede as growth was still heavily dependent on buoyant consumer demand. During the second half of 2014 financial markets were caught out by a halving of the oil price and the collapse of the peg between the Swiss franc and the euro.

By the end of 2014, it was clear that inflation in the UK was going to head towards zero in 2015 and possibly even turn negative. In turn, this made it clear that the MPC would have great difficulty in starting to raise Bank Rate in 2015 while inflation was around zero and so market expectations for the first increase receded back to around quarter 3 of 2016.

Overall Treasury Position as at 31 March 2015

At the beginning and the end of 2014/15 the Council's treasury position was as follows:

	As at 31/03/2014		As at 31/03/2015	
	Principal	Interest	Principal	Interest
	£	%	£	%
Investment Type				
Call Account	-	-	400,000	0.30
Short Fixed	15,000,000	0.64	15,000,000	0.64
Money Market Funds	2,950,000	0.33	5,750,000	0.40
Heritable Bank	72,368	-	72,368	-
Total	18,022,368	0.59	21,222,368	0.57

The Following is a list of our fixed investments at 31 March 2015

	Fixed to	£	Interest Rate
Barclays Bank	30/04/2015	5,000,000	0.32%
Nationwide B S	07/08/2015	5,000,000	0.66%
Lloyds Bank	03/09/2015	5,000,000	0.95%

Icelandic Bank

The Council placed a deposit of £1,250,000 on 25th September 2008 with the Heritable Bank which is a subsidiary of Landsbanki, one of the Icelandic Banks that was affected by the world economic crisis. Of this amount £1,177,632 (94%) has already been repaid to the Council by the Administrators. At the 31 March 2015, the Council had £72,368 frozen in the Heritable Bank.

At the time the deposit was placed, the risk rating of Heritable was 'A' (long term deposits) and F1 (short term deposits). Both ratings indicated low risk and were within the deposit policy approved by the Council. Heritable Bank is registered in Scotland with an address in Edinburgh. Heritable Bank Plc is authorised and regulated by the Financial Services Authority and is on the FSA Register. The bank's shares are owned by Icelandic bank, Landsbanki.

Administrators have kept the bank trading and are winding down the business over a period of years. The Administrators have paid fourteen dividends amounting to 94% of the original deposit. The Council has recently received a letter from the administrators advising that they intend to make a 15th dividend to be declared and paid in August 2015. The administrators estimate that the return to all unsecured creditors is now between 98-100 pence in the pound.

The Strategy for 2014/15

The Treasury Management Strategy is risk averse with no investments allowed for a period of more than a year and very high credit ratings are required together with a limit of £5m per counterparty. This has resulted in only a small number of institutions in which we can invest (see Appendix A).

Investment Rates in 2014/15

Bank Rate remained at its historic low of 0.5% throughout the year; it has now remained unchanged for six years. Market expectations as to the timing of the start of monetary tightening started the year at quarter 1 2015 but then moved back to around quarter 3 2016 by the end of the year. Deposit rates remained depressed during the whole of the year, primarily due to the effects of the Funding for Lending Scheme.

Investment Outturn for 2014/15

Investment Policy – the Council's investment policy is governed by the Department for Communities and Local Government (DCLG) guidance, which has been implemented in the annual investment strategy approved by the Executive on 06/03/2014. This policy sets out the approach for choosing investment counterparties, and is based on credit ratings provided by the three main credit rating agencies supplemented by

additional market data (such as rating outlooks, credit default swaps, bank share prices etc.).

The investment activity during the year conformed to the approved strategy, and the Council had no liquidity difficulties.

Investments held by the Council - Income from investments this year was £137,000 which is £27,000 higher than the budget of £110,000 at an average return of 0.57%. The comparable performance indicator (Benchmark) is the average 7-day LIBID rate which was 0.35%. Therefore the Council achieved 0.22% return on investments over the benchmark for 14/15.

3. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	Statutory powers are provided by the Local Government Act 1972 Section 151 and the Local Government Act 2003
Financial	Y	Income from Treasury Management activities amounted to £137,000 in 2014/15. Consideration of the Annual Treasury Report forms an essential component of the Council's systems for public accountability. It also provides a platform for future investment planning.
Risk	Y	<p>The security risk is the risk of failure of a counterparty. The liquidity risk is that there are liquidity constraints that affect the interest rate performance. The yield risk is regarding the volatility of interest rates/inflation.</p> <p>The Council has adopted the CIPFA Code Of Practice for Treasury Management and produces an Annual Treasury Management Strategy and Investment Strategy in accordance with CIPFA guidelines.</p> <p>The Council engages a Treasury Management advisor and a prudent view is always taken regarding future interest rate movements. Investment interest income is reported quarterly to SLT and the Executive.</p>

Comprehensive Impact Assessment Implications		
Equality and Diversity	N	N/a
Safeguarding	N	N/a
Community Safety, Crime and Disorder	N	N/a
Health, Safety and Wellbeing	N	N/a
Other implications	N	none

Supporting Information

Appendices:

Appendix A – Lending list as at 31 March 2015

Appendix B – Prudential and Treasury Indicators 2014/15

Background Papers:

Annual treasury strategy in advance of the year (Executive 06/03/2014 – E75/13)

A mid-year (minimum) treasury update report (Council 23/10/2014 – E37/14)

Approval and clearance of report

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

APPENDIX A

SOUTH HAMS DISTRICT COUNCIL LENDING LIST AS AT 31 MARCH 2015.

Barclays Bank Plc
HSBC Bank plc
Lloyds Banking Group Plc: <ul style="list-style-type: none">• Bank of Scotland plc• Lloyds TSB Bank plc
Nationwide Building Society
Royal Bank of Scotland Group Plc: <ul style="list-style-type: none">• The Royal Bank of Scotland plc• National Westminster Bank plc
Government UK Debt Management Facility
Local Authorities (as defined under Section 23 of the Local Government Act 2003)
AAA rated Money Market Funds

APPENDIX B

PRUDENTIAL AND TREASURY INDICATORS 2014/15

CAPITAL PRUDENTIAL INDICATORS

The Council's capital expenditure plans are the key driver of treasury management activity. The outputs of the capital expenditure plans are reflected in prudential indicators, which are designed to assist members to overview and confirm capital expenditure plans.

Capital Expenditure.

This prudential Indicator is a summary of the Council's capital expenditure.

Capital Expenditure	2013/14 Actual £000	2014/15 Estimate £000	2014/15 Actual £000
Total spend	4,040	2,377	3,554

The table below summarises the financing of the Council's capital programme. Any shortfall of resources would result in a funding need (borrowing). However, the Council is currently debt-free.

Capital Expenditure	2013/14 Actual £000	2014/15 Estimate £000	2014/15 Actual £000
Total spend	4,040	2,377	3,554
Financed by:			
Capital receipts	1,455	1,095	542
Capital grants	1,549	282	1,604
Revenue reserves	1,036	1,000	1,408
Total funding	4,040	2,377	3,554

Nb. Please note that the estimate for 2014-15 represents the approved capital programme for that year. However, actual capital spend includes not only expenditure on projects within that capital programme, but also expenditure on schemes carried forward from previous capital programmes.

The Council's Borrowing Need (the Capital Financing Requirement)

The second prudential indicator is the Council's Capital Financing Requirement (CFR). It is essentially a measure of the Council's underlying need to borrow if the figure is greater than zero. The negative figure reflects the fact that the Council is debt-free and has a nil borrowing requirement.

	2013/14 Actual £000	2014/15 Estimate £000	2014/15 Actual £000
Total CFR	(98)	(98)	(98)
Movement in CFR	Nil	Nil	Nil
Net borrowing requirement (the Council is debt free)	Nil	Nil	Nil

AFFORDABILITY PRUDENTIAL INDICATORS

The previous sections cover the overall capital and control of borrowing prudential indicators, but within this framework prudential indicators are required to assess the affordability of the capital investment plans. These provide an indication of the impact of the capital investment plans on the Council's overall finances. The Council is asked to approve the following indicators:

Ratio of financing costs to net revenue stream

This indicator identifies the trend in the receipt of net investment income against the net revenue stream. It is calculated by dividing investment income and interest received by the Council's Net Budget.

	2013/14 Actual	2014/15 Estimate	2014/15 Actual
Ratio of net investment income to net revenue stream (surplus).	1.8%	1.2%	1.5%

Estimates of the incremental impact of capital investment decisions on council tax

This indicator calculates the notional cost of the impact of lost investment income on the Council Tax, from spending capital resources.

Incremental impact of capital investment decisions on the band D council tax (notional cost as explained above)

	2013/14 Actual £	2014/15 Estimate £	2014/15 Actual £
Future incremental impact of capital investment decisions on the Band D council tax (Notional cost)	0.30	0.14	0.21

TREASURY INDICATORS: LIMITS TO BORROWING ACTIVITY

The Operational Boundary – This is the limit beyond which external debt is not normally expected to exceed. This is the maximum level of external debt for cash flow purposes.

Operational Boundary	2013/14 £	2014/15 £
Borrowing	2,000,000	2,000,000
Other long term liabilities	-	-
Total	2,000,000	2,000,000

The Authorised Limit for External Debt – A further key prudential indicator represents a control on the overall level of borrowing. This represents a limit beyond which external debt is prohibited, and this limit needs to be set or revised by Full Council. It reflects the level of external debt which, while not desired, could be afforded in the short term, but is not sustainable in the longer term.

This provides headroom over and above the operational boundary for unusual cash movements. This is the maximum amount of money that the Council could afford to borrow.

This is the statutory limit determined under section 3 (1) of the Local Government Act 2003. The Government retains an option to control either the total of all councils' plans, or those of a specific council, although no control has yet been exercised.

Authorised limit	2013/14 £	2014/15 £
Borrowing	7,000,000	7,000,000
Other long term liabilities	-	-
Total	7,000,000	7,000,000

Report to: **Executive**

Date: **10 September 2015**

Title: **Write Off Report**

Portfolio Area: **Customer First**

Wards Affected: **All**

Relevant Scrutiny Committee:

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

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

Contact: **Ext. 1413 lisa.buckle@swdevon.gov.uk**

Recommendations:

The Executive notes that, in accordance with Financial Regulations, the s151 Officer has authorised the write-off of individual South Hams District Council debts totalling £57,901.27 as detailed in Tables 1 and 2.

The Executive approves the write off of individual debts in excess of £5,000 totalling £131,620.08, as detailed in Table 3.

1. Executive summary

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. Debts up to the value of £5,000 being written off by the s151 Officer, under delegated authority. Permission needs to be sought from the Executive to write off individual debts with a value of more than £5,000.

This report covers the period 1st April 2015 to 30th June 2015.

2. Background

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

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

South Hams District Council's collection rates for 2014/15 were; Council Tax 98.3% & Business Rates 98.6%.

In the first quarter of 2015/16 the Council has collected £18,091,308 in Council Tax and £9,665,724 in Business Rates. The total collectable debt for 2015/16 (as at 30th June) for Council Tax is £60.0 million and for Business Rates is £32.2 million.

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

3. Outcomes/outputs

In accordance with good financial management principles the Council has, for the revenue streams detailed in this report, made a total bad debt provision of £1,839,105. This provision recognises that a proportion of the Authority's debts will prove irrecoverable and ensures that the value of debtors within the Authority's accounts is a fair reflection of the amount that will eventually be recovered.

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

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

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

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

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

Supporting Information

Appendices:

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

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

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

Table 4 – National & Local Collection Statistics re 2014 / 15 Collection Rates

Table 5 – Quarterly income in 2014 / 15 relating to all years

Table 6 – Previous Year Write Off Totals

Background Papers:

Section 151 Local Government Act 1972

Section 44 Local Government Finance Act 1988 (Non Domestic Rate)

Section 14 Local Government Finance Act 1992 (Council Tax)

Recovery Policy

Approval and clearance of report

Process checklist	Completed
Portfolio Holder briefed	Yes
SLT Rep briefed	Yes
Relevant Exec Director sign off (draft)	Yes
Data protection issues considered	Yes
If exempt information, public (part 1) report also drafted. (Committee/Scrutiny)	Not Applicable

TABLE 1 SUMMARY OF SOUTH HAMS DISTRICT COUNCIL DEBT UNDER £5,000 WRITTEN OFF BY S151 OFFICER

TYPE OF DEBT	NUMBER OF CASES		No of people / business	REASON FOR W/OFF	Financial Year 2015/16			Totals for Comparison purposes			
	<£1000	>£1000			Quarter 1	Cumulative Total		Equivalent Quarter 2014/15		Grand Total 2014/15	
					Amount (£)	Cases	Amount	Cases	Amount	Cases	Amount
HOUSING BENEFIT	21	3		Overpaid Entitlement	13,640.96	24	13,640.96	28	15,527.41	187	65,344.60
	2	3		Bankruptcy	8,924.14	5	8,924.14	3	4,009.08	9	11,262.30
	4	4		Absconded	9,427.10	8	9,427.10	3	571.66	14	7,929.70
	-	-		Deceased	-	-	-	3	1,289.29	5	1,408.36
	10	-		Not cost effective to pursue	73.22	10	73.22	2	5.20	18	63.92
	17	3		Uncollectable old debt	6,980.14	20	6,980.14	12	9,043.34	49	16,129.65
Total	54	13			39,045.56	67	39,045.56	51	30,445.98	282	102,138.53
COUNCIL TAX	4	-		Absconded	477.46	4	477.46	8	2,397.75	72	23,674.01
	-	-		Administrative Receivership	-	-	-	-	-	-	-
	9	2		Bankruptcy	7,659.08	11	7,659.08	16	14,576.46	56	39,476.74
	1	-		Deceased	105.56	1	105.56	1	242.34	6	1,702.61
	-	-		Small balance	-	-	-	7	78.62	323	11,790.33
	3	1		Other	3,594.10	4	3,594.10	6	2,426.98	15	13,666.11
	-	-		Uncollectable old debt	-	-	-	2	524.74	9	2,812.75
	-	-		Voluntary Bankruptcy	-	-	-	8	4,804.75	8	4,804.75
Total	17	3			11,836.20	20	11,836.20	48	25,051.64	489	97,927.30
SUNDRY DEBTS	-	-		Absconded	-	-	-	6	647.41	15	1,415.89
	-	-		Bankruptcy/DRO/IVA/CVA	-	-	-	9	549.62	11	1,299.62
	-	-		Not cost effective to pursue	-	-	-	4	566.50	5	639.10
	-	-		Other	-	-	-	5	399.22	35	3,086.39
	-	-		Administrative Receivership	-	-	-	8	105.49	8	105.49
	-	-		Small balance	-	-	-	17	17.21	35	38.14
Total	-	-			-	-	-	49	2,285.45	109	6,584.63
HOUSING RENTS	-	-		Bankrupt	-	-	-	-	-	-	-
	-	-		Not cost effective to pursue	-	-	-	-	-	18	1,053.65
	-	-		Absconded	-	-	-	-	-	2	921.75
	-	-		Uncollectable old debt	-	-	-	-	-	1	1,061.98
	-	-		Other	-	-	-	-	-	1	76.00
-	-		Deceased	-	-	-	-	-	-	-	
Total	-	-			-	-	-	-	-	22	3,113.38
Grand Total	71	16			50,881.76	87	50,881.76	148	57,783.07	902	209,763.84

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

TYPE OF DEBT	NUMBER OF CASES		No of people / business	REASON FOR W/OFF	Financial Year 2015/16			Totals for Comparison purposes			
	<£1000	>£1000			Quarter 1	Cumulative Total		Equivalent Quarter 2014/15		Grand Total 2014/15	
					Amount (£)	Cases	Amount	Cases	Amount	Cases	Amount
NON-DOMESTIC RATE	1	-	1	Absconded	452.50	1	452.50	-	-	8	6,123.27
	-	-	-	Administrative Receivership	-	-	-	-	-	4	11,031.06
	1	3	4	Liquidation	6,516.34	4	6,516.34	4	3,611.80	15	35,579.70
	-	-	-	Voluntary Bankruptcy	-	-	-	3	5,499.40	5	9,697.43
	1	-	1	Other	37.25	1	37.25	1	296.41	10	658.94
	-	-	-	Uncollectable old Debt	-	-	-	2	863.60	2	863.60
	1	-	1	Bankruptcy	13.42	1	13.42	-	-	6	11,062.54
-	-	-	Deceased	-	-	-	-	-	-	-	
Total	4	3	7		7,019.51	7	7,019.51	10	10,271.21	50	75,016.54

TABLE 3 SUMMARY OF ITEMS OVER £5,000 WHERE PERMISSION TO WRITE OFF IS REQUESTED

TYPE OF DEBT	NUMBER OF CASES	REASON FOR W/OFF	Financial Year 2015/16			Totals for Comparison purposes			
			Quarter 1	Cumulative Total		Equivalent Quarter 2014/15		Grand Total 2014/15	
			Amount (£)	Case	Amount	Cases	Amount	Cases	Amount
NON-DOMESTIC RATE	-	Administrative Receivership	-	-	-	-	-	-	-
	3	Liquidation	131,620.08	3	131,620.08	2	35,201.65	9	118,132.28
	-	Absconded	-	-	-	-	-	-	-
	-	Bankruptcy	-	-	-	-	-	1	5,914.67
	-	Uncollectable old Debt	-	-	-	-	-	-	-
	-	Voluntary Bankruptcy	-	-	-	-	-	2	35,495.13
	-	Other	-	-	-	-	-	1	6,870.52
Total	3		131,620.08	3	131,620.08	2	35,201.65	13	166,412.60
HOUSING BENEFIT	-	Deceased	-	-	-	-	-	-	-
	-	Overpaid Entitlement	-	-	-	-	-	-	-
	-	Bankruptcy	-	-	-	-	-	-	-
Total	-		-	-	-	-	-	-	-
COUNCIL TAX	-	Absconded	-	-	-	-	-	-	-
	-	Bankruptcy	-	-	-	-	-	-	-
	-	Voluntary Arrangement	-	-	-	-	-	-	-
Total	-		-	-	-	-	-	-	-
Grand Total	3		131,620.08	3	131,620.08	2	35,201.65	13	166,412.60

TABLE 4 NATIONAL & LOCAL COLLECTION STATISTICS RE 2014-15 COLLECTION RATES

Total amount collected in 2014-15 relating to 2014-15 financial year only (net of refunds relating to 2014-15)

	Council Tax			Non Domestic Rates		
	Collectable Debit i.r.o. 14/15 - £000s	Net Cash Collected* i.r.o. 14/15 - £000s	Amount Collected i.r.o. 14/15 - %age	Collectable Debit i.r.o. 14/15 - £000s	Net Cash Collected* i.r.o. 14/15 - £000s	Amount Collected i.r.o. 14/15 - %age
All England	24,793,215	24,052,365	97.0	23,510,378	23,066,362	98.1
Shire Districts	11,352,031	11,116,705	97.9	7,583,172	7,459,915	98.4
East Devon	85,274	84,274	98.8	32,297	31,805	98.5
Exeter	53,152	50,708	95.4	78,004	77,030	98.8
Mid Devon	43,470	42,492	97.8	15,179	15,023	99.0
North Devon	50,667	49,170	97.1	31,940	31,280	97.9
Plymouth	104,466	100,423	96.1	90,908	88,999	97.9
South Hams	58,325	57,352	98.3	29,491	29,082	98.6
Teignbridge	72,698	71,511	98.4	31,560	31,296	99.2
Torbay	65,837	62,871	95.5	37,440	35,772	95.5
Torrige	35,102	34,489	98.3	10,745	10,571	98.4
West Devon	32,794	32,008	97.6	10,658	10,481	98.3

Net Cash Collected is total 2014-15 receipts net of refunds paid, in respect of 2014-15 only

TABLE 5 QUARTERLY INCOME IN 2014-15 RELATING TO ALL YEARS

Total amount collected in 2014-15 relating to any financial year (net of all refunds in 2014-15)

	Council Tax Net Cash Collected* £000s	Non Domestic Rates Net Cash Collected* £000s
Quarter 1 - Receipts collected between April 2014 - June 2014	17,735	8,693
Quarter 2 - Receipts collected between July 2014 - September 2014	15,832	7,734
Quarter 3 - Receipts collected between October 2014 - December 2014	16,761	8,403
Quarter 4 - Receipts collected between January 2015 - March 2015	7,310	3,797

* Net Cash Collected is total receipts in 2014-15 net of refunds paid, irrespective of the financial year (previous, current or future years) to which they relate

TABLE 6 PREVIOUS YEAR WRITE OFF TOTALS

		2014 - 15	2013- 14	2012 - 13	2011 - 12
HOUSING BENEFIT	Under £5,000 cases	102,138.53	75,357.30	87,095.83	74,868.17
HOUSING BENEFIT	£5,000 or over cases	0.00	14,903.19	61,925.43	0.00
Total		102,138.53	90,260.49	149,021.26	74,868.17
COUNCIL TAX	Under £5,000 cases	97,927.30	117,528.97	96,025.52	112,674.76
COUNCIL TAX	£5,000 or over cases	0.00	23,090.93	6,782.09	12,160.58
Total		97,927.30	140,619.90	102,807.61	124,835.34
SUNDRY DEBTS	Under £5,000 cases	6,584.63	2,723.23	12,811.29	28,170.96
SUNDRY DEBTS	£5,000 or over cases	0.00	0.00	0.00	0.00
Total		6,584.63	2,723.23	12,811.29	28,170.96
HOUSING RENTS	Under £5,000 cases	3,113.38	1,037.83	3,143.83	3,048.57
HOUSING RENTS	£5,000 or over cases	0.00	0.00	0.00	0.00
Total		3,113.38	1,037.83	3,143.83	3,048.57
NON DOMESTIC RATES	Under £5,000 cases	75,016.54	70,809.92	39,115.54	54,011.11
NON DOMESTIC RATES	£5,000 or over cases	166,412.60*	44,546.85	76,663.15	84,187.61
Total		241,429.14	115,356.77	115,778.69	138,198.72
GRAND TOTAL		451,192.98	349,998.22	383,562.68	369,121.76

* of the £166,412.60, £49,149.55 relates to one business going into liquidation, £25,184.36 relates to another business going into liquidation and a further £26,680.60 relates to an individual entering into a Voluntary Arrangement.

**MINUTES OF THE MEETING OF THE
OVERVIEW & SCRUTINY PANEL
HELD AT FOLLATON HOUSE, TOTNES ON
THURSDAY, 27 AUGUST 2015**

Panel Members in attendance:			
* Denotes attendance		∅ Denotes apology for absence	
*	Cllr K J Baldry	*	Cllr D W May
*	Cllr N A Barnes	*	Cllr J T Pennington
*	Cllr J I G Blackler	*	Cllr K Pringle
*	Cllr D Brown	*	Cllr M F Saltern (Chairman)
∅	Cllr J D Hawkins	*	Cllr P C Smerdon
∅	Cllr D Horsburgh	*	Cllr K R H Wingate

Other Members also in attendance:
Cllrs I Bramble, R D Gilbert, M J Hicks, P W Hitchins, J M Hodgson, T R Holway, J A Pearce, R J Tucker, L A H Ward and S A E Wright

Item No	Minute Ref No below refers	Officers in attendance and participating
All		Head of Paid Service and Senior Specialist – Democratic Services
7(c)	O&S.26/15(c)	Community Of Practice Lead Specialist – Housing, Revenues and Benefits
9	O&S.28/15	Community Of Practice Lead Specialist – Housing, Revenues and Benefits; South Hams CAB Manager and South Hams CAB Treasurer
10	O&S.29/15	Group Manager – Support Services
11	O&S.30/15	Group Manager – Customer First
12	O&S.31/15	Executive Director (Service Delivery and Commercial Services) and Monitoring Officer

O&S.23/15 MINUTES

The minutes of the meeting of the Overview and Scrutiny Panel held on 9 July 2015 were confirmed as a correct record and signed by the Chairman.

O&S.24/15 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.25/15 PUBLIC FORUM

In accordance with the Public Forum Procedure Rules, no items were raised at this meeting.

O&S.26/15 EXECUTIVE FORWARD PLAN

Prior to the Forward Plan being considered, the Leader of Council informed that he was aware of some confusion amongst Members in respect of the individual Executive portfolio areas of responsibility. As a consequence, it was intended that a diagram would be produced and circulated to Members that would illustrate the division in responsibilities. In reply to a request, the Head of Paid Service also confirmed that a more detailed organisational structure chart was currently being produced and this would also be distributed to Members in due course.

With regard to the most recently published Forward Plan, and in accordance with Procedure Rules, requests had been made for updates on the following future Executive agenda items:-

(a) Business Development Opportunities

The Panel was informed that the Forward Plan included a standing agenda item entitled 'Business Development Opportunities' to enable the Council the ability to respond quickly in the event of opportunities arising at very short notice. However, it was noted that the Executive meeting agenda on 10 September 2015 would include a report relating to business rate relief. Whilst this item would be considered by the Executive in the first instance, officers confirmed that this matter would ultimately be determined at the Special Council meeting on 10 September 2015.

(b) Budget 2016/17

On behalf of her Group, the Leader of the Opposition had submitted a number of budget related questions to this meeting. In thanking her for submitting these questions, the Chairman requested that an all Member Budget workshop be convened in the ensuing weeks, with these questions then being addressed during this session.

(c) Devon Home Choice Policy Review

A report (which was due to be considered by the Executive at its next meeting on 10 September 2015) was presented that reviewed the existing arrangements for Devon Home Choice (the Council's current model of allocating affordable housing in the South Hams).

In the ensuing discussion, particular reference was made to:-

- (a) 9% of housing being allocated to people with no housing need. When questioned, the Panel was advised that a large proportion of these related to Section 106 properties which were allocated based upon local connection regardless of need. However, assurances were given that residents would need to be on the housing register in order to potentially be allocated such a property. In reply to a further question, officers informed that safeguards were in place to ensure that S106 properties were allocated to appropriate persons, however it was also acknowledged that these were not wholly infallible;
- (b) the adverts always stating the conditions of the tenancy let. The Panel was advised that it was often the case that properties were advertised (and subsequently let) on a fixed term (e.g. 3-5 years) basis;
- (c) the dramatic reduction in Band E applicants on the Housing Register being welcomed. Whilst welcoming the reduction and acknowledging that some neighbouring local authorities had excluded Band E applicants from their Registers, some Members expressed the view that such a course of action would be a mistake for this Council. To support this view, some examples were cited whereby there were Band E residents living in the district who were desperate to move house;
- (d) local housing needs in very rural villages. A Member commented that local Band E households should be included in the list of those given preference in very rural villages. In response, officers advised that if Band E households were included in this criteria then the Council would be unable to meet its statutory obligations under the Housing Act 1996;
- (e) the supply of housing. The Panel was informed that in the region of 80 affordable houses were currently being built in the South Hams each year. However, evidence suggested that there was a need to build 242 affordable houses each year. Given this gap in supply and demand, a Member expressed her surprise at the proportionate low numbers on the Housing Register. The Panel endorsed this point and requested that a benchmarking exercise be undertaken in this respect, with the findings forming part of the twelve month review;
- (f) population statistics. Members requested that they be in receipt of the latest population statistics per district council ward and per town and parish.

It was then:

RECOMMENDED

That the Executive be **RECOMMENDED** to:-

1. note the content and findings of the presented agenda report;
2. remain in the Devon Home Choice partnership, with a further review being carried out in twelve months time, with the results of a benchmarking exercise forming part of this review;
3. make no changes at this time to the Council's Local Allocation Policy, with a further review being undertaken in twelve months time.

O&S.27/15 MARITIME AND COASTGUARD AGENCY UPDATE

Further to the deferral of this agenda item at the previous Panel meeting (minute O&S.16/15 refers), a letter of response to Member questions had subsequently been received from the Maritime and Coastguard Agency (MCA). This letter had been attached to the published meeting agenda for Member information and reference.

In the subsequent debate, it became apparent that some Panel Members were dissatisfied with the response received and were therefore of the view that the Council should accept the MCA's offer to send a delegation to meet MCA representatives in Falmouth. In contrast, other Panel Members felt that the responses were sufficient and therefore queried the merits of attending a meeting in Falmouth.

On balance, the majority of Members felt that the Harbour Master should be sent a copy of the letter and asked for his views as to the merits of attending a meeting in Falmouth. In the event of the Harbour Master being of the view that a meeting would be beneficial, it was then suggested that he should accompany the Member Group to Falmouth. In addition, it was considered that the Group should comprise of a maximum of three Members and the Harbour Master.

It was then:

RESOLVED

That the Harbour Master be sent a copy of the letter of response from the MCA and be asked for his views as to the merits of attending a meeting in Falmouth; and

That, in the event of a meeting being deemed beneficial, the Member Group should comprise of a maximum of three Members and the Harbour Master.

O&S.28/15 **FOLLOW-UP REPORT ON SOUTH HAMS CITIZENS ADVICE BUREAU SERVICE LEVEL AGREEMENT**

An updated report was presented to the meeting in light of the Panel decision at its last meeting to revisit the South Hams Citizens Advice Bureau (SHCAB) Service Level Agreement (Minute O&S.17/15 refers).

In discussion, the following points were raised:-

- (a) A number of Members congratulated the report authors on their production of an excellent report;
- (b) A Member reiterated his concerns raised at the previous Panel meeting with regard to the decision taken by Plymouth City Council whereby residents from outside of the city boundaries were not permitted to use the Plymouth CAB service. The Panel sympathised with this view and the following addition to the recommendation was therefore **PROPOSED** and **SECONDED** as follows:

‘That the Head of Paid Service clarify the policies regarding South Hams residents in the Plymouth and Torbay hinterlands being able to use the services provided by Plymouth CAB and Torbay CAB respectively.’
- (c) The SHCAB Treasurer informed that any salary increases were attributed to additional funding received for specific projects. For example, the additional £22-23,000 salaries in the published accounts were as a consequence of a funding stream being obtained for a specific South Devon apprenticeships project;
- (d) It was noted that the most recent Outreach and Home Visitor Project SLA was in need of amending to ensure that it was accurate and up to date;
- (e) Some Members felt it to be unfair and inequitable whereby some town and parish councils gave financial contributions to the CAB whereas others did not. As a result, the Panel was of the view that the CAB should write to each town and parish council encouraging them all to provide financial contributions to the CAB.

It was then:

RESOLVED

1. That the content of the presented agenda report and the performance of SHCAB in relation to the agreed SLA's be noted;
2. That the Executive be **RECOMMENDED** that the existing SLA should be renewed for a further twelve months on the existing terms (in accordance with clause 15.2 of the SLA);
3. That Cllrs Brown, Pringle and Saltern be appointed to assist with a structured long-term review of the CAB partnerships, with a report being presented back to the Panel in due course; and
4. That the Head of Paid Service clarify the policies regarding South Hams residents in the Plymouth and Torbay hinterlands being able to use the services provided by Plymouth CAB and Torbay CAB respectively.

O&S.29/15 TRANSFORMATION PROGRAMME MONITORING

In providing a verbal progress update on the Transformation Programme, the Support Services Group Manager and lead Executive Member made reference to:-

- the processes in the new W2 System. The Panel was informed that the processes in relation to community, street scene and waste were now completed. Furthermore, the corporate lead-in time for W2 processes had been slightly extended to ensure that the impact on existing services was kept to a minimum;
- the newly appointed Support Services Specialist Manager. The lead Executive Member had already met with the recently appointed postholder and he was confident that he would prove to be an excellent appointment;
- the commencement of the Member IT project was likely to be delayed by a week due to unforeseen technical issues. In addition, as a result of Member feedback, each Member would be given the choice of receiving a Council owned iPad or retain the use of their own iPad (albeit with reduced functionality in comparison).

In general discussion, reference was made to:-

- (a) the Development Management Service. Previously raised concerns in relation to the Development Management Service were again reiterated. In reply, it was recognised that the Panel was scheduled to be in receipt of a Development Management Service update at its next meeting on 17 September 2015;

- (b) the fine balance between meeting existing operational need whilst still being able to support the Transformation Programme. A number of Members expressed the view that accuracy was far more critical than pace in respect of the Transformation Programme;
- (c) the positives already being seen by Members in respect of the Locality team.

It was then:

RESOLVED

That the progress update be noted.

O&S.30/15 CUSTOMER SERVICES STATS UPDATE

Having presented the Panel with the latest Customer Services performance comparisons, the Group Manager Customer First advised that:-

- the service had answered a further 3% more telephone calls than the previous month;
- 50% of staff were currently either temporary or in training;
- failure demand calls were now being documented;
- the self-service web portal would be going live imminently. Once in operation, this would help to reduce the number of calls being received by the Council;
- since Phase 2 of the Transformation Programme had now been completed, the Council was now in a position to advertise for 7 new members of staff.

In discussion, the following points were raised:-

- (a) To be fully competent in all service areas, officers advised that it took between 4 and 6 months for a new member of staff to be fully trained;
- (b) Some Members who had paid a visit to the Customer Contact Centre highlighted how beneficial they had found this to be and proceeded to encourage all other Members to do likewise. Assurances were given that such visits did not impinge upon the existing service;
- (c) Regardless of targets, Members felt that the onus should be on the quality of the response given to a customer rather than the time taken to answer their call;
- (d) A number of Members shared their positive experiences of the Customer Services email account facility and felt that this service was working very well.

O&S.31/15 OMBUDSMAN UPDATE AND ANNUAL REVIEW LETTER

The Panel considered a report that presented the Local Government Ombudsman's Annual Review Letter for 2015 regarding Ombudsman complaints received against the Council for the period 1 April 2014 to 31 March 2015.

In discussion, the following points were raised:-

- (a) The Panel felt it regrettable that the Council's Complaints Policy had not been included with this agenda item and was of the view that it would be timely for a review to be undertaken into the Policy;
- (b) Officers highlighted that the Senior Leadership Team (SLT) was giving great emphasis to the importance of dealing with (and reducing) the number of complaints received by the Council. SLT was in the process of rolling out a cultural shift across the organisation whereby a complaint should be considered as a project that needed to be solved. Furthermore, since the overwhelming majority of complaints received were associated with poor communication, SLT was having more proactive dialogue with the Ombudsman and actively promoting officers to say sorry (where appropriate) to complainants. The majority of staff would also be attending a mandatory Ombudsman course during October 2015;
- (c) Since the LGA had recently recommended that Overview and Scrutiny should have a real grip on complaints, Members requested that they be in receipt of more relevant information. In particular, the Panel wished to see details relating to costs, trends, number by parish and ward and numbers of stage 1 and stage 2 complaints.

It was then:

RESOLVED

- 1. That the Ombudsman's Annual Letter has been reviewed; and
- 2. That a further report be presented to the Panel meeting on 25 February 2016 which presents a review of the Council's Complaints Policy and more in-depth information relating to the complaints (to include costs, trends, number by parish and ward and numbers of stage 1 and stage 2 complaints).

O&S.32/15 TASK AND FINISH GROUP UPDATES:**(a) Performance Measures**

The Panel was informed that the first meeting of the Group had been held on Monday, 3 August 2015 and a draft report was now being prepared based upon the points made during that meeting.

(b) Dartmouth Lower Ferry

Members noted that the Group had convened its first meeting and the tender evaluation process had been concluded. As a consequence, the Council was hoping to appoint a contractor this week.

O&S.33/15 DRAFT ANNUAL WORK PROGRAMME 2015/16

The Panel considered its draft 2015/16 Work Programme and made particular reference to:-

- (a) the number of agenda items currently scheduled for the next meeting. In light of the potential length of this agenda, the following proposed agenda items were deferred to the meeting on 19 November 2015:-
- Business Development – Projects Summary;
 - Leisure Review Update; and
 - Update report on work of RDPE – LEAF/LAG Programmes;
- (b) the complaints policy and complaints statistics agenda item being scheduled for consideration at the 25 February 2016 Panel meeting.

(Meeting started at 10.00 am and concluded at 12.40 pm).

Chairman

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