

Phil Norrey
Chief Executive

To: The Chairman and Members of
the Corporate Infrastructure
and Regulatory Services
Scrutiny Committee

County Hall
Topsham Road
Exeter
Devon
EX2 4QD

(See below)

Your ref :
Our ref :

Date : 18 September 2017
Please ask for : Wendy Simpson 01392 384383

Email: wendy.simpson@devon.gov.uk

**CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY
COMMITTEE**

Tuesday, 26th September, 2017

A meeting of the Corporate Infrastructure and Regulatory Services Scrutiny Committee is to be held on the above date at 2.15 pm at Committee Suite - County Hall to consider the following matters.

P NORREY
Chief Executive

A G E N D A

PART I - OPEN COMMITTEE

- 1 Apologies
- 2 Minutes
Minutes of the meeting held on 27 June 2017 (previously circulated).
- 3 Items Requiring Urgent Attention
Items which in the opinion of the Chairman should be considered at the meeting as matters of urgency.
- 4 Public Participation
Members of the public may make representations/presentations on any substantive matter listed in the published agenda for this meeting, as set out hereunder, relating to a specific matter or an examination of services or facilities provided or to be provided.

MATTERS FOR CONSIDERATION OR REVIEW

- 5 Relieving Traffic Congestion and Improving Air Quality
In accordance with Standing Order 23(2) Councillor Brennan has requested that the Committee consider this item.

- 6 Parking Permit Policy
In accordance with Standing Order 23(2) Councillor Brennan has requested that the Committee consider this item.
- 7 Deprivation of Liberty Safeguards (DOLS) (Pages 1 - 6)
Joint Report of the County Solicitor and Head of Adult Commissioning and Health (ACH/17/71), attached.
- 8 Heart of the South West Local Enterprise Partnership - Joint Working
Presentation by Mr C Garcia, Chief Executive and Ms H Hallam, Partnerships Manager, of the Heart of the South West Local Enterprise Partnership.
- 9 Fire Safety
Update from the Acting Chief Officer of Highways Infrastructure Development and Waste.
- 10 Cyber Security in Devon County Council (Pages 7 - 10)
Report of the Head of Digital Transformation and Business Support (BSS/17/11), attached.
- 11 NPS Joint Venture - 10 Year Review (Pages 11 - 16)
Report of the Head of Digital Transformation and Business Support (BSS/17/13), attached.
- 12 Corporate Energy Update (Pages 17 - 20)
Report of the Head of Digital Transformation and Business Support (BSS/17/12), attached.

STANDING ITEMS

- 13 Broadband and Mobile Phone Connectivity Task Group Update (Pages 21 - 24)
Report of the Task Group.

MATTERS FOR INFORMATION

- 14 Scrutiny Work Programme
(a) In accordance with previous practice, Scrutiny Committees are requested to review forthcoming business and determine which items are to be included in the Work Programme, which can be found at <https://new.devon.gov.uk/democracy/committee-meetings/scrutiny-committees/scrutiny-work-programme/>
The Committee may also wish to review the content of the Cabinet Forward Plan to see if there are any specific items therein it might wish to explore further, which can be found at:
<http://democracy.devon.gov.uk/mgPlansHome.aspx?bcr=1>
- (b) Commissioning Liaison Member.

PART II - ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF PRESS AND PUBLIC ON THE GROUNDS THAT EXEMPT INFORMATION MAY BE DISCLOSED

Nil

Membership

Councillors A Dewhirst (Chairman), P Colthorpe (Vice-Chair), M Asvachin, Y Atkinson, K Ball, R Bloxham, J Brodie, J Brook, C Chugg, P Crabb, A Eastman, R Edgell, I Hall, A Saywell, M Shaw and C Slade

Declaration of Interests

Members are reminded that they must declare any interest they may have in any item to be considered at this meeting, prior to any discussion taking place on that item.

Access to Information

Any person wishing to inspect any minutes, reports or lists of background papers relating to any item on this agenda should contact Wendy Simpson 01392 384383.

Agenda and minutes of the Committee are published on the Council's Website and can also be accessed via the Modern.Gov app, available from the usual stores..

Webcasting, Recording or Reporting of Meetings and Proceedings

The proceedings of this meeting may be recorded for broadcasting live on the internet via the 'Democracy Centre' on the County Council's website. The whole of the meeting may be broadcast apart from any confidential items which may need to be considered in the absence of the press and public. For more information go to: <http://www.devoncc.public-i.tv/core/>

In addition, anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Democratic Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use Facebook and Twitter or other forms of social media to report on proceedings at this meeting. An open, publicly available Wi-Fi network (i.e. DCC) is normally available for meetings held in the Committee Suite at County Hall. For information on Wi-Fi availability at other locations, please contact the Officer identified above.

Public Participation

Devon's residents may attend and speak at any meeting of a County Council Scrutiny Committee when it is reviewing any specific matter or examining the provision of services or facilities as listed on the agenda for that meeting.

Scrutiny Committees set aside 15 minutes at the beginning of each meeting to allow anyone who has registered to speak on any such item. Speakers are normally allowed 3 minutes each.

Anyone wishing to speak is requested to register in writing to the Clerk of the Committee (details above) by the deadline, outlined in the Council's Public Participation Scheme <https://new.devon.gov.uk/democracy/committee-meetings/scrutiny-committees/>, indicating which item they wish to speak on and giving a brief outline of the issues/ points they wish to make.

Alternatively, any Member of the public may at any time submit their views on any matter to be considered by a Scrutiny Committee at a meeting or included in its work Programme direct to the Chairman or Members of that Committee or via the Democratic Services & Scrutiny Secretariat (committee@devon.gov.uk). Members of the public may also suggest topics (see: <https://new.devon.gov.uk/democracy/committee-meetings/scrutiny-committees/scrutiny-work-programme/>

All Scrutiny Committee agenda are published at least seven days before the meeting on the Council's website.

Emergencies

In the event of the fire alarm sounding leave the building immediately by the nearest available exit, following the fire exit signs. If doors fail to unlock press the Green break glass next to the door. Do not stop to collect personal belongings, do not use the lifts, do not re-enter the building until told to do so.

Mobile Phones

Please switch off all mobile phones before entering the Committee Room or Council Chamber

If you need a copy of this Agenda and/or a Report in another format (e.g. large print, audio tape, Braille or other languages), please contact the Information Centre on 01392 380101 or email to: centre@devon.gov.uk or write to the Democratic and Scrutiny Secretariat at County Hall, Exeter, EX2 4QD.



Induction loop system available

NOTES FOR VISITORS

All visitors to County Hall, including visitors to the Committee Suite and the Coaver Club conference and meeting rooms are requested to report to Main Reception on arrival. If visitors have any specific requirements or needs they should contact County Hall reception on 01392 382504 beforehand. Further information about how to get here can be found at: <https://new.devon.gov.uk/help/visiting-county-hall/>. Please note that visitor car parking on campus is limited and space cannot be guaranteed. Where possible, we encourage visitors to travel to County Hall by other means.

SatNav – Postcode EX2 4QD

Walking and Cycling Facilities

County Hall is a pleasant twenty minute walk from Exeter City Centre. Exeter is also one of six National Cycle demonstration towns and has an excellent network of dedicated cycle routes – a map can be found at: <https://new.devon.gov.uk/travel/cycle/>. Cycle stands are outside County Hall Main Reception and Lucombe House

Access to County Hall and Public Transport Links

Bus Services K, J, T and S operate from the High Street to County Hall (Topsham Road). To return to the High Street use Services K, J, T and R. Local Services to and from Dawlish, Teignmouth, Newton Abbot, Exmouth, Plymouth and Torbay all stop in Barrack Road which is a 5 minute walk from County Hall. Park and Ride Services operate from Sowton, Marsh Barton and Honiton Road with bus services direct to the High Street.

The nearest mainline railway stations are Exeter Central (5 minutes from the High Street) and St David's and St Thomas's both of which have regular bus services to the High Street. Bus Service H (which runs from St David's Station to the High Street) continues and stops in Wonford Road (at the top of Matford Lane shown on the map) a 2/3 minute walk from County Hall, en route to the RD&E Hospital (approximately a 10 minutes walk from County Hall, through Gras Lawn on Barrack Road).

Car Sharing

Carsharing allows people to benefit from the convenience of the car, whilst alleviating the associated problems of congestion and pollution. For more information see: <https://liftshare.com/uk/community/devon>.

Car Parking and Security

There is a pay and display car park, exclusively for the use of visitors, entered via Topsham Road. Current charges are: Up to 30 minutes – free; 1 hour - £1.10; 2 hours - £2.20; 4 hours - £4.40; 8 hours - £7. Please note that County Hall reception staff are not able to provide change for the parking meters.

As indicated above, parking cannot be guaranteed and visitors should allow themselves enough time to find alternative parking if necessary. Public car parking can be found at the Cathedral Quay or Magdalen Road Car Parks (approx. 20 minutes walk). There are two disabled parking bays within the visitor car park. Additional disabled parking bays are available in the staff car park. These can be accessed via the intercom at the entrance barrier to the staff car park.



NB   Denotes bus stops

Fire/Emergency Instructions

In the event of a fire or other emergency please note the following instructions. If you discover a fire, immediately inform the nearest member of staff and/or operate the nearest fire alarm. On hearing a fire alarm leave the building by the nearest available exit. The County Hall Stewardesses will help direct you. Do not stop to collect personal belongings and do not use the lifts. Assemble either on the cobbled car parking area adjacent to the administrative buildings or in the car park behind Bellair, as shown on the site map above. Please remain at the assembly point until you receive further instructions. Do not re-enter the building without being told to do so.

First Aid

Contact Main Reception (extension 2504) for a trained first aider.

DEPRIVATION OF LIBERTY SAFEGUARDS - UPDATE SEPTEMBER 2017

Joint Report of County Solicitor and Head of Adult Commissioning and Health

1. Purpose

To provide an update to Scrutiny Committee regarding:

- Applications and authorisations for deprivation of liberty under Deprivation of Liberty Safeguard provisions;
- Applications to the Court of Protection for authorisation where people are subject to deprivation of liberty while living in the community

This paper is for information and discussion.

Background:

The Supreme Court Ruling re P v Cheshire West and Chester & P&Q v Surrey County Council [2014] introduced the 'Acid test' which lowered the threshold for determining whether an individual is deprived of their liberty. As a result Devon County Council along with other local authorities continues to receive high levels of applications.

From April 2014 to date 8805 applications have been received, 1468 since January this year. This is in stark contrast to the 725 applications received between April 2009 and March 2014 prior to the Supreme Court ruling.

This has had significant risk and resource implications for the Council, including that the Deprivation of Liberty Safeguarding Service (DoLS service) within Adult Care Operations and Health now has 3034 applications waiting assessment.

In the majority of cases, Devon County Council as supervisory body will determine whether the deprivation of liberty is authorised. More recent case law (AJ v a Local Authority 2015) has highlighted the requirement to also make application to the Court of Protection where the person is objecting to the deprivation. Within the last year the DoLS service has proceeded with 44 cases with 26 cases currently at various stages of the court process.

The "acid test" also applies in situations where a person living in their own home in the community. The process for authorisation in such situations is through application to the Court of Protection. The Local Authority is responsible for making such applications where it is the agency leading support planning.

2.1 Deprivations of Liberty in Residential/Nursing care and Hospitals.

Applications to DCC continue to outstrip capacity to complete assessment and authorisation. It was envisaged that the application rate would plateau. However, we continue to see a small rise in request rates. The service receives an average of 46 new applications requests each week with a closure / completion rate of 43.

Agenda Item 7

The DOLS Team provides a service which includes screening/prioritising incoming work; completing Best Interest Assessments; administration, commissioning and quality assurance for medical assessment; and offering a duty service supporting Managing Authorities, partner agencies and DCC staff.

Where there is an objection to the placement either by the person or their representative, application to the Court brings resource implications for Legal Services; as indicated above there are 26 such applications in process before the Court of Protection with a number still awaited.

ADASS (Association of Directors of Adult Social Services) guidance suggests a paper-based desktop assessment process for renewal and low priority cases to reduce backlogs. Consideration is being given to cost, resource implications and the potential impact on the service's ability to manage complex cases.

2.2 Deprivations of Liberty in the community

The Care Management team will identify situations where authorisation is required and will support Legal Services to make application to the Court of Protection. During 2015, the Court has developed a streamlined application process, and Devon County Council has developed guidance for operational teams.

Situations where application to the Court is required are being identified during initial assessment and/or review, and the application is then progressed. So far, 9 Orders have been granted by the Court, and a further 40 are at various stages of the process. Notwithstanding the "streamlined process", this can be a resource-intensive process both for Care Management Teams and Legal Services, and it has been difficult for Care Management Teams to release capacity within existing resources to be able to address what is an additional demand upon their time.

A prioritisation tool, based upon the ADASS guidance, has been developed to ensure that high risk cases are quickly progressed.

3 Risks

The risks to Devon County Council are as follows:

Issue	Impact	Mitigation
Sustained increase in DoLS applications	Waiting time before authorisation	Prioritisation process (ADASS) adopted by DCC
Increased activity and cost	IMCA ¹ contract capacity	Contract re-negotiation + prioritisation
	Medical assessment/charge	Fee increase refused
	Care Management capacity	
	Legal Services capacity	

¹ Independent Mental Capacity Advocate – required where the person is otherwise un-befriended in the process.

Agenda Item 7

Legal challenge	Cost Reputation damage	Prioritisation seeks to address cases most at risk and where objections to care arrangements apply
Best Interest Assessor availability (staff skill mix and capacity)	Training cost Care management capacity	Training plan over 4 year period seeks to ensure in-house resource – limited mitigation with regard to cost.

The risks to people who are deprived of their liberty are:

Issue	Impact	Mitigation
Deprivation of liberty is unauthorised	Restriction on right to - contact with family and community - freedom of movement - choice - Actions may be being undertaken that are not in the individual's best interest.	Local Authority prioritisation seeks to address those cases where objections have been made
The authorisation process applies insufficient rigour (owing to high levels of demand)	Alternative options with less restriction are not made available	Staff training and investment by Devon County Council

4 Proposed Changes

Changes to legislation are proposed following a Law Commission report. There is yet no indication of timescales. However, Recommendation one states: - '*The DoLS should be replaced as a matter of pressing urgency*'.

The Law Commission proposal includes a number of significant changes:

The procedure would be more streamlined than the current legal framework, and provide one process for all individuals experiencing a deprivation of liberty regardless of where they reside.

The scheme would be extended to include individuals 16 years of age and above and those who experience a deprivation of their liberty mainly for the protection of others.

Health Trusts and Clinical Commissioning Groups (CCGs) will be responsible for individuals who come within the scheme and are in hospital or receiving Continuing Health Care funding. Local Authorities will be responsible for all other cases including those funding their own care and support.

Some new roles for which DCC will have responsibility are proposed to provide a greater degree of oversight for the most vulnerable individuals.

Agenda Item 7

Some of the processes in place currently would be transferable to the proposed scheme.

At this time a scoping exercise is being undertaken to better understand the impact of the proposal both for the individuals concerned and DCC.

5 Input from Legal Services to Minimise Risk to the Authority

In respect of deprivations of liberty that arise in care homes and hospitals (2.1 above), Legal Services will assist the DoLS Team with identifying those cases that are potentially of high risk to the authority, particularly where a breach of the person's right to liberty may result in a compensation award being made.

Where a Standard Authorisation is authorising a person's deprivation of liberty but concerns remain that the person or a family member is significantly objecting to that deprivation, Legal Services will prepare the necessary paperwork to refer the matter to the Court of Protection in circumstances where the non-availability of an appropriate representative will cause undue delay in allowing the person to have the matter heard by the Court.

Legal Services will respond promptly, efficiently and robustly to Court of Protection proceedings that are brought against the authority where a deprivation of liberty authorisation is being challenged. Appropriate mitigation will be put forward in circumstances where an unauthorised deprivation of liberty has been identified by the representatives for the protected party.

In respect of community based deprivations (2.2 above), Legal Services will promptly respond to enquiries from Care Management Teams regarding potential deprivations of liberty. Where a deprivation of liberty is identified support will be provided to prepare the necessary paperwork to refer the matter to the Court and address any queries that arise thereafter.

6 Summary and conclusion

Draft legislation is anticipated which will impact significantly in the future. The timescale for implementation is still unclear. At this point, the position agreed by the Adult Care Operations and Health Senior Leadership Team is to:

- a. Continue current staffing level in DCC DoLS Service.
- b. Assess potential and impact of desktop process in light of ADASS guidance.
- c. Continue planned training programme to increase the qualified Best Interest Assessor resource.
- d. Ensure further report to Scrutiny Committee once timescale for implementation of new legislation is confirmed.

Jan Shadbolt
County Solicitor

Tim Golby
Head of Adult Care Commissioning and Health

Agenda Item 7

Electoral Divisions: All

Cabinet Member for Adult Social Care and Health Services: Councillor Andrew Leadbetter

Chief Officer for Adult Care and Health: Jennie Stephens

[

LOCAL GOVERNMENT ACT 1972: LIST OF BACKGROUND PAPERS

Contact for Enquiries: Sarah Mackereth, Principal Social Worker
Tel No: 01392 382300 Room: First Floor Annexe

<u>BACKGROUND PAPER</u>	<u>DATE</u>	<u>FILE REFERENCE</u>
-------------------------	-------------	-----------------------

Nil

CYBER SECURITY IN DEVON COUNTY COUNCIL

Report of the Head of Service for Digital Transformation and Business Support

Introduction

This report provides assurances to Scrutiny that the Defence, Detection and Recovery Process are in place to protect Devon County Council from Cyber Attacks.

1. The Threat

Cyber-attacks can be summarised into the four following areas:

1.1 Email

- “Phishing” to entice staff into opening malicious email attachments or visit malicious web sites
- “Spear Phishing” where information particular to the recipient is used to make attacks more likely to succeed
- “Whaling” where high profile staff with financial responsibility are targeted to secure large rewards.

1.2 Direct attacks on technical software vulnerabilities, both internal and across the Internet, known as Malware

- Operating system flaws
- ICT application flaws
- Vulnerabilities introduced through weak configuration

1.3 Social Engineering to gain unauthorised access or knowledge through impersonation, leaking of passwords or blackmail

- By telephone
- By email
- In person, at work or in leisure time

1.4 Communications Hijacking

- Intercepting supposedly secure communications by subverting encryption, a “man in the middle” attack. This is effectively breaking into the middle of a two way conversation.

2. Detection/Protection

2.1 Overview

DCC protect themselves against security threats by deploying high grade yet cost-effective technical protections to guard against attacks on infrastructure, data, and applications, and by training staff to better detect fraudulent emails and social engineering attacks. This protection is further enhanced by making use of the Windows 10 laptops for both Members and staff that has an automated and centrally managed anti-virus and security patching regime to ensure both PSN compliance and daily updates to guard against Cyber-attack. Should an attack break through this protection, an Incident Response Team will immediately respond to isolate and resolve the attack making use of data backups if required.

2.2 General Internet and Intranet Communications

Communication routes used by email, Internet and application data are scanned by advanced technology from a major supplier, which applies comprehensive firewalling and web filtering, and examines data for the presence of viruses, technical attacks

Agenda Item 10

against operating systems and applications, or attempts by staff to visit known malicious websites. The National Cyber Security Centre also monitors all outbound connections DCC and reports any observed malicious activity so that prompt and appropriate action can be taken.

2.3 Email, SPAM and Malware protection

Email is still the primary route for attackers. DCC Security Protection for email is provided by the anti-spam, anti-virus and anti-malware software as it enters the boundary of DCCs network. This is further enhanced by additional anti-virus software running on all Windows 10 devices.

All incoming email traffic is checked for authenticity by examining information about email originators. All outbound email complies with new central government guidelines, and is encrypted when travelling across the Internet if the recipient also supports encryption.

For those cases where further email protection is required, such as ensuring that only the intended recipient can read a sensitive email, DCC have licensed the "Egress Switch" product which tightly controls message encryption and requires the recipient to identify themselves before the message can be read.

2.4 Incident Preparation and Response

Currently one of the biggest threats to DCC infrastructure is that posed by "zero day" malware, especially that related to "ransomware" which quietly encrypts user data before demanding a monetary payment. The very nature of "zero day" malware means it is hard to detect as it passes through the layers of control as it has never been seen before. To defend against these latest problematic attacks, DCC's ICT delivery arm ScoMIS monitor security newsfeeds throughout the day and so are alerted at an early stage when a major new security event is developing across the world.

ScoMIS ensure that all critical data is regularly protected via data backup solutions, and maintain formal Incident Response plans to be invoked as soon as a security or malware incident is reported. There is confidence that when the inevitable malware or security incidents do occur the impact on the operation of DCC services will be relatively low, as critical data can be quickly recovered from recent backups.

2.5 Security by Design

ICT systems and services are implemented with attention being given to ensuring they are robust and secure by their design and an ongoing operating system and application software patching policy ensures they remain secure through pro-active software fixes of identified security flaws.

The DCC ICT infrastructure is regularly scanned for technical weaknesses by both internal technology and an accredited external company to ensure we remain secure and protected. This proactive scanning combined with the technical protection described above, the modern Windows 10 devices and staff training and awareness ensure DCC is well protected and able to respond to any incident.

Rob Parkhouse
Head of Digital Transformation and Business Support

Electoral Divisions: All

Councillor Barry Parsons, Cabinet Member for Organisational Development and Digital Transformation

LOCAL GOVERNMENT ACT 1972:

Contact for Enquiries: Gary Dempster, ICT Strategic Commissioning Manager

Tel No: 01392 38 3000 Room: 122

Background Paper

Nil

NPS JOINT VENTURE: TEN YEAR REVIEW

Report of the Head Digital Transformation and Business Support

Please note that the following recommendations are subject to consideration and determination by the Scrutiny Committee before taking effect.

Recommendation:

- 1) That the Scrutiny Committee notes the outcome of the ten year review into the Council's arrangements for property consultancy services is positive.
- 2) That the Committee notes a delivery model options appraisal is being planned, to help decide the most suitable future model for property consultancy services beyond March 2022.
- 3) That the Committee considers what role it wishes to have in determining the Council's future delivery model for these services.

1. Background

Devon County Council's joint venture contract with NPS for property consultancy services runs between April 2007 - April 2022. The joint venture fulfils the Council's requirements for specialist property consultancy services. The contract has entered its final five years and the purpose of this report is twofold:

- i. Firstly, to outline the findings of the ten year performance review.
- ii. Secondly, to understand what input Scrutiny wish to have into the process that will lead to the Council's future arrangements for property consultancy support beyond March 2022, when the current contract expires.

2. The Council's property requirements

The Council has a significant property responsibility, with wide ranging property matters to manage. Specialist advice is required to help the Council ensure its responsibilities are conducted with due care. This professional support is commissioned via NPS SW through a joint venture model.

The Council holds a property portfolio (both leased and freehold) of 244 corporate and service buildings (including offices), 236 Local Authority maintained schools (including Trust schools, at July 2017) and 69 farms (totalling 9,590 acres). The size of the estate has reduced significantly over the last five years aligned to the Estates Strategy and an increasing number of DCC buildings form part of commissioned service arrangements including Libraries, Youth Services and Children's Centres.

The Council has legal responsibility to manage its properties and commissions NPS to provide the professional support to do so. The Council's joint venture for property consultancy services began on 1st April 2007, when Devon Property Services moved from an in-house unit into a commissioned model.

Agenda Item 11

The service has since performed well, as noted through the five year performance review in 2012 and via subsequent oversight. This identified a consistent trend of service improvement. Many initiatives have been implemented through the ten years to date which has seen the business continue to evolve.

NPS SW is jointly owned by DCC (20% ownership) and NPS Group (80%). NPS SW employs 80 staff and undertakes around 80% of its business for DCC, the remainder secured from external sources. NPS' multidisciplinary property service includes:

- Property maintenance oversight, management and surveying
- Health and safety legal compliance
- Estates services and asset management
- Property sales and acquisition
- Management of the County farms estate
- Integrated design services
- Property construction management

In line with national and local strategy, the Council's property estate and capital programme has reduced significantly in recent years. The rationalisation strategy has reduced the Council's property portfolio and decreased DCC's annual spend with NPS from £7 million five years ago to just over £4 million currently. The commensurate challenge for NPS is to work within austerity conditions and operate with less business than it has historically derived from DCC.

3. Ten year formal performance review

A performance review was undertaken in line with the ten year contract anniversary. The review followed Terms of Reference which focussed on contract performance and ensuring continued alignment with the Council's needs. Key findings include:

- i. Value for money is being achieved**
Price benchmarking was undertaken using independent analysis which reviewed comparator pricing. This found NPS' rates to the Council are in line with the market (rate reviews are held every two years).
- ii. Comprehensive performance feedback**
A panel of six reviewers interviewed over forty stakeholders during the review. The interviews included councillors, senior officers, key NPS clients, NPS staff and external contractors. The interviews gave a consistently positive insight whilst identifying areas to further develop.
- iii. Performance monitoring shows dependably good performance**
A performance monitoring regime is in place which monitors the performance of both NPS as service provider and also DCC as client. The performance monitoring demonstrates satisfaction levels are consistently high, with any issues usually being identified early and addressed promptly.
- iv. The property compliance regime is well managed and monitored**
This is evidenced through regular reporting via the performance monitoring regime. This drives high performance for property compliance whereby specialist contractors who undertake DCC's property compliance programme are overseen.

The review team made some operational and strategic recommendations, summarised as follows:

The operational recommendations relate to a number of 'in-contract' matters which primarily represent modifications to existing practice, and are not in themselves significant matters. This reflects the position that the DCC / NPS relationship has

developed during ten years, has benefitted from recommendations implemented at the five year review, and is evidencing acceptable performance.

The strategic recommendations mainly relate to the imperative to undertake early planning well before the contract ends, leading into successor arrangements. The review also identified a need for improved strategic communications on the part of Norse Parent Group, namely how it looks to address the sustainability challenges of Local Government services under austerity, through strategic vision, planning ahead and communications therein.

Constructive challenges include NPS' approach to developing new markets, how it is addressing the significantly reducing schools portfolio, and its trend of having limited success in securing external business.

4. Planning the future delivery model: beyond 2022

The broader, more significant need is to consider the decision making that will lead to the Council's future property consultancy model from 1st April 2022. There are five years until the contract expires which offers the opportunity to plan in a timely way. Forward planning should be in parallel with complementary property services (i.e. Facilities Management) which operates to similar timeframes.

Determining the most appropriate future model for property consultancy services is likely to be closely linked to the Council's Estates strategy. This is currently being refined and should be considered in the options appraisal when determining the future model for property services.

Indicative programme timing* is as follows, with Scrutiny updates where required:

- Dec 2017: Establish Terms of Reference for delivery model review & agree review team and reporting arrangements
- Jan 2019: Decide key property strategy requirements for 2022+
- May 2019: Detailed options appraisal to review best fit service models
- Sept 2019: DCC decision-making for new property consultancy model
- Jan '20-Jan '21: Establish, plan and prepare future delivery model
Timescale to accommodate a competitive exercise and / or TUPE staff transfer if required.
- Jan '21-April '22: Mobilisation period leading to new contract start

** These timings are well in advance to enable good planning; they can be flexed.*

The Council's post 2022 delivery model for property consultancy will be a significant commissioning decision, for which there is a good opportunity to plan ahead. The delivery model options assessment will take into account relevant strategy at the time, while being undertaken sufficiently far ahead of the current contract end to preserve the requisite time to set it in place.

A Terms of Reference will be developed, involving a cross organisational team of Council Officers working to a sufficiently broad scope, to inform how the Council's future requirements would be most suitably met. Scrutiny Committee is invited to determine what role it wishes to have in determining the future delivery model.

Agenda Item 11

In parallel, the current DCC / NPS joint venture will continue to be proactively managed to achieve the Council's requirements during the final five years of the existing contract.

Options / Alternatives

Not applicable.

Consultations/Representations/Technical Data

The review group worked as per the Terms of Reference, interviewed over forty stakeholders and reviewed performance data in the course of its review.

Financial Considerations

Value for money analysis was undertaken by the review team, incorporating a financial assessment and objective benchmarking.

Legal Considerations

There are no specific legal considerations in respect of this report.

Environmental Impact Considerations

There are no specific environmental considerations in respect of this report.

Equality Considerations

There are no specific equality considerations in respect of this report.

Risk Management Considerations

Monitored through the performance management regime.

Summary

- 1) That the Committee notes the findings of the ten year review into the Council's arrangements for property consultancy services; the contract will continue to be proactively managed to deliver the Council's requirements until 31st March 2022.
- 2) A formal delivery model options assessment is planned, its purpose being to help determine the most appropriate delivery model for property advisory services in line with the Council's future needs beyond 2022.
- 3) That the Scrutiny Committee consider what role it would like to have in relation to determining the future delivery model for property consultancy.

Rob Parkhouse
Head of Digital Transformation and Business Support

Electoral Divisions: All
Cabinet Members:

Councillor John Clatworthy, Cabinet Member for Resources and Asset Management

Councillor Barry Parsons,
Cabinet Member for Organisational Development and Digital Transformation

LOCAL GOVERNMENT ACT 1972: LIST OF BACKGROUND PAPERS

Contact for Enquiries: Justin Bennetts, strategic procurement manager

Tel No: 01392 38 3000 Room: 122

Background Paper

Ten year review: Terms of Reference

CORPORATE ENERGY UPDATE

Report of the Head of Digital Transformation and Business Support

1. INTRODUCTION

- 1.1. This report provides a further update to Members following the Corporate Energy update report presented to Place Scrutiny Committee on 10th January 2017 (BSS/16/20).

2. ENERGY STORAGE – Progress update

- 2.1. The grant funding agreement for the European Regional Development Fund (ERDF) project, Zero Energy Building Catalyst (ZEBCat) was signed by DCC in March 2017. This project will seek to reduce the energy consumption of Great Moor House (a DCC Strategic Office) by 60% which could include the installation of additional roof solar PV and car park mounted solar PV with energy storage subject to detailed feasibility work. The Prior Information Notice has now been published to advise prospective tenders of our intention to launch the procurement for this project. It is intended that tender award would be early in 2018, with works being completed early in 2019.
- 2.2. DCC have also submitted an Outline Application to the ERDF for £1.5m of grant to support the Devon and Exeter Low-carbon Energy and Transport Technology Innovator (DELETTI) project. Part of the project would consider the installation of solar carports at park and ride sites, co-located with energy storage where viable. The project will also consider the use of electric vehicles for energy storage.
- 2.3. DCC are preparing to tender for the installation of solar PV on DCC buildings which could include PV with energy storage system options, with roll out commencing early in 2018. As part of the preparation for tender, site surveys are currently being carried out.
- 2.4. The Interreg Atlantic and Western Power Distribution Innovation Fund bids for energy storage projects submitted in October 2016 were unsuccessful.
- 2.5. DCC have conducted market research into the installation of large-scale energy storage to provide grid services but the grid connection fees are too high to make any business case viable. However, we are continuing our lobbying efforts and working with Western Power Distribution and the Heart of SW and Cornwall Local Enterprise Partnerships.
- 2.6. In the case of energy storage where grant funding can't be secured (for example at County Hall), and therefore there is greater reliance on income generation, Ofgem and the Department of Business, Energy and Industrial Strategy are currently reviewing these regulations and the outcome of this review will inform DCCs future strategy in this area.

Agenda Item 12

3. ENERGY PERFORMANCE – Progress update

- 3.1. The council's total corporate property energy consumption for the financial year 2016-2017 was 42% less (compared to 28% less in 2015/16) than in the financial year 2012-2013 (from the commencement of DCCs current Energy Policy). Street lighting energy consumption for the same period is now 15% less than the baseline. In financial terms, the Council's total corporate property energy spend reduced by approximately £500,000 between 2015/16 and 2016/17.
- 3.2. The corporate property energy reduction has been largely as a result of on-going property rationalisation as part of DCC's Estates Strategy including the disposal of energy intensive properties such as former Care Homes, as well as the introduction of energy efficiency measures (i.e. more efficient lighting and heating) in retained properties. The street lighting energy reduction is due to the ongoing programme of installing more efficient technology.
- 3.3. In 16-17, corporate property energy use per employee was 18% lower than in 2012-2013. This is a 10% improvement on 15-16 reported at the last meeting. We are therefore making good progress in achieving DCCs 17-18 target of 25% less corporate property energy use per employee.
- 3.4. DCC are awaiting transport and water supply and treatment energy data to calculate the 16-17 renewable energy performance data as a percentage of overall energy consumption. We can report that in 16-17 energy from renewable sources on corporate property increased from 133,399 kWh in the previous financial year to 275,624 kWh. This is primarily due to the installation of 100kWp of solar PV on Great Moor House.

4. PROGRESS AND ACHIEVEMENTS

- 4.1. The Re-thinking Energy Demand project in collaboration with the University of Exeter to understand staff behaviours in terms of energy impact has completed focus group sessions with over 30 employees taking part. The feedback from the focus groups will be used to inform the research findings.
- 4.2. An Air Source Heat Pump has now been installed at Ryefields in Newton Abbot which will reduce running costs through more efficient generation of heat and income through the Renewable Heat Incentive.
- 4.3. DCC are exploring purchasing renewable electricity from Exeter's Energy for Waste Plant. DCC would purchase electricity from Viridor who run the Energy from Waste plant, to contribute towards the authority's energy renewable targets.

5. SUMMARY

- 5.1. Through the implementation of a number of energy efficiency measures, the continued reduction in DCC's property portfolio and a dedicated resource to focus on energy management, the Authority has made significant progress in this area and are able to continue to evidence both a reduction in consumption and resultant costs savings.

Rob Parkhouse
Head of Digital Transformation and Business Support

Electoral Divisions: All
Cabinet Members:

Councillor John Clatworthy, Cabinet Member for Resources and Asset Management

Councillor Roger Croad, Cabinet Member for Community, Public Health, Transportation and Environmental Services

LOCAL GOVERNMENT ACT 1972: LIST OF BACKGROUND PAPERS

Contact for Enquiries: Matthew Jones, Strategic Property Manager

Tel No: 01392 38 3000 Room: 121

Background Paper

Nil

Broadband & Mobile Phone Connectivity Task Group Update Report

1. Background

The Connecting Devon & Somerset (CDS) programme has been set up to deliver next generation broadband infrastructure to areas where the market has failed to invest. The size and scope of the programme, and the time frames Central Government has allocated to the funding, has required more than one phase; the programme is nearing the completion of Phase 1 and contract awards have recently been announcement for the six Phase 2 lots with Gigaclear and Airband. It is expected that a small percentage of premises will not be covered by either Phase 1 or 2 plans and CDS will be pursuing several potential solutions to improve speeds.

More recently the Council has commissioned work to research and develop a business case exploring the range of potential options for using public subsidy to improve mobile phone coverage across the Heart of the South West LEP area. The business case to begin procurement of three separate technologies in two lots has been agreed in principle, subject to further market research.

The Place Scrutiny Committee has received regular updates on the CDS programme and more recently on mobile phone coverage. At its meeting on 27th June 2017 the Corporate Infrastructure & Regulatory Services Scrutiny Committee resolved to set up an ongoing Task Group to monitor and scrutinise the progress of the delivery of broadband and mobile phone coverage across Devon, reporting back to the Committee on a regular basis.

As such, this report is submitted to the Corporate Infrastructure and Regulatory Services Scrutiny Committee as part of the agreed reporting mechanism. The Task Group's final report and recommendations will be produced on completion of their investigation and submitted to this Committee for approval.

2. Task Group Scope

The scope of the Task Group review has been agreed as follows:

- To consider the impact of improved broadband and mobile phone connectivity across Devon on the local economy and local people
- To monitor and scrutinise the progress of the continued rollout of the CDS programme and digital connectivity
- To consider how coverage and speeds for premises not covered by Phase 1 or 2 of the CDS programme can be best improved
- To monitor and scrutinise the progress of mobile phone coverage improvements across Devon
- To report back on a regular basis and make recommendations as appropriate to the Corporate Infrastructure & Regulatory Services Scrutiny Committee

Agenda Item 13

3. Work undertaken to date

The first meeting of the Task Group took place on 7th August 2017. The main objective of this meeting was to agree the scope for the Task Group review and for Members to meet with Councillor Stuart Barker, Cabinet Member for Economy and Skills, and Devon County Council and CDS officers to gain a full understanding of the background to both broadband rollout and plans for mobile phone coverage improvements, and the challenges surrounding this.

The second meeting of the Task Group took place on 14th September 2017. Members met with representatives of the business community, members of the public and parish council representatives. The objective of this meeting was to gain an insight into the experiences of individuals, communities and businesses in accessing broadband and mobile phone connections and the impact that this is having on both productivity and social connectivity. Members also undertook to hear views on CDS' operations, communication and transparency arrangements.

Due to the proximity of the second Task Group meeting to this Scrutiny Committee meeting, it has not been practical to include findings from the 14th September meeting in this report. These findings will however be included in the update report to the 28th November meeting of the Corporate Infrastructure and Regulatory Services Scrutiny Committee.

4. Findings to date

4.1 Background to CDS broadband programme

An initial report to Cabinet in September 2011 detailed proposals to work with Somerset County Council and other participating local authorities to deliver superfast broadband coverage (over 24Mbps) to 90% of premises, resulting a contract with BT to deliver Phase 1. This part of the programme is near conclusion and local authorities will be negotiating claw back monies where actual take up has exceeded predictions.

A later Cabinet Report in September 2014 sought approval for an extension of the programme to deliver superfast broadband to 95% of premises. This resulted in tender award to Airband for Dartmoor and Exmoor National Parks. The contract for the remainder of Devon & Somerset was not awarded to BT, the single supplier through the National Rural Broadband Framework, as following evaluation and moderation the bid was deemed to be deficient in a number of areas.

As a result of this, the tender process for this contract had to be started again from the beginning. The remaining area has now been split into six lots and contracts awarded to Airband (lot 4) and Gigaclear (lots 1, 2, 3, 5 and 6).

4.2 CDS broadband programme key points

- Somerset County Council is the contracting authority for CDS;
- The majority of Devon residents will be covered by commercial roll out; CDS has to be careful that any part of its programme does not cover areas which are considered to be commercially viable, as this would breach state aid rules;

- The cost of roll out in rural areas is much higher than urban; fibre to the premises technology (as installed by Gigaclear) is also a magnitude more expensive for providers to install than fibre to the cabinet or fixed wireless technologies, given greater requirements for digging and private land access;
- It is important to be able to provide accurate information in terms of coverage; better communication with public on coverage is needed going forward;
- It is expected that more meaningful information on coverage will be published from Gigaclear and Airband; lessons had been learnt from working with BT on the phase one contract; CDS have not agreed to same non-disclosure clauses in Phase 2;
- CDS has actually overachieved on its Phase 1 target, however the underperformance of the commercial sector's private investment plans (as stated back in 2012) has meant that CDS has fallen short of its 90% coverage ambition;
- CDS are currently analysing coverage provided by BT to assess whether coverage claims are accurate;
- CDS are currently considering bidding into a new government fund (the Local Full Fibre Networks Fund) which is predominantly aimed at business; currently at the expressions of interest stage.

4.3 Mobile phone coverage background and key points

- There has been far greater private sector investment in mobile phone infrastructure than broadband; O2 have committed to providing 98% indoor coverage by the end of 2017; other UK mobile operators having indicated they intend to match O2's 98% coverage target;
- There remains around 5000 premises in Devon that don't have any mobile phone coverage;
- The HotSW LEP awarded £2.5 million to pilot different technologies and commercial models to improve coverage in 'not spots' across the HotSW area;
- Currently awaiting Ofcom data and state aid advice before moving forward with the pilot programme; there is likely to be more information available in the New Year.

5. Next Steps

The Task Group has invited Somerset County Council's Policies and Place Scrutiny Committee to engage in joint scrutiny activity on this topic and await the outcome when this is considered at their scrutiny committee meeting on 3rd October.

The Task Group plans to engage with a number further of witnesses over the coming months including the CDS Board, Cornwall Council, planning authorities, the Council's Highways Team, Gigaclear and Airband.

6. Membership

Councillors Alistair Dewhirst (Chairman), Kevin Ball, Ray Bloxham and Andrew Saywell.

Councillor Alistair Dewhirst
Chairman

Victoria Church
Scrutiny Officer

