

# Public Document Pack

Mid Devon District Council

**Cabinet**

Thursday, 7 July 2016 at 2.15 pm  
Phoenix House

Next ordinary meeting  
Thursday, 4 August 2016 at 2.15 pm

Those attending are advised that this meeting will be recorded

## Membership

Cllr C J Eginton	Leader
Cllr R J Chesterton	Deputy Leader and Planning and Economic Regeneration
Cllr N V Davey	Environment
Cllr P H D Hare-Scott	Finance
Cllr C R Slade	Community Well Being
Cllr Mrs M E Squires	Working Environment and Support Services
Cllr R L Stanley	Housing

## A G E N D A

*Members are reminded of the need to make declarations of interest prior to any discussion which may take place*

1. **Apologies**

To receive any apologies for absence.

2. **Public Question Time**

To receive any questions relating to items on the Agenda from members of the public and replies thereto.

3. **Minutes of the Previous Meeting** (Pages 5 - 16)

To receive the minutes of the meeting of 9 June 2016.

4. **Proposed Changes to Council Tax Reduction Scheme** (Pages 17 - 20)

Arising from a report of the Head of Finance, the Community Well Being Policy Development Group has made the following recommendation: that Cabinet note the reasons for the proposal, the consultation process

and requirement to approve a revised scheme by 31 January 2017.

5. **Safeguarding Children and Vulnerable Adults Policy and Procedures July 2016** (*Pages 21 - 52*)

Arising from a report of the Head of Communities and Governance, the Community Well Being Policy Development Group has made the following recommendation: subject to an amendment to make clear that the Lead Member referred to within the report was the Cabinet Member for Working Environment and Support Services the Cabinet approve the Devon District Councils joint Safeguarding Policy and the MDDC guidance and procedures.

6. **Early Help Services** (*Pages 53 - 98*)

Arising from a report of the Head of Communities and Governance, the Community Well Being Policy Development Group has made the following recommendation: that Cabinet approve the Working Practice Agreement for the sharing of information to support Early Help Provision.

7. **Devolution for Mid Devon within the Heart of the South West** (*Pages 99 - 138*)

To receive a report of the Chief Executive seeking agreement on the principle of a Combined Authority for the Heart of the South West, as set out in the Prospectus for Productivity, as the basis for negotiation with Government towards a Devolution Deal for the area.

8. **Senior Officer Structure Revisions** (*Pages 139 - 142*)

Report of the Chief Executive seeking to modernise the senior officer structure and allow for changes to terms and conditions that strengthen the link between performance, delivery and members' ability to hold their senior officers to account. And to amend annual leave entitlements as part of ongoing employee relations.

9. **Proposed Greater Exeter Strategic Plan** (*Pages 143 - 154*)

Report of the Head of Planning and Regeneration requesting consideration of a proposal for a joint strategic plan for the Greater Exeter area which would be prepared in partnership between East Devon District Council, Exeter City Council, Mid Devon District Council and Teignbridge District Council with assistance from Devon County Council.

10. **Asset Management and Capital Strategy Plan** (*Pages 155 - 190*)

To receive a report of the Head of Housing and Property Services (deferred from 10 March 2015 meeting) regarding the revised Asset

11. **Cabinet Member Individual Decision**

To inform the Cabinet that the following decision has been made by the Cabinet Member for Planning and Economic Regeneration under delegated powers:

To provide funding for Crediton Town Team to organise the Crediton Festival 2017, the Crediton Food Festival 2017 (in liaison with Crediton Arts Centre) and events to celebrate and raise awareness of the life of St. Boniface. Together with the annual Crediton Flags Project and Crediton at Christmas, which are funded separately, the Crediton Festival, Food Festival and St. Boniface celebrations are activities that contribute significantly to raising the profile of Crediton and bringing more business into the town. However, all of these events are entering a stage of transition as their established organisers are winding down their involvement or moving on to new initiatives. In order to retain continuity during this period of change and establish all events on a more sustainable financial footing for 2017 and beyond, the proposal is for the Town Team to contract an organiser/facilitator to ensure the 2017 events happen while the Council's Grants and Funding Officer identifies sustainable funding streams for 2018 and beyond. The cumulative cost of bringing in an organiser/facilitator for the next 12-18 months is £8,325, which will be paid from the remnants of the High Street Innovation Fund and the Council's LABGI (Local Authority Business Growth Incentive) budget.

12. **Notification of Key Decisions** (*Pages 191 - 206*)

To note the rolling plan containing key decisions.

**Stephen Walford**  
Chief Executive  
Wednesday, 29 June 2016

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If you would like a copy of the Agenda in another format (for example in large print) please contact Sally Gabriel on:

Tel: 01884 234229

E-Mail: [sgabriel@middevon.gov.uk](mailto:sgabriel@middevon.gov.uk)

Public Wi-Fi is available in all meeting rooms.

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **CABINET** held on 9 June 2016 at 2.15 pm

### **Present**

#### **Councillors**

C J Eginton (Leader)  
R J Chesterton, N V Davey, P H D Hare-  
Scott, C R Slade, Mrs M E Squires and  
R L Stanley

### **Also Present**

#### **Councillor(s)**

F J Rosamond and Mrs E J Slade

### **Also Present**

#### **Officer(s):**

Stephen Walford (Chief Executive), Jenny Clifford (Head of Planning and Regeneration), Liz Reeves (Head of Customer Services), John Bodley-Scott (Community Development and Regeneration Manager) and Sally Gabriel (Member Services Manager)

## 13. **APOLOGIES**

There were no apologies.

## 14. **PUBLIC QUESTION TIME**

There were no members of the public present.

## 15. **MINUTES OF THE PREVIOUS MEETING (00-00-44)**

The minutes of the previous meeting held on 12 May 2016 were approved as a true record and signed by the Chairman.

## 16. **NATIONAL ASSISTED BURIALS (00-01-29)**

Arising from a report of the Head of Housing and Property Services, the Managing the Environment Policy Development Group had recommended that subject to minor amendments to the report regarding contact names and numbers, that the National Assistance Burial Procedure be recommended to Council.

The Cabinet Member for the Environment outlined the contents of the report stating National Assistance Burials had been arranged efficiently by the Bereavement Services section over a number of years without a written procedure, with the increase of requests for funerals and with consideration of budgetary restriction it was considered prudent to formalise the current procedure.

Consideration was given to how costs could be recovered if there were funds available in the deceased's estate.

**RECOMMENDED** to Council that the National Assistance Burial Procedure be approved.

(Proposed by the Chairman)

Note: - \*Report previously circulated, copy attached to minutes.

**17. TREE POLICY (00-06-33)**

Arising from a report of the Head of Housing and Property Services, the Managing the Environment Policy Development Group had recommended that the revised Tree Policy be approved.

The Cabinet Member for the Environment outlined the contents of the report stating that the policy had been reviewed in line with the council's protocol and only covered the management of District Council's trees and woodland and how the Council would deal with subjects such as tree maintenance, tree pruning, tree removal, planting and subsidence.

**RESOLVED** that the revised policy be approved.

(Proposed by the Chairman)

Note: - \*Report previously circulated, copy attached to minutes.

**18. TENANCY CHANGES POLICY (00-07-19)**

Arising from a report of the Head of Housing and Property Services, the Managing the Decent and Affordable Homes Development Group had recommended that the revised Tenancy Changes Policy be approved

The Cabinet Member for Housing outlined the contents of the report stating that the policy had been updated and set out how the Council would deal effectively with tenancy changes, such as successions, assignments in accordance with a Court Order, mutual exchange or assignment to a person qualified to succeed to a tenancy; or a joint tenancy request. The policy contained a new section which explained how the tenant may seek written consent to change their tenancy to either sole or joint tenancy; any requests were at the discretion of the Housing Service.

**RESOLVED** that the revised policy be approved.

(Proposed by Cllr R L Stanley and seconded by Cllr P H D Hare-Scott)

Note: - \*Report previously circulated, copy attached to minutes.

**19. CULLOMPTON TOWNSCAPE HERITAGE INITIATIVE (00-09-12)**

Arising from a report of the Head of Communities and Governance with regard to an application to the Heritage Lottery Fund's Townscape Heritage Initiative, the Economy Policy Development Group had made the following recommendation:

(a) MDDC to act as the accountable and lead body for this project;

- (b) In principal, MDDC to allocate staff and councillor time to the project over 6 years – to include Chairing and sitting on the Steering Group, managing and employing/contracting a project officer and input into the project work;
- (c) MDDC to allocate some funds (in the order of £12.5K initially with the option of further funding from MDDC or finding alternative funding in subsequent years) to the project in order to draw down potentially in the region of £1 million (tbc). The exact figure is dependent on the final structure of the bid, and whether other funding can be drawn down to offset it in future. HLF has indicated that without some cash input from the principle authorities the application will not succeed.
- (d) MDDC to corporately investigate drawing down other funds to contribute to this project e.g. Empty Homes bonus, S106 related to development of Cullompton, property portfolio.
- (e) MDDC to consider what it can do to facilitate the development of the gap site on the former Harlequin Valet site in Cullompton which continues to be an eyesore in the Higher Bull Ring and problem for neighbouring properties. The Higher Bull Ring is the heart of Cullompton town centre and this key site could be beneficial to the economy of the town and to the appearance of the Conservation Area.
- (f) MDDC to integrate the aims of the scheme into all relevant strategic documents relevant to forward planning, empty homes and property in Cullompton
- (g) MDDC to obtain indications of support from Devon County Council, Cullompton Town Council, Cullompton Town Team, Culm Valley in Business and the Cullompton Neighbourhood Plan Group.

The Cabinet Member for Planning and Economic Regeneration stated that Cullompton Conservation Area has been designated as “at risk” with a wide range of properties that were poorly repaired, redundant or under-used. The local authority had an opportunity to apply for funding from the Heritage Lottery Fund under the “Townscape Heritage Initiative” which if successful could provide over £1 million investment in Cullompton’s historic built environment.

Consideration was given to:

- The degree of matched funding required and whether this could be set
- The involvement of landlords
- Partners in the project and the makeup of the Steering Group
- Other possible sources of funding

**RESOLVED** that the recommendation of the Policy Development Group be approved.

(Proposed by Cllr R J Chesterton and seconded by Cllr Mrs M E Squires)

Note: - \*Report previously circulated, copy attached to minutes.

20. **PLANNING AND ENFORCEMENT IMPROVEMENT - RECOMMENDATION FROM THE SCRUTINY COMMITTEE (00-16-22)**

Arising from a report of the Chief Executive, the Scrutiny Committee had made the following recommendation: that the following be **NOTED:**

- a) The Head of Planning & Regeneration bring forward the Local Enforcement Plan for Cabinet to consider as a matter of priority to set the framework for enforcement activity at MDDC.
- b) The Head of Planning & Regeneration ensures that staff within the enforcement service are invested in through additional training to help provide them with the necessary confidence about sharing information with members (with reference to Data Protection Act constraints).
- c) The Head of Planning & Regeneration take steps to appoint additional resource specifically into the enforcement team to clear any real or perceived backlog, and that consideration be given to the merits of operating this service as a discrete entity to share knowledge, expertise and resource (as opposed to the current area-based model).
- d) The Head of Planning & Regeneration ensures that 'Part II' reports were only ever brought as an exception in order to maintain transparency as far as Data Protection rules allow.
- e) The Chief Executive, in conjunction with the Head of Planning & Regeneration and the Head of Communities & Governance, consider setting a target for the processing and completion of S106 agreements.
- f) The Head of Communities & Governance considers reviewing (in conjunction with the Head of Planning & Regeneration) whether the current legal expertise available in-house was appropriate to process planning matters swiftly, and to take steps to re-provision this as opportunity permits.
- g) The Cabinet Member for Planning & Regeneration considers a report investigating the introduction of S106 Monitoring Fees in order to adequately resource the level of required activity.
- h) The Chief Executive considers the value of instructing Internal Audit to look at this area before the end of 2016/17 in order to explore further opportunities for service improvement and efficiency.
- i) That local performance indicators for the enforcement service were set and were reported quarterly to the Planning Committee.
- j) That Members were provided with a suite of reports on planning enforcement cases on a monthly basis, and were reported to Planning Committee quarterly.
- k) That the Planning Committee considers the level of delegation that exists in relation to enforcement activity.



- l) Officers investigate the possibility of finding a way of updating residents and town/parish councils in relation to complaints regarding enforcement and report back to this Committee within 4 months.

The Chief Executive explained that he had been asked by the Scrutiny Committee to investigate the efficacy and effectiveness of the Planning Service with particular reference to the way in which enforcement was carried out and how Members were engaged with the work of the Council in this area.

The Chairman of Scrutiny stated that the report had been welcomed by the Committee.

Reference was made to the need for Ward Members to be kept involved with regard to enforcement cases.

**RESOLVED** that the recommendations from the Scrutiny Committee be **NOTED**.

(Proposed by Cllr R J Chesterton and seconded by Cllr R L Stanley)

Note: - \*Report previously circulated, copy attached to minutes.

## 21. **REVIEWING THE COST OF EFFICIENCIES - RECOMMENDATION FROM THE SCRUTINY COMMITTEE (00-21-10)**

Arising from a report of the Scrutiny Committee Working Group (Reviewing the Cost of Efficiencies), the Scrutiny Committee had recommended that:

- a) Areas of land for sale should be promoted by Members at Parish Council Meetings.
- b) A pricing structure for services that could be sold, for example to town and parish councils, local charities and small businesses be put together and actively promoted.
- c) Assets such as the Town Halls (Tiverton and Crediton) to be used to maximise income, either by sale, rent or by joint development as they are assets that could generate income.
- d) Conditions of service to be reviewed to consider amending terms and conditions regarding sickness benefits for new employees.
- e) Management information to show long and short term sickness figures.
- f) That staff be incentivised to put forward business ideas and suggestions that could be taken forward to generate income and that some form of reward scheme be put in place.
- g) That the authority becomes less risk adverse and encourage new ventures.

- h) That the Scrutiny Committee undertake a review on the effect of price rises on the Leisure Service, based on appendix 1 of the report.

Consideration was given to each of the recommendations in order:

- a) It was felt that the promotion of areas of land for sale should be promoted by professionals so that Members could continue to be approached by local people and that Members could identify parcels of land rather than promote. It was also felt that the Capital Strategy and Asset Management Group (CSAG) had a robust procedure in place.

**RESOLVED** that the recommendation (a) not be supported.

(Proposed by the Chairman)

- b) Concern was raised about the effect on small businesses in the local area if in-house services were to be sold, however working in partnership with other local businesses may be the way forward. It was felt that further research was required and therefore it was:

**RESOLVED** that a pricing structure for services that could be sold, for example to Town and Parish councils, local charities and small business be researched and that a feasibility report be submitted to the Economy Policy Development Group.

(Proposed by Cllr C R Slade and seconded by Cllr N V Davey)

- c) It was generally felt that this was already taking place but that the buildings should not be specified, it was therefore:

**RESOLVED** that: buildings and other assets be used to maximise income, either by sale, rent or by joint development as they were assets that could generate income.

(Proposed by Cllr N V Davey and seconded by Cllr C R Slade)

Note: Cllr N V Davey declared a personal interest as a Member of Tiverton Town Council.

- d) It was generally felt that this was an operational issue and therefore it was:

**RESOLVED** that the recommendation be **NOTED** and referred to the Chief Executive for consideration.

(Proposed by the Chairman)

- e) With regard to management information to show long and short term sickness figures, it was

**RESOLVED** that the recommendation be **NOTED** as the issue had already been addressed.

(Proposed by the Chairman)

f) It was felt that this scheme had been used in the past and therefore it was :

**RESOLVED** that this be referred to the Chief Executive for him to deal with accordingly.

(Proposed by the Chairman)

g) It was felt that that new ventures should be encouraged but that risk assessments must take place, it was therefore:

**RESOLVED** that the Local Authority encourage new ventures and seeks new business opportunities.

(Proposed by Cllr C R Slade and seconded by Mrs M E Squires)

h) It was agreed that a review on the effect of price rises within the leisure service was already taking place and therefore it was:

**RESOLVED** that this matter continue to be reviewed by the Community Well-Being Policy Development Group.

(Proposed by the Chairman)

Note: - \*Report previously circulated, copy attached to minutes.

## 22. **PLANNING POLICY DOCUMENTS FOR CONSIDERATION BY PLANNING POLICY ADVISORY GROUP, CABINET AND THE COUNCIL (00-53-11)**

The Cabinet had before it a report of the Head of Planning and Regeneration seeking to amend which planning policy documents would be considered by the Planning Policy Advisory Group (PPAG), Cabinet and Council, providing further detail and clarity pertinent to the Scheme of Delegation within the Council's Constitution.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that there was a need to clarify the pathway for planning policy documents, therefore the table in the report removed any misunderstanding and misinterpretation of the decision making level.

**RESOLVED** that the following table be approved:

Type of Policy Document	Planning Policy Advisory Group	Cabinet	Council for approval of submission document or adoption	Requires separate meeting of Cabinet in each of the main towns
Local Development Scheme	No	Yes	No	No
Statement of Community Involvement (SCI)	Yes	Yes	Yes	No

Local Plans	Yes	Yes	Yes	No (unless it includes reference to strategic site allocations)
Community Infrastructure Levy (CIL) Charging Schedule	Yes	Yes	Yes	No
Supplementary Planning Documents (SPD)	Yes	Yes	No (except Masterplans)	No
Introduction of new Conservation Areas	Yes	Yes	Yes	No
Conservation Area Appraisals (Changes to Conservation Area Boundaries Proposed)	Yes	Yes	Yes	No
Conservation Area Appraisals (Technical assessments with no boundary changes proposed)	Yes	Delegated approval by the Head of Planning, Ward Member(s) & Cabinet Member (P&R).	No	No
Article 4 Directions	Yes	Yes	Yes	No
Neighbourhood Plans	Yes	Yes	Yes	No
Neighbourhood Plan Area Designations	If approved and the proposed areas adhere to parish boundaries then decisions made by the Head of Planning in consultation with the Cabinet Member (P&R). If not approved, or does not follow Parish Boundaries, then decision referred to Cabinet.			
Area of Special Control for Advertisements	Yes	Yes	Yes	No
Annual Monitoring Report	No	No	No	No

(Proposed by Cllr R J Chesterton and seconded by Cllr P H D Hare-Scott)

Note: \*Report previously circulated, copy attached to minutes.

## 23. **LOCALLY LED GARDEN VILLAGES, TOWNS AND CITIES (00-55-15)**

The Cabinet had before it a \* report the Head of Planning and Regeneration requesting Members to consider a bid for DCLG support to deliver East Cullompton as a Locally Led Garden Village.

The Cabinet Member for Planning and Regeneration outlined the contents of the report stating that in March 2016 the Department for Communities and Local Government (DCLG) published a prospectus titled 'Locally-led Garden Villages, Towns and Cities' which aimed to deliver accelerated housing supply through the support of high quality locally-led schemes that would realise a new generation of garden villages, towns and cities. An offer of support was made for ambitious locally led proposals for garden communities at a smaller scale of 'villages' 1,500 – 10,000 homes as well as larger 'towns' of more than 10,000 homes. The prospectus invited expressions of interest for Government support by 31<sup>st</sup> July 2016.

The Local Plan Review identified land to the east of Cullompton as a suitable location for strategic growth and included a draft policy for the allocation of mixed use development which included 2100 dwellings which could be put forward for Government support under the local led garden village scheme.

Consideration was given to:

- the funding that may be available under the scheme along with enabling support, brokerage, assistance in overcoming barriers and the ability to work alongside stakeholders to bring the development forward.
- The support of Cullompton Town Council and the Neighbourhood Plan Steering Group of the scheme.

**RESOLVED** that:

- 1) the submission of an expression of interest to the Government for support under the Homes and Communities Agency (HCA) prospectus 'Locally-led Garden Villages, Towns and Cities' be approved; and
- 2) Delegated authority be given to the Head of Planning and Regeneration in consultation with the Cabinet Member for Planning and Economic Regeneration to compile and submit the expression of interest documentation.

(Proposed by Cllr R J Chesterton and seconded by Cllr N V Davey)

Note: \*Report previously circulated, copy attached to minutes.

## 24. **DELIVERY OF STARTER HOMES (1-00-17)**

The Cabinet had before it a \* report of the Head of Planning and Regeneration regarding a bid for funding for the delivery of starter homes.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report explaining the proposed bid: partnerships with the HCA were to be used to acquire, assemble and de-risk land for starter home developments which could be built out by 2020. A list of 35 sites within the district had been identified with the

potential to provide 725 dwellings (364 starter homes) and that this list would require some refinement as not all sites were suitable for development, there was a need to establish likely build rates and assemble a portfolio of priority sites for further discussion; the input of Ward Members would be very important in the selection process.

Consideration was given to the need for local Ward Members to be involved in discussions at an early stage.

**RESOLVED** that:

- 1) The Expression of Interest made to the Homes and Communities Agency (HCA) under the prospectus “Starter Homes: Unlocking the Land Fund” be ratified; and
- 2) Delegated authority be given to the Heads of Housing and Planning & Regeneration in consultation with the Cabinet Members for Housing and Planning and relevant Ward Members to refine and prioritise a list of sites suitable for starter homes and seek a partnership with the HCA to deliver these.

(Proposed by Cllr R J Chesterton and seconded by Cllr R L Stanley)

Note: \*Report previously circulated, copy attached to minutes.

## 25. **S106 MONITORING FEES (1-04-22)**

The Cabinet had before it a \*report of the Chief Executive requesting consideration of the introduction of a monitoring fee within future legal agreements made pursuant to S106 of the Town and Country Planning Act 1990.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that a lot of time was spent monitoring Section 106 agreements and that there was a need to incorporate an administration fee into the S106 agreements to recover the cost of monitoring the provisions of planning agreements from applicants.

Consideration was given to:

- The types of planning obligations
- The monitoring activity that took place
- How the Planning Obligations Monitoring Officer was fed information
- The fact that the charge could not exceed the cost of the provision of the service

**RESOLVED** that the introduction of a planning obligation monitoring fee be approved and that delegated authority be given to the Head of Planning and Regeneration in conjunction with the Cabinet Member for Planning and Economic Regeneration to set the fees and any future review of fees.

(Proposed by Cllr R J Chesterton and seconded by Cllr R L Stanley)

Note: \*Report previously circulated, copy attached to minutes.

26. **LANDSCAPE IMPLICATIONS OF SOLAR ENERGY PROPOSALS SUPPLEMENTARY PLANNING DOCUMENT (1-13-06)**

The Cabinet had before it a \*report of the Head of Planning and Regeneration requesting Members approval of the Solar PV Developments in the Landscape Supplementary Planning Document (SPD).

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the Solar PV Developments in the Landscape SPD provided guidance on key landscape issues associated with solar photovoltaic (PV) developments. It provided guidance on the relative landscape sensitivities of different areas within Mid Devon to solar developments and offered advice with regard to the good siting and design of solar PV schemes including guidance on how potential impacts could be minimised.

It was generally felt that the document be welcomed and approved for use as a tool by Planning Officers.

**RESOLVED** that the Solar PV Developments in the Landscape Supplementary Planning Document be approved.

(Proposed by Cllr R J Chesterton and seconded by Cllr R L Stanley)

Note: \*Report previously circulated, copy attached to minutes.

27. **LAND AT ISABELLA ROAD, TIVERTON (1-16-03)**

The Cabinet had before it a \*report of the Head of Housing and Property Services seeking authorisation to appropriate a parcel of land for planning purposes.

The Cabinet Member for Housing outlined the contents of the report stating that the land had not been used as public open space following the completion of the Pinnex Moor Development and having become surplus to the Council's requirements it had been decided to dispose of it. Planning permission had been granted in 2011, he highlighted the legal process that had to take place if a third party made a claim to have required by prescription a right of way over part of the land.

Consideration was given to the Ward Member's view in that development of the parcel of land would tidy up the area.

**RESOLVED** that the appropriation of the land shown edged in red on the plan ("the Land") for planning purposes in accordance with section 122 of the Local Government Act 1972 be approved.

(Proposed by Cllr R L Stanley and seconded by Cllr P H D Hare-Scott)

Note: \*Report previously circulated, copy attached to minutes.

28. **PERFORMANCE AND RISK Q4 OUTTURN FOR 2015/16 (1-19-28)**

The Cabinet had before it and **NOTED** a \*report of the Head of Communities and Governance providing it with an update on performance against the corporate plan and local service targets for 2015-16 as well as providing an update on the key business risks.

The Internal Audit Team Leader walked Members through the report and Cabinet Members were invited to highlight any issues within their portfolios.

Discussion followed with regard to:

- Brown bins and the new composting scheme
- The reduction of carbon footprint in our offices and public buildings
- The percentage of food premises inspected
- The percentage of leisure members retained
- Major planning applications
- Satisfaction with front line services

Note: \*Report previously circulated, copy attached to minutes.

29. **NOTIFICATION OF KEY DECISIONS (1-26-00)**

The Cabinet had before it, and **NOTED**, its rolling plan \* for June 2016 containing future key decisions.

Note: \* Plan previously circulated; copy attached to the signed Minutes

(The meeting ended at 3.43 pm)

**CHAIRMAN**



## COMMUNITY WELL BEING PDG 7 JUNE 2016

### Proposed changes to the Council Tax Reduction Scheme for 2017/18

**Cabinet Member** Cllr Peter Hare-Scott  
**Responsible Officer** Head of Finance, Andrew Jarrett

**Reason for Report:** To provide members with details of the proposed changes to the Council Tax Reduction Scheme from April 2017.

**RECOMMENDATION(S):** To note the reasons for the proposal, the consultation process and requirement to approve a revised scheme by 31 January 2017.

**Relationship to Corporate Plan:** The Council will continue to ensure a localised CTR scheme provides direct financial support in the economic wellbeing of the district taking into account other welfare reforms and council services.

**Financial Implications:** Funding for the Council Tax Reduction Scheme is now included within the Revenue Support Grant and with the ongoing reduction of RSG, councils must ensure their local scheme is fair, transparent and affordable.

**Legal Implications:** Section 13A of the Local Government Finance Act 1992, as amended by the Local Government Act 2012, requires the Council to approve a Council Tax Reduction scheme by 31 January each year.

**Risk Assessment:** Failure to consult on the proposals for a Local Council Tax Reduction Scheme will mean non-compliance with the statutory duties within the Local Government Finance Bill. The Council must be confident that the scheme will withstand any equality impact assessment.

#### 1.0 Introduction

- 1.1 Council Tax Reduction (CTR) (also known as Council Tax Support) was introduced on 1 April 2013 and replaced Council Tax Benefit, which was previously fully funded by the Department for Work and Pensions (DWP).
- 1.2 CTR is a local reduction scheme. The scheme for working-age customers (those below the age to claim State Pension) is set out in our CTR Scheme Policy. The requirement to have a policy is within S13A and Schedule 1a of the Local Government Finance Act 1992.
- 1.3 The scheme for pension-age customers is a national scheme and is prescribed within Government legislation. Pensioners are protected in order to receive the same level of support they received under the DWP Council Tax Benefit Scheme up to 31 March 2013.
- 1.4 Funding for a CTR scheme is now included within the Revenue Support Grant. Members will recall the Government reduced the level of funding by 10% when responsibility was transferred and have effectively reduced the funds available to support the scheme each year as the level of RSG has been reduced.

## 2.0 Proposed changes

2.1 On 15 April 2016 a report submitted to the Devon Local Government Steering Group asked Chief Executives and Leaders to consider the future strategy for CTR.

2.2 It was agreed the CTR scheme for working age customers should change to align with recent changes to Housing Benefit and Universal Credit to keep the schemes more closely aligned (see 2.3 and 2.4 below) and reduce any ongoing administrative burden.

2.3

To align with Housing Benefit
<ul style="list-style-type: none"><li>a. Removal of family premium for all new claims or break in claims</li><li>b. Removal of Employment &amp; Support Allowance Work Related Activity Component for all new ESA claims</li><li>c. Temporary Absence Rule for persons absent from GB for 4 weeks or more</li><li>d. No dependant addition for third or subsequent child born on or after 1 April with certain exceptions</li><li>e. Backdating reduced to 1 calendar month (from 6 months)</li><li>f. Responsibility to report changes extended to exclude partners</li></ul>



2.4

To align with Universal Credit
<ul style="list-style-type: none"><li>a. Simplify the assessment by using figures within the UC calculation to calculate CTR</li><li>b. Simplify the administration process</li><li>c. Introduce a minimum change threshold to eliminate the need to recalculate a claim every calendar month</li><li>d. Introduce a minimum income floor for self-employed customers who have declared zero income for more than 12 months</li></ul>



2.5 Full details of customers who will be affected are not known at present. Further analysis will be undertaken and reported to members for consideration in September.

## 3.0 Consultation, communication and reporting

3.1 It is a DCLG requirement that all local authorities must consult on any proposed changes to their CTR scheme.

3.2 A Supreme Court ruling in 2014 has imposed strict rules surrounding consultations and decision making on CTR schemes. *Supreme Court- R (on the application of Moseley (in substitution of Stirling Deceased) (AP) Appellant v London Borough of Haringey*.

- 3.3 Devon Chief Finance Officers discussed on 27 April 2016 the work involved in changing CTR schemes and it was agreed Devon County Council (DCC) would lead on consultation, communication and the equality impact assessment as a contribution towards the additional resource required.
- 3.4 The consultation will be predominantly web based. DCC will host this and will be responsible for analysing the responses for each district. At this stage we expect the consultation process will take place between June and August 2016.
- 3.5 A full awareness campaign is planned for residents of Mid Devon, applicants who currently receive CTR and other key stakeholders. The Mid Devon web site will contain details of the changes and link to the consultation questionnaire. A paper version of the questionnaire will be available on request.

#### **4.0 Financial Impact**

- 4.1 Any reductions to CTR, whilst increasing council tax income to the Council and our major preceptors, have financial implications for our residents. We will continue to offer support on managing finances and advice on other potential benefits through our partnership with Wisermoney.
- 4.2 Modelling has been undertaken at a pan-Devon level which has indicated the proposed changes to the CTR scheme may result in savings of circa £20k for Mid Devon. This figure would be subject to levels of collection

#### **5.0 Equalities Implications /Public Sector Duty**

- 5.1 The existing CTR scheme is supported by the original Equality Impact Assessment (EIA) undertaken in 2013 following the consultation in 2012. The existing scheme also supports the most vulnerable members of our community as it contains more generous provisions for protecting disabled residents (which is applied to any applicant where a member of the household is in receipt of Disability Living Allowance or Personal Independence Payment (PIP)).
- 5.2 The Council must take account of the equality duty and in particular any potential impact on protected groups. Due regard should therefore be had to the Public Sector Equality Duty when giving consideration to a review of the scheme and the recommendations in this report.
- 5.3 Once further analysis of responses to the consultation and possible impacts have been obtained, the EIA will be updated and available for members to consider.

## **6.0 Conclusion**

- 6.1 The findings will be reported to CWB on 27 September 2016. This meeting will need to approve any revisions to our current CTR scheme, in order for the Cabinet to make recommendation on 24 November 2016, prior to final approval by Full Council on 14 December 2016.

**Contact for more Information:** Dawn Harris Benefit Manager 01884 234372 / dharris@middevon.gov.uk

**Circulation of the Report:** Members of Community Wellbeing PDG, Cllr Hare-Scott and Management Team

## COMMUNITY WELL-BEING PDG

7 JUNE 2016:

### SAFEGUARDING POLICY, GUIDANCE AND PROCEDURES

**Cabinet Member** Cllr Mrs M E Squires, Cabinet Member for Working Environment and Support Services  
**Responsible Officer** Amy Tregellas, Head of Communities & Governance

**Reason for Report:** To provide Members with the updated Safeguarding Policy, Guidance and Procedures.

**RECOMMENDATION:** That the PDG recommends the Devon District Councils joint Safeguarding Policy (Appendix A) and the MDDC guidance and procedures (Appendix B) to Cabinet for approval.

**Relationship to Corporate Plan:** Safeguarding is a corporate matter which overarches the Corporate Plan.

**Financial Implications:** None identified

**Legal Implications:** If we do not have appropriate policies and procedures in place we may not meet the requirements of relevant Safeguarding legislation i.e. the Children's Act 2004, Care Act 2014, etc

**Risk Assessment:** Failure to have adequate policies and procedures in place may result in harm or injury to a child or vulnerable adult

#### 1.0 Introduction

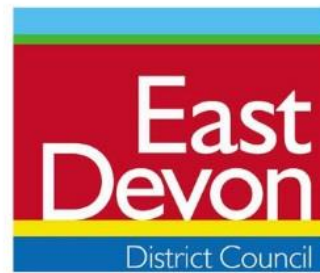
- 1.1 The purpose of this report is to bring forward the updated Safeguarding Policy along with guidance and procedures for Members consideration and approval.
- 1.2 The Head of Communities and Governance has been working with the other Devon Districts on a joint Safeguarding Policy for all of the Council's to adopt and this document is attached as Appendix A.
- 1.3 As well as the revised policy the Head of Communities and Governance has reviewed and updated the guidance and procedures for Safeguarding Children and Vulnerable Adults. This contains new information in terms of recognising Adults at risk as per the Care Act 2014.
- 1.4 Following Committee approval the Head of Communities and Governance will circulate the revised policy to all officers and Members and also facilitate training for relevant officers.

**Contact for more Information:** Amy Tregellas, Head of Communities & Governance ext 4246

**Circulation of the Report:** Management Team and Cabinet Member

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**DEVON DISTRICT COUNCILS**  
**JOINT SAFEGUARDING POLICY**



This policy should be read with the individual district council guides managers and employees  
 This policy can be made available in large print and other formats such as printed on yellow paper, taped, Braille etc. as requested.

Policy development and Version details

V1 10 December 2015

<b>Title</b>	Devon District Councils Joint Safeguarding Policy
<b>Author</b>	Devon District Councils Safeguarding Leads
<b>Owner</b>	Melinda Pogue-Jackson, Exeter City Council
<b>Review dates</b>	May 2017
<b>Status for FOI</b>	Open
<b>Protected marking status</b>	Unclassified
<b>EqIA conducted</b>	October 2015

Version	Date	Description

**1. Introduction**

- 1.1 This policy is based on the district council responsibilities under:
  - 1.1.1 The Care Act 2014 in particular Sections 42 to 46 related to safeguarding, further information can be found at: <http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted>
  - 1.1.2 The Children Act 2004, specifically Section 11 which places a duty on key people and public bodies, including district councils, to make arrangements to ensure that their functions are discharged with regard to the need to safeguard and promote the welfare of children. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2004/31/contents>
  - 1.1.3 The Counter Terrorism Act 2015 section 26 which places a duty on certain bodies, in the exercise of their functions, to have due regard to the need to prevent people from becoming terrorists or supporting terrorism. The Prevent Agenda is one of four strands which makes up the Governments counter-terrorism strategy. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2015/6/contents>
  - 1.1.4 The Modern Slavery Act 2015. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>
  - 1.1.5 The Anti-Social Behaviour, Crime and Policing Act 2014 in particular Part 10 relating to forced marriage. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted>
  - 1.1.6 The Serious Crime Act 2015 particularly Part 5 relating to female genital mutilation, child cruelty and domestic abuse. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2015/9/contents/enacted>



- 1.1.7 The policy is written with reference to the principle of Think Child, Think Parent, Think Family. Further information can be found at: <http://www.publichealth.hscni.net/publications/think-child-think-parent-think-family-0>

## 2. Policy commitment

- 2.1 Devon District Councils believe that all children, young people and adults have the right to be safe, happy and healthy and deserve protection from abuse. The councils are committed to safeguarding from harm all children, young people and adults with care and support needs (see definition in point 4 relating to the Care Act 2014) using any council services and involved in any of their activities, and to treat them with respect during their dealings with the councils, our partners and contractors.

## 3. Aims of the Policy

- 3.1 The aims of the policy are to:

- Clarify the roles and responsibilities of all parties within scope of the policy.
- Support the promotion of a safe working environment and a culture of care in which the rights of all children, young people and adults with care and support needs are protected and respected.
- Promote best practice in how employees and associated workers interact with children, young people and adults with care and support needs while providing Council services.
- Develop clear guidance and procedures for those employees working with children, young people and adults with care and support needs and ensure through training and support that they are aware of these and able to implement them.
- Provide a framework for developing partnerships with appropriate external bodies e.g. Devon Safeguarding Children Board and Devon Safeguarding Adults Board, to ensure that the policy continues to reflect legal and best practice requirements in respect of the responsibility of care of children, young people and adults with care and support needs.

## 4. Scope of the Policy

- 4.1 The policy is in respect of the district council responsibility towards:

- Children and young people, legally defined as any person under the age of 18. From this point the terms child or children will be used to refer to this group.
- Adults with care and support needs are defined under the Care Act 2014 and for the purposes of this policy, as anyone over the age of 18 who:
  - has needs for care and support (whether or not the local authority is meeting any of those needs) **and**;
  - is experiencing, or at risk of, abuse or neglect; **and**
  - as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.
- The employees of the council who have dealings with children, young people and adults with care and support needs and who are required to act in a position of trust and to act responsibly and within the law.

- The employees and elected members of the council who, while not required to act in a position of trust, will come into contact with members of these groups on a regular basis during the course of their work.
  - Volunteers and other workers involved in the provision of council services but not employed by the council, including workers in organisations with whom the council has contracts for the delivery of services.
- 4.2 It covers all the functions and services of the council, its elected members, staff, partners and contractors.
- 4.3 This document is primarily concerned with protecting children, young people and adults with care and support needs from harm and providing guidance on how to deal with issues. However it is important to remember that safeguarding has a wider meaning which includes the promotion of welfare and taking action to enable all children, young people and adults with care and support needs to have the best life outcomes.
- 4.3 The policy does not cover health and safety issues related to safeguarding children such as use of play equipment or provision of food at events. Separate guidance on this and appropriate behaviours when dealing with children and adults with care and support needs, should be read in conjunction with this policy.
- 4.4 Where available this policy should also be used in conjunction with the following documents:
- Disciplinary Procedure
  - Grievance Procedure
  - Whistle Blowing Policy
  - Access to Information Policy
  - Acceptable Use Policy
  - Equality Policy
  - Complaints & Feedback Procedure
  - Harassment and Hate Crime Policy
  - Health & Safety at Work guidance

## 5. Responsibility

- 5.1 Responsibility for the implementation of this policy lies at all levels of the council.
- 5.2 Elected Members are responsible for ensuring that the council has a policy, which adequately provides protection for children and adults with care and support needs in receipt of its services and for the regular review of this policy in the light of changes to legislation e.g. Data Protection Act, or new legislation or regulation.
- 5.3 Elected Members should report any concerns to the Corporate Safeguarding Lead.
- 5.4 A designated Lead Member will be appointed to assume lead responsibility for safeguarding.
- 5.6 There are a number of safeguarding staff across each council situated in teams and services which have the most experience of dealing with safeguarding issues in their day to day work. In addition each organisation has appointed a Corporate Safeguarding Lead responsible for co-ordinating the implementation of the policy and providing a single point of contact for the safeguarding boards.
- 5.7 Any staff who have a safeguarding concern should in the first instance discuss the matter with any one of the safeguarding leads who will make a decision whether or not to refer the matter to the appropriate external organisation.

#### 5.8 Safeguarding leads have responsibility for:

- Receiving concerns, discussing them with whoever has raised the concern and taking advice from the relevant partner agency/County Council service: this could include complex matters such as consent and whether parents/carers should be notified.
- Making a decision about how to proceed and whether to make a formal referral. If there is disagreement on the appropriate course of action to take then the safeguarding lead has the final decision. Where staff are dissatisfied with the decision of the safeguarding lead, they should report their concerns to their line manager in the first instance and can still make a referral if they have strong concerns.
- Ensuring the procedure is followed on such matters as making a referral, confidentiality and recording.
- Working with colleagues to improve practice across the organisation.
- In the event of an incident or query, should a safeguarding lead not be available, staff should go straight to relevant Devon County Council service. They can be supported by a senior manager but details of any incident must not be shared unless absolutely necessary.
- Attending appropriate courses and updating of safeguarding legislation.

#### 5.9 In addition the Corporate Safeguarding Lead has responsibility for:

- ensuring there is a secure central record relating to allegations and investigations
- acting as multi agency partner on the Local Safeguarding Children Board and Local Adult Safeguarding Board
- advocating the importance of safeguarding to partners, contractors and customers
- ensuring all safeguarding policies, procedures and guidelines are implemented and promoted

#### 5.10 Line Managers are responsible for:

- Ensuring that employees, volunteers and other workers dealing with these groups are adequately trained and aware of their responsibilities in this area.
- Ensuring that external contractors delivering council services are aware of the council's expectation that workers are aware of and abide by the standards of behaviour expected of council employees.
- Ensuring that carers and/or parents of the children and adults with care and support needs are aware that, in providing services, council employees are not normally acting in place of a parent, except in relation to events for unaccompanied children who have been formally registered.
- Ensuring the carers and/or parents of the children and adults with care and support needs who are in direct receipt of council services<sup>1</sup> are made aware that services will be delivered in line with this policy.
- Ensuring that any evidence or complaint of abuse or lack of care is reported to the appropriate body e.g. Devon County Council, Safeguarding Board or the Police, and to council's Human Resources or Personnel team where members of staff are involved.

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<sup>1</sup> For example: this would include arranging accommodation for a vulnerable adult or holding an event for children at the museum. It would not include arranging accommodation for a family with children where the contract is with the parents/carers.

- Ensuring that employees and others do not work with children or adults with care and support needs on regulated activities without an appropriate Disclosure & Barring Service (DBS) disclosure.
- Working with other associated agencies to ensure the proper transfer of information relating to dealings with children and adults with care and support needs, where necessary.
- Ensuring that adequate supervision and support is available to those who have been directly involved in dealing with safeguarding cases, including a debrief of the case and any relevant outcomes.

5.11 In addition to the above, members of the senior management team are responsible for:

- Identifying those services and posts that are likely to have an involvement with children and adults with care and support needs, and undertaking an appropriate risk assessment of posts in respect of DBS disclosure requirements.
- Ensuring that those people appointed by them to the district council, whose normal duties fall into the definition of Regulated Activity as defined in the Safeguarding Vulnerable Groups Act 2006 and amended by the Protection of Freedoms Act 2012, are subject to the appropriate level of DBS disclosure and are appropriately qualified and/or trained in working with these groups.
- Ensuring that all necessary procedures and practices are in place to provide adequate protection both for the individuals in these groups but also protection for the employees involved with them.
- Ensuring that proper records are kept of any incidents occurring within their service and that these are held securely and/or passed on to the council's Human Resources/Personnel team if the incident involves a member of staff.
- Ensuring that the procurement framework for the authority includes expectations upon contractors to demonstrate effective safeguarding practices for all their staff.
- The Head of Paid Service/ Chief Executive is the lead officer with overall responsibility for the organisation's safeguarding arrangements.

5.12 Human Resources/Personnel are responsible for:

- Working with senior managers in maintaining a record of those posts, requiring a DBS disclosure together with the level of disclosure required.
- Ensuring that recruitment procedures are robust and that information pertinent to working with these groups is obtained during the recruitment procedure.
- Ensuring that DBS Disclosures are carried out in compliance with legislation and DBS guidance.
- Supporting senior managers in dealing with allegations of abuse or lack of care by staff.
- Referring information to the DBS and Local Authority Designated Officer (LADO) about employees who have been dismissed or removed from working with vulnerable groups (or would have been had they not left/resigned) as a result of a relevant caution/conviction, conduct that has harmed or put a child/vulnerable adult at risk of harm, or satisfied the 'Harm Test' in relation to vulnerable groups.

- 5.13 All employees and particularly those working with children and adults with care and support needs are responsible for:
- Ensuring that they are familiar with and understand the policies and procedures relating to their work with or in the vicinity of children and adults with care and support needs.
  - Ensuring that they feel confident in working within this environment and working with their managers to ensure that they have the knowledge and skills to carry out their tasks in this context.
  - Treating all those children and adults with whom they come into contact while carrying out their work equally and with respect.
  - Reporting to a Safeguarding Lead, any concerns they may have about abuse or a lack of care of children and adults with care and support needs either from other staff, from carers, parents or those in place of a parent or between members of the group.

5.14 Volunteers, partners, contractors and other workers are responsible for:

- Working with employees of the council, to the same standard, in ensuring the safety and well-being of children and adults with care and support needs within their scope.
- Participating in any training or development opportunities offered to them to improve their knowledge of skills in this area.

## **6. Review**

- 6.1 This policy and the guidance will be reviewed annually or whenever there is a change in the related legislation or an emerging risk is identified. This will help us ensure that these documents are up to date and fit for purpose.

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# Mid Devon District Council

## *Safeguarding Children and Vulnerable Adults guidance and procedures*

June 2016

# Contents

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- 2.0 What is Child Abuse?
  - 2.1 Forms of Abuse
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  - 4.1 Important Rule
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- 5.0 Response Situations
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- 6.0 Confidentiality
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## Appendices

Appendix A – Recommended Legislation and Guidance

Appendix B – Useful Contacts



This guidance and procedures document is to be used in conjunction with the Devon District Councils Joint Safeguarding Policy.

The purpose of this document is to give guidance and outline procedures for officers and Members in respect of safeguarding children and vulnerable adults.

Mid Devon District Council has both a moral and legal obligation to ensure a duty of care. We have a responsibility to safeguard and promote the well being of children and vulnerable adults who participate in our services, so that they do so in a safe and positive atmosphere free from harassment and bullying. However, we do recognise that not everyone has positive experiences in their life, and are committed in our role to promote the welfare of children and vulnerable adults by encouraging good practice.

Mid Devon District Council is committed to ensuring that all children and vulnerable adults are protected and kept safe from harm whilst engaged in services organised and provided by the Council. A number of services can play an important role in safeguarding and promoting the welfare of individuals as part of their day-to-day work, recognising welfare issues, sharing information, making referrals and subsequently managing or reducing risks. These services are housing, homelessness, environmental health and leisure, as well as other front line roles.

The purpose of this guidance and procedures is to help protect the children and vulnerable adults placed in our care within our services and protect Mid Devon District Council, its staff, elected members and volunteers.

The Council aims to do this by:

- Raising the awareness of the duty of care responsibilities relating to children and vulnerable adults throughout the Council.
- Actively encouraging good practice amongst all staff, elected members and volunteers throughout the Council and promoting wider awareness wherever possible, i.e. partnership organisations and user groups.
- Creating a safe and healthy environment within all our services, avoiding situations where abuse or allegations of abuse may occur.
- Respecting and promoting the rights, wishes and feelings of children and vulnerable adults. Listening, minimising dangers and working closely with other agencies.
- Recruiting, training, supervising and supporting staff, elected members and volunteers to adopt best practice to safeguard and protect individuals from abuse, and themselves against false allegations. Staff and volunteers who work with children and vulnerable adults will be subject to the appropriate level Disclosure and Barring Service (DBS) check.
- Responding to any allegations appropriately and implementing the appropriate disciplinary and appeals procedures.
- Staff, elected members and volunteers to adopt and abide by the Devon District Councils Joint Safeguarding Policy and the MDDC Safeguarding Children and Vulnerable Adults guidance and procedures.

Objectives to achieve these aims:

- To provide appropriate training for staff, elected members and volunteers, to enable them to recognise the potential signs and indicators of abuse and to improve good practice.
- To aid staff, elected members and volunteers to respond sensitively and seriously to anyone who discloses information about abuse, and be confident and able to take appropriate action swiftly, regardless of whom the allegation is about, e.g. carer/staff member.

- To maintain a level of good working practice at all times and therefore reducing the risk to participants under the care of our staff and volunteers.
- To promote the general welfare and well-being of children and vulnerable adults during and within Council services.
- To develop and implement effective procedures for recording and responding to incidents and accidents.
- To develop and implement effective procedures for recording and responding to complaints of alleged or suspected abuse.
- Ensure all service areas identify any potential risks to children and vulnerable adults which feeds into the corporate risk register.

## 2.0 What is Child Abuse?

Children under the age of 18 years are protected by the Childrens Act of 1989 and 2004. A person is a "child" until they reach 18 years of age.

The Children’s Act 2004, adds to this stating that “Any reference to a child includes, in addition to a person under the age of 18, a person aged 18, 19 or 20 who—  
 (a) has been looked after by a local authority at any time after attaining the age of 16; or  
 (b) has a learning disability (“learning disability” means a state of arrested or incomplete development of mind which induces significant impairment of intelligence and social functioning).

A person may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. Children and young people may be abused in a family or in an institutional or community setting; by those known to them or, more rarely, by a stranger.

### 2.1. The Main Forms of Abuse

It is generally accepted that there are four main forms of child abuse.

#### **Physical Abuse**

Physical abuse is defined as when someone deliberately hurts a child, such as hitting, shaking, throwing, poisoning, burning, drowning or suffocating a child deliberately and with the intention of causing harm.

If a child is hurt by a relative, friend or stranger and it causes them physical harm, such as cuts, bruises, broken bones or other injuries, it is physical abuse.

Physical abuse, as well as being a result of a deliberate act, can also be caused through omission or the failure to act to protect.

#### **Emotional Abuse**

Emotional abuse is severe and persistent ill treatment of a child. It can have long-lasting and devastating effects on a child’s emotional health and development.

Emotional abuse can take different forms such as when a child is unfairly blamed for everything, or told they are stupid, worthless or ugly and made to feel very sad and unhappy.

It may feature age or developmentally inappropriate expectations being imposed on children or young people. It may also involve causing children or young people to frequently feel frightened or in danger, or the exploitation or corruption of a child or young person.

Emotional abuse may be the only form of abuse suffered by a child, or it might be an element of other child abuse and neglect.

### **Sexual Abuse**

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, whether or not the child or young person is aware of, or consents to, what is happening. The activities may involve physical contact, including penetrative acts such as rape, buggery or oral sex or non-penetrative acts such as fondling.

Sexual abuse may also include non-contact activities, such as involving children or young people in looking at, or in the production of, child abuse imagery or watching sexual activities, or encouraging children or young people to behave in sexually inappropriate ways.

Boys and girls can be sexually abused by males and/or females, by adults and by other young people. This includes people from all different walks of life.

### **Neglect**

Neglect is where a child is not being looked after properly. Neglect is the persistent failure to meet a child's basic and essential needs, which is likely to result in serious impairment of the child or young person's health or development.

It may involve a parent or carer failing to provide adequate food, shelter and clothing, leaving a young child home alone or the failure to ensure that a child or young person gets appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child or young person's basic emotional needs. Children need adequate food, water, shelter, warmth, protection and health care and they need their carers to be attentive, dependable and kind. If a child does not have a safe and stable home, this is neglect.

There are many signs that may indicate neglect; if your common sense and instincts tell you that something is wrong then you should take action.

A child's circumstances may also make them more vulnerable to neglect, such as children who are in care or seeking asylum.

## **3.0 Recognising Adults at risk**

### **3.1 There are a number of categories of abuse:**

#### **Physical Abuse**

Types of physical abuse:

- Assault, hitting, slapping, punching, kicking, hair-pulling, biting, pushing
- Rough handling
- Scalding and burning
- Physical punishments
- Inappropriate or unlawful use of restraint

- Making someone purposefully uncomfortable (e.g. opening a window and removing blankets)
- Involuntary isolation or confinement
- Misuse of medication (e.g. over-sedation)
- Forcible feeding or withholding food
- Unauthorised restraint, restricting movement (e.g. tying someone to a chair)

#### Possible indicators of physical abuse:

- No explanation for injuries or inconsistency with the account of what happened
- Injuries are inconsistent with the person's lifestyle
- Bruising, cuts, welts, burns and/or marks on the body or loss of hair in clumps
- Frequent injuries
- Unexplained falls
- Subdued or changed behaviour in the presence of a particular person
- Signs of malnutrition
- Failure to seek medical treatment or frequent changes of GP

### **Domestic Violence**

#### Types of domestic violence or abuse

Domestic violence or abuse can be characterised by any of the indicators of abuse outlined in this briefing relating to:

- psychological
- physical
- sexual
- financial
- emotional.

Domestic violence and abuse includes any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been, intimate partners or family members regardless of gender or sexuality. It also includes so called 'honour' -based violence, female genital mutilation and forced marriage.

Coercive or controlling behaviour is a core part of domestic violence. Coercive behaviour can include:

- acts of assault, threats, humiliation and intimidation
- harming, punishing, or frightening the person
- isolating the person from sources of support
- exploitation of resources or money
- preventing the person from escaping abuse
- regulating everyday behaviour.

#### Possible indicators of domestic violence or abuse

- Low self-esteem
- Feeling that the abuse is their fault when it is not
- Physical evidence of violence such as bruising, cuts, broken bones
- Verbal abuse and humiliation in front of others
- Fear of outside intervention
- Damage to home or property
- Isolation – not seeing friends and family
- Limited access to money

## **Sexual Abuse**

### Types of sexual abuse

- Rape, attempted rape or sexual assault
- Inappropriate touch anywhere
- Non- consensual masturbation of either or both persons
- Non- consensual sexual penetration or attempted penetration of the vagina, anus or mouth
- Any sexual activity that the person lacks the capacity to consent to
- Inappropriate looking, sexual teasing or innuendo or sexual harassment
- Sexual photography or forced use of pornography or witnessing of sexual acts
- Indecent exposure

### Possible indicators of sexual abuse

- Bruising, particularly to the thighs, buttocks and upper arms and marks on the neck
- Torn, stained or bloody underclothing
- Bleeding, pain or itching in the genital area
- Unusual difficulty in walking or sitting
- Foreign bodies in genital or rectal openings
- Infections, unexplained genital discharge, or sexually transmitted diseases
- Pregnancy in a woman who is unable to consent to sexual intercourse
- The uncharacteristic use of explicit sexual language or significant changes in sexual behaviour or attitude
- Incontinence not related to any medical diagnosis
- Self-harming
- Poor concentration, withdrawal, sleep disturbance
- Excessive fear/apprehension of, or withdrawal from, relationships
- Fear of receiving help with personal care
- Reluctance to be alone with a particular person

## **Psychological abuse**

### Types of psychological or emotional abuse:

- Enforced social isolation – preventing someone accessing services, educational and social opportunities and seeing friends
- Removing mobility or communication aids or intentionally leaving someone unattended when they need assistance
- Preventing someone from meeting their religious and cultural needs
- Preventing the expression of choice and opinion
- Failure to respect privacy
- Preventing stimulation, meaningful occupation or activities
- Intimidation, coercion, harassment, use of threats, humiliation, bullying, swearing or verbal abuse
- Addressing a person in a patronising or infantilising way
- Threats of harm or abandonment
- Cyber bullying

### Possible indicators of psychological or emotional abuse

- An air of silence when a particular person is present
- Withdrawal or change in the psychological state of the person
- Insomnia

- Low self-esteem
- Uncooperative and aggressive behaviour
- A change of appetite, weight loss/gain
- Signs of distress: tearfulness, anger
- Apparent false claims, by someone involved with the person, to attract unnecessary treatment

### **Financial and Material abuse**

Types of financial or material abuse:

- Theft of money or possessions
- Fraud, scamming
- Preventing a person from accessing their own money, benefits or assets
- Employees taking a loan from a person using the service
- Undue pressure, duress, threat or undue influence put on the person in connection with loans, wills, property, inheritance or financial transactions
- Arranging less care than is needed to save money to maximise inheritance
- Denying assistance to manage/monitor financial affairs
- Denying assistance to access benefits
- Misuse of personal allowance in a care home
- Misuse of benefits or direct payments in a family home
- Someone moving into a person's home and living rent free without agreement or under duress
- False representation, using another person's bank account, cards or documents
- Exploitation of a person's money or assets, e.g. unauthorised use of a car
- Misuse of a power of attorney, deputy, appointeeship or other legal authority
- Rogue trading – eg. unnecessary or overpriced property repairs and failure to carry out agreed repairs or poor workmanship

Possible indicators of financial or material abuse:

- Missing personal possessions
- Unexplained lack of money or inability to maintain lifestyle
- Unexplained withdrawal of funds from accounts
- Power of attorney or lasting power of attorney (LPA) being obtained after the person has ceased to have mental capacity
- Failure to register an LPA after the person has ceased to have mental capacity to manage their finances, so that it appears that they are continuing to do so
- The person allocated to manage financial affairs is evasive or uncooperative
- The family or others show unusual interest in the assets of the person
- Signs of financial hardship in cases where the person's financial affairs are being managed by a court appointed deputy, attorney or LPA
- Recent changes in deeds or title to property
- Rent arrears and eviction notices
- A lack of clear financial accounts held by a care home or service
- Failure to provide receipts for shopping or other financial transactions carried out on behalf of the person
- Disparity between the person's living conditions and their financial resources, e.g. insufficient food in the house
- Unnecessary property repairs

Types of modern slavery:

- Human trafficking
- Forced labour
- Domestic servitude
- Sexual exploitation, such as escort work, prostitution and pornography
- Debt bondage – being forced to work to pay off debts that realistically they never will be able to

Possible indicators of modern slavery

- Signs of physical or emotional abuse
- Appearing to be malnourished, unkempt or withdrawn
- Isolation from the community, seeming under the control or influence of others
- Living in dirty, cramped or overcrowded accommodation and or living and working at the same address
- Lack of personal effects or identification documents
- Always wearing the same clothes
- Avoidance of eye contact, appearing frightened or hesitant to talk to strangers
- Fear of law enforcers

### **Discriminatory Abuse**

Types of discriminatory abuse:

- Unequal treatment based on age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex or sexual orientation (known as '**protected characteristics**' under the **Equality Act 2010**)
- Verbal abuse, derogatory remarks or inappropriate use of language related to a protected characteristic
- Denying access to communication aids, not allowing access to an interpreter, signer or lip-reader
- Harassment or deliberate exclusion on the grounds of a protected characteristic
- Denying basic rights to healthcare, education, employment and criminal justice relating to a protected characteristic
- Substandard service provision relating to a protected characteristic

Possible indicators of discriminatory abuse

- The person appears withdrawn and isolated
- Expressions of anger, frustration, fear or anxiety
- The support on offer does not take account of the person's individual needs in terms of a protected characteristic

### **Institutional Abuse**

Types of organisational or institutional abuse:

- Discouraging visits or the involvement of relatives or friends
- Run-down or overcrowded establishment
- Authoritarian management or rigid regimes
- Lack of leadership and supervision
- Insufficient staff or high turnover resulting in poor quality care
- Abusive and disrespectful attitudes towards people using the service
- Inappropriate use of restraints

- Lack of respect for dignity and privacy
- Failure to manage residents with abusive behaviour
- Not providing adequate food and drink, or assistance with eating
- Not offering choice or promoting independence
- Misuse of medication
- Failure to provide care with dentures, spectacles or hearing aids
- Not taking account of individuals' cultural, religious or ethnic needs
- Failure to respond to abuse appropriately
- Interference with personal correspondence or communication
- Failure to respond to complaints

Possible indicators of organisational or institutional abuse:

- Lack of flexibility and choice for people using the service
- Inadequate staffing levels
- People being hungry or dehydrated
- Poor standards of care
- Lack of personal clothing and possessions and communal use of personal items
- Lack of adequate procedures
- Poor record-keeping and missing documents
- Absence of visitors
- Few social, recreational and educational activities
- Public discussion of personal matters
- Unnecessary exposure during bathing or using the toilet
- Absence of individual care plans
- Lack of management overview and support

### **Neglect and acts of omission**

Neglect is deliberately withholding or unintentional failure to provide appropriate and adequate care and support which is necessary for the adult to carry out daily living activities.

Types of neglect and acts of omission:

- Failure to provide or allow access to food, shelter, clothing, heating, stimulation and activity, personal or medical care
- Providing care in a way that the person dislikes
- Failure to administer medication as prescribed
- Refusal of access to visitors
- Not taking account of individuals' cultural, religious or ethnic needs
- Not taking account of educational, social and recreational needs
- Ignoring or isolating the person
- Preventing the person from making their own decisions
- Preventing access to glasses, hearing aids, dentures, etc.
- Failure to ensure privacy and dignity

Possible indicators of neglect and acts of omission:

- Poor environment – dirty or unhygienic
- Poor physical condition and/or personal hygiene
- Pressure sores or ulcers
- Malnutrition or unexplained weight loss
- Untreated injuries and medical problems
- Inconsistent or reluctant contact with medical and social care organisations



- Accumulation of untaken medication
- Uncharacteristic failure to engage in social interaction
- Inappropriate or inadequate clothing

### **Self neglect**

Types of self-neglect:

- Lack of self-care to an extent that it threatens personal health and safety
- Neglecting to care for one's personal hygiene, health or surroundings
- Inability to avoid self-harm
- Failure to seek help or access services to meet health and social care needs
- Inability or unwillingness to manage one's personal affairs

Indicators of self-neglect:

- Very poor personal hygiene
- Unkempt appearance
- Lack of essential food, clothing or shelter
- Malnutrition and/or dehydration
- Living in squalid or unsanitary conditions
- Neglecting household maintenance
- Hoarding
- Collecting a large number of animals in inappropriate conditions
- Non-compliance with health or care services
- Inability or unwillingness to take medication or treat illness or injury

## **4.0 Responding to Concerns and Allegations**

These procedures inform all staff, elected members and volunteers of what actions they should take if they have concerns or encounter a case of alleged or suspected abuse, i.e. response actions. The procedures apply to all Mid Devon District Council staff, elected members and volunteers.

### **4.1 Important Rules**

It is important that all staff, elected members and volunteers are aware that the first person that has concerns or encounters a case of alleged or suspected abuse is not responsible for deciding whether or not abuse has occurred. However, staff, elected members and volunteers do have a duty of care to the child or vulnerable adult to report any suspicions you may have.

**REMEMBER**  
**It is not your job to judge or investigate BUT to inform**

Nothing in this procedure should prevent the application of commonsense and if a member of staff, elected member or volunteer comes across an individual in distress or obvious physical need, they should ensure their immediate needs are met by calling in the appropriate professional help, including the police or ambulance services if necessary. Once their

immediate needs have been met then the basic response procedures detailed in section 6.0 should be followed.

**REMEMBER**  
The needs of the Individual always come first

#### 4.2 Corporate Safeguarding Officers and Service Designated Officers

Each frontline service has a designated person trained to deal with safeguarding issues. The Service Designated Officers and Corporate Safeguarding Officer are responsible for dealing with reports or concerns about the protection of children / vulnerable adults appropriately. Staff and Councillors can find contact details on the Safeguarding Page of SharePoint, the Council's internal webpages.

**If you are a member of the public and have a concern about MDDC services you can contact the corporate officer. However, if you have a concern about someone not in relation to MDDC services please contact the relevant organisation directly listed below.**

<b>Corporate Safeguarding Officer (CSO)</b>		
<b>Post</b>	<b>Name</b>	<b>Work Tel</b>
Head of Communities & Governance	Amy Tregellas	01884 234246
<b>Service Designated Officer (SDO)</b>		
Neighbourhood Team Leader	Mary Sergeant	01884 234286
Neighbourhood Team Leader	Lisa Harber	01884 234292
Homelessness Team Leader	Michael Parker	01884 234388
Head of Customer First	Liz Reeves	01884 234371
Deputy Manager for CVSC reps EVLC	Carole Jolliffe	01884 32853
Consultation & Youth Involvement	Amy Dugard	01884 234276
Human Resources Officer	Carmen Broom	01884 234290
Building Maintenance	Hannah Sergeant	01884 233004
Public Health Manager	Simon Newcombe	01884 244615
Community Safety	Julia Ryder	01884 234997
EVLC Manager	Lee Chester	01363 776190

#### **Useful contact numbers:**

**Care Direct** – If you suspect a vulnerable adult is being abused

- 0845 1551 007

#### **Devon and Cornwall Constabulary (Police)**

- Police Central Switchboard                      Tel: 101
- Police Emergency                                      Tel: 999

**Multi Agency Safeguarding Hub (MASH)** – if you are concerned about a child / young person

- Enquiry – 01392 388362
- To make a referral – 0345 1551071

If you think a child is in immediate danger, contact the police on 999.

**Adva Partnership** - if you are worried about domestic abuse or worried someone else is.

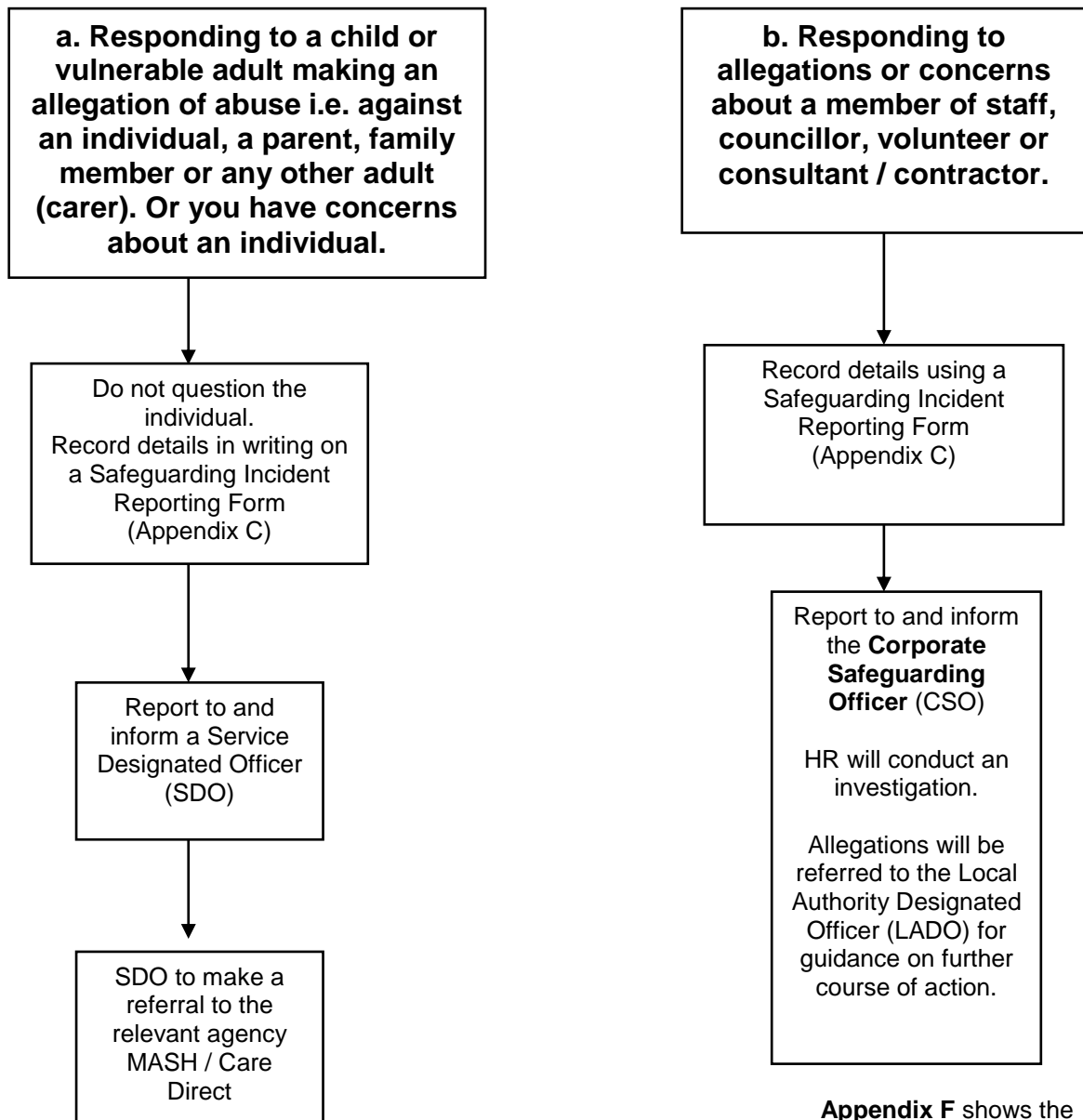
- 01392 382233

## 5.0 **Basic Response Procedure**

In general there are 2 situations that staff, elected members and volunteers may need to respond to:

Diagram 1 illustrates the basic response procedure/actions that should be followed for the two response situations.

### Basic response procedure/actions



**Appendix F** shows the process once a referral is made.

## 5.1 Specific Response Procedures

More specifically the following procedures should be followed in each situation.

### **Responding to a child or vulnerable adult making an allegation of abuse.**

Abused individuals will only tell people they trust and with whom they feel safe. By listening and taking seriously what the child or vulnerable adult is saying you are already helping the situation. The following points are a guide to help you respond appropriately.

1. **Stay calm.**
2. Listen carefully to what is said.
3. Find an appropriate early opportunity to explain that it is likely that the information will need to be shared with others – **do not promise to keep secrets.**
4. Allow the child or vulnerable adult to continue at their own pace.
5. Ask questions for clarification only, and at all times **avoid asking questions** that suggest a particular answer. Use **TED** (Tell me what happened, Explain what happened, Describe what happened).
6. Reassure the child or vulnerable adult that they have done the right thing in telling you.
7. Tell them what you will do next and with whom the information will be shared.
8. Record in writing on a Safeguarding Incident Reporting Form (see sharepoint) all the details that you are aware of and what was said using the child or vulnerable adults own words, as soon as possible.
9. Report to and inform your Service Designated Officer (if relevant), or the Corporate Safeguarding Officer as shown on page 11.
10. Service Designated Person / Corporate Safeguarding Officer inform relevant agency.

#### **REMEMBER**

**It is not your job to judge or investigate BUT to inform**

### **Responding to allegations or concerns against a member of staff, councillor or volunteer.**

1. Take the allegation or concern seriously.
2. Consider any allegation or concern to be potentially dangerous to the child or vulnerable adult.
3. Record in writing on a Safeguarding Incident Reporting Form (see sharepoint) all the details that you are aware of as soon as possible.
4. Report to and inform the Corporate Safeguarding Officer.

The CSO and / or LADO may feel that the allegation is due to poor practice, which needs to be addressed through training rather than an investigation. However this will be recorded.

#### **REMEMBER**

**It is not your job to judge or investigate BUT to inform**

## 6.0 Confidentiality

Every effort should be made to ensure that confidentiality is maintained for all concerned. Information should be handled and disseminated on a need to know basis only, i.e. Service Designated Officer, Corporate Safeguarding Officer, MASH and Care Direct.

It is extremely important that allegations or concerns are not discussed, as any breach of confidentiality could be damaging to the child or vulnerable adult, their family and any child protection investigations that may follow.

Informing the parents of a child or young person you may have concerns about needs to be dealt with in a sensitive way. If there is a possibility that the Child Protection allegation involves a parent or family member the concern should not be discussed with them until consultation with the SDO.

Any individual under supervision has the right to be notified about the cause for concern. This should be done in joint consultation with MASH and the Police. It is important that the timing of this does not prejudice the investigation.

Recorded information should be stored in a secure place with limited access to Service Designated Officer and Corporate Safeguarding Officers, in line with data protection laws (e.g. that information is accurate, regularly updated, relevant and secure).

If enquiries arise from the public (including parents) or any branch of the media, it is vital that all staff, elected members and volunteers are briefed so that they do not make any comments regarding the situation. Staff, elected members and volunteers should be informed who the relevant designated Council spokesperson will be, and all enquiries directed through them. Staff, elected members and volunteers should reply 'no comment' to all questions / enquiries.

## 7.0 Photography and Child Abuse Imagery

There is increasing evidence that some people have used children and young people's activities and events, as an opportunity to take inappropriate photographs or video footage. Staff, elected members and volunteers should be vigilant at all times and any person using cameras or videos within Mid Devon District Council services and at events or activities which involve children and young people should be approached and asked to complete a Consent Form for the use of Cameras and other Image Recorders (see sharepoint).

When commissioning professional photographers or inviting the press to cover Council services, events and activities you must ensure that you make your expectations clear in relation to child protection.

- Check credentials of any photographers and organisations used.
- Ensure identification is worn at all times, if they do not have their own – provide it.
- Do not allow unsupervised access to children or young people or one to one photographic sessions.

- Do not allow photographic sessions outside of the activities or services, or at a child or young persons home.
- Parents must be informed that photographs of their child or young person may be taken during Council services, activities or events, and parental consent forms need to be signed agreeing to this. This must include information about how and where these photographs will be used (see SharePoint).
- It is recommended that the names of children or young people should not be used in photographs or video footage, unless with the express permission of the child or young person's parent.

## **8.0 Good Practice for Mid Devon District Council**

### **The Care of the Organisation**

Anyone could have the potential to abuse children or young people in some way and it is important that all reasonable steps are taken by Mid Devon District Council to ensure that unsuitable people are prevented from working with children and vulnerable adults.

### **8.1 Use of Contractors**

Mid Devon District Council and its staff, elected members and volunteers should undertake reasonable care that contractors doing work on behalf of the Council are monitored appropriately.

Any contractor or sub-contractor, engaged by the Council in areas where workers are likely to come into contact with children or vulnerable adults, should have it's own equivalent Policy, or failing this, must comply with the terms of this policy.

Where there is potential for contact with children and vulnerable adults it is the responsibility of the manager who is using the services of the contractor to check that the correct Criminal Records Bureau check has been satisfactorily completed.

### **8.2 Facilities**

Mid Devon facilities which are used by the public need to be kept in a safe condition and risk assessed.

## **9.0 Guidance for staff can be found on SharePoint covering:**

<http://mddcmoss/sites/phoenix/ceo/nhr/HR%20Profiles/Forms/AllItems.aspx?RootFolder=%2fites%2fphoenix%2fceo%2fnhr%2fHR%20Profiles%2fSafeguarding%20Children%20and%20Young%20People%20Policy%20and%20Procedures&FolderCTID=&View=%7b301EA6F8%2dB378%2d441D%2dAFAE%2d25964D4F326D%7d>

- Good practice for employees
- Recruitment
- When making a referral
- Recognising the signs of abuse
- Safeguarding incident form
- Photo consent
- Example activities consent form
- Body maps



## Recommended Legislation and Guidance

### Legislation

- The Care Act 2014 in particular Sections 42 to 46 related to safeguarding, further information can be found at: <http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted>
- The Children Act 2004, specifically Section 11 which places a duty on key people and public bodies, including district councils, to make arrangements to ensure that their functions are discharged with regard to the need to safeguard and promote the welfare of children. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2004/31/contents>
- The Counter Terrorism Act 2015 section 26 which places a duty on certain bodies, in the exercise of their functions, to have due regard to the need to prevent people from becoming terrorists or supporting terrorism. The Prevent Agenda is one of four strands which makes up the Governments counter-terrorism strategy. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2015/6/contents>
- The Modern Slavery Act 2015. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>
- The Anti-Social Behaviour, Crime and Policing Act 2014 in particular Part 10 relating to forced marriage. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted>
- The Serious Crime Act 2015 particularly Part 5 relating to female genital mutilation, child cruelty and domestic abuse. Further information can be found at: <http://www.legislation.gov.uk/ukpga/2015/9/contents/enacted>
- The policy is written with reference to the principle of Think Child, Think Parent, Think Family. Further information can be found at: <http://www.publichealth.hscni.net/publications/think-child-think-parent-think-family-0>
- Human Rights Act 1998  
[www.hmsso.gov.uk/acts/acts1998/19980042.htm](http://www.hmsso.gov.uk/acts/acts1998/19980042.htm)
- The Data Protection Act 1984 and 1998  
[www.legislation.hmsso.gov.uk/acts/acts1998/19980029.htm](http://www.legislation.hmsso.gov.uk/acts/acts1998/19980029.htm)

### Guidance

- Working Together to Safeguard Children (Department of Health)  
<http://www.doh.gov.uk>
- Multi-Agency Child Protection Procedures (LSCB)  
[www.devon.gov.uk/socserve/childprotect](http://www.devon.gov.uk/socserve/childprotect)
- Every Child Matters (Department for Education and Skills)  
[www.dfes.gov.uk/everychildmatters](http://www.dfes.gov.uk/everychildmatters)



- First Check – NSPCC  
[www.nspcc.org.uk](http://www.nspcc.org.uk)
- No Secrets: Guidance on developing and implementing multi-agency policies and procedures to protect vulnerable adults from abuse" (March 2000).  
[www.gov.uk/government/publications/no-secrets-guidance-on-protecting-vulnerable-adults-in-care](http://www.gov.uk/government/publications/no-secrets-guidance-on-protecting-vulnerable-adults-in-care)
- Safeguarding Adults (ADSS) 2005  
[www.adass.org.uk/images/stories/Publications/Guidance/safeguarding.pdf](http://www.adass.org.uk/images/stories/Publications/Guidance/safeguarding.pdf)

## **Appendix B**

### **Useful Contacts**

- **Care Direct** Tel: 0845 1551 007
- **Criminal Records Bureau (CRB)** Tel: 0870 90 90 822  
PO Box 110, Liverpool, L3 6ZZ  
[www.crb.gov.uk](http://www.crb.gov.uk)
- **Childline** Tel: 0800 1111
- **Children and Young Peoples Unit** Tel: (028) 90528429  
[www.allchildrenni.gov.uk/](http://www.allchildrenni.gov.uk/)
- **Devon and Cornwall Constabulary (Police)**  
Police Central Switchboard Tel: 101  
Police Emergency Tel: 999  
Police Central Referral Unit Tel: 0845 6051166
- **Devon County Council** Tel: 01392 383266  
(Records Disclosure Service)  
Devon County Council can act as an umbrella body to process Criminal Records Bureau Checks for other organisations, i.e. community organisations.  
[www.devon.gov.uk](http://www.devon.gov.uk)
- **Free and confidential counselling is available for all employees**  
Office hours Tel: 01392 383277  
Out of hours Tel: 01392 382549
- **Local Authority Designated Officer** Tel: 01392 384965
- **NSPCC**  
Child Protection Helpline Tel: 0808 800 5000  
[www.nspcc.org.uk](http://www.nspcc.org.uk)

#### **Local Safeguarding Children's Board Contacts**

- **Local Authority Designated Officer**  
(manages allegations) Tel: 01392 384965

- **Referral Co-ordinator**

(allegations against staff)  
[www.devonsafeguarding.org](http://www.devonsafeguarding.org)

Tel: 01392 386013

**MASH (Multi Agency Safeguarding Hub)**

MASH switchboard

Tel: 03451551071

Email: [mashsecure@devon.gcsx.gov.uk](mailto:mashsecure@devon.gcsx.gov.uk) (send referral form within 24 hours)

## Declaration

Mid Devon District Council is fully committed to safeguarding the well being of children and vulnerable adults by protecting them, from neglect, physical, sexual and emotional harm.

Working as an employee or volunteer of Mid Devon District Council or as an elected member it is important that you have taken time to thoroughly read this Policy and Procedures.

By being made aware of the policy it is our intention to ensure that all are proactive in providing a safe and secure environment for the children and vulnerable adult in our care.



Declaration:

I have read and understood Mid Devon District Council's Safeguarding Policy and Procedures and I accept the principles therein.

Signed: ..... Date: .....

Name: .....  
(Please print)

Position in Organisation:.....

This will be kept in your personnel file

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## COMMUNITY WELLBEING PDG 7<sup>TH</sup> JUNE 2016

### EARLY HELP SERVICES

**Cabinet Member** Cllr Colin Slade, Cabinet Member for Community Well Being

**Responsible Officer** Amy Tregellas, Head of Communities & Governance

**Reason for Report:** To update members on the latest developments with the Early Help Services (formerly the Troubled Families Programme).

**RECOMMENDATION:** That the PDG recommends the Working Practice Agreement for the sharing of information to support Early Help Provision (Appendix B) to the Cabinet for approval.

**Relationship to Corporate Plan:** The report relates to the Council's corporate objectives of 'Working with local communities to encourage them to support themselves' and 'Promoting physical activity, health and wellbeing' under the Community Wellbeing theme.

**Financial Implications:** None at this stage.

**Legal Implications:** The Council has a statutory duty to co-operate with other authorities to safeguard children under the Children's Act 2004

**Risk Assessment:** None

### 1.0 Background

1.1 The Troubled Families Programme was set up by Central Government in 2011 to 'turn around' the lives of 'the most troubled families' in Britain. The three-year funded programme was extended in 2014 for a further 2 years with the intention that the 'new approach' should be mainstreamed as part of the preventative services available to support children and families in need.

1.2 In Devon over the last two years, the Troubled Families Programme has evolved into 'Early Help'. Early Help describes a range of multi-agency support services offered to children, young people and families in response to their emerging needs. 'Early Help' aims to prevent the multiple and often complex needs of families escalating to a degree where they require more expensive specialist support or legal intervention. In this way the service has the dual objectives of protecting children and of reducing the costs of multiple interventions. Appendix 1 provides a more detailed description of this service.

1.3 The original Troubled Families Programme had very specific criteria for inclusion set by Central Government and concentrated on:

- getting children back in the classroom
- getting parents into work
- reducing crime and anti-social behavior

- 1.4 The Early Help programme is able to respond to a much broader range of needs of children and young people. It is based on front-line practitioners recognising when the needs of children and families reaches a threshold for intervention based on the cumulative effect of inter-related issues whether they are health, education, employment, or crime and disorder. Early Help services, therefore, form the essential preventative part of a continuum of help and support responding to the different levels of need of individual children and families.
- 1.5 One of the main objectives of the initial Troubled Families Programme was to try out new ways of working that would increase the integration and co-ordination of support to children and families in need. A key element of this was the locally-based multi-agency practitioner forums, at which the needs of families was discussed and support co-ordinated. There are three practitioner forums in the Mid Devon area covering Tiverton, Crediton and the Culm Valley which meet monthly, each managing a case load of between 10 -15 families at any one time. Under the Children's Act 2004, Mid Devon District Council has a duty to co-operate in initiatives to safeguard children, and supports Early Help mainly through the involvement of the Housing Service and Community Safety Officer in these practitioner forums. To this end the Council is being asked to sign up to the Working Practice Agreement for the sharing of information to support Early Help Provision (Appendix B).
- 1.6 In the first three years of the Troubled Families Programme the programme engaged with 150 families locally in the Mid Devon area. Up-to-date figures for the number of families involved in the programme will be circulated at the meeting.

## **2.0 Recent Changes**

- 2.1 In order to reduce the overall cost of Early Help, the number of personnel involved in the programme has been gradually reduced. There is now just one Early Help Advisor and one Early Help Co-ordinator for the combined area of Mid & East Devon. At recent interviews in April, Russ Green was appointed as the new Early Help Co-ordinator for Mid and East Devon.
- 2.2 The structure and geography of the local management group is also being reviewed, and the Mid Devon management group may combine with East Devon to form one overall management group in line with the advisor and co-ordinator posts. After four years of supporting the programme locally the Community Development and Regeneration Manager has stepped down as chair of the local management group.

**Contact for more Information:** John Bodley Scott (01884 234363 / [jbodleyscott@middevon.gov.uk](mailto:jbodleyscott@middevon.gov.uk))

**Circulation of the Report:** Cllr Colin Slade, Management Team

**List of Background Papers:**

Appendix A - 'Early Help in Practice' – a Guide for Professionals

Appendix B - Working Practice Agreement for the sharing of information to support Early Help Provision

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Devon  
Safeguarding Children  
Board

## EARLY HELP IN PRACTICE

A guide for professionals and managers on working together to support children and young people in Devon, whatever their level of need.

## WHAT IS EARLY HELP?

Early Help is about more than just child protection: it is about making sure that children living in Devon are safe, healthy, happy and well educated.

*Early Help Strategy for Children & Families*

Early Help refers both to help in the critical early years of a child's life, when the fundamental building blocks of future development are laid, and responding as soon as possible when difficulties emerge throughout a child or young person's life. **All key agencies in Devon are signed up to this approach.**

The critical features of an effective Early Help system in Devon are:

- A multi-disciplinary **Team around the Child** approach that coordinates expertise
- The family's relationship with a trusted **Lead Professional** who coordinates support needed from other agencies or the community and voluntary sector
- **Empowering families to resolve their own problems**, building resilience for the future
- Not stopping with the "child's problem", but looking at **whole family need**
- **Easy** access

The '[Working Together to Safeguard Children](#)' guidance, National Framework for Assessment of Children in Need and the Children Act 2004 set out that we must coordinate our services and support each other to keep children safe. The research (such as the Munro Review) shows it works but most importantly the families we work with tell us it needs to be this way – the problems they experience don't fit neatly into our multi-agency, inter-disciplinary divisions.

### Principles

- Children, families and young people are at the centre of the assessment and planning process and should be partners in making decisions throughout, including the decisions about the content of the plan.
- Assessment and planning is an on-going process. It builds on previous assessments and develops with the child.
- Practitioners should be engaged and committed to the co-ordinated assessment and planning process.
- As far as possible, 'tell us once' and we share the relevant information, so people don't have to repeat the same information to different agencies or practitioners.
- Work by agreement on shared goals, co-ordination and joint working between all agencies
- Focus on clear outcomes
- Build on the strengths of the child or young person as well as identifying difficulties.
- Look to informal (family and community) support as well as to statutory agencies.
- Have the necessary skills to be good at what we do

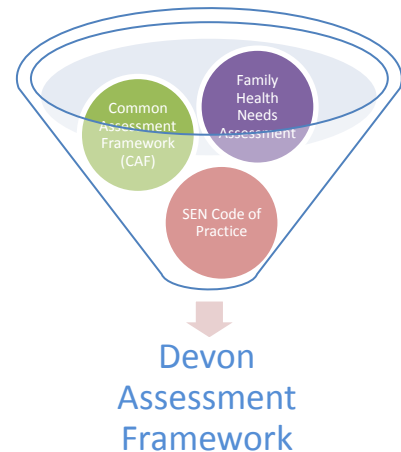
## HOW IT WORKS

*“When things are going really wrong, you need something to be done about it really quickly”*

When a child’s needs increase it is likely that more services will become involved. The aim of Early Help is to coordinate this **multi-agency approach** to make it simpler for families, make sure they’re at the centre of decision making, reduce duplication and be more effective.

The [Devon Assessment Framework \(DAF\)](#) is the tool which has been developed to support Early Help, for children and young people, in Devon. The DAF incorporates the Family Health Needs Assessment, the Common Assessment Framework, Special Educational Needs & Disabilities Pathway (from birth to 25 years) and early safeguarding.

The DAF should be used to identify the needs of a child or young person and also explore the family’s strengths and any potential risks. Following this, a Team around the Child (TAC) meeting should be set up to discuss what needs to change with the family and other professionals involved. As a result of the TAC, a plan will be developed to record the agreed outcomes to be achieved and who is responsible for each outcome.



*“Everyone has come and visited and told me about their services, but it has been confusing as more services are involved.”*

The [Threshold Tool](#) is available to assist you with identifying the most appropriate service response for children, young people and their families. A range of Early Help services are available in Devon, and you can find out more about them, including how to access them, by searching our [Early Help directory](#).

**If you are concerned there may be a safeguarding issue, or you’re not sure, you must contact the Multi-Agency Safeguarding Hub on 0345 155 1071 for advice.** They will talk to you about your concern. If this can be handled through the use of DAF, they will signpost you to the Early Help Coordination Centre (EHCC).

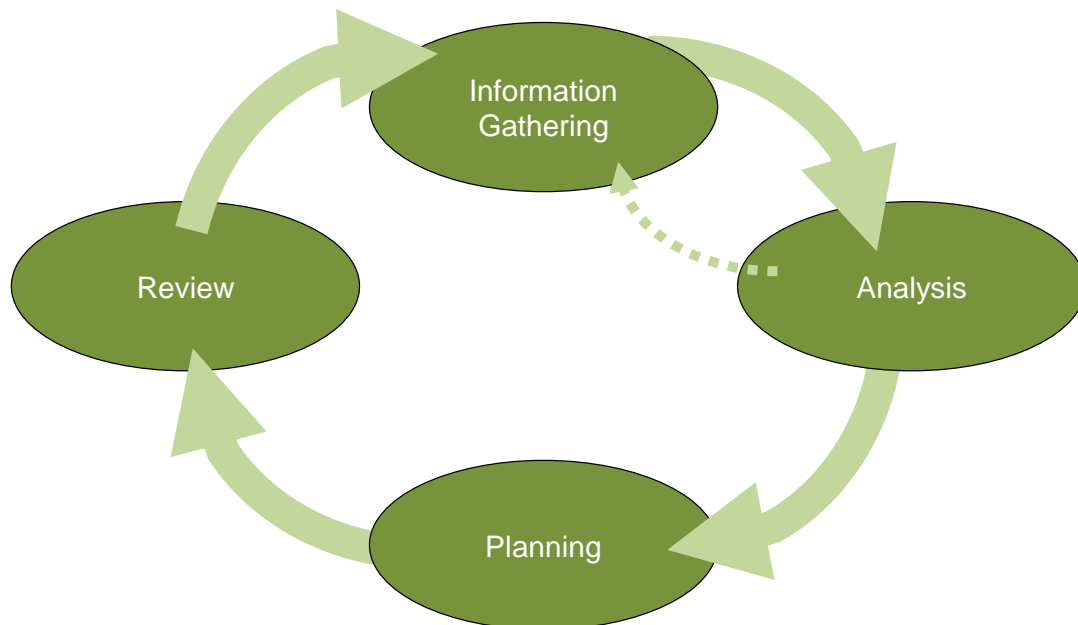
*“Sometimes services don’t talk to each other and you are then blamed for doing something wrong because of lack of communication.”*

### Who takes the lead?

The DAF should be coordinated by a Lead Professional who will provide support to the child and family, act as an advocate on their behalf and ensure the timely delivery of support services. This could be a GP, Family Support Worker, Teacher, Health Visitor and/or Special Educational Needs Coordinator. It’s about who knows the child and family best and who the family feel could best support them. Further information can be found in the Lead Professional Guidance.

## THINKING THROUGH THE PROBLEMS

When a need has been identified, it's crucial to think through the information and work out what it means. The review cycle helps with this by providing some structure to our approach:



- **Information gathering** – What are we being told? What do we already know? What evidence is currently available? What are you concerned about?
- **Analysis** – What does this mean? How concerned should you be? What response is suggested in the [threshold tool](#)? What information do we need to gather to test out the ideas about what is going on?
- **Planning** – Once we understand what is happening, what actions could be taken to improve things? What outcomes need to be achieved? Set a date to review.
- **Review** – Have things changed for the child or young person? No plans are permanent, so what new information are we learning from to improve or change our plan? What actions need to be taken if there hasn't been a positive change?

Where you want to involve another service you must talk to the family, unless doing so would place the child or young person at risk of significant harm.

For more information on assessment and planning you can access the [Early Help e-learning](#).

## THE CHILD'S EXPERIENCE

A vital part of Early Help is ensuring that the child or young person is central to planning and decision making, and that they feel their voice is heard and their contribution is valued. Fully involving children and young people means:

- Understanding what their life is like, their perceptions and fears. Being part of the family means children and young people have a central and unedited perspective on what affects them most.
- Recognising what the child or young person can contribute to the solution, whether working themselves on a particular behaviour or in what they might say to others
- Monitoring and reviewing how changes the family make affect the child's day to day life and longer prospects

Working towards the fullest possible involvement requires skill on the part of the practitioner, sometimes courage for the young person, and the building of trust between the two. There are a number of strategies and techniques that can help:

- Time spent with the young person – there's no substitute for a good relationship
- Thinking about who is best placed to get alongside the young person
- Tools such as 'Listen to Me', which give structure to discussion and allow young people to raise issues important to them

For some children there may be barriers to communicating their views. This may be because they are particularly vulnerable, because adults in their lives are unable to listen, or because our processes sometimes get in the way. Identifying an advocate who can work with the young person to best communicate is a good method to overcome some of these inhibitions, this will usually be someone in the young person's life who knows them well. In other situations it might be a dedicated 'professional' advocate.

In either instance the advocate will consider the following points:

- Make time to develop a positive relationship with the young person.
- Understand how the young person likes to communicate and support this.
- Be independent and stay impartial. Listen to the young person's opinions rather than your own.
- Try not to take sides, or offer solutions.
- Confidentiality - Talk through this with the young person before you start working with them. Explain that you will keep what is said to yourself, unless it is likely to cause harm to anyone, including the young person.
- When writing a young person's response for them, use the exact words the young person used.
- Evidence anything said on the young person's behalf, through multiple examples, photos etc.

Further information and guidance on ways of engaging children and young people can be found in the [Early Help e-learning](#) modules.

## THE DEVON ASSESSMENT FRAMEWORK

The following sections set out the purpose of each of the DAF forms. Specific guidance on how to fill in the forms can be found in the Devon Assessment Framework (DAF) Practical Guidance or the [Early Help e-Learning](#).

<b>DAF 1</b> Family Information and Assessment	<p>Records information about the family, including all children and adults in the household, significant contacts for the family and services currently or previously working with the family.</p> <p>The assessment sections allow professionals to identify needs, strengths, risks and what needs to change in order for the child to reach their full potential. It enables the views of the child/young person and their parent/carers to be recorded.</p>
<b>DAF 2a</b> My Plan	<p>Records the aspirations of the child/young person and parent/carers', the needs identified through completion of DAF 1 and the outcomes to be achieved, including what resources could be used to support these. In most cases the resources already available in the community, including school or health visiting for example, will be able to support the plan.</p> <p>This needs to be completed as a result of a Team Around the Child (TAC) meeting, where the family and professionals involved agree what needs to happen and who is responsible.</p>
<b>DAF 3</b> Request for additional resources	<p>If a child/young person has complex SEN and/or a disability and there hasn't been significant progress using the DAF 2a 'My Plan', a DAF 3 'Request for Additional Resources' can be completed.</p> <p>Most children and young people should be able to be supported using the DAF 2a 'My Plan' and the existing resources already available in the community.</p>

## INFORMATION SHARING

You will need to explain why it is important to share information and get the parent/carer (and child or young person where relevant) to sign the 'DAF Information Sharing Consent Form' before proceeding with the assessment. **Without consent you will be unable to complete DAF or enter it onto the HolistiX system**

Talking about families and sharing information is essential if we need to keep people safe, or ensure they get the best services. This sharing must only happen when it is helpful to the child, when it is legal and when it is necessary to do so.

The Seven Golden Rules provides a framework for everyone to understand the circumstances in which to share information and what the responsibilities are, making sure people always have control over their information (unless a child is at risk).

1. Remember the Data Protection Act is not a barrier to sharing. It is a framework that ensures personal information about a living person is shared appropriately.
2. Be open and honest with the person (and/or their family where appropriate) from the outset about why, what, how and with whom information could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so.
3. Seek advice if you are in any doubt whether you should or shouldn't share
4. Share with consent where appropriate and where possible, respect the wishes of those who do not consent to share 'confidential' information. You may still share information without consent, if in your judgement that lack of consent can be overridden in the public interest. You will need to base your judgement on the facts of the case.
5. Consider safety and well-being: Base your information sharing decisions on considerations of the safety and well-being of the person and others who may be affected by their actions.
6. Necessary, proportionate, relevant, accurate, timely and secure: Ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those people who need to have, is accurate and up-to-date, is shared in a timely fashion, and is shared securely.
7. Keep a record of your decision and the reasons for it-whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.

## EARLY HELP COORDINATION CENTRE (EHCC)

The purpose of the Early Help Coordination Centre (EHCC) is to support the delivery of Early Help activity across Devon, this includes

- Providing support and advice to professionals about the completion of the DAF
- Contacting agencies, where necessary, to support the identification of lead professionals
- Signposting professionals and families to local services and support.

The Early Help Advisors, based in locality areas, provide support and training to partner agencies and monitor the ongoing quality of completed DAFs. It is important to note that the area based Early Help Advisors **will not** undertake the DAF or act as lead professional, but are tasked with supporting the practitioners in their area to complete high quality assessments, which have clear, positive outcomes for children, young people and their families.

### **To contact the EHCC:**

Call: 0345 155 1071 and ask for Early Help

Email: [earlyhelpsecure-mailbox@devon.gcsx.gov.uk](mailto:earlyhelpsecure-mailbox@devon.gcsx.gov.uk)

## MULTI-AGENCY SAFEGUARDING HUB (MASH)

The MASH is the central resource for receiving all safeguarding and child protection enquiries.

The MASH is staffed with professionals from a range of agencies including police, probation, health, education and social care. These professionals share information to ensure early identification of potential significant harm, and trigger interventions to prevent further harm. MASH staff decide the most appropriate intervention to respond to a child's identified needs. Where appropriate, the MASH team is able to immediately trigger a response.

### **To contact the MASH:**

**Tel:** 0345 155 1071

**E-mail:** [mashsecure@devon.gcsx.gov.uk](mailto:mashsecure@devon.gcsx.gov.uk)

**Fax:** 01392 448951

## FAMILY GROUP CONFERENCING (FGC)

An FGC is strengths based, family led, decision making process. The main difference with this way of working is that the family are the primary decision making group. The role of the 'professionals' is to share information about their role in supporting the family and potential resources that could be available; this might include extended family, neighbours and friends. The family have an agenda, set by the referrer, and after hearing information from the service providers, are left alone to make their plan. This process is set up and facilitated by a fully trained Independent Co-ordinator; children can be involved with support from advocates when required. This service is available free to all, wherever a plan needs to be made for a child. If you would like to know more please email [fgcmailbox@devon.gov.uk](mailto:fgcmailbox@devon.gov.uk)



# **Working Practice Agreement**

**For the sharing of information to support  
Early Help Provision**

# Contents

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Appendix 4: Procedures for sharing information under this Agreement

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Appendix 6: Supplemental agreement template

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## 1. Introduction and Partners

### 1.1 Who is this agreement for?

This agreement is for all staff who share personal information with each other as part of Devon's Early Help provision.

### 1.2 Which partners are signed up to this agreement?

The partners signed up to this agreement are:

<b>Partner name</b>
Action for Children
Addaction
Babcock Learning and Development Partnership (LDP)
Barnardo's
Bideford Learning Community
CAFCASS (Children & Family Court Advisory & Support Service)
Careers South West Ltd
Children's Society
Citizens' Advice
Community Action South West
Community Housing Aid
Community Links SW
Core Assets Children's Services
Cornwall County Council
DAPH (Devon Association of Primary Heads)
DASH (Devon Association of Secondary Heads)
DCH (Devon & Cornwall Housing)
Devon and Cornwall Police
Devon and Somerset Fire Service
Devon County Council
Devon District and Borough Councils
Devon Domestic Abuse Services (Splitz)
Devon Partnership NHS Trust
Dorset, Devon and Cornwall Community Rehabilitation Company
EDP Drug and Alcohol Services
Encompass South West
Exeter City Council
Exeter Community Initiatives
Freedom Social Projects
Home Start Exeter and East Devon
Involve
Job Centre Plus
National Probation Service
National Society for the Prevention of Cruelty to Children
NHS Northern, Eastern & Western Devon CCG

<b>Partner name</b>
NHS South Devon & Torbay CCG
North Devon Against Domestic Abuse (NDADA)
North Devon Homes
Northern Devon Healthcare NHS Trust
On track education services
One Ilfracombe
Plymouth City Council
RD & E NHS Foundation Trust
RISE
SHAD (Devon Association of Special Head Teachers)
South Devon Healthcare NHS Foundation Trust
South West Family Support
Sovereign Housing
St Loyes Foundation
Stop Abuse For Everyone (SAFE)
Teign Housing
Torbay Council
Transform
TTVS
Virgin Care Ltd
Voluntary Youth Services Devon
Westbank
Westward Housing Group
Wings South West
Yard 1 Studios
Young Devon

The partner leads for information sharing under this Agreement (known as Partnership Contact Officers) are identified in Appendix 5.

This Agreement relates to the sharing of information by following the high level procedures as identified in Appendix 4.

When sharing information about children and young people, partners recognise the good practice guidance HM Government guidance 'Information Sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers'<sup>1</sup>.

## **2. Purpose of this Agreement**

2.1 This Agreement has been developed to:

<sup>1</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/419628/Information\\_sharing\\_advice\\_safeguarding\\_practitioners.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419628/Information_sharing_advice_safeguarding_practitioners.pdf)

- define the specific purposes for which the signatory partners have agreed to share information;
- set out the legal gateway through which the information is shared, including reference to the Data Protection Act, Human Rights Act 1998 and the Common Law duty of confidentiality;
- describe the information standards that should be met in order to comply with the Data Protection Act and security standards (appendix 3);
- describe how this agreement will be monitored and reviewed (appendix 3).

## **2.2 Why is it needed?**

The purpose of sharing information under this agreement is to improve joint partnership working and communication between partners in the context of Early Help. More specifically this refers to sharing information that will help identify where an Early Help multi-agency support approach is required and thereafter sharing information with consent to help deliver that support in practice.

## **3. Powers to share under this Agreement**

3.1 There are several powers enabling the sharing of information under this agreement. These implied powers are contained in legislation such as the:

- Children Act 1989 and 2004
- Crime and Disorder Act 1998
- Education Act 2002
- Local Government Act 1972 and 2000
- Localism Act 2011
- National Health Service Act 2006
- Health and Social Care Act 2012
- Welfare Reform Act 2012

3.2 A detailed list of this legislation (and others) and applicable sections can be found in Appendix 1.

3.3 Partners recognise that any disclosures made under this agreement must comply with the following legislation and recommended good practice:

- Data Protection Act 1998
- Human Rights Act 1998
- Common Law Duty of Confidentiality
- Caldicott Principles

3.4 Partners agree that sharing information to support early help provision is intended to **improve the well-being of children, young people and families**. Provided that disclosures made under this agreement are **fair, lawful, necessary, proportionate,**

**relevant, accurate, timely and secure**, then any sharing will be compatible with the legislation listed at paragraph 3.3.

3.5 Partners agree that they are each responsible for ensuring their compliance with this legislation and any another relevant legislation. Appendix 2 provides further information in relation to complying with the Data Protection Act 1998, Human Rights Act 1998, the Common Law Duty of Confidentiality and Caldicott Principles.

3.6 Partners agree to adhere to the information standards identified in Appendix 3, which will also assist them in complying with the Data Protection Act 1998.

## **4. Procedures for sharing**

4.1 Partners agree to share information to support Early Help provision in accordance with the procedures and standards set out in this agreement and, where relevant, the data processing specification applicable to the individual partner (agreed as a separate document).

4.2 Partners agree that information will be shared under this agreement for these specific purposes:

1. Identifying individuals with additional needs;
2. Identifying family groups with additional needs;
3. Undertaking an assessment of the family's needs;
4. Providing co-ordinated help and support through a partnership approach to meet these and any later-identified needs;
5. Monitoring progress and measuring outcomes for individuals and families;
6. Providing central government with information to support and contribute to the evaluation of the national Troubled Families Programme.

4.3 The high level procedure for sharing information for these purposes can be found in Appendix 4.

## 5. Indemnity and Certification

### *Indemnity clause*

5.1 If any of the partners signed up to this agreement breach the terms of this agreement then the partner in breach (referred to hereafter as the “Defaulting Partner”) agrees to indemnify all other partners and keep them fully and effectively indemnified against all direct losses, claims, damages, liabilities (whether criminal or civil), costs, charges, expenses (including legal fees and costs), demands, proceedings and actions which all, or any, of the other partners may incur or which may be established against them by any person and which in any case arises out of:

- the breach of any of the provisions of this agreement by the Defaulting Partner or its servants or agents any processing by the Defaulting Partner, its servants or agents, of personal information received, for purposes other than the originating purpose, or
- any breach by the Defaulting Partner, its servants or agents, of any law in respect of its processing of personal information received by reason of a disclosure made by another partner.

5.2 Each partner shall be under a duty to mitigate against all losses which it may incur.

5.3 The partners may agree to admit a new partner to this agreement. No new partner shall become a partner until it has agreed to become a party to this agreement (as amended from time to time) and be bound by its terms by signing a supplemental agreement in the form set out at Appendix 6.

### **Certification of this Agreement**

By signing below, partners accept the working practice arrangements set out in this agreement and recognise the HM Government guidance ‘Information Sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers’.

Signed <b>[Insert signature]</b>
By <b>[Authorised signatory’s name and position]</b>
For and behalf of <b>[Partner organisation]</b>
Date
Data Protection Act 1998 Registration Number <b>[Partner organisation registration number]</b>

## Sharing Information to support Early Help Provision

### Relevant Legislation

Legislation	Section Description
<b>Children Act 1989</b>	<p><b>Section 17</b> – general duty of local authorities to safeguard and promote the welfare of children within their area who are in need, and so far as is consistent with that duty, to promote the upbringing of such children by their families.</p> <p><b>Section 47</b> – where a local authority is informed that a child who lives, or is found, in their area is the subject of an emergency protection order or is in police protection or there is reasonable cause to suspect that a child who lives, or is found, in their area is suffering, or is likely to suffer, significant harm, there is a duty to investigate.</p>
<b>Children Act 2004</b>	<p><b>Section 10</b> – duty of local authorities to promote co-operation between partners to deliver services and improve wellbeing.</p> <p><b>Section 11</b> – duty of local authorities to make arrangements with partners to safeguard and promote welfare.</p>
<b>Crime and Disorder Act 1998</b>	<p><b>Section 17</b> – duty of each authority to exercise its functions with due regards to the likely effect of the exercise of those functions, and the need to do all that it reasonably can, to prevent crime and disorder in its area.</p> <p><b>Section 115</b> – any person who apart from this section would not have power to disclose information to a relevant authority or to a person acting on behalf of such an authority, shall have the power to do so in any case where the disclosure is necessary or expedient for the purposes of this act.</p>
<b>Data Protection Act 1998</b>	<p><b>Section 29(3)</b> – where disclosure is required for the prevention or detection of crime of the apprehension or prosecution of offenders.</p> <p><b>Section 35(1)</b> – where the disclosure is required by or under enactment, by any rule of law or by the order of a court.</p> <p>Processing of personal information must be in compliance with the eight data protection principles of the Act.</p>
<b>Education Act 2002</b>	<p><b>Section 175</b> – a local education authority shall make arrangements for ensuring that the functions conferred on them in their capacity as a local education authority are exercised</p>



	with a view to safeguarding and promoting the welfare of children.
<b>Local Government Act 1972</b>	<b>Section 111(1)</b> – a local authority shall have the power to do anything which is calculated to facilitate, or is conducive to or incidental to, the discharge of any of their statutory functions.
<b>Local Government Act 2000</b>	<b>Section 2(1)</b> – a local authority shall have the power to do anything which they consider is likely to achieve the promotion or improvement of the social well-being of their area.
<b>Localism Act 2011</b>	<b>Section 1(1)</b> – [in exercise of a ] local authority's general power of competence, a local authority has power to do anything that individuals generally may do.
<b>National Health Service Act 2006</b>	<p><b>Section 82</b> – in exercising their respective functions NHS bodies and local authorities must co-operate with one another in order to secure and advance the health and welfare of the people in England and Wales.</p> <p><b>Section 201(3)(d)</b> – a disclosure of information may be made if it is for the purposes of any criminal investigation or proceedings.</p> <p><b>Section 201(6)</b> - Information to which this section applies may be disclosed in accordance with section 201(3) despite any obligation of confidence that would otherwise prohibit or restrict the disclosure.</p>
<b>Health and Social Care Act 2012</b>	<p><b>14Z23 Permitted disclosures of information</b></p> <p>(1) A clinical commissioning group may disclose information obtained by it in the exercise of its functions if:</p> <p>(a) the information has previously been lawfully disclosed to the public,</p> <p>(b) the disclosure is made under or pursuant to regulations under section 113 or 114 of the Health and Social Care (Community Health and Standards) Act 2003 (complaints about health care or social services),</p> <p>(c) the disclosure is made in accordance with any enactment or court order,</p> <p>(d) the disclosure is necessary or expedient for the purposes of protecting the welfare of any individual,</p> <p>(e) the disclosure is made to any person in circumstances where it is necessary or expedient for the person to have the</p>

	<p>information for the purpose of exercising functions of that person under any enactment,</p> <p>(f) the disclosure is made for the purpose of facilitating the exercise of any of the clinical commissioning group’s functions,</p> <p>(g) the disclosure is made in connection with the investigation of a criminal offence (whether or not in the United Kingdom), or</p> <p>(h) the disclosure is made for the purpose of criminal proceedings (whether or not in the United Kingdom)</p> <p>(2) Paragraphs (a) to (c) and (h) of subsection (1) have effect notwithstanding any rule of common law which would otherwise prohibit or restrict the disclosure.</p>
<p><b>Welfare Reform Act 2012</b></p>	<p><b>Section 131</b></p> <p>(1) The Secretary of State, or a person providing services to the Secretary of State, may supply relevant information to a ‘qualifying person’ for prescribed purposes relating to welfare services or council tax.</p> <p>(2) A qualifying person who holds relevant information for a prescribed purpose relating to welfare services may supply that information to—</p> <p>(a) the Secretary of State, or</p> <p>(b) a person providing services to the Secretary of State, for a prescribed purpose relating to a relevant social security benefit.</p> <p>(3) A qualifying person who holds relevant information for a prescribed purpose relating to welfare services, council tax or housing benefit may—</p> <p>(a) use the information for another prescribed purpose relating to welfare services, council tax or housing benefit;</p> <p>(b) supply it to another qualifying person for use in relation to the same or another prescribed purpose relating to welfare services, council tax or housing benefit.</p> <p>(4) Relevant information supplied under subsection (1) or (3) to a qualifying person may be supplied by that person to a person who provides qualifying welfare services for purposes connected with the provision of those services.</p> <p>(11) In this section “qualifying person“ means-</p>

	<p>(a) a local authority;</p> <p>(b) a person authorised to exercise any function of such an authority relating to welfare services or council tax;</p> <p>(c) a person providing services to a local authority relating to welfare services or council tax;</p> <p>(d) an authority which administers housing benefit;</p> <p>(e) a person authorised to exercise any function of such an authority relating to housing benefit;</p> <p>(f) a person providing to such an authority services relating to housing benefit; or</p> <p>(g) a person prescribed or of a description prescribed by the Secretary of State.</p>
<p><b>The Social Security (Information-sharing in relation to Welfare Services etc.) Regulations 2012</b></p>	<p><b>Part 3</b></p> <p>5. (1) The purposes prescribed under section 131(1) of the 2012 Act (purposes for which the Secretary of State or person providing services to the Secretary of State may supply relevant information to a qualifying person) are –</p> <p>(d) where the qualifying person is a local authority in England, identifying households eligible for support under the troubled families programme and providing appropriate types of advice, support and assistance to members of such households under that programme.</p>

### Complying with the Data Protection Act, Human Rights Act, Common Law Duty of Confidentiality and Caldicott Principles

Before partners can share information, they must establish whether they have the power in law to do so. Partners need express or implied powers to share information. Appendix 1 provides a list of legislation that may be relevant to enabling the sharing of information to support Early Help. This list is not exhaustive and acts as a guide only.

As well as considering the laws in Appendix 1, each partner must ensure that the disclosures they make are compatible with the principles of the Data Protection Act 1998; the Human Rights Act 1998 (Article 8, right to a private life) and the Common Law Duty of Confidentiality. Failure to do so could mean that some or all of the disclosure is unlawful.

#### Data Protection Act 1998

The Data Protection Act 1998 (the DPA 1998) is the legal framework for obtaining, using, storing, disclosing and deleting personal data about living and identifiable people. The Act is built around eight principles, a summary of the principles is below:

1. personal data shall be processed **fairly and lawfully**
2. personal data shall be processed for **limited purposes**
3. personal data shall be **adequate, relevant and not excessive**
4. personal data shall be **accurate** and where necessary, **kept up to date**
5. personal data shall be **held no longer than is necessary**
6. personal data shall be processed in line with **people's rights**
7. personal data shall be **kept secure**
8. personal data shall not be transferred to countries without **adequate security**

All organisations who share personal data under this agreement must comply with these principles, in particular the first principle - *personal data shall be processed fairly and lawfully*.

In order to be 'fair', when an organisation shares information, the person whose data is being shared (the data subject) should be made aware if appropriate (by taking reasonable steps) that their data is being shared, who will see it and what the likely consequences or outcomes are, unless by doing this it would prejudice the prevention or detection of a crime or place someone at risk or harm. This is called a Privacy Notice. Partners agree to have appropriate Privacy Notices in place in order to comply with this principle (see appendix 7 for an example of a Privacy Notice).

The second requirement of the first principle is to ensure that any sharing that takes place is 'lawful'. Schedules 2 and 3 of the DPA provide a list of conditions that must be met in order for the sharing of personal data and 'sensitive' personal data to be lawful. The DPA defines sensitive personal data as information relating to a person's racial or ethnic origin; religious or other beliefs; physical or mental health or condition; sexual life; and offences committed (or accused of) and the outcome of those offences.

When an organisation wants to share personal data to support Early Help, it must be able to satisfy at least one condition listed in Schedule 2 of the DPA 1998. If 'sensitive' personal data is shared, the disclosing person must also be able to satisfy at least one condition listed in Schedule 3 of the DPA 1998 (or the Data Protection Processing of Sensitive Personal Data Order 2000) as well.

Partners signed up to this agreement recognise that the following conditions derived from the Data Protection Act may be relevant when considering whether they can lawfully share information:

**Schedule 2** – *one or more of these conditions must be met when sharing personal data*

Condition 1 - the data subject has provided their **consent** to the sharing;

Condition 3 - the sharing is necessary to comply with a **legal obligation**

Condition 4 - the sharing is necessary to **protect the individual's life** or protect them from **serious harm**

Condition 5 - the sharing is in the **public interest** and is necessary for the disclosing organisation or another organisation to undertake its official duties;

Condition 6 - the sharing is necessary for a **legitimate and lawful purpose** and does not cause unwarranted prejudice to the data subject

**Schedule 3** – *one or more of these conditions must be met when sharing 'sensitive' personal data, as well as at least one condition from Schedule 2*

Condition 1 – the data subject has provided their '**explicit**' **consent** to the sharing; or

Condition 3 – the sharing is necessary to **protect the life** of the individual or someone else or to protect them from **serious harm**; or

Condition 7- the sharing is necessary for the **exercise of any functions of a government department**

**Sensitive Personal Data Order 2000** – *one or more of these conditions must be met when sharing 'sensitive' personal data, as well as at least one condition from Schedule 2*

Condition 1 (a) – the sharing is in the **substantial public interest**;

Condition 1 (b) – the sharing is for the **prevention or detection of an unlawful act**;

Condition 1 (c) – must necessarily be **carried out without the explicit consent** of the data subject being sought **so as not to prejudice those purposes**

Condition 9 (a) – the sharing is in the **substantial public interest**;

Condition 9 (b) – the sharing is necessary **for research purposes**;

Condition 9 (c) – the sharing does not **support decisions about any particular data subject**;

Condition 9 (d) – the sharing does **not cause damage or distress to the data subject or any other person**

Partners agree to ensure they comply with the remaining DPA principles when sharing personal data.

### **Human Rights Act 1998**

As well as satisfying the Data Protection Principles, partners recognise that any disclosures they make must also be compatible with a person's 'right to a private life', as described in Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). The Human Rights Act 1998 gives effect in UK law the rights contained in the ECHR.

Article 8 of the ECHR gives a person the right to respect for his/her private life, family life, home and correspondence. A public authority cannot 'interfere' with this right unless it is in accordance with the law, is necessary in a democratic society and is for a legitimate purpose.

#### *Legitimate purposes*

Legitimate purposes are defined in Article 8(2) of the ECHR and include national security; public safety or the economic well-being of the country; the prevention of disorder or crime; for the protection of health or morals; or for the rights and freedoms of others.

#### *Proportionate*

The amount and type of information that should be shared between the partners signed up to this agreement must always be proportionate and necessary, in order to achieve the purposes of this agreement.

Partners recognise that if they comply with the DPA Principles, then any sharing they do under this agreement is likely to be compatible with the Human Rights Act and therefore not breach Article 8. The ECHR does not restrict information from being shared for safeguarding and welfare purposes, but does require that consideration is made regarding what is 'reasonable' in the circumstances. Disclosures must always be proportionate, necessary and relevant.

### **Duty of Confidentiality**

The third strand to be considered when sharing personal data for the purposes of this agreement is the common-law duty of confidence confidentiality. A person cannot use information which was originally provided in confidence without the individual's permission, unless there is an overriding reason in the public interest for this to happen or another law or power permits disclosure.

When judging whether disclosure is in the public interest, agencies should consider the following:

- Is the intended disclosure proportionate to the intended aim?
- What is the vulnerability of those who are at risk?
- What is the impact of disclosure likely to be on the individual?
- Is there another equally effective means of achieving the same aim?
- Is the disclosure in the interest of maintaining public safety?
- Is the disclosure necessary to prevent or detect crime and uphold the rights and freedoms of the public?
- Is it necessary to disclose the information, to protect other vulnerable people?

When overriding a duty of confidence, the individual take into account their organisation's views on overriding a duty of confidence as well as the organisation that holds the duty of confidence and seek legal advice where necessary. Any disclosures made into the MASH must be relevant, not excessive and proportionate to the intended aim of the disclosure.

## **Caldicott Principles**

All health and social care organisations have a Caldicott Guardian to oversee access to patient and service user information.

Health and social care partners agree to access, share and disclose person-identifiable information in accordance with the seven Caldicott principles below:

- Justify the purpose(s) for using personal confidential information
- Don't use personal information unless it is absolutely necessary
- Use the minimum personal information that is required
- Access to personal information should be on a strict need-to-know basis
- Everyone with access to personal information should be aware of their responsibilities
- Everyone must comply with the law
- The duty to share information can be as important as the duty to protect patient or service user confidentiality

Health and social care professionals should have the confidence to share information in the best interests of their patients/ service users within the framework set out by these principles. They should be supported by the policies of their employer's regulators and professional bodies.

## **Summary**

Any disclosures made as part of this agreement must be necessary, proportionate, relevant, accurate, timely and secure in order to comply with the Data Protection Act and be compatible with the Human Rights Act, the Common Law Duty of Confidentiality and the Caldicott Principles.



### Information Standards

#### ***Information quality and relevance***

When sharing personal information under this agreement, partners agree to share only the minimum information necessary to enable the identification of those who might need help and to support the provision of Early Help. Partners also agree to check that the information they disclose is accurate and up-to-date at the time of disclosure as far as possible. Each organisation is responsible for ensuring the integrity and accuracy of its information before disclosing.

If a partner believes information contained in person's record is inaccurate or out of date it must immediately notify the relevant lead professional who will be responsible for the correction of inaccurate information and ensure that the source of the information is informed when the individual's record is updated.

Partners agree to make a pragmatic decision as to whether the information they disclose is relevant to the other partner(s). Irrelevant or excessive information should not be disclosed.

#### ***Limited use and retention of the information***

The personal information collected as part of this agreement will be used by the partners signed up to this agreement for the purposes of supporting Early Help provision and only shared with individuals or partners in accordance with this agreement and in compliance with the Data Protection Act 1998.

The information received by partners as part of this information sharing will be held for no longer than is necessary for the duration of the provision of services as part of Early Help and until the end of the year in which the child or young person reaches the age of 25, unless a longer retention period can be justified.

As part of the Government's expanded national troubled families programme the Department for Communities and Local Government (DCLG) are conducting a National Impact Study which will evaluate the impact of the programme. Information will be shared with the Office of National Statistics which is undertaking this work on behalf of the Government for evaluation and research purposes.

This information sharing with the DCLG is covered under a separate data sharing agreement concerned with the expanded troubled families programme (signed 23 June 2015).

Where information is received by Devon County Council about an individual who, within his or her family group, does not meet the threshold to receive Early Help, this information will be deleted after 12 months. This is because information will be received from partner agencies at different times so any one piece of data will need to be held for 12 months so an annual cycle can be completed.

### ***Holding the information securely***

Devon County Council owns and maintains the systems used for the purposes of recording information regarding Early Help provision and uses these systems to:

- Match personal information and identify families that might need support;
- Record and store information about children, young people and their families;
- Enable the sharing of relevant information with partners;
- Evaluate outcomes for families that have received support;
- Compare outcomes for families that have received support with those that have not.

Devon County Council is classed as the 'Data Controller' under the Data Protection Act 1998 for the information held on these systems. Access to the information held on these systems will be restricted on a need-to-know basis to a number of Devon County Council and partner employees for the purpose of supporting Early Help provision.

Staff working to support Early Help provision understand their responsibilities for keeping personal information secure and will only disclose relevant and proportionate information to persons who are legally entitled to see the information and in accordance with this agreement.

Staff should be made aware of their responsibilities and obligations by managers and in relevant guidance and training.

### ***Sharing the information securely***

All information is held on IT systems controlled by Devon County Council. These systems comprise case management recording, file sharing and software to match individuals' information, to build and prioritise families, to measure outcomes and evaluate interventions. Systems are chosen to facilitate the secure sharing of relevant information between authorised partners.

Partners agree not to use these systems as a sole means of sharing or communicating information to support Early Help provision. Existing practices for sharing information; for example by telephone, face to face meetings, use of secure email, document encryption etc should continue to be used as appropriate. Users must decide the most appropriate means of communicating important information, especially in cases when it needs to be shared quickly.

Requests for access to Early Help systems should be sent to the Early Help Co-ordination Centre. Individual access to systems appropriate for the requester to complete work-related tasks will only be granted subject to approval by the appropriate authorised administrators. If approval is granted, individuals must agree to the terms and conditions for using and accessing information contained in the 'Early Help IT systems user agreement'.

Failure to comply with these terms and conditions will result in access being denied or withdrawn. If a serious breach occurs, the individual's employer may be informed and if a criminal offence is suspected, the Police will be notified.

## **Consent**

Partners understand that the main legal basis under the Data Protection Act 1998 for sharing personal information for the purposes of early help is explicit consent. Consent will be obtained from the child or young person, or an appropriate person (someone who is legally entitled to consent to the sharing of information on their behalf), verbally and/or in writing prior to any sharing taking place and a record of this will be kept on the consent form.

It is recognised however that there may be circumstances when consent will not be required to share information under early help provision and other conditions for processing can be met instead, such as:

- where the sharing is necessary to comply with a legal obligation
- the sharing is necessary to protect the life of the individual or someone else or to protect them from serious harm
- the sharing is in the substantial public interest
- the sharing is necessary for the council or another partner organisation to undertake its official duties
- the sharing is for the prevention or detection of an unlawful act

## **Reporting a security incident or breach**

If any information which is shared under this Agreement is lost, stolen, or disclosed to anyone who should not have had access to it, this shall be a breach of this Agreement.

The Data Controller for the breaching party should investigate security and Data Protection Act 1998 breaches in accordance with their own organisation's procedures. They must notify the other party of any breach by the breaching party as soon as it becomes aware of the breach. All investigation information where relevant, will be shared with the Data Controller for the non-breaching party. Each organisation will cooperate fully with any independent investigating authority.

Data Protection Act breaches, suspected breaches or potential breaches involving information held on Devon County Council Early Help information systems must be reported to Devon County Council's Information Governance Team at [keepdevonsdatasafe@devon.gov.uk](mailto:keepdevonsdatasafe@devon.gov.uk) or via an incident form<sup>2</sup>.

## **Access to personal data – Subject Access Requests**

All personal and identifiable data held by partners in relation to Early Help provision is governed by the Data Protection Act 1998. Data Subjects (i.e. individuals who can be identified from the data) have the right to request a copy of their personal data held by partners.

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<sup>2</sup> [http://www.devon.gov.uk/index/councildemocracy/improving\\_our\\_services/access-to-information/data\\_protection/security-incident-reporting/information-security-questionnaire-disclosure-2.htm](http://www.devon.gov.uk/index/councildemocracy/improving_our_services/access-to-information/data_protection/security-incident-reporting/information-security-questionnaire-disclosure-2.htm)

Requests for partner-held data must be processed by the relevant partner in line with their own Subject Access procedures.

Requests for information held on Early Help information systems or by Devon County Council employees must be forwarded to [acesstoinformation-mailbox@devon.gov.uk](mailto:acesstoinformation-mailbox@devon.gov.uk) or Devon County Council's Customer Relations and Information Governance Team, County Hall, Topsham Road, Exeter, EX2 4QD.

Devon County Council acts as the Data Controller for the information held on early help information systems. Devon County Council will not release information provided by partners without consulting with them first. Devon County Council will be mindful of the exemptions under the Data Protection Act 1998 which may prohibit disclosure.

### ***Complaints***

Complaints from individuals regarding the use, sharing or recording of their information must be dealt with by the relevant partner in accordance with their own complaints procedure. Complaints regarding the sharing of data on Early Help systems must be forwarded to Devon County Council's Information Governance Team (details as above) who will liaise with the relevant partners as required.

Partners will keep each other informed of developments following a complaint received where relevant and appropriate, and if necessary should be brought to the attention of the senior manager for Early Help provision.

### ***Publication of this agreement***

This Working Practice Agreement for the sharing of information to support Early Help provision may be published by each of the partners in accordance with their obligations under the Freedom of Information Act 2000, subject to any exemptions. Freedom of Information Requests received regarding Early Help provision should be dealt with by the relevant public authority that holds the information (as defined by the Freedom of Information Act). Requests for Devon County Council-held data should be sent to the Customer Relations and Information Governance Team:  
[acesstoinformation-mailbox@devon.gov.uk](mailto:acesstoinformation-mailbox@devon.gov.uk)

### ***Agreement review and changes***

The nominated holder of this agreement is Devon County Council's Information Governance Manager. The nominated holder will ensure that this agreement is reviewed on a regular basis, taking into account any new legislation or official guidance. This will be done after the first six months and then on an annual basis thereafter.

Partners can ask for changes to be made to the agreement at any time by submitting a request to the nominated holder at [acesstoinformation-mailbox@devon.gov.uk](mailto:acesstoinformation-mailbox@devon.gov.uk) who will circulate the requests to the signatories, co-ordinate responses and where appropriate seek agreement to the requested changes from the Devon Children, Young People and Families Alliance.

### Procedures for sharing Information under this Agreement

This appendix outlines the high level procedures for sharing information. The detail about what, how and when information will be shared is held in a separate data processing specification unique to each partner, attached as an addendum to this agreement.

Information will be shared for the purposes of:

1. Identifying individuals with additional needs;
2. Identifying family groups with additional needs;
3. Undertaking an assessment of the family's needs;
4. Providing co-ordinated help and support through a partnership approach to meet these and any later-identified needs;
5. Monitoring progress and measuring outcomes for individuals and families;
6. Providing central government with information to contribute to evaluation of the troubled families programme.

#### Process

The high level process for sharing information with Devon County Council central Early Help Team is:

##### 1. Identifying individuals with additional needs

Organisations that own data about individuals will decide how to determine whether an individual has additional needs. Individuals are identified as having additional needs by virtue of fulfilling one or more identifying factors as defined in the Early Help for families: outcomes plan. The outcomes plan is a dynamic document so care should be taken to refer to the most recent version. Lists of such individuals will be produced by organisations owning data, and transferred to Devon County Council's children and families data team.

##### 2. Identifying family groups with additional needs

The children's management information team at Devon County Council will amalgamate these data sources in order to see which criteria apply to which individuals. Individuals will be grouped into families initially based upon geographical address by the children's management information team. Local wisdom and practitioner knowledge will also be used to link individuals to others at different addresses where it is identified, in a professional's view, that there is significant influence in that relationship.

### **3. Undertaking an assessment of the individual's needs**

Practitioners will carry out an assessment of needs within the family context and record this on the relevant Early Help IT systems. The lead practitioner will explain to the individual how his/ her information could or will be shared with partners and seek the individual's explicit consent for sharing information.

### **4. Providing co-ordinated help and support through a partnership approach to meet these and any later-identified needs**

Where the assessment identifies the need for specialised help or intervention, information may be shared with other practitioners where appropriate within a multi-agency team around the child/ family approach.

Information shared will be proportionate and relevant as described in appendix 2.

### **5. Monitoring progress and measuring outcomes for individuals and families**

In order to monitor progress, measure sustained improvements and thereby evaluate efficacy of interventions, information will need to be shared during and for a time period after interventions end. The time period differs between outcomes and this is defined in the Early Help for families: outcomes plan. Detail relating to each partner is covered in individual data processing specifications.

### **6. Providing central government with information to contribute to assessment of the troubled families programme.**

In order to release additional funding from central government the children's management information team is required to provide various pieces of information. Some elements involve sharing personal data and these are covered in a separate information sharing agreement between Devon County Council and the Department for Communities and Local Government, signed on behalf of DCC by the senior manager for Early Help provision.

#### **Method of sharing and data shared**

This will differ dependent upon what information is being shared and by whom. Where appropriate this is defined further in each partner's data processing specification, but in general information will be shared by methods including, but not limited to; secure email, multi-factor authentication IT systems and document encryption or via the nominated secure software tool (or by any other appropriate secure method of transfer).

Partnership Contact Officers

Organisation	Name	Role	Phone	Email

**Supplemental agreement**

**DATED**

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**SUPPLEMENTAL AGREEMENT**

**TO**

**WORKING PRACTICE AGREEMENT**

**FOR THE SHARING OF INFORMATION TO SUPPORT**

**EARLY HELP PROVISION**

between

**THE ORGANISATIONS NAMED IN SCHEDULE ONE**

and

[                      ]



THIS AGREEMENT is dated

**PARTIES**

- (1) [NAME] of [ADDRESS] (**New Partner**)
- (2) The organisations named in Schedule One as the existing Partners (**Existing Partners**).

**BACKGROUND**

- (A) The New Partner wishes to become a party to the Working Practice Agreement dated [DATE] and made between the Existing Partners, as amended from time to time, for the purpose of sharing information to support Early Help Provision (“the Working Practice Agreement”).
- (B) The New Partner will become a party to the Working Practice Agreement under the provisions of paragraph 5.3 of the Working Practice Agreement.

**AGREED TERMS**

1. Words and expressions used in this agreement shall, unless the context expressly requires otherwise, have the meaning given to them in the Working Practice Agreement. The **Effective Date** means the date of this agreement.
2. The New Partner confirms that it has been supplied with a copy of the Working Practice Agreement. The New Partner and each of the Existing Partners undertake with each other in consideration of the mutual indemnity and rights and obligations contained within the Working Practice Agreement that, from the Effective Date they shall observe, perform and be bound by the provisions of the Working Practice Agreement as though the New Partner were an original party to it.
3. The New Partner has supplied details of the Partnership Contact Officer for information sharing under the Working Practice Agreement at Schedule Two and any partner-specific Partnership Data Processing Specifications at Schedule Three.
4. This agreement may be executed in any number of counterparts, each of which when executed and delivered shall constitute a duplicate original, but all the counterparts shall together constitute the one agreement.
5. This agreement and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of England and Wales.
6. Each party irrevocably agrees that the courts of England and Wales shall have exclusive jurisdiction to settle any dispute or claim arising out of or in connection

with this agreement or its subject matter or formation (including non-contractual disputes or claims).

This document has been signed and takes effect on the date stated at the beginning of it.

## Schedule One - Existing Partners

## Schedule Two – Partnership Contact Officer

By signing below, the New Partner accepts the working practice arrangements set out in this Working Practice Agreement and recognises the HM Government guidance 'Information Sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers'.

Signed <b>[Insert signature]</b>
By <b>[Authorised signatory's name and position]</b>
For and behalf of <b>[New Partner organisation]</b>
Data Protection Act 1998 Registration Number <b>[New Partner organisation registration number]</b>

Signed <b>[Insert signature]</b>
By <b>[Authorised signatory's name and position]</b>
For and behalf of <b>[Existing Partner organisation]</b>

## Example of a privacy notice

This poster is available to download from <http://www.devonchildrensalliance.org.uk/wp-content/uploads/2015/07/Early-Help-privacy-notice-physical-version.pdf>



# EARLY HELP FOR FAMILIES

### What is it?

Early help for families is about making sure that we know when children, young people and families in Devon need extra help and then giving them the support they need. We work with you and your family to find out where you need a bit of help and then bring in the right people at the right time to support you when you need it.

### Can I ask for help?

If you think this sort of help might be useful for your family, you can talk to a member of staff at your local children's centre, at school or at your youth centre. Alternatively there is contact information at the bottom of this poster.

### How will my personal information be used?

If your family is considered eligible to receive early help, Devon County Council will hold your information and share it with the people who will be working together to support you. This might include people like health workers and children's centre staff. We may also share information with the Department for Communities and Local Government for research purposes and so they can evaluate the national programme set up to help families. The government will only see anonymous information so this will not affect your benefits, impact on any services or treatments that you get or change your rights to claim.

### Do I get to give feedback?

Throughout the entire process you and your family are at the core so your views and needs shape what help you get. When you no longer need the extra help, we'll make sure you know where to go to get the support available to everybody. We will still need your input to know if this approach is helping in the long run though so, if it's ok, we'd like to follow up with you and your family a few months down the line to see how things are going. This will help us to figure out what works, what doesn't and how best to help other families or, indeed, give you a bit more help if you need it.

### Where can I find out more?



[devonchildrensalliance.org.uk](http://devonchildrensalliance.org.uk)



[earlyhelp@devon.gov.uk](mailto:earlyhelp@devon.gov.uk)



0345 155 1071 (local call rate)

September 2015

This more in-depth online version is available to download from <http://www.devonchildrensalliance.org.uk/wp-content/uploads/2015/07/Early-Help-privacy-notice-online-version.pdf>

## **Early help privacy notice: data sharing and the information we hold**

### **Devon County Council has committed to the Government to deliver the national programme supporting families in our area.**

In order to identify and support children, young people and their families, Devon County Council and partner organisations will be sharing relevant personal information with each other. This is so we can work together in a joined up way to help each family, provide the right kind of co-ordinated services for them and ensure those services are good quality.

The information that will be shared will relate to children, young people and their families and will be about any additional needs they might have. This might include relevant records in relation to social care, involvement with the police, aspects relating to employment, anti-social behaviour, violence in the home, substance misuse, educational attendance and behaviour, vulnerable children and health issues.

All information shared with partners is for the purposes of supporting families who might need extra help. It will also be used by Devon County Council and its partner organisations to monitor and improve the services on offer.

We may also share information with the Department for Communities and Local Government for research purposes so they can evaluate the effectiveness of the national troubled families programme. The government will only see anonymised information and this will not affect any individual's benefits, impact on any services or treatments or change anybody's rights to claim. The information shared is purely for evaluation and research purposes.

The personal data of individuals and families will be linked with information from public agencies such as the NHS and health organisations, the Department for Work and Pensions, the Police and schools. The data includes information about families who have received early help support and also about families who have been assessed as eligible but have not received support. The Office for National Statistics will carry out this linking process.

Anonymised information will be shared back with Devon County Council to help assess the effectiveness of this holistic multi-agency approach to supporting families.

Data agreements are in place to ensure that:

- the data can only be used for carrying out research
- the linked data cannot be used to make decisions about individuals;
- the linked information is anonymised to reduce the risk of individuals being identified;
- it will be impossible for any person or family to be identified from any published reports;
- the linked personal data will not be shared with or made available to the local authority or any other public agency;
- appropriate measures are in place to prevent unauthorised use of the data;
- the information will be destroyed when it is no longer needed for these purposes.

All information will be processed under strict protocols in accordance with the Data Protection Act 1998 and other relevant legislation.



For more information please contact the Early Help Co-ordination Centre:  
email: [earlyhelp@devon.gov.uk](mailto:earlyhelp@devon.gov.uk)  
phone: 0345 155 1071

For more information about the national troubled families programme please visit:  
<https://www.gov.uk/government/policies/support-for-families>

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**CABINET**

**DATE 7<sup>TH</sup> JULY 2016**

## **Heart of the South West Formal Devolution Bid**

**Cabinet Member:** Cllr Clive Eginton, Leader  
**Responsible Officer:** Stephen Walford, Chief Executive

### **REASON FOR REPORT:**

To seek agreement on the principle of a Combined Authority for the Heart of the South West, as set out in the Prospectus for Productivity, as the basis for negotiation with Government towards a Devolution Deal for the area.

### **RECOMMENDATION TO CABINET:**

- 1. That the Cabinet endorse the current approach to devolution and agree to sign up to the principle of creating a Combined Authority for the Heart of the South West, as set out in the Prospectus for Productivity, as the basis for negotiation with Government towards a Devolution Deal for the area;**
- 2. That the Cabinet note that giving this endorsement does not commit the Council to entering into a Devolution Deal or becoming a member of a Heart of the South West Combined Authority. This would be subject to future debate and agreement by the Council and subject to negotiations with Government.**

**Relationship to Corporate Plan:** Devolution of powers, responsibility and funding will allow future decisions to be taken closer to the people of Mid Devon and with greater reference to Mid Devon's needs, priorities and aspirations.

**Financial Implications:** None at this stage (a future report will be prepared once the outcome of negotiations with government is known).

**Legal Implications:** None at this stage (a future report will be prepared once the outcome of negotiations with government is known).

**Risk Assessment:** Low; a future report will be prepared once the outcome of negotiations with government is known.

## 1. Summary

Devolution for the Heart of the South West (HotSW) is being led by the Leaders of Somerset and Devon County Councils, all Somerset and Devon Districts, Torbay Council, Plymouth City Council, Dartmoor and Exmoor National Parks, the Local Enterprise Partnership and the three Clinical Commissioning Groups. The group has become an informal partnership working towards a Devolution Deal with Government to secure greater powers, and control and to have a stronger voice with Government.

Our shared Devolution Statement of Intent was submitted to Government on 4 September 2015, in response to announcements in the July Budget and the deadline set by the Chancellor of the Exchequer.

Since September 2015, the partnership has strengthened and evolved, and jointly developed the HotSW Prospectus for Prosperity (Appendix 1). The Prospectus builds on the three basic ambitions: - to raise productivity levels; improve health, care and wellbeing; and improve connectivity and resilience. A number of thematic groups were established to develop the detail for the proposition.

- Health, social care and wellbeing
- Skills and employment
- Business support
- Infrastructure, resilience and connectivity
- Housing and planning
- Governance

Our Prospectus for Prosperity was submitted to Government at the end of February 2016. Since then the Partnership has pressed the Secretary of State to enter into discussion with its negotiation team to secure a Devolution Deal for the Heart of the South West area. Following an invitation from the Secretary of State, on the 25th May 2016, leaders from the upper tier authorities met with Greg Clarke, the Secretary of State for the Department of Communities and Local Government, to seek his views on our next steps forward.

Following that meeting, he invited us to come forward with a proposal and the following points were clarified:

- **Geography** – the Devon and Somerset area is agreed as the appropriate scale. Our proposal will need clearly demonstrate why this is the right geography for the Devolution agreement and all councils and MPs must support the proposal.
- **Combined Authority** – the Partnership will move forward into the negotiation process based on a Combined Authority model. The Mayoral issue may be considered at a later stage, within the timeline agreed by our Partnership. A Mayor will not be imposed or be a pre-condition of any initial deal.
- **Extent of the Deal** – areas that have agreed to have a Mayor will get more powers than a non-Mayoral Combined Authority. However, the negotiation process will be an opportunity to push the limits of this initial Deal, and the process should be viewed as being incremental
- **Timeline** – we will still work towards an Autumn Statement timeline for the announcement of an initial Deal
- **Growth Deal 3** – the LEP will not be penalised in Growth Deal 3 negotiations just because the area has decided to pursue a Devolution Deal based on a Combined Authority without a Mayor. The decision for allocation will be based purely on the quality of the Growth Deal bid.

The Secretary of State went on to advise that if the Partnership, backed by each Council and MPs, would sign up to the principle of creating a Combined Authority by the end of July 2016, he would arrange for HM Treasury to open up negotiations towards a Devolution Deal.

This report seeks approval to sign up '*in principle*' to the pursuit of a Devolution Deal and the creation of a Combined Authority for the Heart of the South West sub-region to administer the powers and funding devolved through the Deal. An '*in principle*' agreement from all of the local authorities, partners and MPs involved in the Heart of the South West devolution process will open up negotiations with HM Treasury to work towards a Deal.

Any final Devolution Deal with Government will be subject to further approval / ratification by all partners individually. A Heads of Terms document will be used as a negotiating tool to draw down additional powers and funding to provide a significant boost to the Heart of the South West economy by creating new jobs, accelerating the delivery of new homes, and raising skills levels.

It should be noted that there is no intention for a new Combined Authority to take existing powers or funding from local authorities, or existing City Deal governance structures, without the explicit agreement of those constituent local authorities. Further detailed work will be undertaken to identify the decision making powers and the constitution of the Combined Authority, and all partners will be fully involved and consulted on these arrangements as they develop over the coming months.

## **2. Reasons for Recommendations**

The Council has an opportunity to benefit from devolution across a wide range of topics and services. At its core, the prospect of devolving decision-making from central government to local areas means that there is the opportunity to tailor decisions to the needs of that local area and move away from the one-size-fits-all approach that is the inevitable result of centralised decisions and commissioning.

Devolution has clear links to the council's corporate plan in terms of working in partnership with other bodies including neighbouring LAs and the Local Enterprise Partnership to deliver economic growth, infrastructure and housing. There is also a clear synergy between our priority to enable community delivery, and the ability to ensure decision-making is taking place at a scale that is close to the community – which is where devolution has the potential to genuinely ensure decision-making reflects local ambition, aspiration and need.

With skills and employment being one of the key themes of the HotSW productivity programme, this also reflects the concerns that many members, through the scrutiny committee and beyond, have expressed recently around the gap between education and employment.

These recommendations seek to gain authority to pursue solutions that help the Council maximise the opportunities of devolution. They do not commit the Council to a formal Devolution Deal, only to the principle of a Combined Authority in order to open up negotiations with Government.

At this stage of the process the Council is not required to take decisions on the detail of future service provision but rather to be actively aware and involved in discussions.

## **3. Alternative options considered and rejected**

1. To decline the Secretary of State's offer and continue at our own pace.  
Reason for rejection: As far as we are aware we may be the first two tier area to be given the opportunity to enter into negotiation with Government for a Devolution Deal

without committing to a directly elected Mayor (except for Cornwall which has a different arrangement). This is a prime opportunity to test Government and push as far as we can for powers to be devolved to the HotSW. The offer is likely to be time-limited due to Government schedules and announcements.

2. To make separate approaches to Government, rather than as a Heart of the South West partnership.

Reason for rejection: Since the submission of the Statement of Intent in September 2015, the 17 local authorities, 2 National Parks, the HotSW Local Enterprise Partnership and the 3 Clinical Commissioning Groups have worked very effectively together to create a strong and credible Prospectus that has been acknowledged by the Secretary of State. We should remain united moving forward into negotiations to have a stronger voice, and secure a better Deal.

#### **4. Links to Priorities and Impact on Service Plans**

Devolution potentially covers a wide range of services and plans. The detail of these will develop as formal proposals are developed locally and through negotiation with Government, and when the final Devolution Deal is put into place.

#### **5. Communication**

A briefing session for all members is being arranged in coordination between MDDC Member Services and the Devolution Programme Management Office (PMO). This will be run in a similar way at all LAs across the HotSW area to ensure that all members have the opportunity to ask questions as well as hear more from the PMO team and the local Leader and Chief Executive.

The PMO is developing a video piece for Members, explaining its work and next steps and has also developed a Member Development Training Programme that will be delivered in the autumn.

In addition, a briefing note on Combined Authorities has been produced to explain more about what a CA is (and isn't) and what sort of powers the CA could have (see Appendix 3).

Based on advice from other Devolution areas, the Heart of the South West partnership will undertake more widespread public consultation when negotiations are at a more developed stage.

Members are asked to note that

Any final Devolution Deal with Government will be subject to:

- Further approval / ratification by all partners
- Consultation, as appropriate, before delivery of parts of the Deal

#### **6. Financial Implications**

Each of the partner Councils' S151 officers will be involved in the development of the draft Deal and the investment framework that would support a Combined Authority. This will allow each partner Council and the Partnership as a whole to understand the financial implications of a Combined Authority and any Devolution Deal.

#### **7. Legal Implications**

Each of the Councils' legal teams will be involved in the development of the draft Deal and the structure of a Combined Authority for the Heart of the South West. This will allow each

Council and the Partnership as a whole to understand the legal implications of any Devolution Deal and new Combined Authority body.

## **8. HR Implications**

None at this stage. Implications will be addressed as the Devolution Deal is further developed.

## **9. Risk Implications**

The involvement of technical specialists such as S151 officers and legal advisers in the development of any draft deal and combined authority model will help to understand the risk implications for the Council and the wider partnership. A risk register will be developed to sit alongside the development of the draft deal and the combined authority.

## **10. Other Implications (including due regard implications)**

None at this stage however the whole population of our authority could be affected by a devolution deal. Any final devolution deal with government will be subject to further approval / ratification by all partners, and will require other implications and impacts to be considered at that stage.

## **11. Next steps**

If HM Treasury agree to open up negotiations towards a Devolution Deal for the Heart of the South West, further work will be required as detailed below. The timescales to deliver this work will be extremely tight if the Partnership is to achieve its target of establishing a Combined Authority in May 2018. The Programme Management Office oversees the delivery of the work plan and maintains communications between each partner. Consideration will need to be given to whether the capacity of the PMO will need to be increased to meet these potentially tight timescales.

### **11.1 Productivity Plan**

The HotSW partnership has already committed to develop a Productivity Plan which will guide the powers and resources received in our devolution agreement, together with local contributions. This plan represents a refresh of the LEP's current Strategic Economic Plan (SEP).

Regardless of whether the Government agrees to open up negotiations for a Deal, the development of a Productivity Plan for the Heart of the South West sub-region will be an imperative to describe the long term future growth of the area, in order to provide a better quality of life for our residents. Therefore, work will continue on the development of a sub-regional Productivity Plan irrespective of whether there is an announcement in the Chancellor's Autumn Statement.

The Productivity Plan will focus on each of the six 'golden opportunities' that have been identified in the prospectus - Marine, Nuclear, Aerospace and Advanced Engineering, Data Analytics, Rural Productivity and Health. Sitting beneath each of the 'golden opportunities' will be detailed plans setting out our ambitions for the region and what plans we need to have in place to achieve those ambitions.

### **11.2 Governance Review**

A Governance Review is already underway. This is examining existing structures and developing options for the best governance structure for the Heart of the South West

sub-region. As part of this review, the following key issues will be considered and all partners will be involved in this process:

- The extent of the decision making powers to be vested in the Combined Authority
- What decision making structures or advisory committees (including place-based arrangements) will be required under the Combined Authority– including any joint committee arrangements
- Proposed voting arrangements

## **12. Engagement with Members and partners**

Council Members will be kept informed as work continues, including through:

- Newsletters from the Heart of the South West devolution partnership
- A Member Development Programme to be run across the whole area and
- Member briefing events at each LA

It is possible that one or more partners may choose not to proceed with a formal bid. This would be unfortunate as there is strength in all partners coming on board; however it is possible for a Devolution Deal to go ahead even if one or more local authorities choose to opt out. There is significant discussion underway between partners to produce proposals that are acceptable to all, and this will be fully explored as the bid develops.

### **Appendices:**

Appendix 1: Prospectus for Prosperity

Appendix 2: What Devolution will mean for my local authority area

Appendix 3: Briefing Note - What is a Combined Authority?

### **Background Papers:**

Heart of the South West Formal Devolution Bid – Full Council 24<sup>th</sup> Feb 2016

<https://democracy.middevon.gov.uk/documents/s5013/Dev%20Report.pdf>





# Devolution

for the Heart of the South West

## A Prospectus for Productivity



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# The Heart of the South West



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# Executive Summary

In September 2015 the Heart of the South West (HotSW) submitted its devolution Statement of Intent to Government. After considerable further work during autumn 2015, the partners - 17 local authorities, two National Parks, the Local Enterprise Partnership (LEP) and the three Clinical Commissioning Groups - are now in a position to commence detailed negotiations with Government on a devolution deal.

Government has challenged local leadership teams to treat productivity as 'the challenge of our time'. They have asked us to do that by 'fixing the foundations' of infrastructure, skills, and science through a devolution revolution delivering long-term public and private investment.

Heart of the South West productivity continues to lag behind national productivity and is currently under 80% of the UK average. To redress this we need more, better jobs, a healthier, higher skilled labour market and new homes for our growing population.

With Government support for our proposition, by 2030 the Heart of the South West can accelerate delivery of 163,000 new jobs, 179,000 new homes and an economy of over £53bn GVA. To put this in context, this is more growth over the next fifteen years than Bristol, Birmingham and Nottingham (the three non-'Powerhouse' core cities) have delivered in the last fifteen.

To do this we will exploit and deliver our Golden Opportunities around investment in nuclear energy at Hinkley, across the peninsula in marine, aerospace, advanced manufacturing and environmental futures. We will connect our rural communities to these transformers and address the challenges of ageing and health-related worklessness with unprecedented

health and care integration.

We will take responsibility for fixing our foundations. We seek Government's support to do this through negotiation and delivery of a far reaching devolution deal for the Heart of the South West.

Our approach to delivering this transformation focuses on a comprehensive Productivity Plan:

- **For people:** we will build on Government's own national reconfiguration of the skills system to supply business with the skills it needs and a labour market able to deliver productivity per job and per hour at 'Greater South East' levels (outside Inner London). Our plans for health and care integration will support a significant proportion of our non-working population into work.
- **For business:** our Growth Hub will enable business growth and internationalisation following closure of the national Business Growth Service. We will augment this with specific policies and initiatives to realise national priorities implicit in our Golden Opportunities.
- **For place:** we will provide the infrastructure and housing required and make the Heart of the South West investment ready. We also recognise that much of our growth will occur in specific sub-regional economic geographies. We will plan and manage change in these sub-regions to ensure their connectivity with each other, with the rest of the country and globally. We will make sure that rural areas access and leverage these opportunities and build on Government's 10 point plan for rural productivity geographies.<sup>1</sup>

<sup>1</sup> The Heart of the South West's economic transformational opportunities were identified and agreed in our Strategic Economic Plan, March 2014.



Cohesive, coherent leadership and governance of this transformation is crucial. We propose to establish a Combined Authority to provide leadership, supported by sub-regional delivery mechanisms so powers and resources are deployed on the scale at which our economy functions. These arrangements will develop new ways of working to address priority issues.

Our proposals build upon successful and strong business leadership through our Local Enterprise Partnership: we cannot deliver effective economic interventions without a strong business voice.

If we do not act, the Heart of the South West will not be able to contribute to the Government's ambition to meet the national productivity challenge as set out in Fixing the Foundations.

This document outlines our position and objectives. An early agreement on heads of terms for a devolution deal will trigger the start of our governance review and formulation of our Productivity Plan.



New housing development, Beechfield View, Torquay



Somerset Energy Innovation Centre

# Our Vision and Goals

**G**overnment recognises that fixing the foundations and devolution are the projects of a generation. Our key challenges are:

- An insufficiently skilled workforce and limited pool of available labour: many young people move away to live and work, rather than stay or move into our area.
- A need for more infrastructure to support our existing businesses and workers and to attract new ones. We need better and more resilient infrastructure: roads, railways, broadband and housing.
- Enabling a more effective, far-reaching support environment for businesses to sustain those we already have and make the area more attractive to inward investment and home-grown entrepreneurs.
- Managing the significant and increasing cost of health and social care, which combined with our ageing population threatens the viability of public services unless radical reforms are completed.

Productivity-led growth in the Heart of the South West will have three dimensions:

- **People:** who are healthy, with the skills they need to access higher value jobs and grow their careers.
- **Business:** more businesses creating new jobs and increasing productivity.

- **Place:** sustainable growth across the geography, supported by modern infrastructure and accelerated housing delivery.

We signalled our intention to meet these challenges with our Statement of Intent. The submission of this more detailed proposition shows how serious our intent is. We believe the proposals we have committed to developing will realise our local ambitions and make decisive, important contributions to Government's national priorities.

With Government support for our proposals we will redress our productivity gap and help us manage demographic challenges more effectively. Key outcomes we will achieve by 2030 include:

- £4bn additional in GVA for the UK economy.
- 163,000 new jobs.
- Infrastructure that supports our ambitious plans.
- 179,000 more homes, and accelerated delivery in major growth points.
- Wage levels higher than the national average.
- Additional tax revenue for the Treasury of £113million per year.
- Apprenticeship starts increased by 400%.
- Every young person in education, employment or training.
- £1bn per year welfare benefits savings as more people enter employment.
- 60% of our workforce qualified to NVQ level 4 or above.
- Faster more reliable rail services with greater capacity.
- Faster and more reliable journey times on our road network, with less congestion.
- 100% superfast broadband coverage.

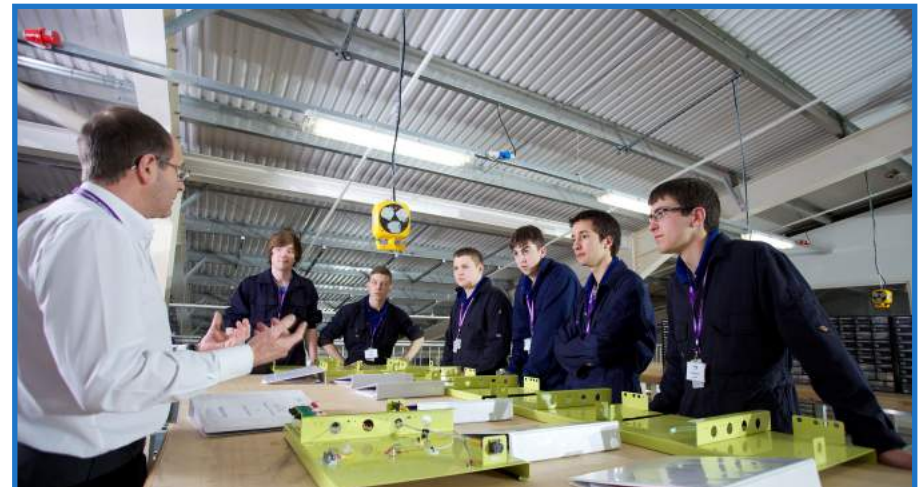
The Heart of the South West has a strong track record of delivering in partnership for residents and businesses:

- Securing and supporting major national and international investment in the future of the nuclear industry at Hinkley Point.
- Plymouth and South West Peninsula City Deal.
- A total of £195.5m secured through Growth Deals – including the highest Growth Deal 2 settlement of any LEP area in the country – to deliver a comprehensive programme of projects in pursuit of growth.
- Exeter University, Science Park, Innovation Centre and Innovation Zone.
- Connecting Devon and Somerset superfast broadband.
- Three Enterprise Zones: South Yard in Plymouth to support innovation and growth in marine industries, Huntspill Energy Park near Bridgwater to support the growth of a new nuclear cluster catalysed by investment in Hinkley and east of Exeter sites aligned to opportunities in environmental sciences and big data.
- Delivery of Plymouth Science Park by Plymouth City Council and Plymouth University, now entering phase 5, creating the largest science park in the south of England.
- Better, more reliable roads, including major improvements to A303, A358, A30 corridor, M5 Junctions and A361 North Devon Link.
- The Peninsula Rail Task Force.
- Connecting communities in rural areas.
- Exeter and East Devon Growth Point.
- A high quality and thriving Further Education Sector.
- Health and social care initiatives including Somerset Together Vanguard project, Exeter 'ICE', Torbay's Integrated Care Organisation and 'One System One Budget' in Plymouth.

We can scale up and build on these experiences. However, without the comprehensive framework that our governance proposals will deliver, the Heart of the South West and national Government will miss out on the solutions, linkages, and effectiveness that collective leadership can achieve.

A Heart of the South West devolution agreement with robust governance structures, accelerated delivery, and more focused use of scarce resources is the optimal way for Government to assure itself that the national Fixing the Foundations plan is being proactively and consistently led and delivered across the Heart of the South West.

In this prospectus we set out our goals for 2016-2030 and how we will deliver the long-term and evolutionary work required to achieve our devolution revolution.



FlyBe Academy



# National Context

Government set out its long-term ambitions for the UK economy in 'Fixing the Foundations', its productivity plan for 2015-2020. This framework outlined how long-term investment and a dynamic economy could raise productivity and lift living standards. Government's invitation to areas to propose ways that devolution could contribute to this agenda led to our Statement of Intent being submitted on 4th September 2015.

With policy developments in the autumn, and the Spending Review, Government has firmed up the financial intentions behind the productivity plan. In terms of local contributions leadership teams need to deliver an extensive portfolio of reforms:

- In skills and employment, 2016-20 will see major reforms of the post-16 and adult skills systems (both of colleges and providers on the supply side, and of loans for learners on the demand side). Post-16 Area Reviews and introduction of the Apprenticeship Levy offer opportunities to transform the delivery of local labour market skills, however the demands of transition may be acute.
- Physical investment will need to be managed in the context of higher performance expectations for planning regimes, new approaches to housing supply (especially starter home ownership) and proactive asset management at a public estate as well as local authority level. Local leadership teams will also need to play into the revision of the National Infrastructure Plan with new commitments to flagship schemes like HS2 and nuclear energy.

- As the national Business Growth Service closes by March 2016, new pressures will be placed on emerging local Growth Hubs. For innovation, local and regional Science and Innovation Audits will seek to shape national priorities as Research Councils and Innovate UK come together in Research UK with a range of new products.
- These agendas, and others, need to be delivered without diverting attention from existing commitments. These include City Deals, local Growth Deals, the European Structural and Investment Fund programmes, and other legacy programmes, such as the Regional Growth Fund, Growing Places Fund, existing and newly announced Enterprise Zones.

These agendas sit alongside, and will be enabled by, devolution and fiscal reforms and managed in the context of continued public sector expenditure constraint.

The challenge for the Heart of the South West is to shape these national priorities to our unique circumstances. We have drawn on our Strategic Economic Plan to describe the causes of our productivity challenge, identify our key Golden Opportunities and understand how to build on our track record of success.



Hinkley Point C, Somerset



# Local Context

The Heart of the South West covers most of the south west peninsula. Its 1.7 million residents live in a mixture of rural and urban settings served by a stunning natural environment and rich cultural heritage.

Most of our businesses are small and medium sized enterprises (SME) employing fewer than five people, providing excellent potential for growth and innovation. We are also home to cutting edge engineering and manufacturing industries including companies of global significance:

- Aerospace and advanced engineering industries employ more than 23,000 people and contribute over £1billion to the economy. Businesses in the area also have specialisms in advanced electronics/photonics, medical science and wireless and microwave technologies.
- Analysis of the comparative advantages of our local assets has identified that the Exeter City Region can make a unique contribution by becoming a globally recognised centre of excellence in weather and environment-related data analytics. Exeter is home to the Met Office, the city leads Europe in combined environmental science, data and computational infrastructure, hosting 400 researchers in environmental and sustainability science. From 2017, it will also host the most powerful supercomputer in Europe.

- The first of the UK's new generation of nuclear reactors being constructed at Hinkley Point will deliver substantial economic benefits across the south west. It is part of our growing low carbon and energy sector and offers £50billion worth of business opportunity in the nuclear sector within a 75-mile radius of Hinkley Point.

- We are a global centre of excellence for marine science and technology, including Plymouth University's Marine Institute and the Plymouth Marine Laboratory.

- There are 30 working fishing ports across the Heart of the South West, ranging from England's two largest fishery landings at Brixham and Plymouth to smaller traditional operations at locations such as Ilfracombe and Clovelly.

- The South West Marine Energy Park, the country's first, serves the wider south west peninsula, and offers direct access to superb physical assets and resources including the north Devon and north Somerset marine energy coasts for opportunities in wind, tidal and nuclear energy.

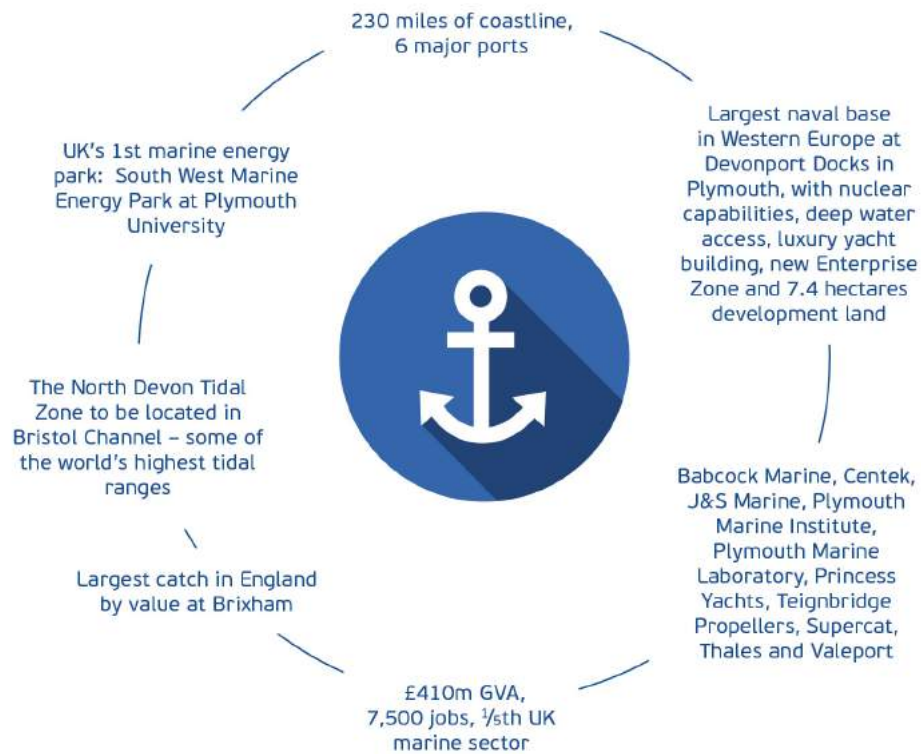
Our mixed economy also serves our traditional strengths. Our tourist and visitor economy attracts millions of visitors per year and our food and drink sector has a significant impact on national GVA (4.2% in 2011).

Whilst our largest employment sectors remain public administration, health and education, our Local Enterprise Partnership's Strategic Economic Plan recognises our area as having 'New World' potential if opportunities can be capitalised upon and the right conditions for growth created.

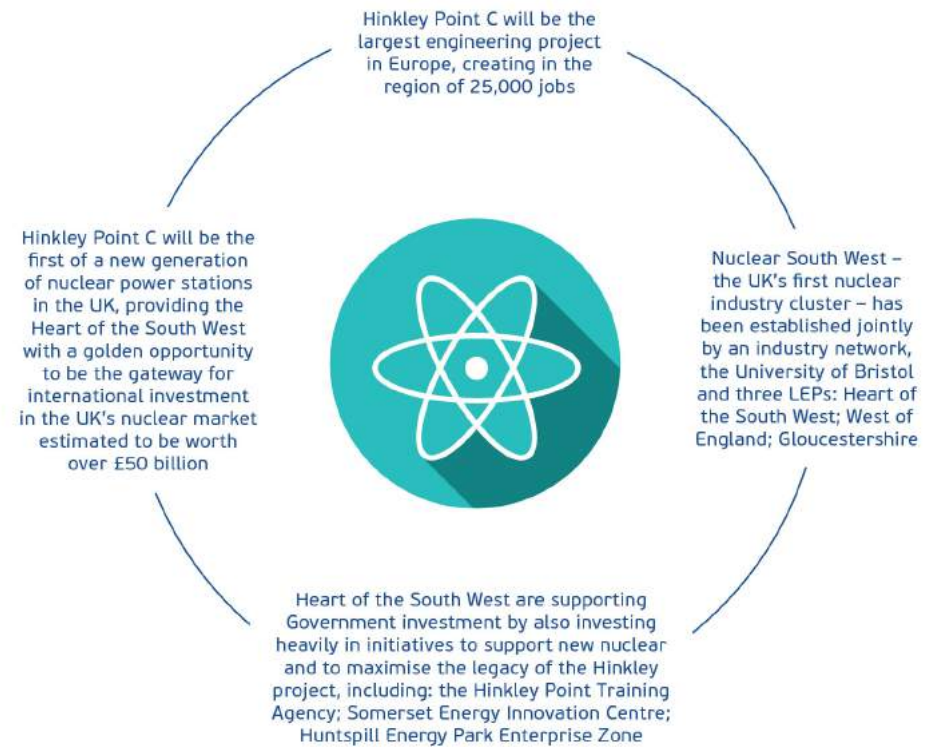
## Golden Opportunities

We have identified six Golden Opportunities that we will use to drive productivity and economic growth whilst continuing to support our diverse economy and taking advantage of new opportunities as they emerge.

### Marine



### Nuclear



## Aerospace and Advanced Engineering

UK has world's second largest aerospace industry – worth £1bn in HotSW employing 23,000



14 of the world's top 15 aerospace and advanced engineering companies in the South West, with 900 supply chain companies

Major companies AgustaWestland, Airbus, Boeing, FlyBe, BAE Systems, GE Aviation Systems, Gooch & Housego, Honeywell, Thales, Rolls Royce, GKN Aerospace

## Data Analytics

New Met Office £97m Supercomputer will be the most powerful environmental supercomputer in the world – providing long term, detailed global climate prediction and Big Data

Intellectual firepower of over 400 researchers in the Met Office & University of Exeter

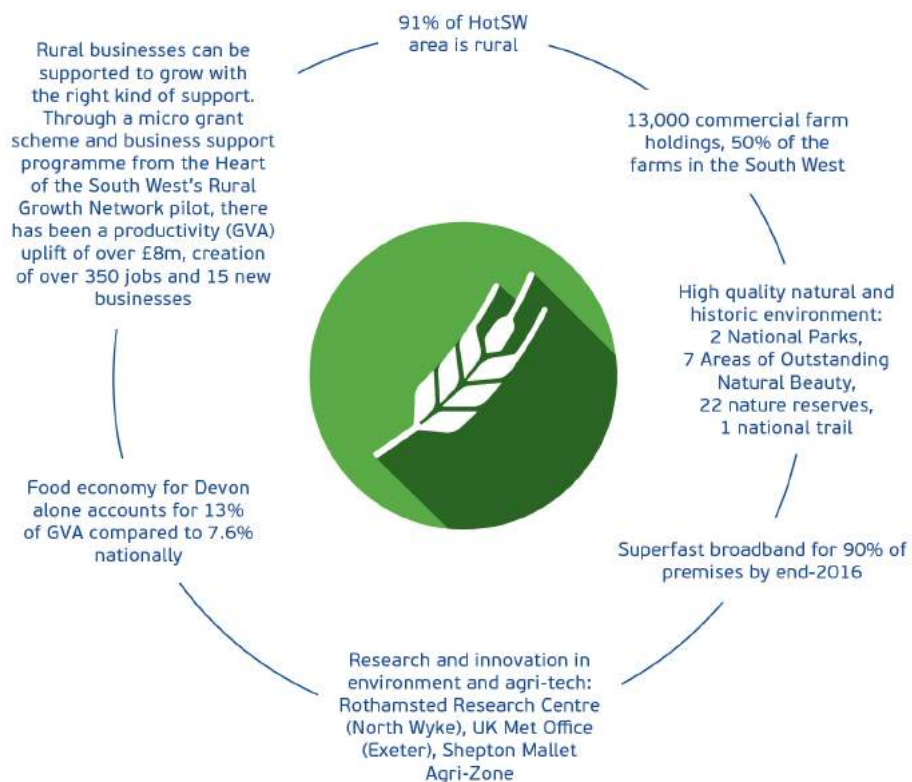


Exeter has more lead authors on the Intergovernmental Panel on Climate Change 5th Annual Report than any other city in the world

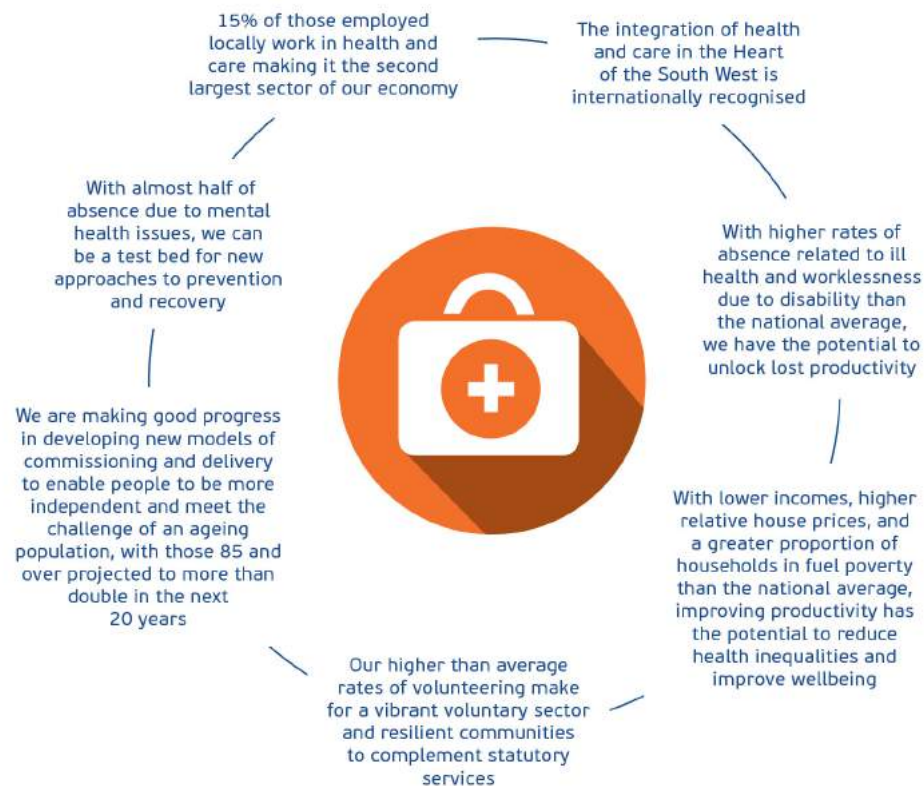
Food Security & Land Research Alliance: Bristol & Exeter Universities, North Wyke Farm Platform (Rothamsted & Duchy College) ground-breaking discoveries in global food security, crop, soil and land management, animal health and marine science

The UK Hydrographic Office in Taunton is the world's leading digital provider in the field of marine navigation, hydrographic & maritime data services

## Rural Productivity



## Health and Care



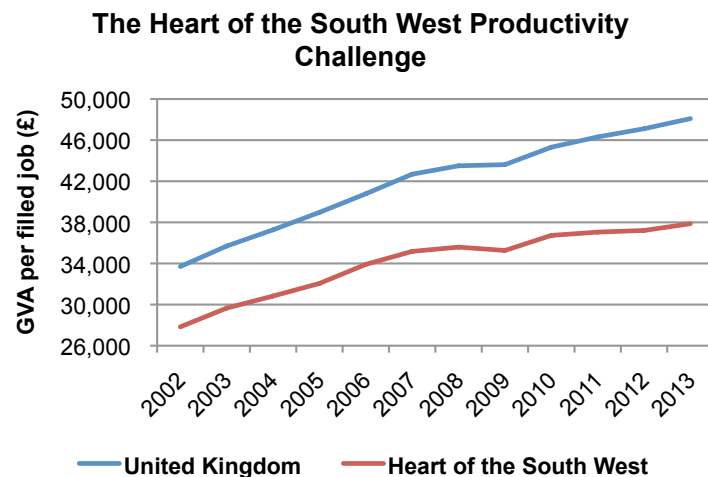
# From six Golden Opportunities to six Key Challenges

Realising our vision, goals and targets requires us to address and solve six major, interrelated economic and societal challenges:

## 1. Our productivity is too low and growing too slowly

Whilst not uniform across the area, in 2013 our productivity per job filled was below 80% of UK averages, a fall of around 3% over the last decade. Our forecasts suggest that unless we unlock our emerging transformational opportunities our productivity will continue to lag behind the rest of the UK.

This performance is a manifestation of poor comparative skills levels, labour market shortages, insufficient infrastructure, and poor connectivity, the human and financial cost of ill-health, a lack of joined-up support for business and need for higher value industrial densities.



## 2. Our labour market is limited in size and skills levels

A key factor in our low productivity is a shortage of workers and a shortage of skills. Low unemployment means businesses have a limited labour pool from which to draw recruits. Higher level skills attainment is below national averages and out-migration of our talent to London and other metropolitan centres means that employers regularly report labour shortages and recruitment difficulties.

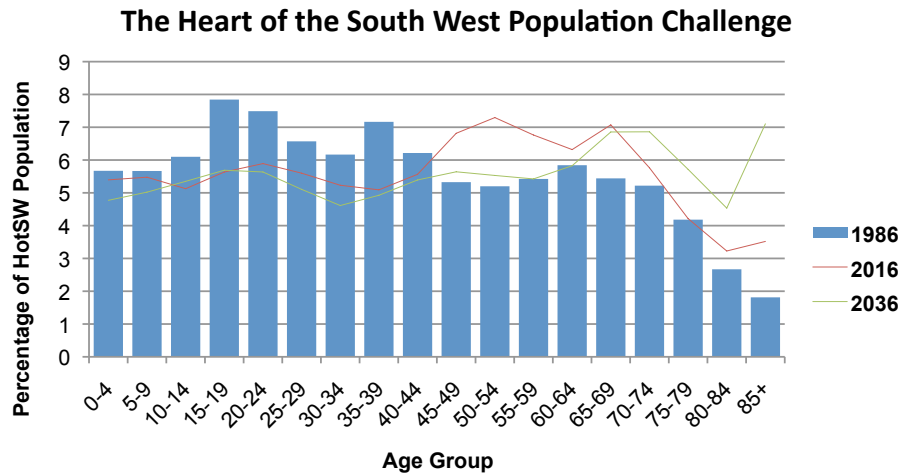
## 3. Our enterprise and innovation performance is inconsistent and needs to improve

Evidence shows that businesses that take up support do better than those who don't. However, the business support landscape is complex and confusing and short-term Government funding for programmes creates uncertainty. The Heart of the South West ranks 38th out of 39 LEP areas on many measures of innovation including patent registrations and Innovate UK funding. We cannot resolve these science and innovation issues without more highly skilled workers and a stronger innovation environment, particularly around our Golden Opportunities.



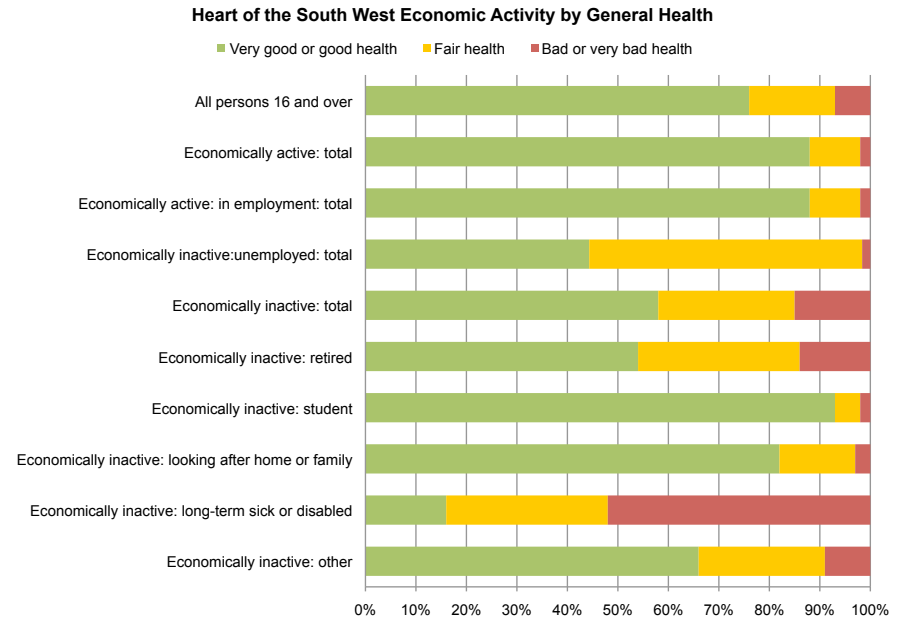
#### 4. We are a leader in facing the challenges of an ageing population

Our population profile shows a significant increase in the proportion of our residents aged 65 or over and a corresponding decrease in the proportion of working age people under 45. By 2036, 17% of our population – more than 327,000 people – will be over 75 years of age.



#### 5. We are a leader in facing the challenges of health and care integration

Particularly related to our demography, our health and care system needs to be reshaped to meet social, economic and financial pressures. Our area performs poorly for mental health outcomes when compared to national figures, making this a key priority.



A healthier population means lower public sector costs and increased economic activity. To fill 163,000 more jobs we must engage the non-working population in the labour market which will require a significant health and care contribution.

Employment of people with physical disabilities, learning disabilities, mental health issues and other long-term conditions is strongly correlated with their achieving better outcomes and being less dependent on publicly funded health and care services. This represents considerable productive potential.

## 6. Our infrastructure and connectivity needs to be modernised and more resilient

More infrastructure especially housing, transport links, broadband, mobile connectivity and energy grid improvements are required to make our area more attractive to investors and viable for the future. Improving these conditions are key to giving businesses in our area the tools they need to compete in global markets, attract future entrepreneurs and secure investment. We must overcome these barriers if we are to capitalise on our transformational opportunities.

### Fixing the Heart of the South West and our contribution to fixing the national foundations

The current landscape of funding and decision-making has only taken us so far. Despite our achievements to date we need freedom to act more decisively. A devolution agreement means we can take responsibility for our unique challenges and capitalise on our Golden Opportunities.

The dividend for the National Productivity Plan is considerable. Besides the specific metrics identified in our goals, the UK will benefit from global and national energy investments and security, environmental futures and big data capabilities, an at-scale set of solutions to health and care integration and public service reforms.

This negotiating prospectus lays out the heads of terms of an agreement to create the foundations for a transformational jump in productivity. It will deliver quick wins this decade whilst planning for the medium and long-term.

Fingle Bridge, Devon



Improvements by Rail



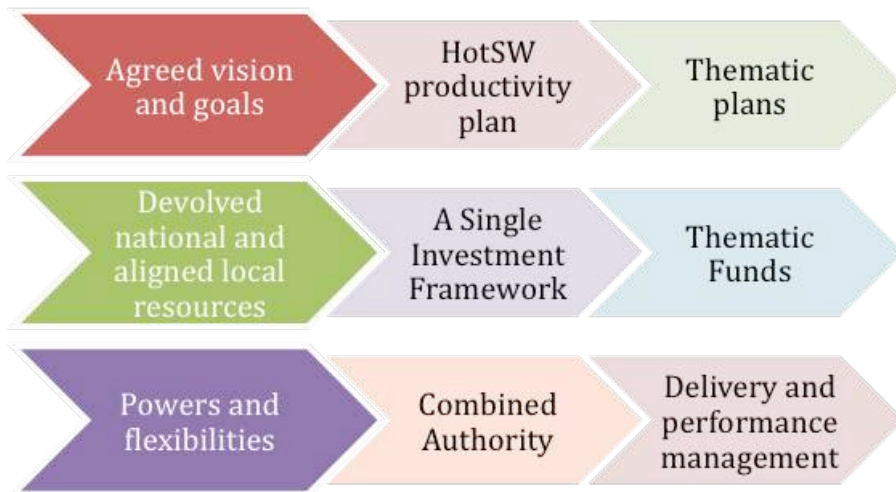
Met Office, Exeter

# Our negotiating prospectus

We wish to agree with Government a shared commitment to building three pillars of a devolution deal for the Heart of the South West.

## Foundation 1: The Productivity Plan

The Productivity Plan will be our instrument for fixing our foundations. It will incorporate the refresh of our Strategic Economic Plan and scale up local growth agendas for 2016-20 incorporating Spending Review and public service reform priorities. It will include proposals for our Strategic Labour Market Plan and Strategic Infrastructure Plan. It will also reflect our ambitions for integration of health and social care where they link to our devolution deal.



## Foundation 2: The Single Investment Framework

The Single Investment Framework will set the financial parameters of our agreement and encompass devolved funds and locally aligned resources. It is likely to include:

1. A single infrastructure fund to provide the physical investment for backbone, nationally-significant infrastructure.
2. A housing delivery instrument to accelerate housing delivery by unlocking key sites and stimulating market activity.
3. Skills and employment allocations to enable remodelling of the skills and employment landscape.
4. Devolved health and care budgets delivering agreed business cases with NHS England and other partners.

We believe agreement to formulate these two foundations will enable early delivery of accelerated housing development, skills reform, and improved business support, with health and social care reform and infrastructure development taking place in parallel.

These two foundations will be overseen and assured by a Combined Authority arrangement. This will, once established, provide the Heart of the South West counterpart to Government for planning and management of our devolution deal. It will take responsibility for the powers, resources and deliverables outlined below.



## People

### A highly skilled, high productivity labour market meeting businesses' employment priorities

We are clear that without proactive leadership and intervention our skills profile will remain a chronic block to fixing our foundations and delivering our vision.

We intend to use national reforms, led and shaped locally, to deliver a labour market capable of achieving productivity at Greater South East levels (excluding the distorting effect of Inner London).

Government's expectations of local leadership teams for 2016-20 as laid out in existing devolution agreements, the 2015 Spending Review and other policies include:

- Planning and management of phased devolution of post-19 public sector adult skills budgets, leading to full commissioning and funding of providers from 2018-19.
- Chairing and facilitation of successful Area Reviews of post-16 education and training, implementation of review recommendations including reshaping provision where required.
- Co-design of apprenticeship reforms including introduction of the levy and deployment of Apprenticeship Grant for Employers.

- Co-design of future employment support programmes with DWP and performance management regimes.

The Combined Authority will take responsibility for delivering these agendas, augmented by specific asks around:

- Specification and delivery management of Careers, Education Information, Advice and Guidance in schools and colleges.
- Support from Government to deliver a wider Higher Education offer for Somerset, including a new university.

Our Offer	Our ask of Government
Responsibility for reshaping the skills and employment system. Delivered through formulation, agreement, resourcing and delivery management of a business-led <b>Strategic Labour Market Plan.</b>	Full devolution of powers to the Combined Authority, phased over a number of years, with relevant skills, education and employment budgets into the Single Investment Framework.  Government departments and agencies to co-design and co-deliver the Strategic Labour Market Plan.

## Why is this important?

Our analysis has shown:

- Young people are not getting the independent, quality careers and education advice and guidance to help them make informed decisions on their education and training.
- Employer productivity improvements are held back by shortages and lack of skills in local labour markets.
- The national provider system is poor at anticipating and securing future skills needs.
- Support for the workless is ineffective for those furthest from the labour market. Our evidence shows a distinct lack of progress for those in receipt of Employment Support Allowance despite significant investment and reform.

## Key outcomes

With the powers and funding outlined above we believe a devolution deal will allow us to deliver the skilled workforce our productivity ambition requires. We will work with Government to design system reforms that deliver:

- 40,000 people helped to move from benefits into paid work.

- Benefit bill savings to Government of £1bn per year.
- Additional money earnings locally per year of £800m.
- Additional tax income for Government of £113m per year.
- All young people in employment, education or training.
- Apprenticeship starts increased by 400% and aligned to our six Golden Opportunities.
- Parity of esteem between vocational and academic pathways.
- Maximised links between Golden Opportunities and skills development to encourage young people into our area's high tech industries.
- A university for Somerset.



Babcock Training

## A national demonstrator of effective health and care integration for improved wellbeing

The Heart of the South West already has well established and innovative local approaches to health and care integration, however our system continues to be under demographic pressure. We now have an opportunity to bring together resources across the public sector to deliver the systemic reform needed by the health and care system and through strong local leadership can engage communities and voluntary sector in that enterprise. We want to create a system where prevention and early intervention are an integral part and which rethinks its approach to mental health and wellbeing. In summary:

Our Key Offer	Our ask of government
Building on the NHS 5-Year Forward View, we will deliver a 'whole system' approach to health and care based on the existing footprints for integration activity.	Devolution of 5 year place based budgets for health to the level of our existing health and care economies.

<b>This will include:</b>
Devolved commissioning of primary and associated specialist care services including mental health.
Flexibility in regulation and budgeting, including freedom for partners to pool resources.
Greater emphasis on public health and the link between health and housing.
Capitation-based payments.
Support to address skills shortages.

## Why is this important?

We want people to lead longer, healthier, more productive and fulfilling lives while ensuring the sustainability of our health and care services.

Health outcomes are generally good and life expectancy is high, but too many people develop avoidable long-term multiple conditions which affect both the quality of their lives and their ability to work. People with mental health conditions are in too many cases poorly served by a fragmented system in which there is no effective link between preventive, primary care and acute services.

Health and care is the second largest sector in our economy but productivity lags behind other areas and there are workforce and skills shortages which affect both the quality and cost of provision. These issues can only be tackled through whole-system reform and a closer matching of strategy and resources to local need.

Our ageing population demography is ahead of many other areas meaning we have an opportunity to lead the way in tackling the associated health, care and economic challenges.

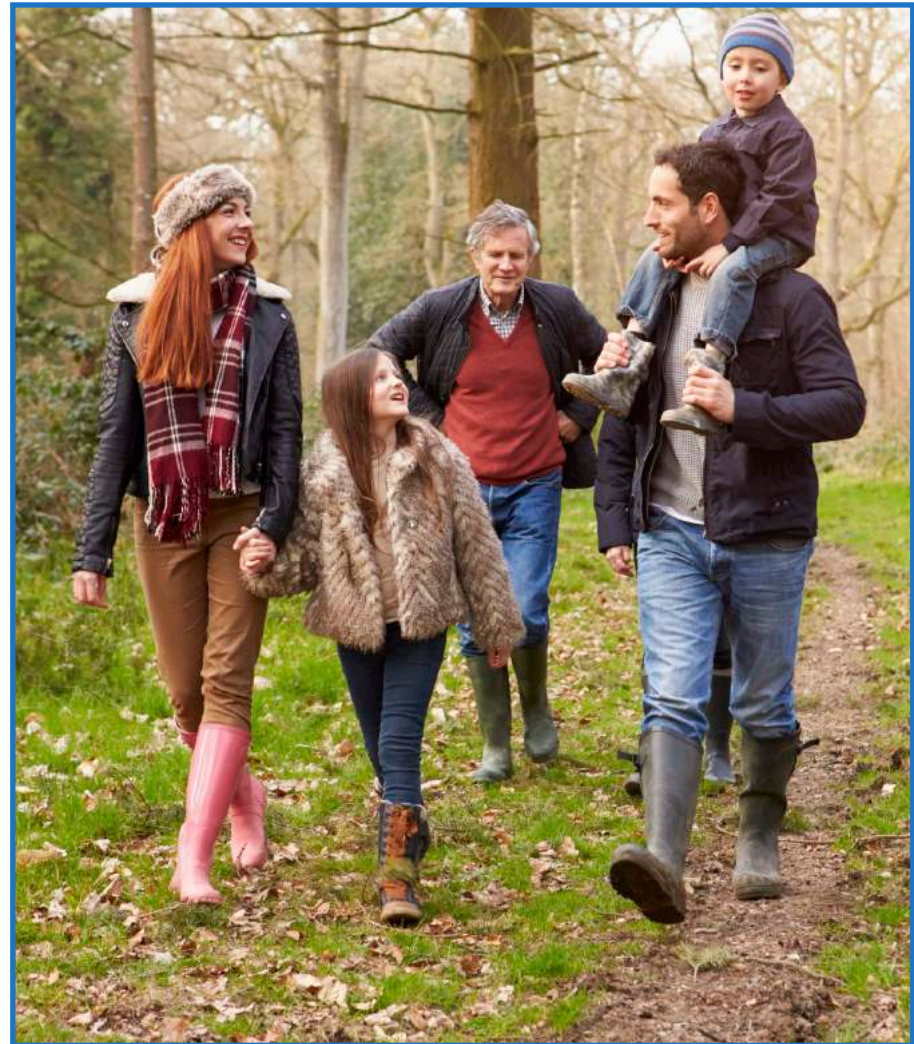
## Key outcomes

Devolution will help us create a health and care system that supports a healthier population, greater personal independence and wellbeing, and improved workforce productivity:

- Better physical and mental health outcomes.
- A system that is integrated and financially sustainable, offering a whole system approach, and is a test-bed for Government innovation.
- People of all ages encouraged and supported to make healthy lifestyle choices and manage their own care, therefore diverting or delaying dependency.

Devolution offers the potential for us to go further, faster, and bring reform initiatives together at a scale and with a scope that can provide a demonstrator (given our advanced demographic profiles) to health and care reforms in other parts of the country:

- The NHS 5-year Forward View and the requirement on areas to develop transformation plans for local areas.
- The financial settlement for local government, including the requirement to submit integration plans by 2017.
- Changing Better Care Fund guidance and the option to work across local authority areas to plan and deliver it.
- The Success Regime applying to NEW Devon Clinical Commissioning Group, other local integration projects, their impact on and learning for other health and care economies.



Improved health care and wellbeing.



## Business growth and innovation

Government expectations of local leadership teams for 2016-20 includes sustaining and developing support for business growth after closure of the Business Growth Service, as well as enabling distinctive contributions to national research and innovation-led growth priorities. For us this means scaling up the reach and impact of our Growth Hub and realising the full potential of our Golden Opportunities.

To deliver this Heart of the South West partners already have primary responsibilities for:

- Operation and performance management of the Growth Hub and shaping of national agency (eg UKTI) access and support to Heart of the South West business.
- Strengthening the coherence and effectiveness of local innovation eco-systems around our Golden Opportunities - notably the marine cluster anchored by Plymouth, the environmental futures cluster anchored by Met Office investments in Exeter, the UK Hydrographic Office's long-term commitment to Taunton, the nuclear cluster catalysed by Hinkley Point C, and the broader South West aerospace cluster with its major growth node in South Somerset.

Our skills and infrastructure proposals provide a number of interventions to address these challenges. These will feed into and through the Growth Hub so our business growth and innovation strand, in summary, will:

Our Key Offer	Our ask of Government
<p>Scale up and assure a Growth Hub providing a seamless approach to business growth support.</p> <p>Strengthen a network and cluster of 'innovation eco-systems' anchored by each of our Golden Opportunities</p>	<p>An increased devolved revenue pot for at least 5 years which can draw if required on the Single Investment Framework.</p> <p>Co-commissioning of all remaining national business growth and internationalisation services.</p> <p>Commitment to bespoke agreements with national agencies to realise the UK and local growth dividends of each of the Golden Opportunities - underpinned by an early Science and Innovation Audit undertaken by a consortium of south west LEPs and universities.</p>
<p><b>This strand will include:</b> Collaboration with neighbouring LEPs on a cluster approach to inward investment.</p>	

## Why is this important?

Discharge of these primary responsibilities is impeded by national pressures which manifest themselves locally. Analysis shows:

- SMEs and early stage entrepreneurs find national and local systems fragmented, opaque and bureaucratic. This leads to low rates of business growth support take-up and entrepreneurial/start-up activity.
- Inward investment, internationalisation and trade, and our visitor economy are held back because the South West is perceived to be a distant periphery. Offers are poorly joined-up and we have a low national profile, and are a low priority for UKTI, VisitEngland and other agencies.
- National science and innovation products and services are not accessed consistently by existing business. Furthermore our national offer is not investment-ready so cannot easily take advantage of the potential of our Golden Opportunities.

We need more certainty of investment and freedom from national funding cycles so we can operate our proposed Single Investment Framework and ensure the right interventions are made at the right time to support our economic opportunities.

## Key outcomes

Our Golden Opportunities and distinctive assets have the potential to

release major productivity gains for us and for the national economy. Business support devolution will drive productivity through:

- More businesses taking up the support they need.
  - 20% of business stock informed about business support
  - 3,000 businesses supported
  - 750 business accounts managed
  - 10 Operational Level Agreements signed between business support delivery partners
  - 360 businesses receiving intensive support
  - 36 events to co-ordinate network businesses support delivering with the aim to simplify business support customer journey
- Significantly increased levels of inward investment.
- Heart of the South West businesses competing strongly in the global economy.
- Better engagement with business and an entrepreneurial culture.
- Double the number of international tourists to the Heart of the South West and more national tourists.
- Greater levels of science and innovation in our economy: double the uptake of Innovate UK support, and increased research and development.

## Place

Government expectations of local leadership teams over 2016-20 include:

- Adoption and implementation of Local Plans with demonstrable collaboration across functional economic areas to drive physical investment.
- A performance regime that accelerates housing and employment growth.
- Devolved local transport budgets and plans including both development and regulatory functions, to improve system performance locally and add value to national infrastructure investments and programmes.
- Contributions to specific national and pan-regional infrastructure priorities, including Hinkley energy agreements and recommendations of the Peninsula Rail Task Group.
- Proactive delivery management of Starter Homes, housing investment pots and local authority contributions to new housing.
- Completion of backbone superfast broadband infrastructure and increasing take-up to support the digital economy and wellbeing.
- Local authority and other public sector land disposal, development and rationalisation strategies.

Our proposals will enable us to take responsibility for delivering these agendas, including, in summary:

Our Key Offer	Our ask of Government
Establishment of an Infrastructure Commission to formulate a new Strategic Infrastructure Plan with implementation overseen by the Combined Authority.	Support to develop, fund and deliver the Strategic Infrastructure Plan.  A commitment to create a flexible funding model to support accelerated housing delivery, targeting locally identified growth areas.

This will include Government commitments to:
<ul style="list-style-type: none"> <li>• Existing and new infrastructure development, including the A361 North Devon Link, A303/A358/A30 improvements and Peninsula Rail Task Force 20-year plan.</li> <li>• Match funding and co-production to deliver 100% superfast broadband coverage</li> <li>• Use the two National Parks as test beds for integrated land management and rural productivity.</li> <li>• Inclusion of Plymouth on the Strategic National Corridor network.</li> </ul>

**This will include Government commitments to:**

- Devolved Air Passenger Duty from Exeter Airport.
- Support to develop and sustain new energy initiatives including wind, sub-sea and grid improvements.
- A National Policy Statement for renewable energy generation in the Bristol Channel and Severn Estuary.

**Why is this important?**

Long-term investment in our infrastructure is critical to unlocking growth and delivering our productivity targets. Our Strategic Infrastructure Plan will set out where and when investment is required. We need to accelerate housing and employment land allocations, electronic communications for our businesses, more housing for our workers, and improved transport links to allow faster movement of our workforce, goods and services. This infrastructure underpins growth and is the key to our future productivity.

Despite recent successes we are underfunded compared to other areas. Long-term investment is vital to provide confidence for developers and to drive productivity through faster, more reliable transport and digital connectivity. Investment in resilience is essential to minimise disruption and financial loss during a crisis. There is considerable untapped resource and market opportunity for the Heart of the South West to contribute more to the energy supply of the nation. We have the potential to become a leader in low carbon energy and renewables, however current grid infrastructure is limiting deployment.

**Key outcomes**

To support productivity growth, infrastructure devolution will deliver:

- 179,000 new homes, and a new Garden Town in Somerset.
- Accelerated housing and employment growth in the identified growth areas of Greater Exeter, Hinkley Growth Zone, Plymouth, Taunton, and Torbay.
- Faster rail connections to London, the South East, and Midlands.
- 100% superfast broadband availability and reliable mobile phone connectivity.
- Prioritised and sequenced infrastructure projects to maximise the value of investments.
- Innovation in energy development and supply to support the national energy strategy.
- Greater resilience of our infrastructure.
- Innovative approach to environmental management, increasing productivity, improving resilience, and growing our rural economy.



# Foundation 3: Towards a Combined Authority

The partners to this proposal recognise that leadership and governance of delivery of our deal will require transparent, robust, and efficient structures and processes commanding the confidence and support of Government, local communities, and business.

We also recognise Government's preferred model of choice for this vehicle is the Combined Authority (CA), with Mayoral leadership in the case of Core City Regions.

We will create a Combined Authority with appropriate strong leadership and accountabilities. We will carry out a Governance Review to identify the most effective structure and processes for putting this commitment into effect, ideally with an inception date of either April 2017 or April 2018.

The Governance Review shall draw on the principles outlined in our Statement of Intent as a starting point. The review will proceed in tandem with both the enactment of the Cities and Local Government Bill, and the progress of our devolution agreement negotiations and requirements of its effective implementation.

The Governance Review will set out the powers, roles, functions, and operational arrangements for the Combined Authority - and propose its relationships with and to key delivery partners nationally, locally and with neighbours.

At a minimum, the Heart of the South West LEP, CCGs and others as appropriate will become full non-constituent members of the emerging

Combined Authority, playing leadership roles where appropriate in its sub-structures, for example to build on the LEP's business credentials.

In addition, we consider there will be a number of collaborative arrangements that we shall wish to progress with variable consortia of South West neighbours. These may include a 'Transport South West' proposition, the in-train Science and Innovation Audit consortium with neighbouring LEPs and national clusters in areas such as nuclear, renewables energy,

Similarly, our prospectus recognises that specific sub-regional geographies will accommodate significant shares of the growth to be delivered. Bespoke arrangements to plan and manage these changes will build on or adapt existing arrangements including The Greater Exeter Group, The Plymouth and South West Peninsula City Deal, the emergent Hinkley, Taunton and Bridgwater triangle. Options for strengthening and adapting these arrangements (or elaborating new place-based governance) may include Development Corporations, Special Economic Zones, Accelerated Development Zones, or other models.

# Next Steps

Delivering devolution requires careful sequencing. A high level roadmap for developing and delivering our deal is outlined below.

A Heart of the South West partners group will launch shadow Combined Authority arrangements and a formal Programme Management Office (PMO) upon agreement from Government of serious intent to progress towards a devolution agreement. The PMO will be resourced to support devolution agreement workstreams with business case and financial management capacity, including assuring fiscal neutrality.

The shadow Combined Authority and PMO will work with Government to deliver six co-produced workstreams by early 2017:

1. The Governance Review will apply the processes required under legislation to specify, agree and launch the form of Combined Authority eventually determined. This work will include the role and voice of business and sub-regional geographical arrangements.
2. The Productivity Plan will elaborate the evidence base, strategies and performance management required to deliver the vision and goals of the devolution agreement.
3. We are seeking Government agreement to establish a Joint Skills Commission to oversee national policy requirements and the process of localising these under the terms of our devolution deal.
4. The local leadership team will work with our successful health integration exemplars, NHS England, and other local, regional and

national partners to identify wider opportunities to contribute to the Productivity Plan and national health and care integration priorities.

5. The LEP will ensure existing local growth commitments are delivered effectively, that the refresh of the Strategic Economic Plan feeds into the wider Productivity Plan and that business engagement in the establishment and operation of the Combined Authority and its priorities is strong.
6. We are seeking Government commitment to establish a Joint Infrastructure Commission to firm up the physical investment needs identified in national and Heart of the South West priorities and how the Single Investment Framework will resource these.

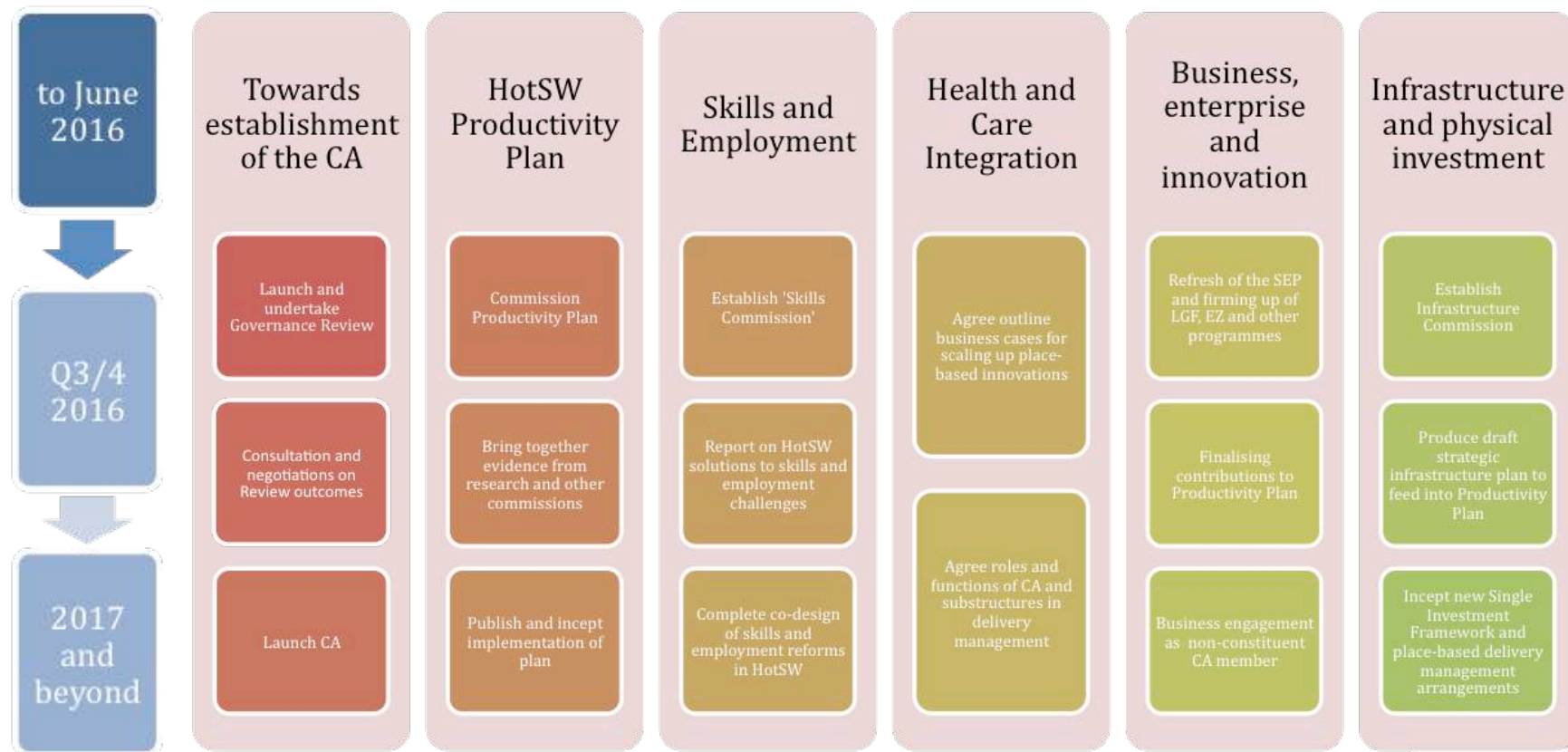
This process will allow early wins to be made, including accelerated housing development and initial skills and business support reform, whilst specifying and agreeing the structures needed to deliver the medium and long-term outcomes of our devolution agreement.

**In anticipation of a positive outcome from negotiations on our deal we seek early agreement from Government on a match-funded budgetary contribution to co-deliver these workstreams.**

We invite Government to begin formal negotiation with us on our proposals and the detail behind them with a view to signing a deal during the first half of 2016.

# Outline Roadmap

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Third Way Bridge, Taunton



June 2016

## **What does Devolution mean for the Heart of the South West - and for my own organisation and local authority area?**

Since the submission of the Statement of Intent in September 2015, the Heart of the South West Partnership have been working together to try and draw down greater powers, funding and freedoms from Government by securing a Devolution Deal for the area.

## **There are a number of underlying reasons to pursue a Devolution Deal and Combined Authority as a Heart of the South West Partnership**

The partnership has agreed the rationale and benefits for being involved in this process as follows:

- This is a unique opportunity to release powers and funding from Whitehall and enable us to have greater influence to deliver on the priorities we know are important to our sub-region
- It places our Partnership into an exclusive club with the 10 other deal areas and the advantages this can bring in terms of incremental shifts of power from the centre to local areas
- It is the start of an ongoing process that will allow us to build on our track record and credibility for delivery that makes a tangible difference to our communities

By working together as a Partnership we have a stronger voice with Government and greater clarity about our shared priorities. It puts decision-making closer to our communities so that we can plan, sequence and deliver what our areas need over the longer term. It will create a firm foundation for working together and for having conversations at a strategic level with neighbouring areas across the South West.

## **The benefits across the whole partnership of working together towards a Devolution Deal include access to new powers, for example around:**

- **Transport** – for example around bus franchises, and determining local bus network routes
- **Learning and Skills**– for example, control of the Adult Education Budget to redesign further education
- **Business Support** – having the freedom to join up a range of Government agencies locally to provide a better, more coordinated offer to businesses
- **Employment Support** – the ability to influence commissioning of the new DWP Health and Work Programme
- **Land and Housing** – greater influence over the use or disposal of central Government land and assets, and working with Government on planning reforms

## **In Mid Devon?**

For Mid Devon this could mean that we secure greater influence over infrastructure decisions that unlock growth. It could mean that we have a much stronger role in commissioning programmes that genuinely target our unemployed, or in brokering between further education and skills provisioning and the needs of our local businesses. While the exact nature of the gains in influence and decision-making will be determined by what we manage to secure from negotiations, ultimately this is about Mid Devon securing a greater role in determining or influencing the decisions that affect our communities.

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## What is a Combined Authority?

### Summary

Combined authorities (CAs) were introduced under in the [Local Democracy, Economic Development and Construction Act 2009](#) ('2009 Act'), and subsequently amended by the [Cities and Local Government Devolution Act 2016](#). The Heart of the South West Partnership has developed this briefing note as a simple explanation of both a Mayoral and Non-Mayoral Combined Authority (CA). Following a meeting with the Secretary of State in late May, and in line with the briefing note circulated shortly afterwards, the Partnership is considering establishing a Non-Mayoral CA.

It should be noted that we are not seeking to establish a Mayoral CA at this stage, but we are keeping our options open to see what additional powers this could unlock in the future. It is important that we collectively agree to the principle of setting up a Non-Mayoral CA initially to allow us to enter into negotiations with Government at this time.

### What is a Combined Authority (CA)?

England has one of the most centralised governance systems in the world. By creating a CA, the Heart of the South West partnership aims to draw down a range of new strategic powers and funding from central Government, through a Devolution Deal. This will mean that more decisions can be taken locally to better reflect local priorities. A CA can be set up by two or more local authorities. It is a formal structure with a recognised legal status. It usually has one representative from each of the constituent member local authorities, and operates on either a Leader and Cabinet, or Committee structure. A Mayoral CA also has a directly-elected Mayor who is the overall Leader or chair.

The 2016 Act removes previous limitations on the powers that a CA can exercise and permits the Secretary of State to transfer a wide range of statutory functions, including functions from public bodies. The only qualifications on this relate to the transfer of health service functions. The extent of the powers transferred depends on the Devolution Deal agreed with Government. The Secretary of State has been clear that the Mayoral CA model enables areas to draw down the most extensive range of powers. Examples of some pre-existing Combined Authorities that will become Mayoral CAs by May 2017:

- [Greater Manchester Combined Authority](#)
- [Sheffield City Region](#)
- [Liverpool City Region](#)

### What it's not.....

A Combined Authority is **not**:

- part of a process to instigate local government reform, or bring about unitary status.
- a take-over by any authority, nor a merger of authorities to form a 'super council'.
- about ceding (transferring) powers to a single body without the express will of the constituent local authorities.
- a 'physical entity,' for example with teams of regeneration officers from the constituent authorities sitting in one building – **unless** the constituent local authorities wish it to be. (Except for a very small core support team that is required by law)

## What is a Mayoral CA?

A Mayoral CA is a new variant introduced under the 2016 Act and is different to the elected mayors that a number of councils already have in place such as Torbay.

Up until recently, the Mayor of London had a unique position within English local government, with powers over strategic planning, transport, fire and emergency planning, policing and crime, and economic development over all of London, together with an elected 25-member London Assembly with scrutiny powers. The remaining local government functions in London are performed by the 32 borough councils.

Through Devolution Deals a number of areas have agreed to have a directly elected Mayor and a CA in return for a range of additional powers. An example of this is Greater Manchester Combined Authority. It will have a different model from London as they will operate a cabinet model CA, where all GMCA leaders have a clear portfolio of responsibilities that will act as a supporting and advisory function to their Mayor and CA in respective policy areas. Elections for the GMCA Mayor will take place in May 2017.

In this example the Mayor will need to consult the Cabinet on his/her strategies, which it may reject if two-thirds of the Members do not agree. Some functions such as the Statutory Spatial Framework will need to be approved by a unanimous vote of the Cabinet.

## What is the process for setting up a CA?

There are a number of routes for establishing a CA.

- 2009 Act – requires the authorities to carry out a governance review and publish a scheme recommending the creation of a combined authority. This requires the consent of the authorities involved in the scheme and the Secretary of State will agree to make a Parliamentary Order under the Act to create the CA.
- 2016 Act – the Secretary of State can establish a Combined Authority if the councils in the area consent. The Secretary of State must hold a public consultation if this has not already been undertaken locally. The Secretary of State needs to be satisfied that the CA is likely to “*improve the exercise of statutory functions*” in the area. The typical timeframe for establishing a CA through this route is 6-9 months.

An existing CA can be changed into a Mayoral CA through a Statutory Order from the Secretary of State. Any authorities that do not consent must be removed from the CA when the elected Mayor is established.

The governance review stage is important in determining the best model of CA for an area and is part of the overall scheme. In a Non-Mayoral CA the constituent members need to decide if they want a Leader and Cabinet, or a Committee style model for the CA

## Can the membership of a CA be changed?

It is possible for councils to leave, or for new councils to join a CA, however Government agreement is required to amend or dissolve the Combined Authority. If a local authority wishes to leave the Combined Authority, a new review of governance arrangements would have to take place, and a revised scheme would need to be published, before the Statutory Order could be amended.



## What sort of powers could the HotSW Combined Authority expect to receive through its first Devolution Deal?

No other areas of the country have been given a Devolution Deal based on the establishment of a new Non-Mayoral Combined Authority, however the Deals struck with Cornwall and West Yorkshire provide a guide as to what we might expect to be in our Deal.

We believe we are in a strong position to push for as much as possible in our first Deal with Government.

Devolution Deals tend to be incremental and to evolve over time. Once areas are able to demonstrate that they have strong and accountable governance arrangements in place, and that they can successfully deliver on the new functions, Government is willing to transfer further powers by negotiating subsequent deals. In March 2016, Greater Manchester, the pioneers of Devolution, successfully secured their 4<sup>th</sup> Deal with Government which gave them greater powers over more public services, including the criminal justice system.

All Devolution Deals have a common set of themes; however, the greatest powers, funding control, and influence are reserved for areas with Mayoral Combined Authorities. We believe that the following examples would be available to us as a bare minimum:

- **Transport** – for example around bus franchises, and determining local bus network routes
- **Learning and Skills**– for example, control of the Adult Education Budget to redesign further education
- **Business Support** – having the freedom to join up a range of Government agencies locally to provide a better, more coordinated offer to businesses
- **Employment Support** – the ability to influence commissioning of the new DWP Health and Work Programme
- **Land and Housing** – greater influence over the use or disposal of central Government land and assets, and working with Government on planning reforms

We will be pushing hard for all the powers and influence reflected in the 'Asks' in our Prospectus. In particular, we will be making a strong case to secure a long term investment commitment for the infrastructure we need to unlock growth.

## How would it impact on my Council?

The CA does not replace the existing member Councils, it operates alongside and allows those members to draw down and exercise a range of powers and control funding from Government they would not otherwise be able to access. It means that local politicians have greater control over decision making traditionally held in Westminster. The extent of the powers is determined by the Devolution Deal negotiated with Government.

It is not intended for any existing council functions across Devon and Somerset councils to transfer to the CA at the time of its establishment, but once established it would be possible, where there is a clear benefit, for councils to transfer functions into the CA, subject to agreement.

## Further information

House of Commons Briefing Paper on Combined Authority – February 2016

<http://researchbriefings.files.parliament.uk/documents/SN06649/SN06649.pdf>

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**CABINET  
2016**

**DATE 7<sup>TH</sup> JULY**

## **SENIOR OFFICER STRUCTURE REVISIONS**

**Cabinet Member:** Cllr Clive Eginton, Leader  
**Responsible Officer:** Stephen Walford, Chief Executive

### **REASON FOR REPORT:**

To modernise the senior officer structure and allow for changes to terms and conditions that strengthen the link between performance, delivery and members' ability to hold their senior officers to account. And to amend annual leave entitlements as part of ongoing employee relations.

### **RECOMMENDATION TO CABINET:**

- 1. That the Chief Executive revises the staffing structure of his most senior staff as per this report.**
- 2. That, subject to any issues raised during consultation, the Chief Executive and the three Director posts are moved to a 'spot point' system on a 'whole time' basis and that the stated 37 hour week and rights to TOIL/flexi-time are contractually removed.**
- 3. That the assessment and appraisal mechanism of the Chief Executive AND the three Director posts is linked to achievement of the council's corporate plan and that any future pay/reward element is determined (locally) by the Cabinet, having mind to the national pay offer where appropriate, and the input of opposition group leaders.**
- 4. That pay levels of the revised posts are set in consultation with SW Councils, will not exceed their current position relative to other Devon Districts, and that decisions on any future pay increases for the Chief Executive/Director posts are reported to full council within the annual Establishment Report to ensure full transparency.**
- 5. That revision is made to contractual annual leave allowances for all staff, subject to consultation with the union, to recognise the longstanding 'extra' day that has been given to staff due to the closure of offices over Christmas.**

**Relationship to Corporate Plan:** The senior officer structure is responsible for delivery of these priorities as well as working with members to help inform future target/objective-setting.

**Financial Implications:** A number of structural models were considered. The option that would have achieved financial neutrality was discounted in early discussions with the Leader/Deputy Leader as it was felt that the organisation would benefit from

a period of stability, and that the cost of any redundancy was taking an overly short-term view. As such it is proposed that the financial implications are neutral over the MTFP period, allowing for post deletions due to natural wastage over that timeframe.

**Legal Implications:** None. All statutory responsibilities will be encompassed within the redesigned roles.

**Risk Assessment:** Low; it is expected that all the changes can be made on an elective basis, i.e. without any imposition. It is also expected that the new structure will positively address risks around retention by creating a number of roles that allow for some career progression for the incumbent postholders.

## 1. BACKGROUND

- 1.1 Since arriving in post, the Chief Executive has reviewed the current makeup of his direct reports. This has resulted in a desire to address some of the organisational 'anomalies' that have occurred as a result of past decisions and responsibility-remnants of previously-deleted posts being divided across all remaining postholders, as opposed to grouping similar functions together.
- 1.2 This has been recognised within the current management team structure and all incumbent postholders are aware of the need for change. All other restructures within the organisation have been put on hold pending the realignment of the senior officer structure, in order that any resultant changes can be cascaded with as little disruption to staff as possible.

## 2. THE PROPOSAL

- 2.1 No redundancies are proposed as part of this restructure. This was an important aspect in early discussion with members, who feel that a period of stability will be of benefit. This also means that it is not intended for any redundancy costs to be incurred. Again, this has been an issue in recent years where perception has been that redundancy costs have been incurred unnecessarily.
- 2.2 The senior management structure of the council currently consists of the Chief Executive and 7 direct reports\*.
  - Head of Finance (*and Waste*)
  - Head of Human Resources (*and Leisure*)
  - Head of Housing and Property
  - Head of Communities & Governance (*and Economy*)
  - Head of Planning & Regeneration
  - Head of Customer Services
  - Head of IT\*

\* The Head of IT post was reported in the latest 'Establishment Report' in March 2016, but the postholder left MDDC at the end of March 2016. The responsibilities of this post are currently being undertaken by the Head of Customer Services on an interim basis, pending this senior officer restructure.

- 2.3 The proposed new posts draw a distinction between the strategic leadership requirements of officers leading the organisation and the operational Heads of Service that currently make up the management structure. It also groups similar functions together and elevates three posts to provide leadership resource in direct support of members and the Chief Executive. The proposed new posts are as below:

Director of Finance, Assets and Resources  
Director of Corporate Affairs & Business Transformation  
Director of Operations

The remainder of the current management team structure will continue in their roles, with responsibilities revised if necessary, but commensurate to their grade. However, the exact structure cannot be described at this point as it is not yet known who will apply for, or be successful, in securing the new roles. The new posts will be ring-fenced to the current management team.

### **3. OPTIONS**

- 3.1 In local government, cross-authority working and strategic partnerships are likely to be vital to the efficient delivery of public services over the foreseeable future. To this end it was considered prudent to explore the structural makeup of neighbouring and other District Councils in order to take this opportunity to align with other structures if appropriate.
- 3.2 The majority of Districts within Devon operate broadly the same senior structure with either four or five direct reports to the Chief Executive including a Deputy Chief Executive role. It was felt that the role of a Deputy (with commensurate pay levels) could not be justified given the additional cost, so this does not feature in the proposed structure.
- 3.3 A fourth leadership (Director) post was considered, similar to other authorities. However it is proposed that the Chief Executive post retains the directorial leadership remit for planning, regeneration and growth. This saves the cost of a potential fourth leadership post, and mirrors the role of the Exeter City Council head of paid service, which has the title of Chief Executive and Director of Growth.
- 3.4 There is an expectation that the council's most senior staff work the hours necessary to perform the role effectively. It is therefore proposed that these new posts do not benefit from a 37 hour contractual working week, but that they are guided by the relevant EC working time directive - being mindful of the 48 hour limit. Furthermore, there will be no accrual of time above these limits or 'time off in lieu' (TOIL).
- 3.5 On pay levels for its senior posts, Mid Devon ranks 4<sup>th</sup> of the 7 Devon District Councils<sup>1</sup> (and 4<sup>th</sup> of 4 among the Greater Exeter District Authorities). Pay

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<sup>1</sup> West Devon DC and South Hams share a staffing structure (so while there are 8 Districts, there are only 7 officer structures).

levels significantly below average could lead to recruitment and retention issues, while pay above the Devon District average could be harder to justify as value for the taxpayer. Therefore, whilst Mid Devon wishes to be a place that is attractive to recruit and retain employees, it is proposed that when benchmarking the new posts they retain this relative position.

- 3.6 Decisions on any future pay increases will be linked to achievement of the council's corporate plan objectives and will be determined (locally) by the Cabinet, having mind to both the national pay offer where appropriate, and the input of opposition group leaders.
- 3.7 The level of annual leave entitlement is set by the nationally-agreed 'green book' of terms and conditions outlining the minimum entitlement, although provisions exist for local authorities to be more generous if desired. For many years (15+) the council has closed between Christmas and New Year and has 'given' an extra day to facilitate this. It is intended to start consultation with the union with the intent of embedding this extra day within the contractual entitlement of staff (triggered as a result of deciding to remain open this year).

**Contact for more Information:** Stephen Walford, Chief Executive

**Background papers:** None  
**Circulation of the Report:** Cabinet

**CABINET**  
**DATE 7<sup>TH</sup> JULY 2016**

## **PROPOSED GREATER EXETER STRATEGIC PLAN.**

**Cabinet Member:** Councillor Richard Chesterton  
**Responsible Officer:** Jenny Clifford, Head of Planning & Regeneration

### **REASON FOR REPORT:**

This report considers a proposal for a joint strategic plan for the Greater Exeter area which would be prepared in partnership between East Devon District Council, Exeter City Council, Mid Devon District Council and Teignbridge District Council with assistance from Devon County Council. The plan would cover the geographical area of the 4 partner authorities (excluding the area of Dartmoor National Park) but would be limited in scope to cover strategic issues and strategic allocations within those areas with local issues to be considered through linked local plans prepared by each partner authority for their area.

Councils are required to work together on strategic planning issues under the duty to co-operate that forms part of the National Planning Policy Framework, which must include consideration by those councils of preparing joint plans. In the case of the "Greater Exeter" area a joint plan covering strategy matters is considered to be a particularly appropriate way of ensuring a collaborative and co-ordinated approach to the delivery of the development needs of the Greater Exeter area. This functional geography reflects the travel to work area and housing market area. There are also considered to be potential cost saving benefits to the joint preparation of a plan. This report has been agreed jointly by Exeter City Council, East Devon District Council, Mid Devon District Council and Teignbridge District Council officers.

### **RECOMMENDATIONS:**

**That Cabinet recommend to Council that:**

- 1. A Strategic Plan be prepared for the development of the Greater Exeter area intended to cover the period up to 2040 and that it be jointly prepared by East Devon, Mid Devon and Teignbridge District Councils and Exeter City Council with the support of Devon County Council.**
- 2. A joint budget of £330,000 be established for the current financial year to fund the preparation of the necessary evidence base for the plan on the basis of an equal split of £70,000 per district level authority with DCC also contributing and holding the joint budget.**
- 3. A detailed scope, timetable, terms of reference, governance and staffing arrangements be worked up for a joint Strategic Plan and reported to Members at their next available meeting.**

**Relationship to Corporate Plan:** The Corporate Plan contains priorities of homes, community, economy and environment. Exploring collaborative working with other Councils on a sub-regional basis will enable enhanced delivery of these priorities.

**Financial Implications:** This report sets out anticipated costs associated with the production of a joint strategic plan. Costs of reports and studies to inform the evidence base for the plan would be jointly commissioned more widely than is currently the case. A joint budget is proposed for 16/17 with estimates given for this and future financial year. The cost of the examination of the joint strategic plan will also be shared between authorities. Any costs associated with staffing arrangements will be considered when these issues are addressed in a future report.

**Legal Implications:** Authority has previously been granted to enter into a Memorandum of Understanding (MOU) between 'Greater Exeter' Councils. The MOU is not intended to be legally binding although signatory Councils will use reasonable endeavours to comply with its terms, spirit and honour any obligations arising.

This report presents opportunity to work together in order to deliver a joint strategic plan across of the Great Exeter area. Local Planning Authorities have plan making responsibilities under the Planning and Compulsory Purchase Act 2004. This Act includes provisions for joint plan making. The Localism Act 2011 also introduced a legally binding duty to cooperate between authorities. Other legal implications arising from decisions over terms of reference, governance and staffing arrangements will be addressed within future reports when decisions are made on these issues.

**Risk Assessment:** The main risk associated with this decision is the potential for money to be expended in pursuing a joint strategic plan which could be wasted if agreement cannot be reached and/or the plan work is aborted. It is however considered that given the duty to co-operate on plan making whether through joint work or otherwise this risk already exists to some extent and any abortive work will still be of value to work on separate plans in any event. Against this must be set the risk of future local plans failing their "duty to co-operate" without a clear agreed strategic plan.

From a Mid Devon perspective, there is also risk that work on a Greater Exeter area strategic plan will divert from the completion of the Mid Devon Local Plan Review. It is unusual for an authority to work on two plans covering different plan periods simultaneously. However the Local Plan Review will remain the top priority for the MDDC Forward Planning team and is expected to be submitted to the Planning Inspectorate later this financial year. Accordingly, until the examination of that plan has been completed, Mid Devon will contribute financially towards evidence commissioning, but will be less of an active participant in terms of staff resources in comparison with the other Greater Exeter area councils.



## **1. BACKGROUND**

- 1.1 Joint working between local authorities on planning matters has long been a principle of the planning system however it has taken on greater and greater prominence in recent years. The withdrawal of Regional Spatial Strategies (RSS) and Structure Plans has made joint working essential to enable co-ordinated planning across the county and region. The introduction of the Localism Act 2011 introduced a legally binding duty to co-operate between authorities on the preparation of local plans which is encapsulated in paragraph 181 of the National Planning Policy Framework which states:
- 1.2 “Local planning authorities will be expected to demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination. This could be by way of plans or policies prepared as part of a joint committee, a memorandum of understanding or a jointly prepared strategy which is presented as evidence of an agreed position. Cooperation should be a continuous process of engagement from initial thinking through to implementation, resulting in a final position where plans are in place to provide the land and infrastructure necessary to support current and projected future levels of development.”
- 1.3 The preparation of current Local Plans has relied to some extent on the work of the RSS even though this was never formally adopted; however there is an increasing policy vacuum at the regional and sub-regional level that needs to be filled if there is to be appropriate co-ordination of how housing and employment needs are met across the area and infrastructure is delivered to support delivery. The NPPF and its associated guidance clearly points to this being achieved through joint working between authorities to an agreed strategy for their area. A number of local plans have struggled through examination where the Inspector has considered that there has not been sufficient co-operation between neighbouring authorities and the duty to co-operate has not been met. It is therefore an increasingly important issue for authorities to address. There is a good history of joint working between the Devon authorities including the joint commissioning of evidence to support plan preparation. In many respects a joint plan would be a natural progression of this work.

## **2. THE CASE FOR A JOINT PLAN.**

- 2.1 A joint plan has a number of clear benefits aside from simply meeting the duty to co-operate and the policy vacuum formed by the withdrawal of the RSS and Devon Structure Plan. The cross border co-ordination of issues particularly those associated with the growth of Exeter as the region’s city is going to be key for Exeter and its neighbouring authorities. The impact of Exeter is felt beyond the boundaries of the city on a regional scale in terms of economy, housing need and transportation pattern. This area of influence has expanded to encompass East Devon, Mid Devon and Teignbridge. Together with Exeter

City itself, this wider area can now be regarded as 'Greater Exeter' and therefore there is a clear benefit of planning across functional geography.

2.2 Exeter is running out of space to accommodate the levels of economic growth that is envisaged and the housing needs that are likely to be generated. Significant growth is already being accommodated in East Devon in the form of Cranbrook, Science Park and Sky Park as well as in Teignbridge where large scale housing sites are being developed to the south west of the city. How such growth is accommodated and how this is co-ordinated between the authorities will be key moving forwards while regardless of which authority's area development is accommodated in there is a need to co-ordinate the delivery of infrastructure to support the development that is needed. Infrastructure such as the main road network for example runs between the different authorities and impacts on each area and so how the pressures that are placed on this infrastructure is dealt with is important to each authority and needs to be co-ordinated. Clearly Devon County Council also has a key role in terms of transport infrastructure, education and social care and proposes acting in a partnership role to support the Greater Exeter authorities in strategic plan making. Economic, environmental and other planning pressures and processes do not respect administrative boundaries and joint decision-making on these strategic matters will enable us to better plan for the future of the area.

2.3 A co-ordinated approach is also necessary when looking to secure government funding and investment. Individual authorities can no longer access the funding required to deliver the necessary infrastructure for large scale developments such as a new community like Cranbrook on their own. Such funding no longer exists with the government now expecting a co-ordinated approach between authorities and devolution bids to secure large scale funding. A joint plan will give a clear strategy for the area that will assist in accessing funding for infrastructure. In addition it would provide a clear strategy for growth to support the emerging devolution bid should this proceed. The Heart of the South West devolution bid highlights a number of challenges facing the LEP area which planning has a key role in addressing. These are:

- Comparative productivity is 29<sup>th</sup> out of 39 LEP areas
- An aging workforce and major skills shortages reported in every sector of the local economy
- Our performance remains low on key productivity measures: wages, innovation, inward investment exports and global trade
- Disproportionate growth in our older population is placing unsustainable burdens on our services
- Strategic infrastructure has good coverage, but is incomplete
- Insufficient capacity of the road network and motorway junctions
- Uncompetitive travel times to London and the south east

- Incidents and extreme weather threatens transport resilience
- Housing supply not keeping up with demand
- Threats to National Parks and Areas of Outstanding Natural Beauty

2.4 These challenges are common to the Greater Exeter area as they are to the wider LEP area and whether the devolution bid proceeds or not a joint strategic plan is considered to be part of the mechanism to addressing these issues that can only really be resolved by working together.

2.5 A further major benefit of joint working on plan preparation is the cost savings that this presents. Whilst traditionally some local plan evidence has been jointly commissioned, such as the Strategic Housing Market Assessment (across the housing market area), a joint strategic plan would present an opportunity to take this further through the pooling of resources for the commissioning and preparation of evidence. This could lead to significant savings over individual authorities each making separate commissions or separately producing the work. There is also potential for skills and specialisms within the individual authorities to be shared for the benefit of the partnership.

2.6 Other authorities have already undertaken joint plan making and it is understood that many of the plans that are currently in production are being produced in partnership between neighbouring authorities. Examples that are similar to the proposed approach for the Greater Exeter area include a joint plan for the Gloucester, Cheltenham and Tewkesbury area and also a plan for the Broadland, Norwich and South Norfolk Council's areas. More locally, joint plan making is already being pursued by North Devon and Torridge and is also taking place in the wider Plymouth area.

2.7 Joint plans are finding favour with local plan inspectors and the government's Local Plan Experts Group (LPEG) has also expressed a preference for this approach. The group was established in September 2015 to consider how local plan making can be made more efficient and effective. When the group reported earlier this year they highlighted the importance of joint working particularly in city regions where the administrative boundaries of the principal urban area mean that it cannot meet its housing needs. The Greater Exeter area is an example where this is increasingly the case and joint working will be necessary to address this issue.

### **3.0 GEOGRAPHIC AREA.**

3.1 It is logical for any plan to be centred around Exeter as the County city and so the geographic area for a plan needs to consider the influence of Exeter across the wider area. The Strategic Housing Market Assessment (SHMA) established a housing market area which takes in East Devon, Exeter, Mid Devon and Teignbridge. Similarly the recently revised Travel To Work Areas also takes in

much of East Devon, Mid-Devon and Teignbridge and so there is clear evidence that the role of Exeter as a place to live and work extends into much of these adjacent authorities and any plan for the Greater Exeter area should include these authorities. Officers from Dartmoor National Park Authority have also been engaged in conversations and it is clear that the impact of growth in the Greater Exeter area on the park needs to be considered particularly the part of the park that falls within Teignbridge but it is not proposed that the park authority form part of the partnership.

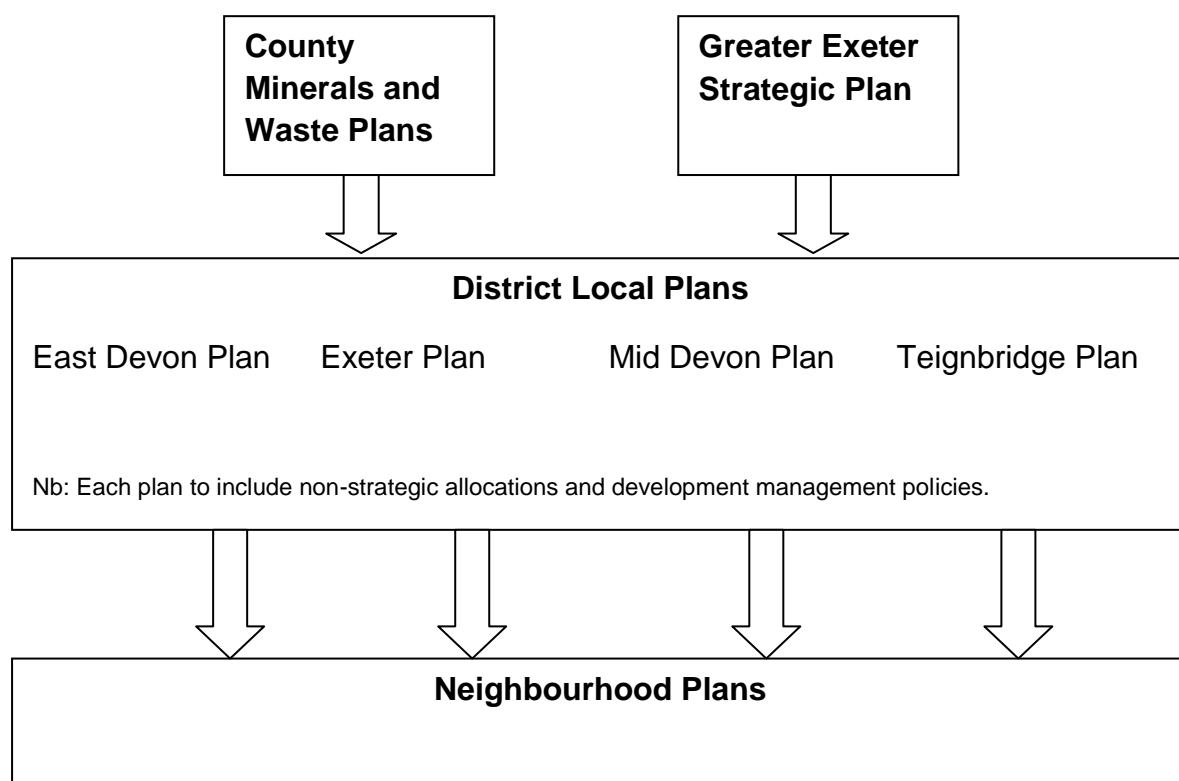
#### **4.0 SCOPE.**

4.1 There has been extensive discussion between officers on the scope of a jointly prepared plan and whether this should be a jointly prepared Local Plan which replicates the format and level of detail included in the adopted plans for East Devon and Teignbridge and the plan currently in the advanced stages of preparation for Mid-Devon. It is considered however that it is important that decisions are made at the most appropriate level and that having local level decisions about allocations in smaller towns and villages with no strategic impact or not directly influenced by Exeter would be better made at the local level and that a plan with a strategic focus would be most appropriate. It is therefore recommended that a joint strategic plan be prepared which would provide:

- A clear vision for the growth and development of the Greater Exeter area.
- Establish needs for housing and employment provision across the 4 authority areas.
- Make allocations for housing, employment and other development sites where they would contribute to the delivery of the vision for the Greater Exeter area and allowing for more detail in the area around Exeter. Any residual requirements would be allocated through separate local plans prepared individually by each council.
- Strategic planning policies in relation to the delivery of infrastructure across the area such as the delivery of highways projects, Suitable Alternative Natural Green Spaces (SANG's) etc.
- Provide more detailed policies on shared issues where consistency across the area is considered necessary or beneficial. For example renewable energies where the cross boundary co-ordination of district heating networks has already proved beneficial.

4.2 Such a plan is likely to still leave a need for a local plan for each authority, the production of which could follow on from the strategic plan or be produced in parallel, but the strategic plan would deal with the main large scale allocations and common issues leaving a slimmed down local plan to be prepared to address more local level policy issues and allocations. Clearly the strategic plan would also sit within a framework of plans which includes the County Minerals and Waste Plans and Neighbourhood plans for the area.

4.3 The envisaged hierarchy of these plans can be illustrated as follows:



## 5.0 TIMETABLE AND PLAN PERIOD.

5.1 Each of the authorities are at very different positions in terms of plan preparation and adoption and have taken different approaches in the past. Each authority's position is summarised in the table below:

<b>Authority</b>	<b>Status</b>
East Devon District Council	Local Plan 2013 – 2031 (adopted Jan 2016)
Exeter City Council	Core Strategy 2006 – 2026 (adopted Feb 2012) Development Delivery DPD (published July 2015)
Mid Devon District Council	Core Strategy 2006 – 2026 (adopted July 2007) Allocations and Infrastructure DPD (adopted October 2010) Development Management Policies (adopted October 2013)

	Local Plan Review 2013 – 2033 (submission this financial year)
Teignbridge District Council	Local Plan 2013 – 2033 adopted May 2014

5.2 East Devon and Teignbridge have previously produced Local Plans which form the development plan for their areas. Exeter and Mid Devon have undertaken a 2 or 3 stage process to produce the elements that make up the development plan. Only East Devon and Teignbridge have plans produced post the publication of the NPPF while Exeter and Mid-Devon have plans which are considered to be NPPF compliant.

5.3 The table above also shows the varying periods covered by current plans for the partner authorities with the furthest looking to 2033. The NPPF states that plans should cover a period of at least 15 years, however to ensure that a joint strategic plan is sufficiently forward looking and extends well beyond the period of existing plans it is considered that it should cover the period up to 2040.

5.4 An indicative timetable for work on a joint local plan has been developed and is provided below. This is only an indication of a likely timeline:

Calendar Year	2016				2017				2018				2019			
	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
Committee Meeting(s)																
Strategic Evidence																
Strategy options																
Draft preparation																
Draft+SEA consult																
Update evidence																
Final LP preparation																



- Open space needs
- Strategic Flood Risk Assessment
- Town Centre uses
- Viability

6.2 In the case of Teignbridge District Council it is understood that these funds have already been included within a wider budget for plan making work and will now simply need redirecting to a joint fund. The other partner authorities will need to specifically direct additional funds to the combined fund. A budget will also be required in future financial years which is likely to be in the region of £35,000 per year for the next 2 financial years with potential additional costs for the examination of the plan in the 2019/20 financial year. Importantly, examination costs are likely to be in the order of £100k but would be shared between the partner authorities.

6.3 It is recommended that the first year's budget is approved at this stage, to allow officers to commence work on the necessary evidence immediately, and avoid the potential for significant delay in the process later on.

## **7.0 CONCLUSION.**

7.1 It is considered that joint working on planning policy matters is vital to the delivery of a clear and coherent strategy for the future development of the Greater Exeter area and that this can only be delivered by the partner authorities working together on a shared strategy. A joint strategic plan focused on meeting the needs of the Greater Exeter area is considered to be the best approach to enable the partner authorities to reach agreement on how the needs of the area should be met.

7.2 This report is being presented to the four Local Planning Authorities individually recommending that they agree to this approach. It has been prepared by agreement of the chief planners (or equivalent post) of each of the councils.

7.3 Provision should be made for the budget recommended within this report for the commissioning of evidence to support plan production, in order to speed preparation. However issues such as staffing arrangements and governance arrangements are being discussed at officer level between the authorities and should agreement be reached on the principles established in this report then further reports will be brought to Members in due course to address these issues with a more detailed scope and timetable for the plan.

**Contact for more Information:** Mrs Jenny Clifford, Head of Planning and Regeneration  
01884 0234346 [jclifford@middevon.gov.uk](mailto:jclifford@middevon.gov.uk)



**Background papers:**

Cabinet 16<sup>th</sup> May 2016 Joint working

- NPPF - <http://planningguidance.communities.gov.uk/blog/policy/>
- Local Plans Expert Group Report - <https://www.gov.uk/government/publications/local-plans-expert-group-report-to-the-secretary-of-state>
- Devolution bid statement of intent - <http://www.heartofswlep.co.uk/sites/default/files/useser-1889/Heart%20of%20the%20South%20West%20Devolution%20Prospectus.pdf>

**Circulation of the Report:**

Cllr Richard Chesterton, Members of Cabinet

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**CABINET**  
**7<sup>TH</sup> JULY 2016**

## **ASSET MANAGEMENT AND CAPITAL STRATEGY PLAN (CORPORATE)**

**Cabinet Member** Cllr R Stanley  
**Responsible Officer** Nick Sanderson, Head of Housing & Property Services

**Reason for Report:** To bring to members' attention the revised Asset Management and Capital Strategy Plan for 2016 - 2020

**RECOMMENDATION:** that The Cabinet endorse this Capital Strategy and Asset Management Plan 2016 – 2020 that provides the base for future asset management planning.

**Relationship to Corporate Plan:** Property assets are linked to the delivery, vision and priorities of the Council. The way that the Council manages its land and property assets has a direct impact on the quality of services delivered as well as maximising the value derived from our property holdings for the on-going contribution in balancing the Councils budgets. It is, therefore, important that efficient and effective use is made of our asset portfolio to support corporate and service objectives.

**Financial Implications:** The delivery of this strategy will ensure best use of resources in a wide area of activities.

**Legal Implications:** None directly arising from this report.

### **Risk Assessment:**

- Risk Assessments will be carried out on individual projects to mitigate risks.

### **1. Introduction**

1.1 This Asset Management Plan (AMP) has been revised with clear intent to:

- invest our capital in existing and new assets with the intent to reduce revenue running costs over the life of a building, or to generate an income stream from rentals.
- provide the right assets in the right place at the right time from which to deliver our services.
- maximise the Estate's value for money.
- capitalise on the potential for a new investment based approach to commercial property opportunities, which will deliver low risk, sustainable revenue income for the Council in the medium to long term.
- enable the objectives of the Business plan for Property Services to be met.

- 1.2 The AMP details how the Council manages our Estate and describes how we treat all properties as a Council asset and how they will be managed strategically by our Estates and Property Services Team that ensure
- 1.3 Corporate landlord responsibilities are met.
- 1.3 The AMP places our Property Assets at the centre of Council decision-making, acknowledging the importance and financial value, its value in the support of services and the need for property matters to be linked and considered on the business plans across all services.
- 1.4 The AMP identifies principles to improve and regularly review our services and establish future methodologies for the creation of a fit for purpose property portfolio for the Council, which is required to be effective and efficient.
- 1.5 Objectives within the Corporate Plan directly impact on the property from which we operate and the investment decisions we make. The governance and review process defined within the AMP ensures these priorities are considered during the decision making process.

## **2. Assessment of the need for the Asset Management Plan**

- 2.1 Strengths/Opportunities - maintaining the existing standard brings the following:
  - We will not bear the costs of Asset Management Planning in terms of data collection, analysis and programme formulation.
  - Service areas can operate independently, bringing a perception of empowerment and swiftness of decision making, such as leisure services.
  - Demonstrate value for money.
- 2.2 Weakness/Threats - the importance of Asset Management is critical and failure to implement could result in the following:
  - Unable to make a judgement to our approach to property which can lead to risks of duplication, increased cost and poor utility management.
  - Enter into occupancy agreements with third parties in circumstances that may disadvantage the Council.
  - The true cost of property is not understood, nor its importance.
  - Missed opportunities for asset sharing with other parties including local authorities, blue light services and Parish Councils.
  - Fail to achieve maximum value from our assets base.

## **3. Annex A – Asset Management Action Plan**

- 3.1 To move forward with the recommendations identified in the AMP the formulation of a property review process and on-going maintenance of property information to ensure sound decision making going forward.

#### **4. Asset Management Plan Implications**

- 4.1 Property - We should expect improved property, greater cross service sharing, increased capital receipts and an increase in revenue income resulting from property review and Capital investment.
- 4.2 Financial - Sound management of our assets will always require a sufficient maintenance budget in order that the life and usage of our assets is maximised. Where sales and disposals occur then the net available income is made available to meet corporate priorities outlined in our Corporate Plan.
- 4.3 Other Implications - The expectation is that the level of stakeholder engagement relating to property matters will increase as a result of this AMP. It requires input from building users, visitors, managers and planners to create a future property portfolio that is good value, suitable for purpose and sustainable. The adoption of AMP is a corporate issue which will impact on Council business. Where the action affects a particular division then each relevant Member will be consulted in accordance with current practice as well as our Management team.

#### **5. Progress monitoring**

- 5.1 Progress will be monitored by providing quarterly updates using highlight reports to the Capital Strategy Asset Management Group (CSAG). In addition, individual areas of interest or concern will be subject to regular updates with the Cabinet Member for Housing and Property Services.
- 5.2 The CSAG meeting also includes the monitoring of the Council's medium term capital programme.
- 5.3 The AMP also contains performance measures which will be subject to annual reporting to the CSAG

#### **6. Review**

- 6.1 The policy forming part of this decision will be reviewed after 12 months.

**Contact for more information:** Andrew Busby – Estates Manager (01884 234948)

**Background Papers:** Business Plan for Property Services

**File Reference:**

**Circulation of the Report:** Management Team and members of the CSAG/Capital Strategy and Management Group

## Annex A - Asset Management Action Plan

ACTION	BENEFIT TO COUNCIL	HOW TO ACHIEVE THIS	RESOURCES NEEDED	LEAD OFFICER	DATES CSAG to be agreed
1. Review and amendment of Asset Management Plan Performance Management.	Link to Corporate Plan 2016 – 2020.	Implement management practices and assign 'SMART' targets.	Estates & Property Services	Estates Manager  Development Services Manager	
2. Promote the improvement of the use of Council's assets. Develop ways for all services to become aware of positive asset management ie. business plans. Asset Management Plan needs to be 'promoted' once updated.	Improved awareness of asset management; improved use of available skills & knowledge. Promoting proactive management Reducing reactive costs.	Awareness training sessions. Publication of updated asset management plan	Learning & Development  HR Business Partners	Estates Manager	
3. Improve benchmarking and sharing of information within nearest neighbours group.	Improve quality of asset management plan. Identify where efficiencies will be achieved. Identify internal rate of return, so that assets not meeting this return can be selected for disposal.	Revision as per Action 1 (above)	Estates Management & Property Services Team.  Estates Manager to set up a working group with other property managers from other authorities.	Estates Manager	

ACTION	BENEFIT TO COUNCIL	HOW TO ACHIEVE THIS	RESOURCES NEEDED	LEAD OFFICER	DATES CSAG to be agreed
4. Integrate capital strategy into the asset management plan.	Co-ordinated support for the corporate plan through integration of asset management plan/capital strategy/ medium term financial plan.	Working with Finance service.	Finance Manager for Capital Development Services Manager.  Contracts Manager.	Estates Manager	
5. Improve professional skills/training. Continuous Professional Development.	Improved quality of asset management.	Appraisals; On-the-job training provision.	Estates and Property Services team	Development Services Manager	
6. Identify strategic/key partners for collaborative working and develop a Community Asset Transfer Policy.	Improved capacity and cost-effectiveness through partnership working.	Explore shared service opportunities.	Estates and Property Services team	Head of Housing & Property Services	
7. Implement CAPS Estate Module and Quality Assurance Land Terrier.	Avoids duplication of records. Certainty over asset base. Reduce database maintenance requirements.	Cross-service working group using Prince 2 approach.	Estates and Property Services team	Estates Manager	

<b>ACTION</b>	<b>BENEFIT TO COUNCIL</b>	<b>HOW TO ACHIEVE THIS</b>	<b>RESOURCES NEEDED</b>	<b>LEAD OFFICER</b>	<b>DATES CSAG to be agreed</b>
8. Improve energy efficiency and continue to reduce consumption	Cost savings Achieves Corporate Plan objective.	Identify additional 'ESCO' opportunities.	Estates and Property Services team	Contracts & Services Manager	
9. Review & report based on 'outcomes' of the reduction in revenue maintenance budget  To include: Risks Future expenditure requirements in relation to plant and asset replacement	Awareness of risks and costs of reductions to planned preventative maintenance.	Incorporate in Action 1 (above)	Estates and Property Services team	Technical Administrator	
10. Analysis of value for money;  Cemeteries Parks and Open Spaces Grounds Maintenance	Contributes to effective use of resources. Potential efficiency increases/cost reductions identified.	Benchmarking (see Action 3 above) – results to be included in estates management business plan with SMART targets.	Estates and Property Services team.	Estates Manager	



ACTION	BENEFIT TO COUNCIL	HOW TO ACHIEVE THIS	RESOURCES NEEDED	LEAD OFFICER	DATES CSAG to be agreed
11. Improvement to the planning consultation process regarding 106/CIL.	Improved consideration of the impact of development on existing assets and added robustness to adoption procedures for new assets.	Liaise with Planning Service.	Regular review meetings with Planning Officers.	Development Services Manager.	
12. Continue to deliver Capital projects that support the Corporate Plan 2016 – 2020.	Improved use of asset management expertise at project design stage.	Involvement in CSAG.	Estates & Property Services team.	Head of Housing & Property Services.	
13. Revise and review Asset Management Plan annually plus initiate annual review as good practice.	Improved management of assets. Increased internal rate of return. Reduced reactive maintenance costs Improved risk management.	Annual review. Continued research for opportunities.	Estates & Property Services team.  CSAG.		

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# ASSET MANAGEMENT AND CAPITAL STRATEGY PLAN 2016 - 2020

Mid Devon District Council

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## **FOREWORD:**

Property Services provide accommodation for services within the Council and its businesses, lead on construction elements of the property capital programme, ensure statutory compliance of the estate and undertake a broad range of estate and strategic management activities.

Through the delivery of repairs and maintenance, we ensure the Council meets its statutory building compliance responsibilities and duty of care under relevant health and safety legislation, in addition to maintaining pathways and roads, hard landscaping, sewage works and retaining walls. We also develop existing assets and land to create affordable homes to replace assets lost under the Right To Buy scheme.

Building on Strong Foundations: A Framework for Local Authority Asset Management document published by the Department for Communities and Local Government lists the following potential benefits of good asset management:

- Deliver exceptional services for citizens, aligned with locally agreed priorities, whilst focusing investment clearly on need.
- Empower communities and stimulate debate.
- Improve the economic well-being of an area.
- Ensure that, once built, assets are correctly maintained.
- Introduce new working practices and trigger cultural organisational changes.
- Reduce carbon emissions and improve environmental sustainability.
- Increase co-location, partnership working and sharing of knowledge.
- Improve the accessibility of services and ensure compliance with the latest version of the Disability Equality Act 2010.
- Generate efficiency gains, capital receipts or an income stream.
- Improve the quality of information available to the public.

The value of the assets we manage have a total net value of around £40 million. Property Services are responsible for an operational budget, currently £1.2 million, as well as providing services that come under other operational budgets.

Our service consists of a wide range of assets including Land, Car Parks and Property. We provide services to approximately 96 locations comprising Leisure and Sport Centres, Corporate Offices, a Multi-Storey Car Park, Industrial Units, Shops, Public Conveniences, Car Parks, Listed Buildings and Paddling Pools and undertake construction of Play Areas, Skateboard Parks and other recreational leisure facilities. Our service also manages the Market Walk shopping precinct lease maintenance (Landlord contract).

### ***Councillor Clive Eginton***

*Leader, Mid Devon District Council*

### ***Councillor Ray Stanley***

*Portfolio Holder for Housing & Property Services*

*Mid Devon District Council*

### ***Nick Sanderson***

*Head of Housing and Property Services*

*Mid Devon District Council*

# 1 Introduction

The Asset Management Plan (AMP) sets out the Council's approach to the Strategic Management of its land and building assets. It is developed in consultation with the Senior Officers and Members of the Council that form the Capital Strategy Asset Management Group (CSAG). The AMP seeks to ensure that assets are used in the most effective and efficient way to support the delivery of the Corporate Plan.

## **Property Services Business Plan Mission Statement**

*“To maximise the value derived from our property holdings for the community by delivering a sustainable and efficient corporate property service that meets our stakeholders’ needs and be recognised as a forward-thinking, proactive service.”*

The main strategic document for the Council is the Corporate Plan and this document sets out the Council's vision, values and priorities. This particular document is the 'umbrella' for a number of documents which, together, support the Corporate Strategy. For further information see the Corporate Plan on our website.

The Capital Strategy Asset Management Group (CSAG) function involves key Council services and the role of the CSAG is key to ensure that there is an effective dialogue on asset management issues across the Council. The CSAG ensures there is insight into individual council services, together with a clear understanding of corporate goals and objectives. The group consists of officers and Members who follow and agreed process which ensures the estate is managed effectively and any disposals reflect value for money.

# 2 The Benefits of Property Asset Management Planning

Property assets should be linked to the delivery, vision and priorities of the organisation. The way that the Council manages its land and property assets has a direct impact on the quality of services delivered to the public.

While the Council's policy relating to the disposal and acquisition of public open space is under review, all land acquisition via the s106 process will be considered by the CSAG group before any legal agreement is authorised.

**Community Asset Transfer:** Establishment of clear procedural policies including option appraisal. (Appendix 2)

### **Condition of the existing Estate:**

- **i Running Costs** - Alignment of operating costs with a dedicated property code to enable analysis. Data will be extracted then to inform and shape the property reviews.
- **ii Condition Surveys** - Carried out on non-housing stock on rolling basis. (Appendix 3) Planned maintenance programme now in place.

- **iii Statutory Compliance** - There is a programme of statutory inspections and surveys in place.

**Data Management:**

Comprehensive property database now established to combine property, financial and management information. We plan to review asset management software as per Appendix 5.

**Tenanted non-residential property (TNRP) Review (Appendix 4):**

The CSAG will review asset ownership through an assessment of efficiency, effectiveness and affordability. This will ensure that this part of the estate is fit for purpose. Assets that do not fulfil the Council’s strategic priorities and/or do not provide a positive rate of return, could be sold or transferred to Town and Parish councils.

**Financial Management:**

- **i** Continued development of Capital Programme links to the AMP and capital monitoring.
- **ii** Implement Whole Life Appraisal – a systematic assessment of all relevant expenses, income and performance associated with the acquisition, procurement, ownership, refurbishment and potential disposal of an asset over its life thus allowing the Council to plan our medium and long term financial commitments.

**Performance Management:**

Development of performance measures in relation to assets that evaluate asset use in relation to corporate objectives. This will be undertaken in tandem with assessing property management software tools.

## 3 Corporate Asset Objectives

The overall objective of the Council in the management of its property portfolio is to utilise and manage its land and property assets in accordance with the principles of Best Value; so as to enable high quality services to be provided to our stakeholders. Property can drive corporate objectives and organisational change; this is achieved by recognising and adopting the following objectives to:

- ensure that retained assets are suitable for their proposed/existing use, are fit for purpose, represent value for money and support improved service delivery.
- provide an appropriate, attractive, secure and safe working environment that motivates employees.
- minimise, in all respects, the impact of the Council’s buildings on the environment throughout their life.
- ensure the Council’s property assets comply with Statutory/Regulatory Codes and are managed efficiently.
- ensure that the disposal of surplus assets links with the Medium Term Capital and Revenue Financial Plans.
- identify land for Affordable Housing developments.
- identify commercial opportunities that provide a financial benefit.

## 4 Portfolio overview - what does the Council own?

Mid Devon District Council holds a wide and varied portfolio of Property and Building Assets comprising non-residential properties and areas of open space with a net book value in the region of £40 Million.

The Council's portfolio can be split into three main areas as shown below:

- 1 For the purpose of direct service delivery, such as parks, open spaces and leisure centres.
- 2 To support service delivery, for example administrative offices and depots.
- 3 Tenanted non-residential property. This part of the portfolio is varied and assets have been made available for a range of uses; such as the potential to contribute to future regeneration schemes, provide employment, or to retain control over property use. In addition, some properties in the portfolio provide valuable revenue income such as our Market Walk and Fore Street Tiverton properties.

However, the housing stock is managed by the Housing Service and is subject to its own Housing Strategy and Housing Revenue Account Business Plan. The management of these assets is outside the scope of this Asset Management Plan.

## 5 Organisational Framework for Asset Management

**5.1** The overall monitoring of the AMP and corporate asset management initiatives is the responsibility of the Cabinet. The Cabinet considers the Council's AMP and in so doing it looks to ensure that value for money and good practice criteria are addressed. These are set out below:

- Links between corporate objectives and property priorities.
- Full involvement of all service areas either through service/asset reviews or at an appropriately senior level at CSAG.
- Clear distinction between strategic and operational decision making - the AMP does not look to address detailed issues concerning individual assets. It serves to provide a framework within which those types of issues can be considered.

**5.2 Corporate Management** - Responsibility for the corporate management of the Authority's property assets rests with the Head of Housing and Property Services who is

a member of the Management Team and reports to the Cabinet Member for Housing & Property Services.

**5.3** The Head of Service has authority to undertake all required developments in asset management once this has been delegated by Cabinet. His role and responsibilities are defined, and have been communicated to all concerned in the management and use of property throughout the Authority.

**5.4 The Capital Strategy Asset Management Group** - The Council has set up a cross-service forum to promote the effective management of the Council's land and buildings. CSAG is chaired by the Head of Housing and Property Services or the Estates Manager with the balance of the forum made up of Cabinet Members and senior representatives at head of service level. The Estates Manager acts as an internal project manager in respect of the preparation and monitoring of the Asset Management Plan.

**5.5** To ensure continued inter-department consultation and a corporate approach to proposals for effecting the Council's land and buildings.

**5.6** The Group meets on a quarterly basis. The minutes of each meeting are kept confidential due to commercially sensitive information/discussion.

**5.7** Service Departments in areas affected by Asset Management Reviews are consulted and any resultant actions are reported back to the CSAG.

**5.8** To support the development and monitoring of the capital programme and the Council's medium-term financial plan.

The CSAG group provides linkage to the Council's capital strategy by monitoring the current year's capital programme and developing the programme for future years, through the Head of Finance, that includes:

- Corporate Property Asset Management Plan
- Identification of property holding purpose and individual property asset strategy
- Monitoring of Capital Programme
- Reports to Cabinet for corporate property decisions

## **CSAG Key Outputs**

### **Property Review:**

- By Service
- By Type

### **Co-ordination and review of:**

- Accommodation use
- Planned maintenance
- Asset disposal
- Capital investment
- Performance measurement and monitoring on energy performance and reactive maintenance levels
- Property asset contribution to the Council's objectives.

### **Consultation and Communication:**

- With users



- With the public
- Other public service providers
- Cabinet/Members

## 6 How do we measure performance?

Core to this AMP is the objective to ensure that we deliver an effective and efficient asset base from which to deliver services.

As a consequence, we are developing a set of Property Performance Indicators against which we can judge our performance over time and benchmark that performance with other authorities.

Our selected PPI's are based around the following discussions,

Does the estates management function;

- work efficiently and effectively?
- activity help to ensure the organisation has buildings which are fit for purpose and comply with statutory requirements?
- help to ensure the organisation makes best use of its estate?
- effectively support the organisation in minimising the impact of the estate on the environment?
- manage maintenance and capital programmes effectively?
- ensure internal customers are satisfied with the service provided and the functional suitability of the estate?

It is intended that we shall monitor the PPI's as our priorities and needs change and mature adding new indicators as necessary.

### **Proposed Performance Indicators (PPI)**

Total property costs (occupancy, operational and management) per square metre Gross Internal Area (GIA).

Total property costs (occupancy, operational and management) per FTE (Full Time Equivalent Staff).

Cost of the Estates Management function per square metre GIA.

Cost of the Estates Management function as a percentage of organisational running costs.

Total building operation costs (revenue) per square metre GIA.

Workstations per full-time equivalent staff (FTE).

Area (square metres) per workstation.

Total annual energy consumption (kWh) per square metre (GIA).

Total property required maintenance as a percentage of average annual maintenance spend for the last three years.

## 7 What have we achieved so far?

The Council adopted the principal of strategic asset management in 2003 with the publication of its first Corporate Property Asset Management Plan.

- 1 PROPERTY REGISTER – CAPS database bringing together property information from different software systems across the Council.
- 2 PHOENIX HOUSE - space rationalisation, creation of the Phoenix Chamber.
- 3 FINANCIAL CODING – enabling accurate and more reliable cost recording against individual property assets.
- 4 CAR PARKS REVIEW – collation of car parks information and review of provision in district by a working group consisting of Members and Officers.
- 5 ENERGY MANAGEMENT/ CARBON REDUCTION - energy saving performance contract - 12 year contract with Anesco.
- 6 MANAGEMENT OF LAND DRAINAGE - Flood Management Act.
- 7 DEVELOPMENT OF EMPLOYERS REQUIREMENTS - building design for Affordable Housing Developments.
- 8 CAPITAL DISPOSAL PROGRAM - managed by the CSAG receipts towards capital programme (in addition to usual capital receipts).
- 9 TIVERTON TOWN REGENERATION PROGRAMME – masterplan setting the programme for priority projects, including enhancement and redevelopment of assets owned by the Council.
- 10 LORDS MEADOW LEISURE CENTRE - regeneration, including upgraded fitness gym, sports hall, dance studio with training room and overflow parking provision
- 11 CUL VALLEY SPORTS CENTRE – refurbishment of the gym and reception area.
- 12 EXE VALLEY LEISURE CENTRE – Plans to look at extending the gym at this facility.
- 13 OPEN SPACE STRATEGY
- 14 MID DEVON LOCAL PLAN.
- 15 MARKET WALK/FORE STREET TIVERTON - purchase of commercial units.
- 16 PUBLIC CONVENIENCIES - working with Town and Parish Councils to secure funding to continue the service or find alternative uses.

## 17 TIVERTON SKATEBOARD PARK - secured funding to deliver community asset.

In addition to the above, following a review of the Council's main headquarters accommodation at Phoenix House, Tiverton; the Council have completed the implementation of a relocation programme. The key outcomes of the project have included:-

- The creation of Phoenix Chamber where Planning Committee and Full Council take place.
- Divisible fully equipped meeting rooms.
- Potential income stream from renting rooms to the Public.
- More efficient use of open plan office space.
- Potential reduction in business rates (open plan offices converted to meeting rooms).
- Rental of office space the Department of Work & Pensions

## 8 Income Generation

The Property Service continues to generate income for the Council that is budgeted. A breakdown of our net annual income/savings is provided below:

Phoenix House (income from sub-letting)	£13.5k
Solar Photovoltaic Panels via the Feed In Tariff per annum (depending on the weather throughout the year)	£40k
Bus Station income	£24k
Industrial Units	£125k
Park Lodge income (income for Parks and Open Spaces)	£10k
Shop Units (General Fund and HRA)	£108k
Cemetery Lodge income (income for Parks and Open Spaces)	£8.4k
Elsie May's Building	£15k
2 Wells Close income (HRA asset)	£7.2k
Contributions / transfer for Public Conveniences	£55k
Grounds Maintenance Income	£48k
Cemetery Income	£122K
Town Council income	£15.3k
CAB Income for Town Hall Letting	£12k
Market Walk income based on current cash income stream	£385k

per annum	
Crediton Town Council	£5k
Fore Street Rentals	£47.1k
Lowman Green	£10k
Lords Meadow Depot	£10.8k
DCC Library income	£44k
Roundabouts sponsorships (income for Parks and Open Spaces)	£11k

Renewals of Community Leases are also controlled via Property Services that can deliver income and support the provision of services to the community.

Property Services leads the Capital Strategy Asset Group and reports land sales that can deliver Capital Receipts. This will mainly be HRA land and will, therefore, be assigned to the HRA development work being undertaken.

# 9 Supporting the Corporate Plan

To see our corporate plan in full please use the following link:

**Insert when set up on website!**



*VISION: Making the most of Mid Devon*

PRIORITIES:



We will focus on:

- Bringing new businesses into the District
- Business development and growth
- Improving and regenerating our town centres
- Growing the tourism sector

We will focus on:

- Building more council houses
- Facilitating the housing growth that Mid Devon needs, including affordable homes
- Planning and enhancing the built environment

We will focus on:

- Working with local communities to encourage them to support themselves
- Working with town and parish councils
- Increasing activity and promoting health and wellbeing

We will focus on:

- Increasing recycling and reducing the amount of waste going to landfill
- Reducing our carbon footprint
- Protecting the natural environment

Set out below is an illustration of how property assets support the Council's priorities and the actions required to improve the performance of the portfolio in relation to the delivery of Corporate and Service objectives.

Corporate Plan 2016 – 2020

*[Hyperlink to go here](#)*

Business Strategies

*[Hyperlink to go here](#)*

Climate Action Plan

*[Hyperlink to go here](#)*

Mid Devon Local Plan

*[Hyperlink to go here](#)*

## 10 Mid Devon Infrastructure & Planning

Policies and useful documents are shown below

- Retail Study 2012 <https://new.middevon.gov.uk/media/103524/retail-study-2012.pdf> (Appendices are also on the evidence page of our website here <https://new.middevon.gov.uk/planning-policy/local-plan-review-evidence-base/>)
- Employment Land Review 2013 <https://new.middevon.gov.uk/media/103536/economy-land-review-2013.pdf>
- Strategic Commercial Land Availability Assessment 2014 [https://new.middevon.gov.uk/media/85198/sclaa\\_site\\_appraisals\\_2014\\_final.pdf](https://new.middevon.gov.uk/media/85198/sclaa_site_appraisals_2014_final.pdf) (pages 1-30 for sites assessed in Tiverton)
- Core Strategy 2007 [https://new.middevon.gov.uk/media/103617/core\\_strategy\\_adopted.pdf](https://new.middevon.gov.uk/media/103617/core_strategy_adopted.pdf) (policies COR12 and COR13)
- Allocations and Infrastructure DPD 2011 [https://new.middevon.gov.uk/media/103618/final\\_version\\_of\\_the\\_aidpd\\_january\\_2011\\_.pdf](https://new.middevon.gov.uk/media/103618/final_version_of_the_aidpd_january_2011_.pdf) (Tiverton allocations)
- Local Plan part 3: Development Management Policies 2013 [https://new.middevon.gov.uk/media/103619/local\\_plan\\_part\\_3\\_adopted\\_october\\_2013.pdf](https://new.middevon.gov.uk/media/103619/local_plan_part_3_adopted_october_2013.pdf) (especially DM16)
- Local Plan Review 2013 – 2033 Proposed Submission [https://new.middevon.gov.uk/media/114000/local\\_plan\\_proposed\\_submission.pdf](https://new.middevon.gov.uk/media/114000/local_plan_proposed_submission.pdf) and maps <https://new.middevon.gov.uk/planning-policy/local-plan-review/local-plan-review-maps/>

# 11 Outcomes

The Council's Asset Management Plan was last updated in 2008. This revised plan creates a useful picture in terms of how the Council's assets support the Council's Corporate Priorities and the challenges ahead in ensuring a strategic approach is taken to support corporate and services strategies. The actions set out with dates in the AMP highlight where work remains to be carried out to fully incorporate Asset Management into the Council's ethos and have been set to achieve the Corporate Asset Objectives.

As is demonstrated within the Plan, effective asset management is an on-going discipline that requires the active support of senior decision makers and cross service input. For further information, please speak to the author of this document, **Andrew Busby – Estates Manager 01884 255255**.

# Appendix 1

## Why do we need Asset Management?

### Further explored...

#### **1.0 Practical Reasons**

It takes longer to change property than any of the other strategic resources. Lack of attention to asset management will result in the asset base underperforming in both non-financial and financial terms. Examples of this are:

- Expensive maintenance backlogs.
- Poor fit between customer and service requirements and the property from which they are delivered.
- Under-utilisation of buildings.
- Inefficient sourcing and procurement of property, construction and support services.
- Inefficient use of capital.
- Insufficient control of running costs.
- Failure to provide services close to the community they serve.

#### **1.1 Business Benefit Reasons**

The business benefits that have been realised by many public bodies from effective asset management are:

- The release of capital for re-investment or debt redemption.
- Reduced running costs.
- Better customer service and public service provision through improved accommodation and the co-location of services.
- Property in good condition.
- Improved property utilisation and bringing together similar uses into the same property, rather than providing them separately.
- Improved productivity, changes in corporate culture and facilitation of corporate change.
- Improved place-making in shaping the built environment of local communities.

#### **1.2 Policy Reasons**

In every part of the public sector, improved asset management is not just to be encouraged, it is a general expectation.



# Appendix 2

## Development of a Community Asset Transfer Policy

### 1 Background

**1.1** The Strong and Prosperous Communities Local Government White Paper was published in October 2006 and sets out the basis for a new relationship between local government and its communities. This paper advocated that “the aim is to give local people and local communities more influence and power to improve their lives”. In addition, “we are determined to ensure that existing powers and policies that support community management and ownership are effective; and that practical ways are found to overcome any remaining unnecessary barriers”.

**1.2** The ‘Making Assets Work, Quirk Review’ looked at the clear benefits to local groups which own or manage community assets – such as community centres, building preservation trusts and community enterprises. The review makes clear that what is required is not legislation, but guidance to enable a partnership approach to the delivery of community services. The review focused on how the use of publicly owned assets could be optimised by exploring options for the increased transfer of asset ownership and management to community groups.

**1.3** The Localism Bill will look to devolve further powers to community organisations to take on the delivery of services previously run by local authorities. This will have an effect on buildings currently used to deliver those services.

**1.4** Local authorities have been given discretionary powers under the Local Government Act 1972 to dispose of land below market value in some circumstances. Decisions on disposal need to be made by comparing the benefits that would accrue from a transfer to community use, with those from a straight forward commercial sale.

**1.5** Where community groups are well established and have access to either the support of a governing body or regular income streams, the transfers have worked well. However, other schemes which rely mainly on voluntary community support have been less successful in delivering sustainability in the medium to long term.

**1.6** By having a clear Community Asset Transfer Policy and selection process for third sector partners, the Council will have a greater chance of ensuring that the sustainability of the property is maintained in the long term and, by means of a robust business proposal, that community groups are able to demonstrate their capability.

**1.7** There has to be a balance between the sale of assets for reinvestment in the Council's priorities through the Capital Programme and transfers for the delivery of services by community groups.

**1.8** The CSAG is currently embarking on a Property Review which will, amongst other things, identify assets which could be subject to future disposal.

**1.9** Community Asset Transfer needs to be considered by the CSAG. Town or Parish councils wishing to apply to take on assets currently held by the Council require a defined process to do so, we plan to do this by developing an on line application form.

# Appendix 3

## Condition of the existing estate

### Statutory commitments

Where we provide and maintain property for our business, Property Services are responsible for a high number of statutory requirements to ensure compliance and protect the Council from prosecution, therefore prevention is key.

The Council looks after a wide range of legislative requirements to ensure that it meets its statutory obligations, which includes:

- Asbestos Management
- Fixed electrical testing
- Structured surveys
- Legionella testing
- Condition Surveys

We regularly inspect our roads and pathways and carry out other routine inspections and keep records that are required for insurance purposes, these are essential in order that we can defend potential claims.

### Non-statutory commitments

The statutory commitments are necessary if the Council continues to operate a facility for employees and the public. However, we may not have a statutory requirement to cover some services i.e. Leisure and Public Conveniences.

Any special legal or insurance obligations your service needs to be met.

### **Building condition categories**

<b>Condition Survey Categories</b>	
<b>A</b>	<b>Good.</b> Performing as intended and operating efficiently.
<b>B</b>	<b>Satisfactory.</b> Performing as intended but exhibiting minor deterioration.
<b>C</b>	<b>Poor.</b> Exhibiting major defects and/or not operating as intended.
<b>D</b>	<b>Bad.</b> Life expired and/or serious risk of imminent failure.
<b>Not Set</b>	Condition survey not undertaken.

During the inspection of buildings, the urgency for maintenance works is assessed simultaneously with the condition. This assessment then informs the prioritisation of both the order of works and budget allocation.

Recognising certain outcomes from the old inspection regime, a new improved inspection regime will be implemented following approval of the responsible officer's paper to the Cabinet Member for Housing and Property Services and the Head of Service. This will result in better informed maintenance budgeting and an improved understanding of the estate's true condition.

## 1 Condition Surveys

**1.1** Condition surveys on the Council's non-housing premises should be carried out on a rolling basis at least every two years. The majority of property is generally in a sound or acceptable condition with relatively minor works required. The planned maintenance budget generally allows Property Services to carry out repairs to buildings and fixed equipment as and when required. There are occasions when major works need further budget approval before they can be carried out.

From 2016 these surveys will be undertaken every three years and will provide more comprehensive information to help inform not only the Planned Maintenance Programme, but also the on-going general review of the Council's varying asset cluster. Eventually it is anticipated that each asset will have its own asset management plan and classification for either on-going maintenance, capital investment, significant capital investment or replacement, change of use or disposal.

The basis of the new style surveys will enable appraisal with regard to fitness for purpose of use, condition and compliance. The three facts which will be assessed and ranked are:

- i. Physical condition
- ii. Fire, health and safety and disabled accessibility
- iii. Suitability

**1.2** In addition, annual tests on utilities and building facilities such as electrical wiring; boilers including gas safety; air conditioning and ventilation; equipment checks and other monitoring form part of the planned maintenance process and are carried out regularly in line with planned and programmed schedules

## 2 The Disability Equality Act 2010

**2.1** The Property Services team takes a role in working to fulfil the obligations under Part 3 of the Act. Audits have been carried out on all premises available for public use and we have implemented a number of improvements to ensure suitable access for the disabled.

**2.2** Premises are routinely monitored with service managers to gauge where further improvements could be made. Provision is made within Revenue budgets to enable this process.

## **3 Asbestos**

**3.1** The Control of Asbestos Regulations 2012 places a duty to manage asbestos, wherever it is found in our buildings. MDDC has surveyed all of its properties and listed any asbestos containing materials (ACM's) on the Asbestos Register. Wherever possible, the ACM's have been removed or encapsulated. The asbestos that remains is being regularly monitored. The Asbestos Policy gives full details of the management of ACM's.

## **4 Control of Legionella Approved Code of Practice and Guidance from the HSE (L8)**

**4.1** The Health and Safety Commission's Approved Code of Practice 'The control of legionella bacteria in water systems' was published in 2001. It sets out duties on the 'building manager' to ensure that water systems are monitored to reduce the risk of legionella.

MDDC has a service agreement with an independent company who are monitoring all our premises on a regular basis to ensure that we are compliant with the legislation. Remedial works are prioritised and financed from the planned maintenance budget. The Legionella Policy gives full details of the management and control of Legionella risk.

## **5 Fire Safety**

**5.1** The Regulatory Reform (Fire Safety) Order 2005 covers general fire safety in England and Wales. Employers (and/or building owners or occupiers) must carry out a fire safety risk assessment and keep it up to date.

MDDC has carried out fire risk assessments at all of its premises, where required and actively manages and implements changes or improvements that are highlighted. Reviews are carried out on an annual basis.

# Appendix 4

## Tenanted Non Residential Property (TNRP) Review

### 1 Background

- 1.1** The Council owns assets which are let to third parties, other than HRA housing, for example industrial workshops and residential properties. These assets are held for investment or socio-economic purposes – or both.
- 1.2** The Royal Institution of Chartered Surveyors (RICS) recommends a focus on three key perceived current priorities for improvement in the management of TNRP in the local government arena:
- There should be clear allocation of roles and responsibilities and accountability processes in the management of TNRP to drive continuous improvement in TNRP performance.
  - Local authorities should adopt business planning disciplines to ensure clear strategy, plans and programmes for the management of their TNRP.
  - To ensure best value is being obtained, local authorities should continuously measure and report on the performance of all TNRP as investments

### 2 Getting Started

- 2.1** A TNRP strategic review will be commenced and with a simple overview including:
- A list of TNRP assets and their type.
  - Asset values and income (internal rate of return (IRR) valuation).
  - A basic analysis of why they are held eg. socio-economic, investment or unidentified.
  - A desktop indicative assessment of their suitability, condition and running costs.
  - CSAG referral of recommendations to Cabinet following completion of reviews on the following asset clusters:
    1. Industrial Estates
    2. Fore Street properties
    3. Residential property
    4. Market Walk shopping precinct.
- 2.2** As the strategy develops, a phased work programme should emerge to ensure:
- The Council is clear as to why it owns TNRP
  - There is a clear business case for owning individual TNRPs.
  - The Council is clear as to what outcomes are expected.

- The right people are involved.
- There are clear strategies, plans and programmes in place.
- The performance management process is robust.

## 3 Outcomes

**3.1** The TNRP review will measure the performance of each asset against a decision framework. The outcomes will include an understanding of the property objective and will arrive at a decision to either retain or dispose of an asset.

**3.2** Where an asset is retained, it will fall into one of three classes:-

- Continued maintenance – where the property is considered to be doing the right thing in the right place. All that will be required is a planned maintenance schedule;
- Improve usage – there may be an opportunity for better usage or co-location. This may require some capital expenditure, along with a planned maintenance schedule;
- Building enhancement – where an asset requires significant capital expenditure.

## 4 Disposal of Assets

**4.** TNRP Disposal Policy

**4.1** Where an asset deemed surplus for disposal is subject to external valuation for values in excess of £500 and following consultation with Ward Members, a recommendation will be made to Cabinet by the Head of Housing and Property Services

- documenting the reason for disposal,
- stipulating any conditions that will apply and/or endure after disposal
- suggesting an appropriate method of disposal.

Ward Members will be consulted on those assets identified as surplus, for disposal and with a value of under £500 before the Head of Service authorises the disposal of the asset and determines the appropriate method of sale and the timing.

**4.2** The receipts generated by the disposal of assets are treated as a corporate resource to fund the capital programme. To this end, the Head of Housing and Property Services shall, in liaison with the Estates Manager, set targets for capital generation by disposals, and monitor performance on a quarterly basis.

# Appendix 5

## Corporate Asset Management software

### 1 Background

Mid Devon have historically operated different property management systems across its Finance, Property Services, Housing, Estates and Street Scene services. Whilst providing essential tools for each discreet area, this approach has resulted in difficulties and inefficiencies when dealing with cross-service issues. These asset management processes are coming under ever increasing scrutiny.

### 2 Review of all software used to manage our assets

To ensure the authority has a complete and up-to-date record of property assets to facilitate decision making, our service will need to review the software packages which we use to manage our estate and influence an action plan for ensuring information is maintained and current. This review will incorporate our aspirations for digital transformation.





# Appendix 6

## Asset Management Action Plan

### Annex A - Asset Management Action Plan

ACTION	BENEFIT TO COUNCIL	HOW TO ACHIEVE THIS	RESOURCES NEEDED	LEAD OFFICER	DATES CSAG to be agreed
1. Review and amendment of Asset Management Plan Performance Management.	Link to Corporate Plan 2016 – 2020.	Implement management practices and assign 'SMART' targets.	Estates & Property services	Estates Manager  Development Services Manager	
2. Promote the improvement of the use of Council's assets. Develop ways for all services to become aware of positive asset management ie. business plans. Asset Management Plan needs to be 'promoted' once updated.	Improved awareness of asset management; improved use of available skills & knowledge. Promoting proactive management Reducing reactive costs.	Awareness training sessions. Publication of updated asset management plan.	Learning & Development  HR Business Partners	Estates Manager	

<b>ACTION</b>	<b>BENEFIT TO COUNCIL</b>	<b>HOW TO ACHIEVE THIS</b>	<b>RESOURCES NEEDED</b>	<b>LEAD OFFICER</b>	<b>DATES CSAG to be agreed</b>
3. Improve benchmarking and sharing of information within nearest neighbours group.	Improve quality of asset management plan. Identify where efficiencies will be achieved. Identify internal rate of return, so that assets not meeting this return can be selected for disposal.	Revision as per Action 1 (above).	Estates Management & Property Services Team.  Estates Manager to set up a working group with other property managers from other authorities.	Estates Manager	
4. Integrate capital strategy into the asset management plan.	Co-ordinated support for the corporate plan through integration of asset management plan/capital strategy/medium term financial plan.	Working with Finance service.	Finance Manager for Capital Development Services Manager  Contracts Manager	Estates Manager	
5. Improve professional skills/training. Continuous professional development.	Improved quality of asset management.	Appraisals; On-the-job training provision.	Estates and Property Services team	Development Services Manager	

<b>ACTION</b>	<b>BENEFIT TO COUNCIL</b>	<b>HOW TO ACHIEVE THIS</b>	<b>RESOURCES NEEDED</b>	<b>LEAD OFFICER</b>	<b>DATES CSAG to be agreed</b>
6. Identify strategic/key partners for collaborative working and develop a Community Asset Transfer Policy.	Improved capacity and cost-effectiveness through partnership working.	Explore shared service opportunities.	Estates and Property Services team	Head of Housing & Property Services	
7. Implement CAPS Estate Module and Quality Assurance Land Terrier.	Avoids duplication of records. Certainty over asset base. Reduce database maintenance requirements.	Cross-service working group using Prince 2 approach.	Estates and Property Services team	Estates Manager	
8. Improve energy efficiency and continue to reduce consumption.	Cost savings Achieves Corporate Plan objective.	Identify additional 'ESCO' opportunities.	Estates and Property Services team	Contracts & Services Manager	
9. Review & report based on 'outcomes' of the reduction in revenue maintenance budget.  To include: Risks Future expenditure requirements in relation to plant and asset replacement.	Awareness of risks and costs of reductions to planned preventative maintenance.	Incorporate in Action 1 (above).	Estates and Property Services team	Technical Administrator	

<b>ACTION</b>	<b>BENEFIT TO COUNCIL</b>	<b>HOW TO ACHIEVE THIS</b>	<b>RESOURCES NEEDED</b>	<b>LEAD OFFICER</b>	<b>DATES CSAG to be agreed</b>
10. Analysis of value for money  Cemeteries Parks and Open Spaces Grounds Maintenance	Contributes to effective use of resources. Potential efficiency increases/cost reductions identified.	Benchmarking (see Action 3 above) – results to be included in estates management business plan with SMART targets.	Estates and Property Services team	Estates Manager	
11. Improvement to the planning consultation process regarding S106/CIL.	Improved consideration of the impact of development on existing assets and added robustness to adoption procedures for new assets.	Liaise with Planning Service.	Regular review meetings with Planning Officers	Development Services Manager	
12. Continue to deliver Capital projects that supports the Corporate Plan 2016 – 2020.	Improved use of asset management expertise at project design stage.	Involvement in CSAG.	Estates & Property Services team	Head of Housing & Property Services	

<b>ACTION</b>	<b>BENEFIT TO COUNCIL</b>	<b>HOW TO ACHIEVE THIS</b>	<b>RESOURCES NEEDED</b>	<b>LEAD OFFICER</b>	<b>DATES CSAG to be agreed</b>
13. Revise and review Asset Management Plan annually plus initiate annual review as good practice.	Improved management of assets. Increased internal rate of return. Reduced reactive maintenance costs. Improved risk management.	Annual review. Continued research for opportunities.	Estates & Property Services team  CSAG		

# MID DEVON DISTRICT COUNCIL – NOTIFICATION OF KEY DECISIONS

July 2016

The Forward Plan containing key Decisions is published 28 days prior to each Cabinet meeting

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<p><b>Land for Affordable Housing</b></p> <p>To acquire land ( in consultation with the Cabinet Member for Housing) for the provision of affordable housing (under the scheme of delegation) at Waddeton Park, Post Hill, Tiverton</p>	<p>Head of Housing and Property Services</p>	<p>Not before 29th Jul 2016</p>	<p>Nick Sanderson, Head of Housing and Property Services Tel: 01884 234960</p>		<p>Open</p>
<p><b>Public Health Enforcement Policy</b></p> <p>Report of the Head of HR and Development outlining a new policy to cover public health, Environmental Health and Licensing.</p>	<p>Community Well Being Policy Development Group</p> <p>Cabinet</p> <p>Council</p>	<p>8 Jul 2016</p> <p>4 Aug 2016</p> <p>31 Aug 2016</p>	<p>Jill May, Head of HR and Development Tel: 01884 234381</p>	<p>Cabinet for the Working Environment and Support Services (Councillor Margaret Squires)</p> <p>Cabinet Member for Community Well Being (Councillor Colin</p>	<p>Open</p>

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
				Slade)	
<p><b>Tenancy Agreement (recommendations following section 102 consultation)</b></p> <p>To receive a report from the Head of Housing and Property Services seeking approval of the revised Tenancy Agreement following the section 102 consultation.</p>	<p>Decent and Affordable Homes Policy Development Group</p> <p>Cabinet</p>	<p>19 Jul 2016</p> <p>4 Aug 2016</p>	<p>Nick Sanderson, Head of Housing and Property Services Tel: 01884 234960</p>	<p>Cabinet Member for Housing (Councillor Ray Stanley)</p>	<p>Open</p>
<p><b>High Hedges Policy</b></p> <p>Report of the Head of Housing and Property Services regarding a review of the policy.</p>	<p>Managing the Environment Policy Development Group</p> <p>Cabinet</p>	<p>12 Jul 2016</p> <p>4 Aug 2016</p>	<p>Nick Sanderson, Head of Housing and Property Services Tel: 01884 234960</p>	<p>Cabinet Member for Housing (Councillor Ray Stanley)</p>	<p>Open</p>
<p><b>Fire Risk in Communal Areas Policy</b></p> <p>Report of the Head of Housing and Property</p>	<p>Decent and Affordable</p>	<p>19 Jul 2016</p>	<p>Nick Sanderson, Head of Housing</p>	<p>Cabinet Member for Housing</p>	<p>Open</p>



Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Services regarding a revised policy.	Homes Policy Development Group  Cabinet	4 Aug 2016	and Property Services Tel: 01884 234960	(Councillor Ray Stanley)	
<b>Revised Void Management Report</b>  To consider a revision to the Void Management Policy.	Decent and Affordable Homes Policy Development Group  Cabinet	19 Jul 2016  4 Aug 2016	Nick Sanderson, Head of Housing and Property Services Tel: 01884 234960	Cabinet Member for Housing (Councillor Ray Stanley)	Open
<b>Common Room Policy (new)</b>  To consider a report of the Head of Housing and Property Services outlining a new policy regarding the use of common rooms.	Decent and Affordable Homes Policy Development Group  Cabinet  Council	19 Jul 2016  4 Aug 2016  31 Aug 2016	Nick Sanderson, Head of Housing and Property Services Tel: 01884 234960	Cabinet Member for Housing (Councillor Ray Stanley)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<p><b>Tenancy Inspection Policy</b></p> <p>To consider a revised policy</p>	<p>Decent and Affordable Homes Policy Development Group</p> <p>Cabinet</p>	<p>19 Jul 2016</p> <p>4 Aug 2016</p>	<p>Nick Sanderson, Head of Housing and Property Services Tel: 01884 234960</p>	<p>Cabinet Member for Housing (Councillor Ray Stanley)</p>	<p>Open</p>
<p><b>Forward Investment Policy</b></p> <p>Report of the Head of Communities and Governance regarding this policy</p>	<p>Economy Policy Development Group</p> <p>Cabinet</p> <p>Council</p>	<p>21 Jul 2016</p> <p>4 Aug 2016</p> <p>31 Aug 2016</p>	<p>Amy Tregellas, Head of Communities and Governance and Monitoring Officer Tel: 01884 234246</p>	<p>Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)</p>	<p>Open</p>
<p><b>Community Engagement Strategy 2016-17</b></p> <p>Report updating Members on progress made with the Community Engagement Action Plan (2015-16) and to review the strategy and focus</p>	<p>Community Well Being Policy Development Group</p>	<p>2 Aug 2016</p>	<p>Amy Tregellas, Head of Communities and Governance and Monitoring Officer Tel: 01884 234246</p>	<p>Cabinet Member for Community Well Being (Councillor Colin Slade)</p>	<p>Open</p>

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Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
for 2016-17.	Cabinet	1 Sep 2016			
<b>Ageing Well Strategy</b> Report of the Head of Communities and Governance regarding a new strategy.	Community Well Being Policy Development Group  Cabinet  Council	2 Aug 2016  1 Sep 2016  26 Oct 2016	Amy Tregellas, Head of Communities and Governance and Monitoring Officer Tel: 01884 234246	Cabinet Member for Community Well Being (Councillor Colin Slade)	Open
<b>Community Engagement Action Plan</b> To receive information regarding the action plan.	Community Well Being Policy Development Group  Cabinet	2 Aug 2016  1 Sep 2016	Amy Tregellas, Head of Communities and Governance and Monitoring Officer Tel: 01884 234246	Cabinet Member for Community Well Being (Councillor Colin Slade)	Open
<b>Town and Parish Charter</b> To undertake a four yearly review the Town and Parish Charter	Community Well Being Policy	2 Aug 2016	Amy Tregellas, Head of Communities and	Cabinet Member for Community Well Being	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
	Development Group  Cabinet	1 Sep 2016	Governance and Monitoring Officer Tel: 01884 234246	(Councillor Colin Slade)	
<b>Local Enforcement Plan</b>  A Plan setting out the approach and policies towards planning enforcement within the district	Cabinet  Council	4 Aug 2016  31 Aug 2016	Jenny Clifford, Head of Planning and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
<b>Gas Service Contract</b>  Report of the Head of Housing and Property Services regarding the awarding of the tender for maintenance, servicing and responsive repairs.	Cabinet	4 Aug 2016	Nick Sanderson, Head of Housing and Property Services Tel: 01884 234960	Cabinet Member for Housing (Councillor Ray Stanley)	Fully exempt
<b>Strategic Land Issues</b>  To receive a report of the Head of Housing and Property Services advising on responses to the Town	Cabinet	1 Sep 2016	Nick Sanderson, Head of Housing and Property Services Tel: 01884	Cabinet Member for Housing (Councillor Ray Stanley)	Fully exempt <i>Financial and business issues</i>

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Centre Masterplanning to include expressions of interest and the potential for acquiring a new site for depot redevelopment.			234960		
<p><b>Statement of Community Involvement</b></p> <p>Report of the Head of Planning and Regeneration seeking approval of a revised Draft Statement of Community Involvement following public consultation.</p>	Cabinet	1 Sep 2016	Jenny Clifford, Head of Planning and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
<p><b>Waste Storage Supplementary Planning Document</b></p> <p>Report of the Head of Planning and Regeneration seeking approval of the new Supplementary Planning Document</p>	Cabinet Council	1 Sep 2016 26 Oct 2016	Jenny Clifford, Head of Planning and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<p><b>Empty Homes Strategy</b></p> <p>To receive a report from the Head of Human Resources and Development on the Strategy regarding Empty Homes.</p>	<p>Decent and Affordable Homes Policy Development Group</p> <p>Cabinet</p>	<p>13 Sep 2016</p> <p>29 Sep 2016</p>	<p>Jill May, Head of HR and Development Tel: 01884 234381</p>	<p>Cabinet Member for Housing (Councillor Ray Stanley)</p>	<p>Open</p>
<p><b>Private Sector Housing Renewal Policy</b></p> <p>To receive a report from the Head of Housing and Property Services reviewing the existing policy.</p>	<p>Decent and Affordable Homes Policy Development Group</p> <p>Cabinet</p>	<p>13 Sep 2016</p> <p>29 Sep 2016</p>	<p>Jill May, Head of HR and Development Tel: 01884 234381</p>	<p>Cabinet Member for Housing (Councillor Ray Stanley)</p>	<p>Open</p>
<p><b>Service Standards Review</b></p> <p>To receive a report from the Head of Housing and Property Services reviewing standards within the Housing Service.</p>	<p>Decent and Affordable Homes Policy Development Group</p> <p>Cabinet</p>	<p>13 Sep 2016</p> <p>29 Sep 2016</p>	<p>Nick Sanderson, Head of Housing and Property Services Tel: 01884 234960</p>	<p>Cabinet Member for Housing (Councillor Ray Stanley)</p>	<p>Open</p>

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<p><b>Aids and Adaptations Policy (update)</b></p> <p>Report of the Head of Housing and Property Services regarding a revised policy.</p>	<p>Decent and Affordable Homes Policy Development Group</p> <p>Cabinet</p>	<p>13 Sep 2016</p> <p>29 Sep 2016</p>	<p>Nick Sanderson, Head of Housing and Property Services Tel: 01884 234960</p>	<p>Cabinet Member for Housing (Councillor Ray Stanley)</p>	<p>Open</p>
<p><b>Introductory Tenancy Policy (update)</b></p> <p>To receive a report from the Head of Housing and Property Services outlining some minor changes to the Introductory Tenancies Policy.</p>	<p>Decent and Affordable Homes Policy Development Group</p> <p>Cabinet</p>	<p>13 Sep 2016</p> <p>29 Sep 2016</p>	<p>Nick Sanderson, Head of Housing and Property Services Tel: 01884 234960</p>	<p>Cabinet Member for Housing (Councillor Ray Stanley)</p>	<p>Open</p>
<p><b>Hoarding Policy (update)</b></p> <p>To receive a report from the Head of Housing and Property Services outlining some minor changes to the Hoarding policy.</p>	<p>Decent and Affordable Homes Policy Development Group</p> <p>Cabinet</p>	<p>13 Sep 2016</p> <p>29 Sep 2016</p>	<p>Nick Sanderson, Head of Housing and Property Services Tel: 01884 234960</p>	<p>Cabinet Member for Housing (Councillor Ray Stanley)</p>	<p>Open</p>

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<p><b>Recharge Policy (update)</b></p> <p>To receive a report from the Head of Housing and Property Services outlining some minor changes to the Recharge policy.</p>	<p>Decent and Affordable Homes Policy Development Group</p> <p>Cabinet</p>	<p>13 Sep 2016</p> <p>29 Sep 2016</p>	<p>Nick Sanderson, Head of Housing and Property Services Tel: 01884 234960</p>	<p>Cabinet Member for Housing (Councillor Ray Stanley)</p>	<p>Open</p>
<p><b>Local Plan Review</b></p> <p>To receive a report of the Head of Planning and Regeneration regarding the Local Plan Review</p>	<p>Cabinet</p> <p>Council</p>	<p>15 Sep 2016</p> <p>22 Sep 2016</p>	<p>Jenny Clifford, Head of Planning and Regeneration Tel: 01884 234346</p>	<p>Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)</p>	<p>Open</p>
<p><b>Economic Development Strategy</b></p> <p>To consider a report of the Head of Communities and Governance revising this policy</p>	<p>Economy Policy Development Group</p> <p>Cabinet</p>	<p>15 Sep 2016</p> <p>29 Sep 2016</p>	<p>Amy Tregellas, Head of Communities and Governance and Monitoring Officer Tel: 01884 234246</p>	<p>Cabinet Member for Planning and Economic Regeneration (Councillor Richard)</p>	<p>Open</p>



Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
				Chesterton)	
<b>Grant Payments to External Organisations 2017-18</b>  To consider grant funding for 2017/18	Community Well Being Policy Development Group  Cabinet	27 Sep 2016  27 Oct 2016	Amy Tregellas, Head of Communities and Governance and Monitoring Officer Tel: 01884 234246	Cabinet Member for Community Well Being (Councillor Colin Slade)	Open
<b>Regulation of Investigatory Powers</b>  To undertake an annual review of the Policy	Community Well Being Policy Development Group  Cabinet	27 Sep 2016  27 Oct 2016	Jill May, Head of HR and Development Tel: 01884 234381	Cabinet Member for Community Well Being (Councillor Colin Slade)	Open
<b>Health and Safety Policy</b>  Report of the Head of HR and Development regarding a revised policy	Community Well Being Policy	27 Sep 2016	Jill May, Head of HR and Development Tel: 01884 234381	Cabinet for the Working Environment and	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
	Development Group  Cabinet	24 Nov 2016		Support Services (Councillor Margaret Squires)	
<b>Masterplan - Area B Tiverton Eastern Urban Extension</b>  Report of the Head of Planning and Regeneration requesting the Cabinet to consider consultation drafts	Cabinet	29 Sep 2016	Jenny Clifford, Head of Planning and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
<b>Communication Strategy Action Plan</b>  Report of the Head of Customer Services reviewing the Communication Strategy	Cabinet	29 Sep 2016	Liz Reeves, Head of Customer Services Tel: 01884 234371	Cabinet for the Working Environment and Support Services (Councillor Margaret Squires)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<p><b>Devolution - Mid Devon and the Heart of the South West Proposition</b></p> <p>Report of the Chief Executive setting out the possible devolution process for recommendation to Council</p>	<p>Cabinet</p> <p>Council</p>	<p>29 Sep 2016</p> <p>26 Oct 2016</p>	<p>Stephen Walford, Chief Executive</p>	<p>Leader of the Council (Councillor Clive Eginton)</p>	
<p><b>Workforce Plan and Human Resources Strategy</b></p> <p>Report of the Head of HR and Development providing a review of the current strategy and reflecting the latest legislative and economic changes.</p>	<p>Cabinet</p>	<p>29 Sep 2016</p>	<p>Jill May, Head of HR and Development Tel: 01884 234381</p>	<p>Cabinet for the Working Environment and Support Services (Councillor Margaret Squires)</p>	<p>Open</p>
<p><b>Half Year Investment Performance &amp; Review of Treasury Management Strategy 2016/17</b></p> <p>Report of the Head of Finance informing the Cabinet of the treasury performance during the first six months of 2016/17 and</p>	<p>Cabinet</p>	<p>27 Oct 2016</p>	<p>Andrew Jarrett, Head of Finance Tel: 01884 234242</p>	<p>Cabinet Member for Finance (Councillor Peter Hare-Scott)</p>	<p>Open</p>

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
agree the ongoing deposit strategy for the remainder of 2016/17					
<b>Medium Term Financial Plan - Capital Programme</b>  Report of the Head of Finance outlining the Medium Term Financial Plan with regard to the Capital Programme.	Cabinet	27 Oct 2016	Andrew Jarrett, Head of Finance Tel: 01884 234242	Cabinet Member for Finance (Councillor Peter Hare-Scott)	Open
<b>Medium Term Financial Plan - HRA and Business Plan</b>  Report of the Head of Finance outlining the Medium Term Financial Plan with regard to the Housing Revenue Account and Business Plan.	Cabinet	27 Oct 2016	Andrew Jarrett, Head of Finance Tel: 01884 234242	Cabinet Member for Finance (Councillor Peter Hare-Scott)	Open
<b>Medium Term Financial Plan - General Fund</b>  Report of the Head of Finance outlining the Medium Term Financial Plan	Cabinet	27 Oct 2016	Andrew Jarrett, Head of Finance Tel: 01884 234242	Cabinet Member for Finance (Councillor Peter	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
with regard to the General Fund.				Hare-Scott)	
<b>Supply and Demand Policy</b>  To receive a report from the Head of Housing and Property Services providing the annual review of the Supply and Demand Policy.	Decent and Affordable Homes Policy Development Group  Cabinet	15 Nov 2016  24 Nov 2016	Nick Sanderson, Head of Housing and Property Services Tel: 01884 234960	Cabinet Member for Housing (Councillor Ray Stanley)	Open
<b>Decant Policy (update)</b>  To receive a report from the Head of Housing and Property Services outlining some minor changes to the Decant Policy.	Decent and Affordable Homes Policy Development Group  Cabinet	15 Nov 2016  24 Nov 2016	Nick Sanderson, Head of Housing and Property Services Tel: 01884 234960	Cabinet Member for Housing (Councillor Ray Stanley)	Open
<b>Tax Base Calculation</b>  Report of the Head of Finance detailing the statutory calculations necessary to determine the Tax Base for the Council Tax	Cabinet  Council	1 Dec 2016  14 Dec 2016	Andrew Jarrett, Head of Finance Tel: 01884 234242	Cabinet Member for Finance (Councillor Peter Hare-Scott)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<b>Council Tax Reduction Scheme</b>  Report of the Head of Finance setting out the Council Tax Reduction Scheme for 2017/18 for recommendation to Council	Cabinet  Council	1 Dec 2016  14 Dec 2016	Andrew Jarrett, Head of Finance Tel: 01884 234242	Cabinet Member for Finance (Councillor Peter Hare-Scott)	Open
<b>Freedom of Information Policy</b>  Report of the Head of Customer Services regarding a review of the FOI Policy	Cabinet	1 Dec 2016	Liz Reeves, Head of Customer Services Tel: 01884 234371	Cabinet Member for Community Well Being (Councillor Colin Slade)	Open
<b>ICT Strategy</b>  Report of the Head of Customer Services regarding a review of the ICT Strategy	Cabinet	1 Dec 2016	Liz Reeves, Head of Customer Services Tel: 01884 234371	Cabinet Member for Community Well Being (Councillor Colin Slade)	Open