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West Devon
Borough
Council

WEST DEVON OVERVIEW AND SCRUTINY COMMITTEE - TUESDAY, 24TH MARCH, 2015

Agenda, Reports and Minutes for the meeting

Agenda No Item

1. **Agenda Letter** (Pages 1 - 6)

2. **Reports**
 Reports to O&S:
 - a) Item 6 - New Homes Bonus Allocation to Dartmoor National Park Authority (DNPA)
 (Pages 7 - 14)
 - b) Item 7 - Town and Parish (TAP) Fund (Pages 15 - 24)
 - c) Item 8 - Update on the protocol between Legal and Planning (Pages 25 - 32)
 - d) Item 9 - Performance Indicators Q3 2014/15 (Pages 33 - 50)

3. **Minutes** (Pages 51 - 56)

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Agenda Item 1

AGENDA – OVERVIEW & SCRUTINY COMMITTEE – 24th MARCH 2015

PART ONE - OPEN COMMITTEE

1. **Apologies for absence**

2. **Declarations of Interest**

Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests they may have in any items to be considered at this meeting.

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

3. **Items Requiring Urgent Attention**

To consider those items which, in the opinion of the Chairman, should be considered by the Meeting as matters of urgency.

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4. **Confirmation of Minutes**

Meeting held on 27th January 2015 (previously circulated)

5. **Attendance of Chief Executive and Chairman of Devon Healthwatch**

6. **New Homes Bonus Allocation to Dartmoor National Park Authority (DNPA)**

Report of Community Manager

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NOTE: Appendices A and B contain exempt information

7. **Town and Parish (TAP) Fund**

Report of Community Manager

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8. **Update on the protocol between Legal and Planning**

Joint Report of Solicitor and Development Manager

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9. **Performance Indicators Q3 2014/15**

Report of Customer Services Manager

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10. **Regulation of Investigatory Powers Act 2000:
Report on Inspection and Authorisation**

Members to note that there have been no requests to use the powers under RIPA during the last quarter

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

If any, the Committee is recommended to pass the following resolution:-

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

This document can be made available in large print, Braille, tape format, other languages or alternative format upon request. Please contact the Committee section on 01822 813662 or email arose@westdevon.gov.uk

STRATEGIC RISK ASSESSMENT

Reports to Members

Members will be aware of the requirement to take account of strategic risk in decision making. This note is designed to support Members consider strategic risks as part of the assessment of reports from officers.

There are an increasing number of issues that we have a statutory requirement to take into account which affect all aspects of the Council's policies and service delivery (e.g. Human Rights Act). There are also discretionary issues we choose to highlight in our reports (e.g. Financial Implications, and Impact on Council Priorities and Targets). Common Law duty requires Local Authorities to take into account all things they need to take into account! The Courts hearing Judicial Review applications make this their starting point in deciding whether any decision is reasonable.

Officers have a responsibility to assess the implications of recommendations to Members. Members should ensure that before making a decision they have undertaken a similar consideration relating to the risks associated with the report.

Examples of risk to be considered:-

Statutory Requirement :

- Equalities and Discrimination, particularly Race Equality. (Consider the impact on each of the following equality areas: Race, Religion and Belief, Gender, Sexual Orientation, Disability, Age)
- Human Rights
- Crime and Disorder
- Health and Safety
- Employment Legislation
- Data Protection
- Freedom of Information
- Corporate activity with an impact on Areas of Outstanding Natural Beauty, National Parks, Sites of Special Scientific Interest, and biodiversity

Corporate Requirement :

- Impact on Council's Reputation
- Impact on Priorities, Cross-Cutting themes, Targets and / or Commitments
- Impact on Standing Orders / Financial Regulations
- Impact on Council's Assets
- Financial Risks
- Compliance with National Policies and Guidance
- Impact on Sustainability

Members' attention is drawn to the Risk Assessment section within each report. Members are encouraged to consider whether the report has satisfactorily identified all likely negative impacts and mitigating action that will be taken. Members also need to consider the opportunities presented by actions, noting that any change entails an element of risk. The challenge is to effectively manage that risk.

RISK SCORING MATRIX

Impact/Severity		Target impact	Stakeholder impact	Finance impact
1	Insignificant	Low impact on outcome & target achievement & service delivery	Low stakeholder concern	Low financial risk
2	Minor	Minor impact on outcome & target achievement & service delivery	Minor stakeholder concern	Minor financial risk
3	Moderate	Moderate outcome & target achievement & service delivery	Moderate stakeholder concern	Moderate financial risk
4	Serious	High impact on outcome & target achievement & service delivery	High stakeholder concern	High financial risk
5	Very serious	Very high impact on outcome & target achievement & service delivery	Very high stakeholder concern	Very high financial risk
Likelihood/Probability		Risk	Opportunity	
1	Very low	Negligible chance of occurrence; has not occurred	Possible opportunity yet to be investigated with low likelihood of success	
2	Low	Low chance of occurrence; has occurred infrequently but within internal control	Opportunity being investigated with low likelihood of success	
3	Medium	Equal chance of occurrence or non occurrence; could occur more than once and be difficult to control due to external influences	Opportunity may be achievable with careful management	
4	High	More likely to occur than not occur; has occurred more than once and difficult to control due to external influences	Good opportunity which may be realised	
5	Very high	Very high chance of occurrence but not a certainty; has occurred recently	Clear reliable opportunity with reasonable certainty of achievement	

Risk score = Impact/Severity x Likelihood/Probability

Likelihood	5	5	10	15	20	25
	4	4	8	12	16	20
	3	3	6	9	12	15
	2	2	4	6	8	10
	1	1	2	3	4	5
	0	1	2	3	4	5
Impact						

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NOT FOR PUBLICATION

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

AGENDA
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WEST DEVON BOROUGH COUNCIL

AGENDA
ITEM

6

NAME OF COMMITTEE	Overview and Scrutiny
DATE	24 March 2015
REPORT TITLE	New Homes Bonus Allocation to Dartmoor National Park Authority (DNPA)
Report of	Community Manager
WARDS AFFECTED	DNPA Wards

Summary of report:

This report provides Members with information on the projects being funded by Dartmoor National Park Authority (DNPA) from the New Homes Bonus allocated by the Borough Council and gives Members the opportunity to comment and make suggestions on future allocation and its use.

Financial implications:

There are no direct financial implications from this report as funding is agreed as part of the budget setting process.

During 2014/15 budget setting Members agreed that £18,688, representing the entitlement for 2012/13 and 2013/14, be paid to DNPA from the Council's 2014/15 New Homes Bonus allocation. A further allocation of £2,610 has been approved for 2015/16.

RECOMMENDATIONS:

It is recommended that Members:-

- **Note the projects being funded by Dartmoor National Park Authority from the New Homes Bonus funds allocated to them by West Devon Borough Council.**
- **Make recommendations as to future allocation of funds and their use.**

**Officer contact: Debbie Bird, Community Manager, debbie.bird@swdevon.gov.uk
01822 813515**

1. BACKGROUND

- 1.1 The Council receives New Homes Bonus in respect of the net increase in housing stock for the Borough, including empty homes returned to use. Monies are payable for a period of six years and cover developments that have completed since April 2009. All funds are paid by Government to the Borough Council and include development that has taken place in the West Devon area that sits within the DNPA, although they are a separate Local Planning Area.
- 1.2 As DNPA does not receive any direct allocation the Borough Council agreed to transfer the sum of £18,688 from its allocation of New Homes Bonus for 2014/15 to an Earmarked Reserve called 'Community Investment Fund – Dartmoor National Park', to be applied for and drawn down by DNPA as required. The funds were awarded as a one off payment and are the calculated entitlement for 2012/13 and 2013/14. A further £2,610 has been allocated for 2015/16.
- 1.3 The payment is made with the proviso that it is spent only within those parishes falling within the boundaries of the Borough Council.

2. DARTMOOR COMMUNITIES GRANT FUND ALLOCATIONS FOR 2014/15

- 2.1 DNPA have utilised the funding towards community projects under a "Dartmoor Communities Grant Fund", inviting local communities within the West Devon area of the National Park to submit projects for consideration.
- 2.2 Appendix A is a scoring table summarising the evaluation of the projects submitted to the fund. Appendix B provides a brief description of each proposal.
- 2.3 Seven projects were submitted requesting funding of £27,612. Of these six were funded with total funding allocated of £18,357.
- 2.4 Local Ward Members and Parish Councils were consulted and projects included improvements to community halls, a playground, play equipment and an interpretation board.

3. LEGAL IMPLICATIONS

- 3.1 Localism Act 2011 – General Power of Competence, a local authority has power to do anything that individuals of full legal capacity may do giving authorities the power to take reasonable action they need 'for the benefit of the authority, its area or persons resident or present in its area'.
- 3.2 The appendices accompanying this report contain information relating to the financial and business affairs of another organisation and are therefore considered exempt items as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications from this report as funding is agreed as part of the budget setting process.
- 4.2 During 2014/15 budget setting Members agreed that £18,688, representing the entitlement for 2012/13 and 2013/14, be paid to DNPA from the Council's

2014/15 New Homes Bonus allocation. A further allocation of £2,610 has been approved for 2015/16.

5. RISK MANAGEMENT

5.1 The Risk Management implications are shown at the end of this report in the Strategic Risks Template.

Corporate priorities engaged:	Homes, Economy, Environment and Community Life
Statutory powers:	Localism Act 2011 – General Power of Competence
Considerations of equality and human rights:	Grants will provide funding to a wide range of community groups, therefore promoting equal opportunities
Biodiversity considerations:	None
Sustainability considerations:	Grants contribute to increasing the sustainability of communities in West Devon
Crime and disorder implications:	None
Background papers:	28 January 2014 Resources Report and Minutes, Budget Proposals 2014/15 18 February 2014 Council Report and Minutes Budget Proposals 2014/15 3 February 2015 Resources Report and Minutes, Budget Proposals 2015/16 17 February 2015 Council Report and Minutes Budget Proposals 2015/16
Appendices attached:	<i>Appendix A – Dartmoor Communities Grant Fund Scoring Table</i> <i>Appendix B – Dartmoor Communities Grant Fund Description of Projects</i>

STRATEGIC RISKS TEMPLATE

No	Risk Title	Risk/Opportunity Description	Inherent risk status				Mitigating & Management actions	Ownership
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel			
1	Delivery of Outcomes and Value for Money	<p>Failure to deliver outcomes to the community and provide value for money for the Council's contributions.</p> <p>Opportunity for DNPA communities where development has taken place to benefit from this new Fund to support local community projects</p>	3	2	6	↔	<p>Scheme set up by DNPA to fund community projects with assessment/ scoring system.</p> <p>Funds paid in arrears on submission of proof of allocation</p> <p>Annual reporting on allocation of funds to Overview and Scrutiny</p> <p>The benefits of this new Fund to communities are likely to outweigh the risks associated with its operation</p>	Community Manager

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NAME OF COMMITTEE	Overview & Scrutiny
DATE	24 March 2015
REPORT TITLE	Town And Parish (TAP) Fund
Report of	Community Manager
WARDS AFFECTED	All

Summary of report:

To provide the Overview & Scrutiny Committee with information on projects supported through the TAP scheme.

Financial implications:

Devon County Council are the primary funder contributing £1 per elector; paid directly to the Borough Council to administer the fund on their behalf. The Borough Council then contributes an additional 10p per elector, making the fund up to £47,686.40 for 2014/15 plus under spend from the previous year of £6,819.80 bringing the total available spend to £54,506.20.

RECOMMENDATIONS:

It is recommended that Members

- Note the projects that have benefitted from TAP funding in 2013/14 and 2014/15 to date;
- Propose any changes they would like to see made to the scheme.

Officer contact:

Debbie Bird, Community Manager (debbie.bird@swdevon.gov.uk 01822 813624)

1. BACKGROUND TO THE TOWN AND PARISH (TAP) FUND

- 1.1 The TAP Fund was originally a one year Devon County Council (DCC) led funding stream for 2012/13 but has since been funded in subsequent years and will continue for 2015/16.
- 1.2 Devon County Council contributes £1 per elector with West Devon Borough Council contributing an additional 10p per elector. The fund is open to all Town and Parish Councils within West Devon. Other Districts in Devon have their own schemes and all Districts administer the fund on behalf of Devon County Council.

- 1.3 Funding is allocated by Link area and Appendix A shows the current split of Parish Link areas.
- 1.4 The aim of this Fund is to develop collaborative working between towns and their surrounding parishes or between parishes, to tackle local community issues. Unlike other grants available to Town and Parish Councils, applications to the TAP Fund must be made by two or more councils. A project may centre on or be delivered in the main towns if it can be demonstrated that there will be a benefit to the surrounding parishes and that it has the support of at least one other benefiting parish.
- 1.5 Grants can pay for capital and/or revenue costs. The fund is intended as seed or catalyst funding for a new project or the delivery of a service, including projects that provide a different way of delivering a service withdrawn by public sector organisations, however projects that have previously received TAP Funding are not able to re-apply.
- 1.6 Applications are debated at the Link committee but the final decision is made by the local Ward and County Members
- 1.7 Following a recent DCC audit payments are now made retrospectively to ensure greater accountability. In previous years all payments were made in advance and advance and stage payments can still be made if needed. Proof of spend and a feedback form are also required.
- 1.8 It was also agreed that all District Councils will report to the County on projects funded and make this information publicly available via their websites, which West Devon has done for 2013/14 funded projects.

2. TAP FUND ALLOCATIONS

- 2.1 Appendix B details all the projects allocated grant funding in 2013/14.
- 2.2 Appendix C shows projects submitted in 2014/2015 to date and details of what has so far been funded.

3. LEGAL IMPLICATIONS

- 3.1 There are no legal implications arising from this report as West Devon Borough Council accepts no liability for projects beyond the provision of grants.
- 3.2 The Council's Overview and Scrutiny Committee is responsible for scrutinising the effectiveness of Council policy to ensure it is delivering desired aims and outcomes for the local community and the organisation.
- 3.3 Localism Act 2011 – General Power of Competence, a local authority has the power to do anything that individuals of full legal capacity may do giving authorities the power to take reasonable action they need 'for the benefit of the authority, its area or persons resident or present in its area'.

4. FINANCIAL IMPLICATIONS

- 4.1 The Council allocates grant funding as part of the Revenue budget setting process. Devon County Council provides funding at the rate of £1 per elector and West Devon Borough Council at a rate of 10p per elector, making a total of £1.10 per elector.
- 4.2 In 2014/15 £54,506.20 was available in the TAP fund divided into Link areas based on the number of electors in each.
- Eastern Link - £6927.80
 - Northern Link - £19,956.80 (£12,776.80 plus underspend from 2013/14 of £6819.80)
 - Southern Link - £27,981.80
- 4.3 Currently underspends may be carried forward into the next financial year.
- 4.4 Devon County Council has confirmed that funding will continue in 2015/16.

5. RISK MANAGEMENT

- 5.1 The Risk Management implications are shown at the end of this report in the Strategic Risks Template.

6. OTHER CONSIDERATIONS

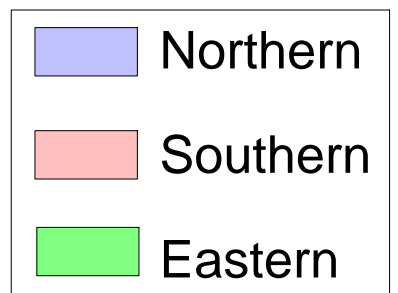
Corporate priorities engaged:	All
Statutory powers:	Localism Act 2011 (Section 1 – Powers of General Competence)
Considerations of equality and human rights:	WDBC TAP fund provides funding to a wide range of community groups, therefore promoting equal opportunities
Biodiversity considerations:	Some projects may support biodiversity
Sustainability considerations:	The TAP fund contributes to increasing the sustainability of communities in the Borough
Crime and disorder implications:	Some projects may alleviate crime and disorder issues
Background papers:	TAP guidance available online
Appendices attached:	Appendix A - Parish link areas Appendix B - Projects allocated TAP funding in 2013/14 Appendix C - Projects allocated TAP funding in 2014/15 to date

STRATEGIC RISKS TEMPLATE

No	Risk Title	Risk/Opportunity Description	Inherent risk status				Mitigating & Management actions	Ownership
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel			
1	Delivery of Outcomes and Value for Money	<p>Risk: Failure to deliver outcomes to the community and provide value for money for the Councils contributions</p> <p>Opportunity: To support local projects that deliver outcomes for communities and enhance the reputation of the Councils</p>	3	2	6	↔	<p>Annual monitoring report to Overview and Scrutiny.</p> <p>Regular review of scheme to ensure delivery of outcomes that support a wide range of projects.</p>	Community Manager
	Capacity to administer	<p>Insufficient staff capacity with diminishing resources</p> <p>Opportunity for innovative solutions in service delivery from communities</p> <p>Opportunity within T18 Locality working to promote and support innovative projects.</p>	3	2	6	↑	<p>Process accounted for in T18 during Sprints.</p> <p>Creation of Localities team as part of T18 model to take forward work with communities.</p>	SLT Localities Manager

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Parish Link Committee Areas



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TAP Applications 2013/14

Link	Lead Council	Collaborating Council/s	Project	Amount Requested	Total Project Cost	Amount Approved
Northern	Hatherleigh	Meeth	"Old Schools" Building Restoration	£5,000.00	£90,000.00	£2,500.00
Northern	Bridestowe	Sourton	Lengthsman	£2,500.00		£2,500.00
Northern, Eastern & Southern	Tavistock	Exbourne & Jacobstowe	Village Hall Wi-Fi	£300.00	£300.00	£300.00
Northern, Eastern & Southern	Tavistock	Belstone & South Tawton	Village Hall Wi-Fi	£712.80	£680.02	£712.80
Total Northern Link Budget = £12,832.60				£8,512.80	£90,980.02	£6,012.80
Unspent						£6,819.80
Southern, Northern & Eastern	Tavistock	Brentor, Gulworthy, Lamerton, Lifton & Mary Tavy	Village Hall Wi-Fi	£1,500.00	£1,500.00	£1,500.00
Southern	Bere Ferrers	Dartmoor Forest, Buckland Monachorum	Defibrillators & appropriate training	£6,156.00	£6,156.00	£6,156.00
Southern	Tavistock	Plasterdown Group of Parishes	Street & School Pastors	£769.00	£769.00	£769.00
Southern	Gulworthy	Lamerton, Lewdown Group,	Ward & Chowen digital Archive	£9,000.00	£10,000.00	£3,001.50
Southern	Buckland Monachorum	Bere Ferrers, Burrator, Dartmoor Forest, Plasterdown, Mary Tavy, Peter Tavy, Lifton	Bus Fund for TASS	£13,750.00	£38,500.00	£13,750.00
Southern	Bere Ferrers	VARIOUS 30X	West Devon Parish Development & Training Programme	£2,000.00	£5,000.00	£2,000.00
Southern	Tavistock Town Council	Mary Tavy	Children & Young Peoples Support Network	£1,000.00	£1,000.00	£1,000.00
Total Southern Link Budget = £28,176.50				£34,175.00	£62,925.00	£28,176.50
Eastern, Southern & Northern	Tavistock	Belstone	Village Hall Wi-Fi	£187.20	£900.00	£187.20
Eastern	Sampford Courtney	Sticklepath	Parish Leaflet	£1,300.00	£1,300.00	£1,300.00
Eastern	South Tawton	Sticklepath, Belstone, Sampford Courtney	1st South Zeal Scout Hut Improvement	£1,500.00	25-30000	£1,500.00
Eastern	North Tawton	Chagford	Street/Road Sweeping	£5,200.00	£5,200.00	£4,000.00
Total Eastern Link Budget = £6,987.20				£8,187.20	£7,400.00	£6,987.20

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Appendix C - TAP Applications 2014/15

Date Recieved	Link	Lead Council	Collaborating Council/s	Project Name	Amount Requested	Total Project Cost	Notes/ Comments	Amount Approved
Oct-14	Northern	Monkokehampston	Iddesleigh & Broadwoodkelly	Computer equipment and screen for clerk	£1,500.00	£1,500.00		£1,500.00
Feb-15	Northern	Iddesleigh	Broadwoodkelly, Monkokehampston & Exbourne	Additional Lengthsman works throughout each parish	£6,000.00	£6,000.00	No decision yet - link committee on 19th March 2015	
Feb-15	Northern	Hatherleigh	Iddesleigh	War Horse Walk	£2,500.00	£2,500.00	No decision yet - link committee on 19th March 2015	
Feb-15	Northern	Highampton	Northlew	Highampton Village Hall Extension	£8,000.00	£24,500.00	No decision yet - link committee on 19th March 2015	
Total Northern Cluster Budget = £19,596.30					£18,000.00			£1,500.00
Aug-14	Southern	Lifton	Milton Abbot Grouped	VAS signs - improving road safety	£7,300.00	£7,300.00	Approved 18/9/14	£7,300.00
Sep-14	Southern	Gulworthy	Lamerton	The Ward & Chowen Archive	£3,309.00	£8,400.00	Approved 18/9/14	£3,309.00
Sep-14	Southern	Dartmoor Forest	Bere Ferrers & Buckland Monachorum	Shared Asset Club for Parish Meetings	£2,085.00	£2,085.00	Approved 4/12/14	£1,775.00
Nov-14	Southern	Dartmoor Forest	Bere Ferrers	Tavistock and District Local Economic Blueprint (TAD-LEB)	£2,000.00	£17,000.00	Rejected 4/12/14	£0.00
Nov-14	Southern	Tavistock Town Council	Lamerton	Meadows Play Park Enhancement – Musical Instruments	£4,253.01	£4,253.01	Approved 4/12/14	£4,253.00
Nov-14	Southern	Buckland Monachorum	Dartmoor Forest, Plasterdown grouped & Lifton	Parish Lengthsman	£4,500.00	£4,500.00	Deferred on 4/12/14 - no final decision made, going back to link committee on 26th March 2015	
Feb-15	Southern	Tavistock Town Council	Lamerton & Gulworthy	Defibrillator Provision	£2,346.80	£2,346.80	No decision yet - link committee on 26th March 2015	
Feb-15	Southern	Gulworthy	Bere Ferrers	Gulworthy & Bere Ferrers lengthsman	£1,920.00	£1,920.00	No decision yet - link committee on 26th March 2015	
Total Southern Cluster Budget = £27,981.80					£27,713.81			£16,637.00
Nov-14	Eastern	Sampford Courtenay	Bondleigh	Village Hall Dishwasher	£500.00	£500.00	Approved 20/11/14	£500.00
Oct-14	Eastern	Chagford	South Tawton	Rural Skills Project	£3,600.00	£3,600.00	Approved 20/11/14	£2,891.80
Nov-14	Eastern	Sticklepath	South Tawton	Tree conservation work	£2,000.00	£2,000.00	Approved 20/11/14	£1,610.00
Nov-14	Eastern	South Tawton	Belstone, Drewsteignton, Throwleigh, Gidleigh,	Chagford Youth Cricket Mobile Net	£2,394.00	£2,394.00	Approved 20/11/14	£1,926.00
Total Eastern Cluster Budget = £6,927.80					£8,494.00			£6,927.80

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WEST DEVON BOROUGH COUNCIL

NAME OF COMMITTEE	Overview and Scrutiny
DATE	24 March 2015
REPORT TITLE	Update on the Protocol between Legal and Planning
Report of	Solicitor and Development Manager
WARDS AFFECTED	All

Summary of report: To advise Members of the current practice between Legal Services and Development Management.

Financial implications: There are no financial implications arising directly from this report.

RECOMMENDATIONS:

That the Overview and Scrutiny Committee note the report.

Legal Specialist, Becky Fowlds (Becky.Fowlds@swdevon.gov.uk)

Development Manager, Malcolm Elliott (Malcolm.Elliott@swdevon.gov.uk)

1. BACKGROUND

1.1 Members requested an update on the current protocol between Development Management and Legal Services following the Council resolution in October 2013 which stated:

- (a) A protocol be put in place to guide working practices between the Legal and Planning Departments;
- (b) Bi-monthly meetings between the Head of Planning, Economy and Community and the Link Lawyer, and monthly meetings between the Development Manager and the Link Lawyer should be recorded/noted;
- (c) In cases where Judicial Review (or other serious litigation proceedings) are contemplated by the Council, or brought against the Council, there needs to be an initial meeting of senior officers and regular face-to-face meetings to ensure that matters are dealt with promptly and all issues fully explored;
- (d) On any occasion where officers feel it necessary to brief Members on a significant issue which has legal, financial or reputational impact, a file note should be made and kept;

- (e) Early consideration should be given by the Head of Planning, Economy and Community to the public interest in these cases, so that the local Ward Member(s) and other key Members are properly informed. Agreement can then be reached on the level of input required of Members;
- (f) Reports presented to Members should include all options and an explanation of the potential impact and merits of each option.”

2. ISSUES FOR CONSIDERATION

- 2.1 The Council wants to ensure that effective working practices are in place to deliver services and provide advice to the Council.
- 2.2 Since October 2013 there has been an established process by which client departments (including planning) access advice from Legal Services. It requires Officers to provide comprehensive instructions on which the solicitors can advise, and establishes a timeframe for advice which can be tracked and properly recorded.
- 2.3 Bi-monthly meetings were set up with the Planning Link lawyer and the Head of Planning, Economy and Community (PEC) at which the needs to both services were explored and prominent cases discussed. Key priorities (in line with the Council resolution) were identified to ensure that Legal Services were properly instructed, responsibility for cases clearly identified as remaining with the Planning Department, and training and expertise was shared. There was a request from the Head of PEC to draft a protocol dealing with planning appeals, improve template s106 Agreements and monitor enforcement cases. All of these progressed as detailed below and meetings with the Head of PEC became less frequent. In their place a fortnightly meeting was diarised with the Planning Department and publicised to all case officers in order that there was a guaranteed time to enable cases to be discussed between relevant officers and legal specialists.
- 2.4 In January 2104 the Lawyers dealing with planning matters, supported by the Development Manager, gave a presentation to Officers at West Devon (followed by separate training to South Hams’ Officers) to explain the processes and ensure that it facilitated the Planning Department in delivering its service effectively. Emphasis was made throughout the presentation of the importance of keeping proper file notes, together with records of internal and external discussions and site visits, and underlining that ownership for planning matters should remain the responsibility of the Planning Department.
- 2.5 Training has been provided at South Hams by an independent private practice solicitor (Mr Graham Gover) on 24 March 2014 concentrating on permitted development rights, enforcement and ‘untidy site’ notices. More recently officers across both departments attended training provided by Mr Gover in Exeter.
- 2.6 A Planning Solicitor has attended, on request, the Planning Officers’ team meetings to improve awareness across both departments and to discuss changes in legislation. Development Management now shares planning appeal decisions affecting each Council as a matter of routine with Legal Services.

Training and an awareness of current case law and Inspectorate decisions is a key part in ensuring that decision making is sound. Further improvements through sharing expertise and keeping up to date are possible, as currently the onus rests with each professional officer on an individual basis. A balance has to be struck bearing in mind the competing demands with case work.

- 2.7 Section 106 Templates have been prepared in collaboration with officers across the Councils, and are to be made publicly available in an effort to speed up the process. Training has recently been provided to Members of South Hams DC on s106 Agreements which was also attended by officers from Devon County Council. It is anticipated that this will be repeated for West Devon Members.
- 2.8 The protocol attached in Appendix A to this report, was prepared in order to ensure that Members and Officers understood the process to be followed in the event that a planning application was refused on grounds contrary to officer advice and an appeal was received. This Protocol was followed at South Hams DC for a planning inquiry in 2014 and, whilst the appeal was allowed, the Ward Members considered that the process was handled better than had previously been the case and that the Members had been kept fully and properly informed throughout and provided with assistance as required.
- 2.9 Since October 2013, there have been two cases of Judicial Review brought against West Devon and these were dealt with by Planning Case Officers supported by Legal Services, and overseen the Executive Director and Senior Officers. Members were kept informed as the cases proceeded and to date the High Court has found in favour of the Council.
- 2.10 The Council is going through a significant period of transition and there have been a number of temporary staff assisting the Council in providing its planning service. The Development Manager recognises the need that all new staff receive sufficient training in the Council's procedures to ensure that there is consistency in decision making. Officers consider that improvements have been made to meet the changes necessary as identified by the Focus Working Group. It is proposed that the Council resolution and the contents of this report are shared with the Community Practice Leads as they take up their posts to ensure improvements continue to be made.

3. LEGAL IMPLICATIONS

- 3.1 There are no legal implications arising from this report.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications arising directly from this report.

5. RISK MANAGEMENT

- 5.1 The Risk Management implications are shown at the end of this report.

6. OTHER CONSIDERATIONS

Corporate priorities engaged:	All
Considerations of equality and human rights:	Considered in specific applications on a case by case basis
Biodiversity considerations:	None
Sustainability considerations:	None
Crime and disorder implications:	None
Background Papers	Council Report October 2013
Appendices	Appendix A: Protocol for Planning appeals

STRATEGIC RISKS TEMPLATE

No	Risk Title	Risk/Opportunity Description	Inherent risk status				Mitigating & Management actions	Ownership
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel			
1	Appropriate Protocol between Legal Services and Development Management	Lack of clear processes for effective working practices affect delivery of services and effective decision-making	4	2	8	↔	Have in place clear processes, training and understanding of roles	Community of Practice for Legal Services and Development Manager

PROTOCOL FOR PLANNING APPEALS

The purpose of the protocol is to provide a guide to Members and Officers of the Council in the event that an appeal is received following a decision of the Development Management Committee/ Planning and Licensing Committee to refuse an application contrary to the officer recommendation. It is perhaps worth emphasising that it is entirely lawful for a Committee to refuse an application where they are satisfied that they have good planning reasons, supported by substantive evidence and policy to do so, otherwise the Council will be at risk of a Costs application in respect of any unsubstantiated reason for refusal. This Protocol is not intended to dissuade Members from making such decisions.

Following the decision being made to refuse planning permission the following steps will be arranged by the Development Manager;

1. Within 2 weeks of the decision, Officers meet with ward members to discuss the likely appeal strategy in advance of any formal appeal submission to determine the best procedure to deal with any subsequent appeal, including which officers or Councillors may be called as a witness.
2. In the event that the LPA considers its officers are unable to represent the Council at the appeal because of the professional recommendations initial arrangements will be made for external representation, this maybe Cornwall Council's appeals team or other external source.

On receipt of notification from the agent or Planning Inspectorate (PINS) that an appeal has been lodged the steps below shall be followed. It must be noted that the Start Date letter sets out the timetable to which the Council must adhere in accordance with the Inquiries Procedure Regulations. Failure to meet the deadlines can lead to an award of costs being made by the Appellant in that the Council has acted unreasonably and caused unnecessary expense.

- (a) Within 1 week will arrange for a meeting to be held between the Chairman, Ward Councillors and [Portfolio Holder], the DM manager, case officer, solicitor to attend. Representatives from other services, eg housing, environmental health, landscape and leisure and property will be invited by the Case officer if the reasons for refusal relate to their areas of expertise. This meeting will determine the grounds on which the appeal will be fought and which witnesses should be called to present the Council's case.
- (b) At this meeting the case officer/DM manager shall have regard to the timetable and set out a programme for managing the case so that the documents required by PINS are sent in accordance with the timetable. Sufficient time will be given to ensure that draft statements are circulated and the Statement of Common Ground is agreed by all witnesses' prior to being submitted. This programme shall be followed irrespective of any duplicate application that is being considered by the LPA.
- (c) This meeting shall also consider whether it is necessary to instruct Counsel as advocate. In the event that this is the case the Council's solicitor shall on receipt of instructions from the case officer prepare a Brief to Counsel and

where possible arrange a conference prior to the Statement of Case being sent to PINS.

- (d) The extent of external representation will be agreed at this meeting and necessary instructions given. The DM manager will send a copy of the officer report and the minutes of the Committee meeting to the external body (CC)/agency which has agreed to manage the case on behalf of the LPA. The LPA case officer shall provide all necessary documentation from the planning files to the external Council/Agency. Written confirmation will be sought that the external Council/Agency will act on the LPA's behalf and estimated costs agreed.
- (e) It shall be agreed at this meeting whether members are to be witnesses for the Council. If so then officers will assist them in preparing their proofs of evidence. There will be a team approach.
- (f) Members can alternatively appear as a third party witness in the event that their reasons for refusal contradict the Council's policies as this should avoid an application for costs being successful.
- (g) [Members will be given advice on the appeals process if Public Inquiry or Informal Hearing. – Separate advice note]
- (h) The Council's solicitor will manage the Council's relationship with the barrister, including any liaison between Counsel and Members. The Council's solicitor will arrange any necessary conferences with Counsel. At least one will be held prior to the date of the Inquiry.
- (i) Arrangements for the Appeal hearing and all necessary notification will be managed by the Council's Development Management support team.
- (j) The DM manager shall be responsible for and will supervise the progress of the Council's appeal case until its conclusion.
- (k) Following receipt of the Inspectors decision a case review meeting will be held to discuss the outcome.

18th November 2013

NAME OF COMMITTEE	Overview and Scrutiny Committee
DATE	24th March 2015
REPORT TITLE	Performance Report
Report of	Executive Director (Resources)
WARDS AFFECTED	All Wards

Summary of report:

To provide Members with information on Key Performance Indicators at the end of quarter 3 for 2014-15. The information is set out with the Balanced Scorecard showing broad performance levels. Further information for those indicators at 'red' status is provided along with a standard information report giving background information and context to workload.

Financial implications:

There are no financial implications directly related to this report.

RECOMMENDATIONS:

1. That Members note the Key Performance Indicators for Quarter 3 and consider the action detailed to improve future performance; and,
2. That Members consider any appropriate action for Indicators at 'Red' status for two consecutive quarters as detailed in 2.4 of this report.

Officer contact:

Tracy Winser, Executive Director (Resources), 01803 861277
Tracy.Winser@swdevon.gov.uk

1. BACKGROUND

- 1.1 The current set of indicators came from a review of all performance indicators, which was undertaken by a Task and Finish Group in 2011/12. Since then changes have been made by both Members and Officers to ensure that the indicators are meaningful and useful.

2. ISSUES FOR CONSIDERATION

- 2.1 Appendix A contains the Balanced Scorecard Report to display the high level performance information.

- 2.2 Appendix B relates to data only performance indicators and is the background report that contains the information that sits behind the Balanced Scorecard for context.
- 2.3 The exception report towards the end of appendix B shows all indicators currently 'Red' and also the performance status for the last quarter along with the management response to explain the current level of performance.
- 2.4 There are three indicators that are 10% or more below target. Two of these have been red for two or more consecutive quarters, therefore, requiring a minuted response of the action required:
- ICT & CS: Average call answer time
 - PEC: Percentage of minor applications determined within statutory time frame
- 2.5 To assist Members with actions that may be required to address performance of the above, Appendix C provides a list of suggested responses. This list is not exhaustive and merely provides examples for reference.
- 2.6 As requested by Members, Appendix D shows the Balanced Scorecard for the same period at South Hams.

3. LEGAL IMPLICATIONS

- 3.1 Within the Constitution, the Overview and Scrutiny Panel oversees performance management at the authority to ensure that poor and deteriorating performance is addressed.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications directly related to this report.

5. RISK MANAGEMENT

- 5.1 The Risk Management implications are shown at the end of this report in the Strategic Risks Template.

6. OTHER IMPLICATIONS

Corporate priorities engaged:	Community; Economy; Environment; Housing
Statutory powers:	Local Government Act 2000
Considerations of equality and human rights:	There are no equality implications as a result of this report.
Biodiversity considerations:	There are no biodiversity implications as a result of this report.
Sustainability considerations:	There are no sustainability implications as a result of this report
Crime and disorder implications:	There are no crime and disorder implications as a result of this report.

Background papers:	
Appendices attached:	Appendix A – Balanced Scorecard Appendix B – Background and Exception Report Appendix C – Actions available to address performance

No	Risk Title	Risk/Opportunity Description	Inherent risk status				Mitigating & Management actions	Ownership
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel			
G11-05	Poor performance leading to poor service delivery and damage to Council's reputation	Failure to adequately monitor and report on Local Performance Indicators. Managers not accepting/paying lip service only to best practice and improvement initiatives or failure to engender an improvement and performance management culture will increase the risk to the Council and it's reputation.	3	2	6	↔	Performance monitored by senior management and actions taken to address poor performance and react to downward trends.	SMT
G11-06	Failure to effectively manage change	There will be a need to ensure that any change within the organisation (whether imposed internally or externally) is effectively managed.	4	2	8	↔	Review of improvements and management actions in response to failing performance should increase the effectiveness of change management within the organization. More visible responsiveness to failing performance should reduce the resistance to change making management easier.	SMT
CX1 1 - 03	Leadership & Management	Ineffective Leadership and management	2	1	2	↔	Emphasis placed on middle managers responding to operational issues and drive performance whilst Heads of Service monitor and take action when needed	CX & SMT

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Appendix A - Corporate Balanced Scorecard 2014-15 Q3

West Devon Borough Council

Community/Customer

Q2	Q3	
●	●	ES: Car parking tickets sold (Yearly comparison)
●	●	ES: Car parking season tickets sold (Yearly comparison)
●	●	ES: Overall Recycling rate %
●	●	ES: Residual waste per household
●	●	ICT & CS: Average Call Answer Time
●	●	ICT & CS: % of enquiries resolved at first point of contact

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Financial

Q2	Q3	
	tbc	Assets: Employment estates Income (Cumulative)
	tbc	PEC: Total income collected: Pre-Apps, Apps, etc
	tbc	ES: Car parking Income
	tbc	FA: % invoices paid on time
●	●	ICT & CS: Council Tax Collection
●	●	ICT & CS: Non Domestic Rates Collected
●	●	T18: Programme budget on track

Processes

PEC

Q2	Q3	
●	●	PEC: % of Applications determined within statutory time frame (Major/Minor/Other)
●	●	

Environmental Health

Q2	Q3	
●	●	EH: Time taken to process Disabled Facilities Grant (Fast track)
●	●	EH: Avg Time to serve notice or close complaints

ICT & CS

Q2	Q3	
●	●	ICT & CS: Avg End to End time (New Claims)
●	●	ICT & CS: Avg End to End time (Change of circumstances)

Performance

Q2	Q3	
●	●	EH: % of nuisance complaints resolved at informal stage
●	●	CS: Avg days sickness/FTE
●	●	T18: Programme timescales on track

Key

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

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Appendix B –Scrutiny Report – 2014-15 Q3 WD

Information Report



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

PI Code & Short Name	Managed By	2013/14 Total	Oct 2014	Nov 2014	Dec 2014	Q3 2014/15	2014/15 YTD	Comment (If Applicable)
		Value	Value	Value	Value	Value	Value	
<p>EH: Volume of nuisance complaints</p> <p>Number of nuisance complaints. The comments show the breakdown of unjustified and unjustified complaints.</p>	Ian Luscombe	-	Reported for Quarters			97	418	Of the total nuisance complaints <i>closed</i> by the council in Quarter 3, 97 out of 109 alleged nuisances were under our jurisdiction (EH officers often offer guidance and signposting in the other cases to provide a better customer service).
<p>EH: Average time taken for Disabled Facilities Grants (Fast track) (work days)</p> <p>The total time, from when the application was received until the works are completed. Only a small portion of this is under direct control of the Council.</p>	Drew Powell	-	Reported for Quarters			85	97	This figure relates to 7 DFG cases. The portion of this process under the council's full control is performing well. Average time for this portion this period was less than 1 working day.

PI Code & Short Name	Managed By	2013/14 Total	Oct 2014	Nov 2014	Dec 2014	Q3 2014/15	2014/15 YTD	Comment (If Applicable)
		Value	Value	Value	Value	Value	Value	
<p>PEC: Active Applications (at end of month) Major/Minor/Other</p> <p>The total number of active applications which gives an overview of the workload for the Planning department.</p>	Justine Gosling	-	222	231	240	240	n/a as not measured as cumulative	Active Application numbers are slowly increasing owing to a relatively high number received and also the issues relating to staff turnover. Officers work hard to try and process applications as quickly as possible but the increase in applications received in the last quarter has meant the active number has increased.
<p>PEC: Compliments & Complaints (Justified/Non-Justified split)</p> <p>Detailing the ratio between justified planning complaints (valid complaints about something we did wrong or omitted to do) and non-justified complaints.</p>	Malcolm Elliott	Compliment Just Non-Just	0 1 2	1 0 0	2 2 2	4 3 4	17 5 9	<p>Officers continue to focus on providing good customer service. This is reflected in the number of compliments received being higher than the number of justified complaints.</p> <p>The number of unjustified complaints shows that it continues to be necessary to ensure we provide clear reasoning for our decisions and how we come to the recommendations made.</p>
<p>PEC: Justified Complaint Type (Process: Statutory Procedure: Person: Communication)</p> <p>Breakdown of justified complaints – Process (Ps), Statutory Procedure (SP), Person (Pn) & Communication (C).</p>	Malcolm Elliott	Ps S.P. Pn C	0 0 0 1	0 0 0 0	1 0 0 1	1 0 0 2	1 0 0 4	Justified complaints relate mainly to communication. Officers continually try to improve communication and make our processes more customer-focussed to overcome our customers concerns.
<p>PEC: Enforcement (Enforcement Action: Retrospective Planning Application: Remedial Action: No Breach Found)</p> <p>The number of enforcement cases resolved by specific action -</p>	Helen Smart	E.A. R.P.A. R.A. N.B.F.	2 4 0 11	4 3 0 13	3 3 0 7	9 10 0 31	13 27 0 91	Officers continue to investigate a high number of cases many of which are found to have not breaches. A number of very time consuming enforcement issues recently have taken up large amounts of the enforcement teams time.

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PI Code & Short Name	Managed By	2013/14 Total	Oct 2014	Nov 2014	Dec 2014	Q3 2014/15	2014/15 YTD	Comment (If Applicable)
		Value	Value	Value	Value	Value	Value	

enforcement action (EA), retrospective planning application (RPA), remedial action (RA) or no breach found (NBF).								
ES: PCNs: issued The number of Penalty Charge Notices issued. View in conjunction with those cancelled.	Cathy Aubertin	1400	466	395	242	1103	2693	
ES: PCNs cancelled The number of Penalty Charge Notices cancelled. View in conjunction with those issued.	Cathy Aubertin	127	80	62	25	167	300	
ES: Car parking income (Cumulative) The total Income Collected by Car Parks (shown as a cumulative figure over the financial year).	Cathy Aubertin	£838,000	n/a	n/a	n/a	n/a	n/a	The Council's budget monitoring reports report income received against income targets for the Council's income streams and therefore these figures are reported elsewhere on a quarterly basis.
ICT & CS: No. of benefit applications Total number of New Housing Benefit/Council Tax Benefit Claims calculated.	Gill Bray	1080	68	66	41	175	582	New Claims only.

PI Code & Short Name	Managed By	2013/14 Total	Oct 2014	Nov 2014	Dec 2014	Q3 2014/15	2014/15 YTD	Comment (If Applicable)
		Value	Value	Value	Value	Value	Value	

ICT & CS: Preventing Homelessness	Kate Hamp							To be reported annually from now on.
ICT & CS: Percentage of Council Tax Collected (cumulative) The percentage of non-domestic rates due for the financial year which were received by the authority	Kate Hamp	97.69%	Reported for Quarters			85.02%	85.02%	There has been a slight reduction in the collection rate compared to last year. Changes to the Council Tax Reduction scheme have had an adverse affect on the collection rate, however we are also finding that those customers who don't qualify for CTR are also struggling to pay
ICT & CS: Percentage of Non-domestic Rates Collected The percentage of non-domestic rates due for the financial year which were received by the authority	Kate Hamp	98.18%	Reported for Quarters			85.58%	85.58%	There is a reduction in the collection rate compared to last year. The Government has introduced legislation to allow businesses to pay their rates bills by 12 monthly instalments (instead of 10). The majority of larger businesses are now paying over 12 months, which has had a negative impact on collection rates achieved during the year until the final quarter.
All: Complaints received Complaints logged against each Service per quarter. Highlights changes over time and the effects of initiatives.	-	261	Assets: 1 Corporate Services: 0 Environment Services: 9 Environmental Health: 1 Finance: 0 ICT & CS: 6 Planning, Economy & Community: 8			25	95	
All: Compliments received Compliments logged against each Service per quarter. Highlights changes over time and the effects of	-	110	Assets: 3 Corporate Services: 1 Environment Services: 17 Environmental Health: 4 Finance: 0 ICT & CS: 18 Planning, Economy &			55	85	

PI Code & Short Name	Managed By	2013/14 Total	Oct 2014	Nov 2014	Dec 2014	Q3 2014/15	2014/15 YTD	Comment (If Applicable)
		Value	Value	Value	Value	Value	Value	




initiatives.			Community: 12					
CS: Long term sickness (days) Number of days lost due to long term sickness	Andy Wilson	215	Reported for Quarters			65	120	This increase is due to one employees absence which as become long term. We are currently working with occupational health to help them return to work.
CS: Short term sickness (days) Number of days lost due to short term sickness	Andy Wilson	232.44	Reported for Quarters			69	232	This continues downward trend slowing reducing short term sickness.
ICT & CS: Top 5 call types	Kate Hamp	-	1. Council Tax make a payment by phone 2. PCN enquiry 3. CT MOP 4. CT Discount/Exemption enquiry 5. Missed collection			-	-	Council Tax enquiries remain high in the third quarter of this year.
ICT & CS: Top 5 website views/trend	Kate Hamp	-	1. Planning 2. Recycling and Waste 3. Contact us 4. Council Tax 5. Your Council			-	-	
ICT & CS: % of customer contact through online interaction Demonstrating channel shift	Kate Hamp	-	Reported for Quarters			18%	16%	Online interaction continues to improve
ICT & CS: Total number of transactions	Kate Hamp	-	Reported for Quarters			3717	11312	Do It Online and to a lesser extent Open Registry, has been responsible for the increase in online transactions.
ICT & CS: Average call answer time The average time in minutes for a	Kate Hamp		1.46	1.56	1.08	1.36	1.74	Following a number of initiatives the average wait time for customers has reduced greatly. This is positive but it should be noted that there is still work to be done in order to achieve target. Q4 will be a

PI Code & Short Name	Managed By	2013/14 Total	Oct 2014	Nov 2014	Dec 2014	Q3 2014/15	2014/15 YTD	Comment (If Applicable)
		Value	Value	Value	Value	Value	Value	

call to be answered. This time shows as an average over each month								challenging time for CST due to the large increase in call volumes resulting from CTax annual billing, the forthcoming local and general election and changes in the Council's bank account. Additional resource has been agreed by SLT for this forthcoming busy period
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ICT & CS: % of calls resolved at first point of contact	Kate Hamp		Reported for Quarters			72.08	72.08%	
Percentage of calls which are resolved at initial contact with CST								

Exception Report

Code and Name	Managed by	Prev Status	Last Qtr	Oct 2014	Nov 2014	Dec 2014	Q3 2014/15		Action Response
			Q2	Value	Value	Value	Value	Target	
<p>ICT&CS: Average Call Answer Time</p> <p>The average time in minutes for a call to be answered. This time shows as an average over each month.</p>	Kate Hamp		2.48	1.46	1.56	1.08	1.36	1	Following a number of initiatives the average wait time for customers has reduced greatly. This is positive but it should be noted that there is still work to be done in order to achieve target. Q4 will be a challenging time for CST due to the large increase in call volumes resulting from CTax annual billing, the forthcoming local and general election and changes in the Council's bank account. Additional resource has been agreed by SLT for this forthcoming busy period
<p>PEC: % of Applications determined within statutory time frame (Minor)</p>	Malcolm Elliot		46.43%	40.9	33.3	50	39.6	65	<p>It has not been possible to achieve the performance improvements we all seek, despite the efforts by all staff. The reality is that the service has continued to experience the loss of permanent staff and the need to temporarily replace with agency staff whilst T18 progresses. It has not been possible to recruit on a permanent basis and as such this difficult period of transition continues to impact on performance.</p> <p>Case management measures have been put in place and whilst not all Government targets are being met improvement has been seen. The service has also seen the receipt of a number of renewable proposals which has resulted in a significant impact on officer time.</p>
<p>ES: Car parking season tickets sold (yearly comparison)</p>	Helen Dobby		0				-17	>0	The sale of season tickets is being monitored and will be considered by the WD Car Parking Strategy Group. However, with the proposal to introduce a £2 per day tariff in long-stay car parks, it is unlikely that the sale of season tickets will increase at this time.

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Responses from Scrutiny responding to 2 consecutive quarters at 'Red' status:

	Response	Result	Consequences for response (inc resourcing issues, etc)
1	Agree with Action response	Trust that Middle Managers interpretation of situation and response will rectify falling performance over time	No additional resource above effort proposed by Middle manager
2	Query Action response	Agree with interpretation of situation but express concern over the level of the response	No additional resource above effort proposed by Middle manager.
3	Request further details on the action responses undertaken so far	Assessment of management responses taken so far and their effectiveness.	Middle manager resources required, will pull form operational management time. HoS resources also required. Response at Scrutiny could be sufficient.
4	Request report on ongoing issues	Deeper understanding of the causes of falling performance	Middle manager resources required for explaining actions, additional Business Development Team support for analysing data, where capacity allows.
5	Set up Task & Finish Group	T&F group organised with clear goals and timescales	Large resource requirement from both Cllrs and Officers. Longer lead time for results but useful for reframing goals of service area
6	Request Service Review	Systems review process becomes high priority and scheduled to commence as soon as current review schedule allows	Large resource requirement both in Business Development Team and service area undergoing review. Need for robust understanding of problem to be resolved. Longer lead time for results. Schedule agreed by SMT

Members should note that the additional resource requirements for options 3-6, especially options 5 & 6, will impact on service level and performance themselves so should only be undertaken when a clear need is identified.

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Agenda Item 3

At a Meeting of the **OVERVIEW & SCRUTINY COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **24th** day of **MARCH 2015** at **2.00 pm**.

Present:

Cllr M V L Ewings - Chairman
Cllr D E Moyse – Vice-Chairman
Cllr L J G Hockridge Cllr J B Moody
Cllr J Sheldon Cllr D Whitcomb

Executive Director (Service Delivery and Commercial Development)
Group Manager Customer First
Community Manager
Development Manager
Legal Specialist
Customer Services Manager
Member Services Manager

Substitute:

Cllr R E Baldwin substituted for Cllr D K A Sellis
Cllr M J R Benson substituted for Cllr C Hall

In Attendance:

Cllr W G Cann OBE and Cllr T G Pearce

***O&S 35 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr A Clish-Green, Cllr C Hall for whom Cllr M J R Benson substituted and from Cllr D K A Sellis for whom Cllr R E Baldwin acted as substitute.

***O&S 36 DECLARATIONS OF INTEREST**

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

Cllrs Benson and Sheldon declared a personal interest in Item 7 ‘Town and Parish (TAP) Fund’ (Minute O&S 40 below refers) by virtue of being involved in their respective Link Committees where recommendations relating to TAP fund applications had been made. They remained in the meeting and took part in the debate and vote thereon.

Whilst not specifically declaring an interest, both Cllr Moyse and Cllr Hockridge declared that they were Members of the National Park Authority and that this should be noted in respect of Item 6 ‘New Homes Bonus Allocation to Dartmoor National Park Authority’ (Minute O&S 39 below refers).

***O&S 37 CONFIRMATION OF MINUTES**

The Minutes of the meeting held on 27 January 2015 were agreed and signed by the Chairman as a correct record.

***O&S 38 ATTENDANCE OF CHIEF EXECUTIVE AND CHAIRMAN OF DEVON HEALTHWATCH**

The Chairman introduced Mr Miles Sibley, the Chief Executive of Devon Healthwatch. Mr Sibley went on to give an overview of the activity of Devon Healthwatch and points made included the following:

- Devon Healthwatch was neither a complaints service nor a regulator. It did however obtain feedback, positive and negative, from users of health services on what was and was not working. Whereas complaints tended to be focussed on an individual, Healthwatch was interested in groups of service users;
- Examples were given of reports written by Healthwatch following consultation on elements of services. One such example related to access to care services by public transport. The findings were compiled into a report and would be submitted as a response to the current consultation by Devon County Council on public transport services;
- Future matters for consideration would include the ageing population, support for young people particularly in respect of mental health issues and access to GP surgeries and care services with the increasing number of housing developments;
- In response to questions, the structure of health services was explained in that there was a Health and Wellbeing Board, a Scrutiny Committee at County level, a number of regulators and inspectors who all had a distinct role. Healthwatch was funded by the County Council and worked with a number of delivery partners;
- In response to a question, Mr Sibley confirmed that Healthwatch was publicly funded but politically neutral, both locally and nationally. Their role was to take soundings and not to have specific views. In respect of privatisation, Healthwatch did not have a stance;
- One Member noted that the number of respondents to the surveys carried out by Healthwatch was not large and asked if the reports were representative. In response, Mr Sibley advised that the number of respondents may not seem large, but whilst Devon was large the number of users of health services was much smaller. Regulators needed to ensure statistical validity to their work. Healthwatch was more concerned with authenticity;
- In response to a question, it was confirmed that there were several ways to get in touch with Healthwatch, including freephone, email, website, twitter and via their roadshows.

The Chairman concluded this item by thanking Mr Sibley for his attendance.

***O&S 39 NEW HOMES BONUS ALLOCATION TO DARTMOOR NATIONAL PARK**

The Community Manager presented a report that provided Members with information on the projects being funded by Dartmoor National Park Authority (DNPA) from the New Homes Bonus allocated by the Borough Council and gave Members the opportunity to comment and make suggestions on future allocation and its use.

During discussion, some Members noted their disappointment with the amount set aside for DNPA this year. The Community Manager agreed to circulate detail of how the sum had been arrived at.

It was then **RESOLVED** that:

- a. The projects being funded by Dartmoor National Park Authority from the New Homes Bonus funds allocated by West Devon Borough Council be noted; and
- b. There were no recommendations in relation to future allocations of funds and their use.

***O&S 40 TOWN AND PARISH (TAP) FUND**

The Community Manager presented a report that provided the Committee with information on projects supported through the TAP scheme.

During discussion, some Members raised concerns over the lack of clarity in respect of the criteria for a TAP Fund application. The Community Manager confirmed that the intention was for minimal criteria for the Fund being simply a requirement for collaboration.

Some Members felt it was appropriate for the Fund to be used to replace reduced services, such as employing a lengthsman. Other Members felt the Fund should not be used in this way and should in fact be for other projects.

A number of Members felt the TAP Fund was a success story and the Community Manager confirmed that West Devon Borough Council was one of the better authorities in Devon in respect of spending the available money. This was likely to be as a result of the existing Link Committees which meant a structure was in place within which the TAP Fund recommendations could be assessed.

Finally and in response to a question, the Community Manager confirmed that following an audit, Devon County Council had recommended changes to the procedure so that payments were now made retrospectively, although there was some small element of flexibility built in for exceptional circumstances.

It was then **RESOLVED** that:

- a. The projects benefitting from TAP funding in 2013/14 and 2014/15 be noted; and
- b. No changes to the scheme were recommended.

***O&S 41 UPDATE ON THE PROTOCOL BETWEEN LEGAL AND PLANNING**

The Legal Specialist presented a report that advised Members of the current working practices between Legal Services and Development Management.

During discussion, points made included the following:

- Training for officers was held at both Follaton and Kilworthy and officers from both South Hams and West Devon were able to attend the most convenient session;
- Training for Members relating to the s106 process that had been held at South Hams would be arranged for West Devon Borough Council Members early in the new Council. It would also be important to include the impact of Community Infrastructure Levy (CIL) and whether the authority should adopt this as it would impact on the method of funding projects. Officers were keeping a close eye on any government guidance that may force authorities along this route;
- A number of Members raised the importance of early and thorough training for Planning and Licensing Committee Members following the May elections. The Development Manager confirmed that planning training would be included as part of the Induction process;
- The Legal Specialist confirmed that the presented appendix related to a protocol for planning appeals that went to public enquiry. In other appeals the process would be less demanding. Members requested that the presented appendix be amended to strengthen the first paragraph, and also that a separate protocol be produced for the Judicial Review process, to be agreed by the Chairman and Vice Chairman of Overview and Scrutiny Committee;
- One Member raised an instance of an appeal that had been registered but the local Ward Member had not been notified. The Development Manager confirmed that this should not be the case and he would look into the matter;
- One Member stated that Planning Inspector decisions for dismissal of appeals should be carefully read, as often their wording was thorough and could be used for guidance;
- Members were pleased to note the improved working relationship between the Legal officers and their Planning colleagues.

It was then **RESOLVED** that the report be noted.

***O&S 42 PERFORMANCE REPORT – PERFORMANCE INDICATORS (Q3 2014/15)**

The Chairman introduced a report that provided Members with information on Key Performance Indicators at the end of quarter 3 for 2014/15. The information was set out with the Balanced Scorecard showing broad performance levels. The Chairman also drew Members attention to the updated Appendix B document circulated at the meeting which was to replace the original Appendix B, which contained incorrect figures.

During discussion, the Customer Services Manager advised that there had been an improvement in the 'call answer time' figures to December, but the last quarter was always their most difficult as there would be calls relating to annual billing of council tax. Currently the calls were busy but still manageable. Temporary staff had been employed and permission

was in place to employ further temporary staff if needed to cope with calls relating to the elections.

The Chairman asked that, as part of their induction, new members of staff should be made aware of the names of Members of West Devon Borough Council and also be given an idea of the geography and parishes of the Borough. The Customer Services Manager advised that switchboard operators did receive training and also had access to the intranet. In future, it was hoped that new technology would identify callers so it would be apparent if an incoming call was from a Member of Council.

The Executive Director advised Members of the timescales for the current phase of T18, how that would impact on staffing levels and measures being taken to mitigate potential staff shortages.

In response to a question, the Customer Services Manager advised that it was possible to monitor and track part completed on-line forms.

Members concluded the discussion relating to 'call answer time' by proposing that response 2 was the most appropriate, that Q4 was expected to show no improvement but that improvement was expected from June 2015 onwards. The Executive Director added that a full report would be presented to the relevant Overview and Scrutiny Committee during September/October in relation to customer services.

The Members then discussed the planning section of the report. The Development Manager clarified the difference between justified and non justified complaints. He also advised that the high staff turnover was not a reflection on West Devon Borough Council and it was not a poor performing authority. Part of the issue related to policy whereby affordable housing contributions were required on a greater number of planning applications. This added to the time taken to determine applications.

One Member asked if there would be a planning officer available at Kilworthy after the introduction of T18. In response, the Executive Director confirmed that there would be planning specialists who would be dedicated officers and that they would be allowed to work agilely. Once T18 had been fully implemented, the ways of working would be customer focussed and planning applications would be handled by case managers so each applicant would have one person to contact. That case manager would be responsible for the processing of the application and that would include contacting the local Ward Member(s). Members may want to discuss the application with a planning specialist. The new ways of working should improve the process and officers would be very keen to hear Members feedback.

One Member raised the importance of being able to speak to applicants, residents and officers on a face to face basis. Another Member added that Members could make an appointment to see planning specialists face to face and discuss matters with them. The Executive Director confirmed

that there was no wish to prevent those contacts from taking place and local knowledge was very important. However the issue was with the internal structure and more effective ways of working had to be explored.

Members concluded this discussion by confirming that response 2 was appropriate and the Group Manager Customer First confirmed that she would present a full report to the relevant Overview and Scrutiny Committee in September/October. She also advised that meetings were taking place to try and address the current shortage of planning officers by approaching neighbouring authorities to assess their capacity to support the Council in the short term.

It was then **RESOLVED** that:

- (i) The Key Performance Indicators for Q3 be noted and actions detailed considered to improve future performance;
- (ii) Members had considered appropriate action for Indicators at 'Red' status for two consecutive quarters and in respect of 'Average call answer time' and 'Percentage of minor applications determined within statutory time frame' Members queried the action response and expressed concerns.

***O&S 43 REGULATION OF INVESTIGATORY POWERS ACT 2000: REPORT ON INSPECTION AND AUTHORISATION**

As a standing item on the agenda, Members noted that there had been no requests to use the powers under RIPA during the last quarter.

(The meeting terminated at 4.10 pm)