

Public Document Pack

Mid Devon District Council

Cabinet

Thursday, 26 March 2020 at 6.00 pm
Exe Room, Phoenix House, Tiverton

Next ordinary meeting
Thursday, 16 April 2020 at 6.00 pm

Those attending are advised that this meeting will be recorded

Membership

Cllr R M Deed
Cllr L D Taylor
Cllr G Barnell
Cllr S J Clist
Cllr D J Knowles
Cllr Ms E J Wainwright
Cllr A White
Cllr Mrs N Woollatt

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. **Declarations of Interest under the Code of Conduct**
Councillors are reminded of the requirement to declare any interest, including the type of interest, and reason for that interest, either at this stage of the meeting or as soon as they become aware of that interest.
4. **Minutes of the Previous Meeting** (*Pages 7 - 20*)
Members to consider whether to approve the minutes as a correct record of the meeting held on 13 February 2020.
5. **Environment Educational Policy** (*Pages 21 - 76*)
Following a report of the Group Manager for Street Scene and Open Spaces, the Environment Policy Development Group have made the following recommendations: that subject to the suggested amendments

(as attached):

- 1) Fixed Penalty Notices for fly tipping be increased from £200 to £400 and the powers to use CCTV footage be adopted to assist with fly tipping Fixed Penalty Notices and to include this within Council policy (Appendix A).
- 2) The new powers set out in the Littering from Vehicles Regulations (Policy) 2018 be adopted and this be included within the new Council policy (Appendix B).
- 3) Changes to the Council Compulsory Recycling Policy be adopted following government guidance (Appendix C).
- 4) The amended Abandoned Vehicle (Act) legislation be adopted and included within the Council Policy (Appendix D) which will enable Officers to investigate vehicles within the 'open air'.
- 5) The Stray Dog Policy (Appendix E) be updated and authority sought for the Environment and Enforcement Manager to be the officer appointed under section 149 of the Environmental Protection Act 1990 to keep the public register which contains the prescribed particulars of, or relating to dogs seized under this section.

6. **Public Spaces Protection Order** (*Pages 77 - 254*)

Following a report of the Group Manager for Street Scene and Open Spaces, the Environment Policy Development Group have made the following recommendation that:

1. Authority be given to consult with members of the public and other relevant stakeholders to introduce a Public Spaces Protection Order (PSPO) under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014.
2. The fixed penalty for breach of the order be set at the maximum level permitted of £100.

7. **Climate Change Advisory Group** (*Pages 255 - 258*)

Arising from a report of the Head of Legal (Monitoring Officer), the Environment Policy Development Group have made the following recommendations: that

- (a) a Net Zero Advisory Group be established;
- (b) the membership of the Group comprise eight Members – 3 Conservative, 2 Liberal Democrat, 2 Independent and 1 Green (not politically balanced); and

- (c) the terms of reference be finalised by the Group, unless the Cabinet wishes to set the general terms in line with those in this report.
8. **Car Parking Management Policy** *(Pages 259 - 270)*
Following a report of the Group Manager for Housing, the Homes Policy Development Group has made the following recommendation: that the revised policy be approved.
9. **Garage Management Policy** *(Pages 271 - 282)*
Following a report of the Group Manager for Housing, the Homes Policy Development Group has made the following recommendation: that the revised policy be approved.
10. **Cullompton Railway Station Project** *(Pages 283 - 294)*
To consider a report of the Head of Planning, Economy and Regeneration setting out the proposed governance arrangements in order to establish clear lines of decision making for the project and to identify the next steps for taking forward the project.
11. **Corporate Asbestos Policy** *(Pages 295 - 316)*
To consider a report of the Group Manager for Property and Commercial Assets providing an updated policy on asbestos management.
12. **Management of Legionella Policy** *(Pages 317 - 328)*
To consider a report of the Group Manager for Property and Commercial Assets providing an update on the procedures for ensuring compliance with managing the risk of Legionella.
13. **Financial Monitoring**
To receive a verbal report of the Deputy Chief Executive (S151) presenting a financial update in respect of the income and expenditure so far in the year.
14. **Performance and Risk** *(Pages 329 - 372)*
To consider a report of the Director of Corporate Affairs and Business Transformation providing Members with an update on the performance against the Corporate Plan and local service targets.
15. **Cleaning Contractors** *(Pages 373 - 392)*
To consider a report of the Group Manager for Property and Commercial Assets
Reviewing the results of the tender exercise for the corporate cleaning that includes offices, leisure centres and public conveniences.
16. **Cabinet Member Decision**
To note the following decision made by the Cabinet Member for Housing and Property Services:

1. That the review of the Housing Assistance Policy 2019-2022

made no substantive changes to the policy and that it remains fit for purpose.

2. That the Housing Assistance Policy 2019-2022 will be reviewed again in 2 years rather than the annual review detailed in the policy.
3. That a review of the policy could be triggered sooner where there are funding or legal changes.

Reason

Following the annual review of the Housing Assistance Policy 2019 - 2022 the policy remains fit for purpose with no changes necessary. The policy states that there will be an annual review, however the policy is due to be renewed in 2022 and no substantial changes are envisaged so a review in 2 years' time is more appropriate.

A review will be triggered sooner where there are significant changes to funding availability or legal requirements relating to the policy.

All assistance grants including Disabled Facilities Grants provided under the policy are funded from ring-fenced capital 'Better Care Fund' monies provided directly by Devon County Council and this policy is supported by them and adopted Devon-wide.

17. **Crediton Hub**
To receive an update report from the Deputy Chief Executive (S151) – to follow.
18. **Notification of Key Decisions** (*Pages 393 - 402*)
To note the contents of the Forward Plan.

Stephen Walford
Chief Executive
Wednesday, 18 March 2020

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Tel: 01884 234229

E-Mail: sgabriel@middevon.gov.uk

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 13 February 2020 at 6.00 pm

Present

Councillors

R M Deed (Leader)
L D Taylor, G Barnell, S J Clist,
D J Knowles, Ms E J Wainwright, A White
and Mrs N Woollatt

Also Present

Councillor(s)

L J Cruwys, Mrs C P Daw, R J Dolley, R Evans,
B Holdman and F W Letch

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Jill May (Director of Corporate Affairs and Business Transformation), Kathryn Tebbey (Head of Legal (Monitoring Officer)), Jenny Clifford (Head of Planning, Economy and Regeneration), Andrew Busby (Group Manager for Corporate Property and Commercial Assets), Dean Emery (Group Manager for Revenues and Benefits), Claire Fry (Group Manager for Housing), Matthew Page (Group Manager for Human Resources), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Carole Oliphant (Member Services Officer) and Sally Gabriel (Member Services Manager)

131. **APOLOGIES**

There were no apologies.

132. **PUBLIC QUESTION TIME**

There were no members of the public present.

133. **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**

Members were reminded of the need to declare any interests when appropriate.

134. **MINUTES OF THE PREVIOUS MEETING (00-01-35)**

The minutes of the previous meeting were approved as a correct record and signed by the Chairman.

135. **MEETING MANAGEMENT**

The Chairman indicated that he wished to take Item 22 (Performance and Risk) as the next item of business. This was **AGREED**.

136. **PERFORMANCE AND RISK (00-02-10)**

The Cabinet had before it and **NOTED** a * report of the Director of Corporate Affairs and Business Transformation providing Members with an update on the performance against the Corporate Plan and local service targets.

The Group Manager for Performance, Governance and Data Security outlined the contents of the report stating that some suggestions for additional measures for performance had been received from the Policy Development Groups.

Note: *Report previously circulated copy attached to minutes.

137. **HRA MEDIUM TERM FINANCIAL PLAN (00-04-23)**

Arising from a *report of Deputy Chief Executive (S151), the Homes Policy Development Group had recommended the Housing Revenue Account Medium Term Financial Plan be approved.

The Cabinet Member for Finance outlined the contents of the report stating the report had received universal support from the Homes Policy Development Group as there was a need to demonstrate a balanced budget and the need to determine a reasonable forecast of the financial position of the Housing Revenue Account for the coming years.

Consideration was given to the impact of Universal Credit within the district and countrywide with the Deputy Chief Executive suggesting that there did not seem to be much impact at the current time with under a 1% margin on arrears being recorded but that a watching brief continued to take place.

RESOLVED that the recommendations of the Policy Development Group be approved.

(Proposed by Cllr A White and seconded by Cllr S J Clist)

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

138. **INCOME MANAGEMENT POLICY (00-08-01)**

Arising from a *report of the Group Manager for Housing, the Homes Policy Development Group has recommended that the revised Income Management Policy be approved.

The Cabinet Member for Housing and Property Services outlined the contents of the report stating that slight amendments had been made to the original policy with reference to vulnerable clients, payments arrangements, and expectations of new tenants, the rationale for new tenant visits and generally how both parties should act.

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

(Proposed by Cllr S J Clist and seconded by the Leader)

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

139. **TENANT COMPENSATION POLICY (00-09-52)**

Arising from a *report of the Group Manager for Building Services, the Homes Policy Development Group had recommended that the revised Tenant Compensation Policy be approved.

The Cabinet Member for Housing and Property Services outlined the contents of the report highlighting the summary of additions and revisions outlined in appendix 1, which took into consideration tenant feedback, comments and complaints and provided greater clarity to tenants seeking compensations or looking to make qualifying improvements

Consideration was given to the involvement of the Tenants Together Group with the Group Manager for Housing agreeing to provide additional feedback to members.

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

(Proposed by Cllr S J Clist and seconded by Cllr L D Taylor)

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

140. **IMPROVEMENTS TO COUNCIL PROPERTY POLICY (00-13-20)**

Arising from a *report of the Group Manager for Building Services, the Homes Policy Development Group had recommended that the Review of Improvements to Council Properties Policy be approved.

The Cabinet Member for Housing and Property Services outlined the contents of the report stating that there had been minor changes to the policy which would be for officer use and tenant reference, this policy would be aligned with the latest tenancy agreements and also the tenant compensation policy.

Consideration was given to the involvement of the Tenants Together Group with the Group Manager for Housing agreeing to provide additional feedback to members.

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

(Proposed by Cllr S J Clist and seconded by Cllr D J Knowles)

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

141. MOTION 561 (COUNCILLOR R B EVANS – 17 DECEMBER 2019) (00-15-27)

The following motion had been passed to the Cabinet from Council for consideration and report:

Development Management Policy

That this council commits to proactively seeking out and exploring that every opportunity is taken to install a carbon neutral power supply option within all new build development from 01/01/2021 but specifically when residential development is being planned.

The Chairman invited Cllr Evans to address the Cabinet.

Cllr Evans made reference to a management note which suggested that any change to planning policy would be constrained until 2023, he therefore wished to withdraw the motion.

Therefore no further discussion took place with regard to this item.

142. MOTION 562 (COUNCILLOR R B EVANS – 17 DECEMBER 2019) (00-16-26)

The following Motion had been passed to the Cabinet from Council for consideration and report:

That MDDC commits to proactively seeking out and exploring development of a long term partnership with a company / companies that can supply innovative power generation that offers carbon neutral power and where possible seeks to give an income stream back to the authority when operational.

That officers are instructed to seek out and explore such opportunities with available companies with immediate effect in order that MDDC can ensure we are actively addressing our own policy to seeking to be carbon neutral by 2030.

The Chairman invited Cllr Evans to address the Cabinet.

Cllr Evans spoke, stating that he understood that much of the contents of his motion was already taking place or was proposed but that he would like the Council to commit to such actions.

Consideration was given to the contents of the draft Corporate Plan and the items identified within it.

It was therefore:

RECOMMENDED to Council that Motion 562 be supported

(Proposed by Cllr Mrs N Woollatt and seconded by Cllr D J Knowles)

143. NATIONAL NON-DOMESTIC RATES (00-18-15)

The Cabinet had before it a *report from the Group Manager for Revenues and Benefits providing Members with an update of the income generation and financial implications of the number of Business Rate properties in Mid Devon and to approve the NNDR1 (estimated income to be generated in 2020/21 from business rates). The report also included the introduction of the refreshed Business Rates Discretionary Relief Policy.

The Cabinet Member for Finance outlined the contents of the report informing the meeting of the statutory collection process for business rates, the estimated net yield from business rates for 2020/21 and how this was redistributed. There would be no grant from the DCLG towards collecting the business rates but that the authority would continue to retain the income from qualifying renewable energy schemes.

Consideration was given to:

- What qualified as renewable energy schemes
- The business rates reserve
- The Devonwide business rates pool
- Discretionary relief

RESOLVED :

- a) That the calculation of the NNDR1 net yield of £15.600m from 3206 Business Rated properties be noted and approved for 2020/21;
- b) That the proportions distributed to the respective authorities and Central Government be allocated as per the statutory regulations; and
- c) That Members note that Central Government will reimburse the Council through a Section 31 grant to compensate it for the reduction in collectable business rates as a result of introducing reliefs;
- d) That the revised Business Rates Discretionary Relief Policy be approved.

(Proposed by Cllr A White and seconded Cllr G Barnell)

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

144. FINANCIAL MONITORING (00-26-35)

The Cabinet had before it and **NOTED** a * report of the Deputy Chief Executive (S151) presenting a financial update in respect of the income and expenditure so far in the year.

The Cabinet Member for Finance outlined the contents of the report stating that the December variance on budget had been £270k, the main factors being:

	£k
Waste Services – Shared savings scheme and vacancies	(151)
Trade Waste and recycling - Increase in customers and reduced discounts etc.	(64)
New vehicle contract – Funded by EMR (Not an overspend on the contract)	67
Public Health – Air Quality S106 (covered by EMR) and legal costs	92
Planning – Downturn in Planning income less salary savings	154
Garden Village project – funded by EMR	23
Garden Village – Capacity funding	(150)
S106 spend re Public Open Space – funded by EMR	178
Cullompton Master Plan – funded by EMR	56
Local Plan – Funded by EMR	32
Tiverton Town Centre Regen – abortive capital costs	87
Bank charges – Additional charges	10
Cemeteries – Income below anticipated in budget	25
Car Parking – Shortfall Premier Inn; extra security and electricity usage	33
Private Sector Housing – legal costs of prosecution	19
General Fund Housing - Grant funding – to be earmarked	(127)
Property – Loss of income; etc. partly offset by salary savings	61
Customer services – Vacancy and overtime savings	(48)
HR – Review of service needs - restructuring	24
Legal – Various including consultancy budget saving	(53)
Democratic Services – District Elections shortfall	25
Electoral Registration – Increase in IER funding and delayed boundary review	(69)
Member Services – Vacancy saving	(7)
Leisure – Vacant posts, growth in membership etc. offset by utilities overspend and reduction in casual swim	47
Revs and Bens – Various including reduced overpayment recovery and software costs	65
3 Rivers Impairment – Partly offset by a statutory reversal of £757k	883
Statutory Adjustments – Reversal of Capital impairment 3 Rivers	(757)
Statutory Adjustments – Reduction in Minimum Revenue Provision (less borrowing than anticipated)	(50)
Interest income – additional income	(100)
Interest Payable – reduction in charge	(60)
Earmarked Reserves transfers	(120)
Net Business Rates retention – more levy due to growth (benefit in future year)	88

Major variances, current incomes from major funding streams and current employee costs were all shown within the appendices to the report.

The Housing Revenue Account continued to have a healthy underspend.

He outlined the Capital Programme position and discussion took place with regard to the impairments to the 3 Rivers loan (identified within the Riverside project) and the financial accounting that had to take place.

Further discussion took place with regard to:

- Whether the monitoring of the loans to 3 Rivers could be listed separately within the General Fund financial monitoring
- The ring-fenced '1:4:1' receipts and the need for those to be spent within 3 years of receipt otherwise the funding needed to be returned to the MHCLG, details of previous monies returned would be sent to the member
- Increased electricity costs within the MSCP
- Legal costs within the public health remit.

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

145. **HOMES POLICY DEVELOPMENT GROUP - RECOMMENDATION - BUDGET**

Arising from a report of the Deputy Chief Executive (S151), the Homes Policy Development Group had made the following recommendation with regard to the budget: that the proposed savings identified in relation to the weed team be removed and that the budget in this area be retained.

It was also noted that the other 3 PDGs had also agreed with the above recommendation.

The Cabinet Member for the Environment informed the meeting that the Weed Team project was added very late in the 2019/20 budget with no cost appraisal and without an idea of how effective it would be. The 2 man team had focussed on Tiverton, there had been little evaluation of the work that had taken place and that a number of parishes already precepted for such work to take place within their own areas. It was felt that this was a discretionary service and that the statutory responsibility lay with the County Council.

Discussion took place with regard to:

- The volunteers who picked up litter and disposed of weeds
- Whether the weed team could be funded by the parishes through their precepts
- The need to consider savings within the budget
- The possible requirement for a policy to consider what we would expect the town and parish councils to precept for.

It was therefore

RESOLVED that the recommendation of the Policy Development Group not be supported and that the proposed savings identified in relation to the weed team remain.

(Proposed by the Chairman)

146. **BUDGET (1-10-39)**

The Cabinet had before it a * a report of the Deputy Chief Executive (S151) providing the proposals for the General Fund and the Housing Revenue Account for the year 2020/21.

The Cabinet Member for Finance outlined the contents of the report stating that a temporary transfer of £284k would be required from the New Homes Bonus to balance the budget.

He outlined further movements in the budget calculation since the last meeting:

Reconciliation of further movements

Movements	Amount £k
20/21 Budget Shortfall (Cabinet Report 16/01/20)	177
Amendment to Car Parking increase	57
Business Rates Retention forecast post NNDR1	21
Contribution to Local Nature Partnership (LNP)	2
Essential car users – reduction in allowance	-9
New Cabinet Member allowance	7
Reduction in interest from GP Hub due to timing of drawdown	29
Draft budget gap for 2020/21	284

He outlined the main proposals for the HRA 2020/21 budget:

- Following new legislation an increase of CPI plus 1% (2.7%) was proposed to social housing rents
- Affordable rents to increase subject to the market rent cap (to an average of £113.59 per week (over 52 weeks)
- Garage rents from £11.10 to £11.60 per week
- Increase garage plot ground rents by £25 to £275 per annum.

Consideration was given to:

- Benchmarking of Band D Council Tax across Devon and whether there was a national scheme for benchmarking
- The contribution to the Local Nature Partnership
- The reduction in interest from the GP Hub loan
- The certain loss of the New Homes Bonus in future years and the Government's Fair Funding Review
- The collection of garage rents over 52 weeks
- With the underspend being highlighted within the HRA whether the increase in rents was necessary

RECOMMENDED to Council that:

- a) Council Tax is increased by £5 (2.46%) on a Band D property to £208.84.
- b) General Fund budget for 2020/21 is approved.
- c) The 2020/21 budget requires no transfer from the General Fund Balance.
- d) The General Fund Budget requires a temporary transfer of £284k from the New Homes Bonus EMR.
- e) HRA budget for 2020/21 be approved – Appendix 5.

- f) HRA fees/charges are approved based on the attached schedule shown as Appendix 5a and 5b.
- g) Work on strategic planning for delivering balanced budgets in the future is commenced in the spring.

(Proposed by the Chairman)

Notes:

- i) It was noted that Cllr Miss E Wainwright arrived at the meeting at this point;
- ii) *Report previously circulated, copy attached to minutes.

147. CAPITAL PROGRAMME (1-32-59)

The Cabinet had before it * a report of the Deputy Chief Executive (S151) seeking approval for the 2020/21 Capital Programme and requesting it to note the draft 2021/22, 2022/23 and 2023/24 programmes.

The Cabinet Member for Finance outlined the contents of the report highlighting and explaining the proposed recommendations and stating that due to austerity the council continued to explore as many commercial opportunities as possible.

Consideration was given to:

- Funding for projects highlighted in the proposed Corporate Plan
- Amounts that would be rolled over from one financial year to the next
- The proposal for an in-year review of the Capital Programme, Capital Strategy and Treasury Management Strategy to take account of the emerging Corporate Plan and the delivery of projects for Cullompton and Tiverton.

It was therefore:

RESOLVED that an in-year review of the Capital Programme, Capital Strategy and Treasury Management Strategy take place to take account of the emerging Corporate Plan and the delivery of projects for Cullompton and Tiverton.

(Proposed by Cllr G Barnell and seconded by Cllr Mrs N Woollatt)

and

RECOMMENDED to Council that:

- a) The detailed Capital Programme for 2020/21 be approved (including an additional £75k for the loan for the Crediton GP Hub) and that the estimated amounts for 2021/22, 2022/23 and 2023/24 be noted.
- b) Earmark New Homes Bonus (NHB) monies of £1.068m to support the 2020/21 Capital Programme (see para 2.3) be agreed

(Proposed by the Chairman)

Note: *Report previously circulated, copy attached to minutes

148. **CAPITAL STRATEGY (1-47-37)**

The Cabinet had before it * a report of the Deputy Chief Executive (S151) seeking agreement of the proposed Capital Strategy for 2020/21

The Cabinet Member for Finance outlined the contents of the report stating that the strategy had a high level overview of how capital expenditure, capital financing and treasury management activity contributed to the provision of local public services with an overview of how associated risk was managed and the implications for future financial sustainability.

Consideration was given to the climate change agenda and the need to incorporate it within the Medium Term Financial Plan

RECOMMENDED to Council that: the proposed Capital Strategy for 2020/21 be approved.

(Proposed by the Chairman)

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

149. **TREASURY MANAGEMENT STRATEGY AND ANNUAL INVESTMENT STRATEGY (1-51-30)**

The Cabinet had before it * a report of the Deputy Chief Executive (S151) seeking agreement of the proposed Treasury Management Strategy and Annual Investment Strategy for 2020/21

The Cabinet Member for Finance outlined the contents of the report stating that the refreshed strategy highlighted the level of investment and borrowing and provided a detailed view of the economic climate.

Consideration was given to:

- The current portfolio position
- The limits to borrowing activity
- The annual investment strategy

RECOMMENDED to Council that: the proposed Treasury Management Strategy and Annual Investment Strategy for 2020/21, including the prudential indicators for the next 3 years and the Minimum Revenue Provision Statement (Appendix 1), be approved.

(Proposed by the Chairman)

Note: * Report previously circulated copy attached to minutes.

150. **POLICY FRAMEWORK (1-54-19)**

The Cabinet had before it a * report of the Chief Executive regarding the Policy Framework.

| **RECOMMENDED** to Council that the Policy Framework be adopted.

(Proposed by the Chairman)

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

151. **THE ESTABLISHMENT (1-54-55)**

The Cabinet had before it a *report of the Group Manager for Human Resources informing Members of the overall structure of the Council showing the management and deployment of officers.

Consideration was given to:

- The increase in employment costs outlined in the financial monitoring report
- A request for a year on year comparison of staff costs to be made available
- The increase in stress related sickness and how staff were supported
- The new sickness policy that had been adopted
- The employee assistance programme and counselling that was available to staff and members
- The number of staff with 100% attendance

| **RECOMMENDED** to Council that the Establishment be approved.

(Proposed by the Chairman)

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

152. **PAY POLICY (2-06-02)**

The Cabinet had before it a *report of the Group Manager for Human Resources relating to senior pay in particular the role of the Chief Executive, Directors and other senior officers.

| **RECOMMENDED** to Council that the Pay Policy be approved.

(Proposed by the Chairman)

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

153. PAINTING AND REPAIRS BEFORE PAINTING OF COUNCIL HOMES 2020 - 2025

The Cabinet had before it a * report of the Director of Corporate Affairs and Business Transformation advising Members of the results for the tendering of the External Painting and Repairs of the Council homes for the next 5 years (2020-2025).

The Cabinet Member for Housing and Property Services outlined the contents of the report stating that the contract was for 3 years with the option to extend it for a further two individual years subject to performance and informed the meeting of the number of houses repaired and painted per annum.

RESOLVED that: the contract for works required to decorate the Council's homes for 2020-2025 be awarded to Contractor 3 with a forecast annual cost £300,000.00 be approved. This is a three year contract with the option to extend for a further two individual years subject to acceptable performance. The contract has been awarded to the contractor with the highest combined price/quality score with 60% of the total score based on price and 40% quality.

(Proposed by Cllr S J Clist and seconded by Cllr G Barnell)

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

154. NOTIFICATION OF KEY DECISIONS (2-10-04)

The Cabinet had before it and **NOTED** its * rolling plan for March 2020 containing future key decisions.

Note: *Plan previously circulated, copy attached to minutes

155. ACCESS TO INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC (2-12-37)

Prior to considering the following item on the agenda, discussion took place as to whether it was necessary to pass the following resolution to exclude the press and public having reflected on Article 15 15.02(d) (a presumption in favour of openness) of the Constitution. The Cabinet decided that in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

It was therefore:

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 respectively of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information)

(Proposed by the Chairman)

156. **DISPOSAL OF SAMPFORD PEVERELL PUBLIC CONVENIENCE**

The Cabinet had before it a report * of the Group Manager for Corporate Property and Commercial Assets with regard to the disposal of an asset.

The Cabinet Member for Housing and Property Services outlined the contents of the report and a full discussion took place.

Returning to open session, the Cabinet:

RESOLVED that the surrender of the lease of land upon which the public convenience at Lower Town, Sampford Peverell is situated be approved.

(Proposed by the Chairman)

Note: *Report previously circulated.

(The meeting ended at 8.22 pm)

CHAIRMAN

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Environment Policy Development group – 10 March 2020

Minute 82

The Group had before it a * report of the Group Manager for Street Scene and Open Spaces updating the current policies and requesting that new policies be adopted.

The Chairman walked through the various policies and consideration was given to:

Fly Tipping Policy

- CCTV coverage of affected areas with the Group Manager for Corporate Property and Commercial Assets and the Head of Legal informing the meeting that an action plan was being developed and would be reported to the Community Policy Development Group. Some of the offences would not come under RIPA and therefore a parallel system to balance data protection and human rights issues had to be developed. The phrasing within the policy with regard to 'may' and 'could' rather than 'would' was explained as a discretionary element always had to be included. The number of prosecutions was also discussed and it was generally agreed that the increase in fines should be encouraged. Delegated powers for District Officers was also discussed.

Littering from Vehicles

- The following amendments were suggested:
 - Paragraph 5.1 remove the words 'in writing' from the 4th line.
 - Under paragraph 9 remove para 9.1 and renumber 9.2 to 9.1.
 - Paragraph 10 – Ground E replace the word 'court' with 'course'
- Discussion took place with regard to penalty amounts which had previously been set and the definition of littering if stood beside a vehicle.

Compulsory Recycling Policy

- The following amendment was suggested: the renumbering of paragraph 2 to include 2.3 and 2.3

Abandoned Vehicle Policy

- The following amendment was suggested: the renumbering of paragraph 1 to include 1.2 instead of 1.2.1
- Discussion took place with regard to the remit of the authority to remove abandoned vehicles from the highway.

Stray Dog Policy

- The following amendment was suggested: under 3.8.2 the removal of 'his' from the first bullet point and to be replaced with 'its'. Under bullet point 3 the removal of the word 'and'.

It was therefore:

RECOMMENDED to the Cabinet that: subject to the suggested amendments (as listed above):

- 1) Fixed Penalty Notices for fly tipping be increased from £200 to £400 and the powers to use CCTV footage be adopted to assist with fly tipping Fixed Penalty Notices and to include this within Council policy (Appendix A).
- 2) The new powers set out in the Littering from Vehicles Regulations (Policy) 2018 be adopted and this be included within the new Council policy (Appendix B).
- 3) Changes to the Council Compulsory Recycling Policy be adopted following government guidance (Appendix C).
- 4) The amended Abandoned Vehicle (Act) legislation be adopted and included within the Council Policy (Appendix D) which will enable Officers to investigate vehicles within the 'open air'.
- 5) The Stray Dog Policy (Appendix E) be updated and authority sought for the Environment and Enforcement Manager to be the officer appointed under section 149 of the Environmental Protection Act 1990 to keep the public register which contains the prescribed particulars of, or relating to dogs seized under this section.

(Proposed by Cllr W Burke and seconded by Cllr B Holdman)

Note *Report previously circulated, copy attached to minutes.

ENVIRONMENT PDG
10 March 2020

UPDATE ON THE STREET SCENE EDUCATION AND ENFORCEMENT POLICIES

Cabinet Member(s): Cllr Luke Taylor, Cabinet Member for the Environment
Responsible Officer: Vicky Lowman, Environment & Enforcement Manager
Stuart Noyce, Group Manager - Street Scene and Open Spaces

Reason for Report: To update the current policies and to adopt new policies.. This will enable the Street Scene Education & Enforcement Team to educate and enforce, by making use of the new powers available to them.

RECOMMENDATIONS:

That the PDG recommends to Cabinet:

- 1) To increase Fixed Penalty Notices for fly tipping from £200 to £400 and to adopt the powers to use CCTV footage to assist with fly tipping Fixed Penalty Notices and include within Council policy (Appendix A).
- 2) To adopt the new powers set out in the Littering from Vehicles Regulations (Policy) 2018 and include within the new Council policy (Appendix B).
- 3) To adopt changes to the Council Compulsory Recycling Policy following government guidance (Appendix C).
- 4) To adopt the amended Abandoned Vehicle (Act) legislation and include within the Council Policy (Appendix D) which will enable Officers to investigate vehicles within the 'open air'.
- 5) To update the Stray Dog Policy (Appendix E) and to seek authority for the Environment and Enforcement Manager to be the officer appointed under section 149 of the Environmental Protection Act 1990 to keep the public register which contains the prescribed particulars of, or relating to dogs seized under, this section.

Financial Implications: Increase in fines paid for any Fixed Penalty Notice issued.

Budget and Policy Framework:

Legal Implications: The updated policies will enable Officers to use the following Acts:

Environmental Protection Act 1990

Clean Neighbourhood Act 2005

Refuse Disposal (amenity) Act 2014

Littering from Vehicles Regulations 2018

Compulsory Recycling Section 46(1) of the Environmental Protection Act 1990

Risk Assessment: If legalisation changes and our policies are not updated this may leave the Council at risk of not being able to enforce infringements which could result in reputational damage for not taking appropriate action against offenders.

Equality Impact Assessment: There are no equality issues identified for this report.

Relationship to Corporate Plan: The Street Scene Enforcement is a frontline service which works throughout the District ensuring cleanliness and attractiveness of our public realm through both education and enforcement.

Impact on Climate Change: By ensuring all residents are recycling and increasing the Fixed Penalty charges for environmental offences this will hopefully deter members of the public from committing environmental crime, reducing any additional carbon footprint incurred while undertaking investigations and collections.

1.0 Introduction

1.1 The Street Scene Education & Enforcement Team, together with the Legal Services, have undertaken an internal review of its current policies in line with existing Government legislation so that they up to date and fit for purpose.

2.0 Fly Tipping Policy (Appendix A)

2.1 The Government has introduced new financial penalties to help fight against 'Waste Crime'. The majority of householders already dispose of their waste responsibly however, from 7 January 2019, powers were made available where any householder who fails to pass their waste to a licensed carrier, and whose waste is found fly-tipped, could face penalties of up to £400. The Officers will be required to take photographic evidence of the fly tipping in situ and/or use CCTV footage to issue enforcement notices to individuals who commit this offence. These changes have been included within the updated policy.

3.0 Littering from Vehicles Policy (Appendix B)

3.1 The Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018, introduced the new fixed penalties for littering from vehicles, from powers conferred by inserting section 88A of the Environmental Protection Act 1990 (into the regulation). This came into force on 1 April 2018. Adopting these regulations and introducing these powers will allow the Council Officers to issue Fixed Penalty Notices if they are able to show that litter was thrown from a vehicle onto either public or private land.

3.2 A Penalty Notice can be issued on the spot, or through the post, depending on the circumstances and type of offence. Officers could observe offences whilst on litter patrols, engaged on other duties or following an approach by members of the public willing to stand as witness in any subsequent Court action, or by using CCTV footage. These powers have been included within the new policy.

4.0 Compulsory Recycling Policy (Appendix C)

4.1 Under Section 46 of the Environmental Protection Act 1990, the Council may, by notice, require occupiers of a premises to present their household waste for collection in a specified way. Failure, without reasonable excuse, to comply with such a requirement is an offence under section 46(6) of the EPA. Under section 47ZA of the same Act, a Fixed Penalty may be offered as an alternative to prosecution. This section is an amendment to the current policy. The policy has several stages so education is used first before enforcement is considered. Some changes to the current policy have been made to reflect government guidance.

5.0 Abandoned Vehicles Policy (Appendix D)

5.1 The current policy does not allow for abandoned vehicles on private land to be investigated. The amendments to the policy will allow the Council to investigate any 'abandoned' vehicle within the open air under Section 3 of the Refuse Disposal (amenity) Act 1978. Any motor vehicle abandoned on private land may be removed in accordance with the Council's procedures, unless the cost in so doing is deemed to be unreasonably high. The only exception to this will be if the vehicle is situated on a carriageway where cost cannot be a contributing factor.

6.0 Stray Dog Policy (Appendix E)

6.1 The policy has been updated to include the microchipping and 'collar & tag' procedure. The policy also requires authority for a designated officer to be appointed under section 149 of the Environmental Protection Act 1990 to keep the public register which contains the prescribed particulars of, or relating to, dogs seized under this section.

Contact for more Information: Vicky Lowman Environment & Enforcement Manager
(01884 244601 vlowman@middevon.gov.uk)

Circulation of the Report: Cllr Luke Taylor, Cabinet, Leadership Team

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Fly Tipping Policy

Date of issue: January 2020

Review date: January 2030

Contents

1. Introduction and legislation
2. The procedure for fly tipping
3. Duty of care
4. Fixed penalties
5. Amount of fixed penalty

1.0 Introduction

- 1.1 Fly tipping is the illegal dumping of any waste onto land that has no licence to accept waste. It can vary in scale significantly from a bin bag of rubbish to a large quantity of waste dumped from a truck. Enforcement legislation is embodied within the Environmental Protection Act 1990 sections 33 and 34.
- 1.2 The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 came into force on 9 May 2016 which amends the Environmental Protection Act 1990 to allow the issuing of fixed penalties for waste deposit offences.
- 1.3 Mid Devon District Council is a contributor to the web based National Fly Tipping Database Fly Capture¹ which has been in operation since April 2004.
- 1.4 All authorised District Officers in the Street Scene and Open Spaces service are fully trained in enforcement procedures and receive regular update training. All delegated officers will act in accordance with this policy and refer to this policy when making enforcement decisions.

2.0 The Procedure

- 2.1 In the first instance, Mid Devon District Council's preferred action is to secure compliance through education and information. Enforcement action will require delegated officers to follow set procedures and protocols in order to ensure consistency in the collection of evidence and the enforcement actions applied. These actions represent a zero tolerance to environmental crime.

This policy supplements the guidance continued in the Operations Directorate Enforcement Policy. The Street Scene service encompasses numerous powers and duties that enable the control of behaviour of individuals and/or businesses in the interest of public health and the environment.

- 2.2 Mid Devon District Council may use CCTV to issue and pursue fixed penalty notices for fly tipping to ensure compliance with Regulation of Investigatory Powers Act 2000.
- 2.3 A fixed penalty notice may be issued to someone caught in the act of fly tipping for a less serious offence. Where evidence is obtained for a more serious case of fly tipping, and the case meets the tests for prosecution, a file will be prepared for prosecution.
- 2.4 In cases of fly tipping found on public open spaces or on highways. A letter shall be sent to the alleged offender with an explanation of the offence committed and an invitation for them to attend an interview under caution. The purpose of the investigation is to ascertain why the offence was committed and to see if there is a plausible explanation for the committed offence. If the

¹ Flycapture is a database for recording incidents of fly-tipping in Great Britain.

interviewers are not satisfied, consideration may be given to either issuing a Fixed Penalty Notice or prosecuting.

- 2.5 Evidence held by the District Council shall be held in prosecution files which will be stored electronically in line with Data Protection Act 2018.
- 2.6 Interviews under caution may be carried out under the Police and Criminal Evidence Act 1984 (PACE).
 - 2.6.1 Mid Devon District Council may seize a vehicle, trailer or mobile plant suspected of being involved in waste² crime.
 - 2.6.2 Mid Devon District Council has the right to legally enter land, vehicles or premises to investigate.
- 2.7 Mid Devon District Council can serve a notice on anyone it thinks can provide information on the details of the driver of a vehicle used at the time when the offence was committed, using the DVLA WEEE system.
- 2.8 All offences that involve a vehicle may be investigated within 7 days of the offence taking place. The Council has the ability to check owner details on a vehicle within this time. After 7 days, a registered keeper check cannot take place using the WEE system.
- 2.11 A range of enforcement options are available for each offence. The case officer dealing with a situation will act on his/her own initiative in routine/straightforward cases. Any cases recommended for prosecution may be presented to Legal Services for comment and review prior to proceedings being instigated.

3.0 Duty of care

- 3.1 The fixed penalty notice (FPN) for breaches of the household waste duty of care provides an alternative to prosecution. It allows an individual to discharge liability for the duty of care offence by payment of a financial penalty.
- 3.2 The duty of care requires occupiers of domestic property to take all reasonable measures available to them in the circumstances to ensure that they only transfer household waste produced on that property to an authorised person. This reduces the chance of waste ending up in the hands of those who would fly-tip it.
- 3.3 Mid Devon District Council may issue a FPN when an individual appears to have failed to comply with their duty of care under section 34(2A) of the Environmental Protection Act 1990 in England. For example:

² The Department for Environment, Food and Rural Affairs (DEFRA) states that "material is considered to be waste when the producer or holder discards it, intends to discard it, or is required to discard it."

- Where fly-tipped waste can be traced back to an individual who is found to have failed to take reasonable steps to ensure that they transferred the waste to an authorised person.
- Where an unauthorised carrier is found to be carrying household waste that was directly transferred to them by the occupier of a domestic property.
- Where an individual is found to have transferred their household waste to an unauthorised person at a site that does not have a permit or exemption.

4.0 The fixed penalty policy

- 4.1 A Fixed Penalty Notice, in the appropriate case, can be issued on the spot or following a PACE interview.
- 4.2 Mid Devon District Council can request under section 59 of the Environmental Protection Act 1990 for the occupier and or landowner to remove the waste they knowingly caused or permitted to be deposited illegally.
- 4.3 If the occupier and or landowner does not remove the waste Mid Devon District Council can enter on to the land, clean the waste and charge them the costs of doing so.
- 4.4 Mid Devon District Council can also enter land to clear the waste if:
- There is no occupier
 - The occupier did not knowingly cause or permit the deposit of the waste
 - It is in order to prevent pollution.
- 4.5 A District Officer may require an occupier of domestic property to give the occupier's name and address if the officer proposes to give the occupier a fixed penalty notice.
- 4.6 A person commits an offence if the person:
- Fails to give a name or address when required to do, or
 - Gives a false or inaccurate name or address in response
- 4.7 Mid Devon District Council will ensure all enforcement complies with the principles of the Regulators Code³ when approaching enforcement for the household waste duty of care.
- 4.8 Mid Devon District Council will request payment is made within 14 days of the FPN issue date.

³ section 23 of the Legislative and Regulatory Reform Act 2006

- 4.9 Reminder letters will be sent to those where payment has not been made within 14 days of the FPN being issued. The letter must detail the full payment cost, when payment must be made by and what happens if payment is not made.
- 4.10 District Officers must be authorised in writing by the authority to:
- Issue FPNs
 - Investigate crimes
 - Seizing vehicles and enter on to private land for the purposes of investigation
- 4.11 Where a FPN has been issued Mid Devon District Council will wait a further 14 days after the reminder letter was sent before legal action is taken. If the FPN is paid no court proceedings may take place.
- 4.12 Some cases may not be appropriate for a fixed penalty notice and may proceed directly to prosecution.
- 4.13 Convicted parties can be fined an unlimited amount or imprisoned for up to 5 years.

5.0 Amount of fixed penalty

- 5.1 The Council has specified the amount of the fixed penalty at £400, this has been set at the maximum amount to discourage fly tipping.
- 5.2 The Council will attempt to recover the costs spent on investigations, clean up and enforcement work from the:
- Polluter
 - Occupier or landowner

Littering from Vehicles Policy

Date of Issue: January 2020

Review Date: January 2030

Contents

1. Introduction
2. Interpretation
3. Civil fixed penalties and enforcement
4. Penalty amounts and payment
5. Challenges to the Penalty Notice
6. Recovery of unpaid amounts
7. Authorised officers
8. Use of receipts
9. Exemptions
10. Representations and appeals
11. Publicity and associated enforcement
Annex A procedure

1.0 Introduction

- 1.1 Mid Devon District Council is committed to reducing litter on roadsides and verges and will take enforcement action against those who litter from their vehicles. It is recognised that it can be particularly difficult for District Officers to identify which person in the vehicle committed the offence. The new powers allow Mid Devon District Council to hold the keeper of a vehicle responsible for littering offences committed from the vehicle.
- 1.2 The Littering from Vehicles outside London (Keepers: Civil Penalties) Regulations 2018 (SI 2018/171) came into force on 1 April 2018 to introduce new fixed penalty powers for littering from vehicles. This allows local authorities outside London to issue civil penalty notices to the keeper of a vehicle from which litter is thrown.
- 1.3 A civil penalty is a civil fine which, unlike a criminal penalty, does not carry the risk of a criminal prosecution. The ‘keeper’ of a vehicle is presumed to be the ‘registered keeper’, but evidence may be provided showing that the vehicle was ‘kept’ by another person at the relevant time. The liability to pay the civil penalty rests with the keeper of the vehicle at the time of the offence.
- 1.4 Under section 89(1) of the EPA 1990 the District Council, as the local authority, has a general duty to keep land in its area clear of litter.

2.0 Interpretation

- “The EPA 1990” means the Environmental Protection Act 1990
- “Littering Regulations” means The Littering from Vehicles outside London (Keepers: Civil Penalties) Regulations 2018 (SI 2018/171)
- “FPN” means Fixed Penalty Notice
- “MDDC” means Mid Devon District Council
- “RUCS regulations 2019) means road user charging schemes (penalty Charges adjudication and Enforcement) (England) regulations 2013
- “Electronic address” means any number or address used for the purposes of sending or receiving documents or information by electronic means

3.0 Fixed Penalty notices (FPN) and enforcement

- 3.1 Mid Devon District Council may give a penalty notice, requiring payment of a FPN, to a person who is the keeper of a vehicle provided that it has reason to believe that a littering offence has been committed in respect of the vehicle on land within the Mid Devon District Council area.

- 3.2 Mid Devon District Council may cancel a penalty notice at any time by informing the recipient in writing.
- 3.3 A penalty can either be issued on the spot or through the post depending on the circumstances and type of offence.
- 3.4 Penalty notices will be issued when District Officers observe offences whilst on patrol, on a pure chance basis whilst engaged on other duties, or following an approach by members of the public willing to stand as witness in any subsequent Court action. Mid Devon District Council may take enforcement action on the basis of CCTV evidence, provided the CCTV evidence is in accordance with RIPA¹
- 3.5 A penalty notice must not be given:
 - 3.5.1 After the end of the period of 35 days beginning with the day on which the littering offence in question occurred;
 - 3.5.2 If a FPN for the criminal offence of leaving litter under section 88 (1) of The Littering from Vehicles outside London (Keepers: Civil Penalties) Regulations 2018 has been given to a person in respect of the same offence (whether or not he/she is the vehicle's keeper); or
 - 3.5.3 If a prosecution has been brought against a person under section 87 of the EPA 1990 (Offence of Littering) in respect of the same offence (whether or not the person is the vehicle's keeper and whether or not the prosecution has concluded or was successful).
- 3.6 If Mid Devon District Council issue a FPN and the recipient provides evidence as to the identity of the litterer, Mid Devon District Council will consider whether this is a sufficiently compelling reason to cancel the original civil penalty. Mid Devon District Council may also separately decide whether sufficient evidence has been provided to pursue criminal enforcement action (a fixed penalty notice or prosecution) against the alleged litterer.
- 3.7 Section 9 of this policy (exemptions) set out circumstances in which a person is not liable to pay a fixed penalty.
- 3.8 There are detailed rules contained in the litter regulations The Littering from Vehicles outside London (Keepers: Civil Penalties) Regulations 2018 (SI 2018/171) as to the contents of a penalty notice. Mid Devon District Council will produce standard template notices in accordance with these rules.

¹ RIPA (Regulation of Investigatory Powers Act) is a law enacted in the United Kingdom in 2000 to govern the interception and use of electronic communications

4.0 Penalty amounts and payment

- 4.1 The amount of a fixed penalty is the amount specified Mid Devon District Council under Section 88(6A) of the EPA 1990 for the fixed penalty for the criminal offence of leaving litter which has been thrown from a vehicle. The District Council has set this sum at £150.
- 4.2 If a fixed penalty is not paid in full within the fixed penalty payment 14 days, the amount of the fixed penalty increases by 100% with effect from the day after the last day of the fixed penalty payment period.

5.0 Challenges to the Penalty Notice

- 5.1 The littering regulations confers a right on the person who is given a penalty notice to challenge it within 14 days of the FPN being issued. A person to whom a penalty is given may make written representations to Mid Devon District Council in writing on grounds as set out in the littering regulations. The Littering from Vehicles outside London (Keepers: Civil Penalties) Regulations 2018 (SI 2018/171). These grounds are set out in Section 9 in this document.
- 5.2 If Mid Devon District Council accepts that one or more of the grounds in regulation 14 of the Littering Regulation applies, it must cancel the penalty notice and inform the person who made the representations of the cancellation in writing.
- 5.3 If Mid Devon District Council does not accept that one or more of the grounds in regulation 14 applies, it must give a notice of rejection to the person who made the representation.
- 5.4 A person who is given a notice of rejection may appeal against it to an adjudicator and the appeal must be made to an adjudicator within the period of 28 days beginning with the day on which the notice of rejection is given, although the adjudicator may allow an appeal out of time.
- 5.5 If the adjudicator concludes that one or more of the grounds in regulation 14 applies, the adjudicator must allow the appeal.²

6.0 Recovery of unpaid amounts

- 6.1 Mid Devon District Council will recover any unpaid amount of the fixed penalty and any related costs awarded by an adjudicator:
- 6.1.1 as a civil debt, or
- 6.1.2 as if payable under a county court order, if the county court so orders.

² The adjudicator is the Traffic Penalty Tribunal

7.0 Authorised Officer

7.1 Mid Devon District Council authorises the District Officers to issue penalty notices.

8.0 Use of receipts by Mid Devon District Council

8.1 Any surplus³ income from these penalties will be ring-fenced to be spent on the Council's statutory functions of keeping relevant land clear of litter and refuse, and on enforcement against littering, graffiti.

9.0 Exemptions

9.1 Public service vehicles and licensed taxis

9.2 The kinds of vehicle exempt from FPN's are:

- A public service vehicle within the meaning of section 1 of the Public Passenger Vehicles Act 1981
- A hackney carriage licensed under section 37 of the Town Police Clauses Act 1847 or section 6 of the Metropolitan Public Carriage Act 1869
- A vehicle licensed under section 48 of the Local Government (Miscellaneous Provisions) Act 1976(e) (licensing of private hire vehicles).

10.0 Representation and Appeals - Grounds of representation

10.1 A person who receives a FPN may make written representations on one or more of the grounds A to L as set out below:

Ground A – the littering offence did not occur.

Ground B – the person was not the keeper of the vehicle at the time of the littering offence because they became the keeper of the vehicle after the littering offence occurred. Such representation must include the name and address of the person from whom the vehicle was acquired.

Ground C – the person was not the keeper of the vehicle at the time of the littering offence because the person had disposed of the vehicle to another person before the littering offence occurred. Such a representation must include the name and address of the person to whom the vehicle had been

³ An amount of something left over when requirements have been met; an excess of production or supply

disposed of, or a statement that the name and address of that person is not known

Ground D – the person was not the keeper of the vehicle at the time of the littering offence because the vehicle was a stolen vehicle when the littering offence occurred. Such a representation must include the crime reference number, insurance claim number or other evidence of the vehicle's theft.

Ground E – the person was engaged in the hiring of vehicles in the course of a business at the time of the littering offence, and was not the keeper of the vehicle at that time by virtue of the hire agreement. Such representation must include a statement signed by or on behalf of the person to the effect that at the time of the littering offence the vehicle was hired to a named person under a vehicle hire agreement and provide a copy of the vehicle hire agreement.

Ground F – the person was not the keeper of the vehicle at the time of the littering offence for a reason not mentioned in Grounds B to E.

Ground G – Mid Devon District Council are not authorised to give the person a penalty notice.

Ground H – the person is not liable to pay the fixed penalty by virtue of Regulation 12 (public service vehicles and licensed taxis).

Ground I – the liability to pay the fixed penalty has been discharged in the circumstances set out in Regulation 13 (penalty already given to a person in respect of the same offence).

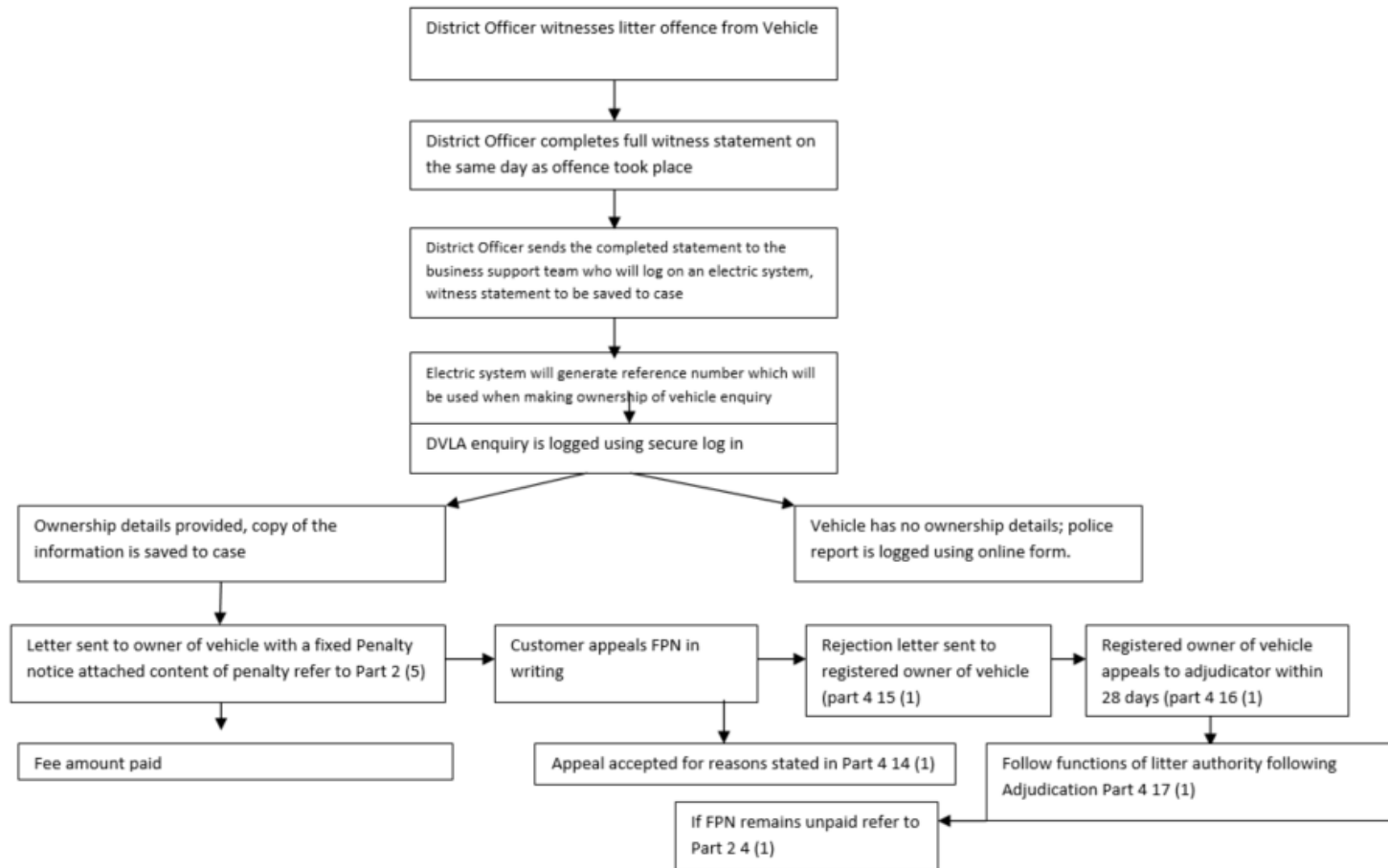
Ground J – the fixed penalty exceeds the amount payable under the Regulations.

Ground K – Mid Devon District Council has failed to observe any requirement imposed on it by the regulations in relation to the imposition or recovery of the fixed penalty.

Ground L – there are compelling reasons why, in the particular circumstances of the case, the penalty notice should be cancelled (whether or not any of grounds A to K apply).

11.0 Publicity and associated enforcement

- 11.1 Mid Devon District Council's Communications team will highlight the anti-social aspects of littering and to announce the new powers. Part of such communications plan will be the publicising of successful enforcement. When communications are published the District Council will adhere to the Data Protection Act 2018.



Littering from Vehicle timescales

1 Working
day

Add littering offences to the current sheet in the littering folder.

For Littering Issues, if not already on Idox, log via MDDC website. Update Idox record.

If witnessed personally, take photographic evidence and complete a written report or e-mail.

If witnessed by a member of the public, take a witness signed statement from them including what was actually witnessed and not just circumstantial evidence (and obtain photos if available).

Within 7
Working
days

A local authority may make an enquiry using the Driver & Vehicle Licensing Agency (DVLA's) Web Enabled Enquiry (WEE) system to request a vehicle keeper's details (at time of event) after witnessing or receiving reports regarding an alleged littering or fly-tipping offence from a stationary or moving vehicle.

The enquiry via the WEE system must be made within 7 days of the date of event (ie the date of the alleged incident).

Ensure there is sufficient evidence in existence, prior to accessing the WEE system, to ensure a successful prosecution and retain this evidence for subsequent audit inspections (on Idox for fly-tipping/littering issues).

The member of staff making the WEE system enquiry must see this evidence for themselves.

If CCTV footage showing waste being dumped from a vehicle is being relied upon, this must be unambiguous and seen by the member of staff making the WEE system enquiry.

If a vehicle registration number plate or any documentation is found in amongst fly-tipped waste, **no** enquiries can be made via the WEE system as it is purely circumstantial.

Once vehicle keeper's details are received, send letter enclosing a Fixed Penalty Notice (FPN).

15 Days

If payment is not received after fourteen days, issue a reminder letter.

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Compulsory Recycling Policy

Date of issue: January 2020

Review Date: January 2030

Contents

1. Introduction
2. Compulsory recycling, Section 46 Policy
3. Enforcement Procedure

1.0 Introduction

- 1.1 In November 2015 Mid Devon District Council introduced a Compulsory Recycling Policy, in line with the above legislation, aimed at encouraging residents to put their waste out in the correct containers and at the correct times, as prescribed by Mid Devon District Council.
- 1.2 Current recycling procedures are specified on the Mid Devon District Council website.
- 1.3 In the autumn of 2015 Mid Devon District Council introduced a weekly food waste kerbside collection using blue food caddies and an opt-in fortnightly chargeable garden waste collection service using a brown bin.
- 1.4 One of the purposes of introducing compulsory recycling is to increase recycling performance and to reduce costs for the Council. This has had a positive effect by reducing the amount of waste.
- 1.5 The Environmental Protection Act 1990 legislation is aimed at encouraging everybody to use the right containers for the right kind of materials.

2.0 Education and Enforcement

- 2.1 Everyone should take responsibility for the waste they produce and Mid Devon District Council aims to educate local residents, businesses and visitors to increase awareness and understanding of their role in responsible waste management. This may be through targeted campaigns, the Mid Devon District Council website, leaflets, posters, events and working with community groups.
- 2.2.1 Mid Devon District Council has a statutory duty under the amended Environmental Protection Act 1990 ("the Act") to keep the streets clean and clear of litter and refuse. This legislation also gives Mid Devon District Council the powers to tackle local environmental quality issues and to undertake enforcement.
- 2.2.2 Mid Devon District Council recognises that residents may take time to get accustomed to the service requirements contained in this policy. Consequently Mid Devon District Council will adopt an approach that will always offer advice, support and guidance as the first and preferred way.
- 2.4 Mid Devon District Council are aware that resorting to the use of formal powers may be necessary in some circumstances and is committed to seeing such measures applied in an open, reasonable and proportionate way.
- 2.5 A Notice under Section 46 (1) of the amended Environmental Protection Act 1990 needs to have been served on a property before any enforcement action can be pursued for this type of offence.
- 2.6 This Notice formally requires the occupier to place the waste for collection in receptacles of a kind and number specified and effectively sets the ground rules for the way household waste should be managed by residents.

- 2.7 This Notice is in addition to the information provided on the Mid Devon District Council website.
- 2.8 Serving a Section 46 (1) Notice does not imply that a household is not managing their waste properly and, as such, the notices may be served on as many properties as appropriate to enable a consistent and fair approach to enforcement across the district.
- 2.9 The following identifies the approach that may be taken in the more serious cases, for example, where the requirement to place the correct substance or article of waste into the correct kind of receptacle is continuously and persistently ignored and where this behaviour continues despite the informal actions detailed at Stages One and Two below.

3.0 Enforcement Procedure

3.1 Stage One

- 3.1.1 On the first occasion, and where a Section 46 (1) Notice has already been served, officers who witness incorrect presentation, such as the presentation of excess 'side waste' or contamination with non-recyclable waste, will advise householders with the use of a 'nudge letter' that seeks to remind them of how they must present their waste for collection in the future. A sticker may also be used to help draw the residents' attention to the problem.

3.2 Stage Two

- 3.2.1 Following Stage One, if the problem persists or there is a reoccurrence, then consideration should be given to moving the case to Stage Two which is a written warning under section 46A of the Act. This warning can only be given if:

(a) a person has failed without reasonable excuse to comply with a requirement under the section 46 Notice; and

(b) the person's failure to comply:

(i) has caused, or is or was likely to cause, a nuisance, or

(ii) has been, or is or was likely to be, detrimental to any amenities of the locality.

- 3.2.2 The warning remains in force for a year.

3.3 Stage Three

- 3.3.1 Continued failure to comply with the collection requirements, as defined in the Notice under Section 46 (1), could result in formal action being taken against the occupants if:

- (a) The person has again failed without reasonable excuse to comply with the Section 46 (1) Notice requirement identified in the warning under Section 46A and the person's failure to comply has had, or is or was likely to have, the effect described in Condition B (see above); or
 - (b) The person has failed without reasonable excuse to comply with a Section 46 Notice requirement that is similar to the one identified in the warning under 46A and the person's failure to comply has had, or is or was likely to have, the effect described in Condition B (see above).
- 3.3.2 A Notice of Intent would be served on the occupants of the property from which the incorrectly presented or contaminated receptacle originated or appears to have originated. A Notice of Intent can be issued each time there is an infringement, provided the conditions set out above are met, within a year of giving a written warning. The Notice of Intent informs the occupant that the Council intends to require them to pay a Fixed Penalty. The occupant has 28 days within which to make representations as to why they should not have to pay it. If representations are received and considered to be valid, the requirement for the Fixed Penalty will be withdrawn. Otherwise, the case will continue to the next formal stage.

3.4 Stage Four

- 3.4.1 If no representations are received, or if they are received and they are not considered valid, the named occupants will be issued with a Final Notice requiring payment of a Fixed Penalty within 28 days. If the Fixed Penalty is paid, then no further action is taken in relation to the infringement. An early payment discount may be applied. The occupier has a further 28 days to appeal to a First Tier Tribunal against the issuing of the Fixed Penalty Notice.
- 3.4.2 The tribunal is external to Mid Devon District Council and has the power to uphold or withdraw the requirement to pay the Fixed Penalty. Mid Devon District Councils delegated officer (ie District Officer) must therefore record their considerations and these should be sound to withstand scrutiny at the First Tier Tribunal. The Fixed Penalty Notice is now a civil penalty (rather than a criminal offence) that would be enforced through the civil courts. If the Fixed Penalty is upheld then Mid Devon District Council will pursue unpaid Fixed Penalties in accordance with its procedures for debt recovery.
- 3.4.3 The Fixed Penalty rate is set at £80.00 and reduced to £50.00 if paid within 14 days of issue. The discount period is to encourage settlement at an amount that is sufficient to act as a deterrent to future offences.

Note

There are detailed statutory requirements setting out what the Notices should contain. All Notices served must comply with the statutory requirements to be valid. Standard Notices are produced to ensure compliance. All stages must be completed within 6 months of the first notice being issued.

**Street Scene Services
Phoenix House
Phoenix Lane
Tiverton
EX16 6PP**

The Occupier

>
>
>

Your Ref:
Our Ref: 20/>/WASTE

website: www.middevon.gov.uk
contact: Street Scene Services
telephone: 01884 255255
e-mail: streetscene@middevon.gov.uk

Date: > 2020

Dear Occupier

**RECEPTACLES FOR HOUSEHOLD WASTE
SECTION 46 OF ENVIRONMENTAL PROTECTION ACT 1990**

Premises: >

Mid Devon District Council, as your waste collection authority, has a duty by virtue of Section 46 (1)(a) of the Environmental Protection Act 1990 to arrange for the collection of household waste from any premises.

Please find enclosed a Notice which sets out the requirements of the Council of when and how to put out your waste and recycling - this Notice is served on you under Section 46 (1) of the Environmental Protection Act 1990. You are obliged by law to comply with this Notice.

Please note that Mid Devon District Council may take enforcement action if these requirements are not followed.

If you require black or green recycling boxes and/or a blue food caddy, please order via the website (www.middevon.gov.uk/do-it-online/) under the heading 'Waste and Recycling' and the option 'Request a new waste container' or call the above telephone number. An opt-in chargeable service for garden waste is also available.

If we can help you in any other way with recycling or you have any queries, please contact the Council via the above telephone number or e-mail address. Further information can also be found on our website as detailed above.

Yours faithfully

District Officer

Abandoned Vehicle Policy

Date of Issue: January 2020

Review date: January 2030

Contents

1. Introduction
2. The process
3. Notice periods
4. Contact details
5. Costings
6. Relevant legislation
7. Further information

Appendix A: Operational Policy – Schedule of steps

Appendix B: Prescribed sums and charges for removal

1.0 Introduction

1.1 Local authorities have a duty under Section 3 of the Refuse Disposal (Amenity) Act 1978 to remove a vehicle which is abandoned on a road (including private roads) or land in the open air, subject to certain conditions.

1.2.1 Mid Devon District Council is not required to remove an abandoned vehicle situated on open air land if the cost of removing it to the nearest highway is unreasonably¹ high.

1.3 Relevant legislation:

- Refuse Disposal (Amenity) Act 1978
- The Removal and Disposal of Vehicles Regulations 1986
- The Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008
- Criminal Justice Act 1982

2.0 Process

2.1 Mid Devon District Council will inspect each vehicle that has been reported as abandoned within the time scale specified in the procedure to confirm that it should be considered as abandoned.

2.2 The following circumstances may be taken into account when assessing whether a vehicle has been abandoned for the purpose of the Council's statutory duty:

- If the vehicle is taxed and in an abandoned state or untaxed.
- If it has been stationary for a significant² amount of time.
- If it is damaged, burnt out, run down, un-roadworthy.
- If it is missing one or more vehicle registration plates.
- If it is on any land in the open air or any land forming part of a Highway/Road.

¹ clearly inappropriate, excessive

² An amount of time which is large enough to be important or affect a situation to a noticeable degree, vehicle has been in situ for 2 months or more.

3.0 Removal, Storage and Disposal

- 3.1 If a vehicle is abandoned³ then the vehicle will be dealt with according to the standard procedure set out in Annex A.
- 3.2 If a vehicle is on land open to air Mid Devon District Council may make enquiries to determine the status of the land. If the land is occupied⁴, Mid Devon District Council may serve a 15 day notice on the occupier of the land stating its intent to remove the vehicle. If the occupier objects, Mid Devon District Council cannot remove the vehicle from the land. If the occupier does not object, Mid Devon District Council must remove the vehicle after the 15 day notice period.
- 3.3 If Mid Devon District Council is satisfied that the land is not occupied, the Council may remove an abandoned vehicle in accordance with steps set out below, as appropriate.
- 3.4 If a vehicle is taxed and displays a valid registration plate but is in an abandoned state the Council will contact DVLA to establish the registered keeper of the vehicle. The Council will then serve a 7 day notice on the registered keeper to remove the vehicle from the land.
- 3.5 If a vehicle is not taxed, or it does not have a valid registration plate or visible VIN number, the Council may remove the vehicle without any notice to the registered keeper / owner.
- 3.6 If Mid Devon District Council is not able to establish the registered keeper or owner, or if the recipient of a 7 day notice fails to comply, Mid Devon District Council may dispose of the vehicle.
- 3.7 If an abandoned vehicle is in such a condition that it ought to be destroyed, Mid Devon District Council can dispose of the vehicle after its removal without any notice to the owner.
- 3.8 Mid Devon District Council will dispose of a vehicle as it sees fit, i.e. by sale, auction or destruction. Any recovered vehicle that may be of significant value should be brought to the attention of the Group Manager of the service for a decision on disposal/sale.
- 3.9 Where Mid Devon District Council has been notified of an abandoned vehicle by a third party, that party will be notified of the outcome to any case.
- 3.10 Mid Devon District Council may recover any cost of removal, storage or disposal from the registered keeper for abandoning their vehicle. Mid Devon

³ Definition of abandoned. A vehicle that has been left unattended on public property for more than twenty-four hours and lacks current registration plates or two or more wheels or other parts which renders the vehicle totally inoperable.

⁴ Definition of occupied. Possession; control; tenure; use. In its usual sense "occupation" is where a person exercises physical control over land.

District Council is not permitted to recover any costs from an occupier of land upon which a vehicle has been abandoned. Initial removal: £150, Storage: £20 per day from the date of removal. These prices may change to reflect inflation.

4 Prosecution

- 4.1 In appropriate cases Mid Devon District Council may prosecute the offender of an abandoned vehicle. The offence of abandoning a vehicle on conviction is a summary offence. If found guilty an individual or business may be liable to pay a fine not exceeding level 4 on the standard scale shown in appendix B (currently £2,500, but subject to changes in legislation), or imprisonment for a term not exceeding three months, or both.⁵

5 Enforcement

- 5.1 Where possible, Mid Devon District Council may seek to recover any costs of removing/storing vehicles from the Registered Keeper(s). If the above is not possible, costs may be charged against the Street Scene and Open Spaces budget.
- 5.2 In accordance with The Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008 the Council may serve a fixed penalty notice on a registered keeper / owner of an abandoned vehicle, requiring payment of £150.00 within 14 days from the date of the notice.
- 5.3 If the registered keeper / owner fails to pay the fixed penalty notice before the notice period expires, the Council may prosecute the offender.

6 Financial Implications

- 6.1 The cost to Mid Devon District Council of dealing with abandoned vehicles is currently offset by the nominal scrap value of the vehicle. The contractor used by Mid Devon District Council waives their fee for works undertaken removing vehicles as they retain the scrap value. Any changes to this arrangement would require a review of this policy as Mid Devon District Council does not budget to meet this statutory function.

7 Data Security and additional information

- 7.1 Abandoned vehicle reports are logged on the Driver Vehicle Licensing Authority (DVLA) Waste and Electronic Equipment electronic database. After 2 years worksheets will be deleted in line with the DVLA data retention guidelines.

⁵ Refer to the Operations Directorate Enforcement Policy

- 7.2 DVLA check printouts are stored in a locked cabinet and destroyed after a period of time as specified by the DVLA. In addition, all enquiries are recorded in a separate log to act as an audit trail, and are also kept in a locked cabinet.
- 7.3 If an enquiry is made by Mid Devon District Council on an incorrect Vehicle Registration Mark, details of the enquiry must be deleted from all internal systems but an audit trail must be kept for 2 years; this is recorded in the log.
- 7.3 Before performing a DVLA check, the Council's authorised Street Scene business support employee must have read the guidance issued by the DVLA and understand the evidence that must be in place before making a request.
- 7.4 It is the responsibility of the police to move or remove vehicles that are on the highway and in a position to endanger other road users, i.e. obstruction.
- 7.5 Vehicles that have been involved in a road traffic collision are the responsibility of the register keepers / owner's insurance company.
- 7.6 A SORN is a Statutory Off-Road Notification which must be declared to the DVLA when a vehicle is not going to be used for a period of time. The vehicle must be kept away from the highway and on private land which the registered keeper owns or has permission from the owner to use for storage. For example, a driveway to a house, in a garage or on an allocated parking space.

Abandoned vehicle procedure

1
Working
day

- 1) Vehicle reported as abandoned by customer
- 2) IDOX record created validations checks carried out.
- 3) Check Tax status on vehicle using <https://www.gov.uk/check-vehicle-tax>
 - 3.1 If the vehicle has valid tax, close case and inform customer.
 - 3.2 No valid tax allocate to District Officer.

2
Working
days

- 4) Allocated District Officer attends site
 - 4.1 District Officer must take photos of the vehicle
 - 4.2 Documents the vehicle is abandoned
 - 4.3 Check tax status again
 - 4.4 Record the time, date, location, make, model and registration number.

5) District Officer sends photos and details of exact location of the abandoned vehicle back to admin staff. Admin staff check that the details reported by the customer and the District Officer match.

7 Working
days

- 6) Authorised admin staff make DVLA enquiry Ensure the DVLA guidance is read before making any enquiry.
 - 6.1 The make and model details of the vehicle match the ones on the abandoned vehicle.
 - 6.2 The date of event entered is the date in which the District Officer attends site and carries out checks to the vehicle.
 - 6.3 The enquiry must be made within 7 days of the date the vehicle was first sighted by the District Officer, not the date reported by the customer.
 - 6.4 The correct registration number is entered before submitting the request.
 - 6.5 The Vehicle registration number is submitted in the correct field.

7) If a registered keeper is identified refer the case back to the District Officer and request the 7 day notice to be applied. Request they take photos of the notice attached to the vehicle.

8) If no registered keeper is identified refer the case back to the District Officer and request the 24 hour notice to be applied. Request they take photos of the notice attached to the vehicle.

8
Working
days

9) Once the notice has been attached to the vehicle and the photos have been taken, send the 7 day notice letter to the registered keeper; get another member of the team

to check the letter and ensure the dates correspond and car details are correct before sending to the keeper.

10) If no registered keeper is identified after 24 hours the District Officer attends the location again to ensure the vehicle is still on site, if so a request is made to the scrap metal hauliers for removal. The location, make, model and registration details must be given.

11) After the 7th day if no response from the registered keeper the District Officer attends the location again to ensure the vehicle is still on site, once the second site visit has been carried out a second DVLA enquiry must be made to ensure the details of the registered keeper are the same as the enquiry previously made. If these are the same, a request is made to the scrap metal hauliers for removal. The location, make, model and registration details must be given.

12) If the registered keeper contacts Mid Devon District Council and advises the vehicle is not abandoned, the case is closed. NO further DVLA checks are carried out. Report untaxed vehicle to the DVLA, advise the customer the vehicle needs to be taxed or SORN on private land.

13) Update the IDOX case ensuring all details are recorded. Ensure letters are saved including the certificate of destruction which is provided by the scrap metal hauliers.

14) Close the IDOX case and refer to legal services for cost recovery.

14
Working
days

15
Working
days

**Appendix B
TO ADANDONED VEHICLE POLICY
DATED NOV 19**

1	<i>Vehicle position and condition</i>	<i>Vehicle equal to or less than 3.5 tonnes MAM</i>	<i>Vehicle exceeding 3.5 tonnes MAM but equal to or less than 7.5 tonnes</i>	<i>Vehicle exceeding 7.5 tonnes MAM but equal to or less than 18 tonnes MAM</i>	<i>Vehicle exceeding 18 tonnes MAM</i>
2	Vehicle on road, upright and not substantially damaged or any two wheeled vehicle whatever its condition or position on or off the road	£150	£200	£350	£350
3	Vehicle, excluding a two wheeled vehicle, on road but either not upright or substantially damaged or both	£250	£650	Unladen—£2000	Unladen—£3000
				Laden—£3000	Laden—£4500
4	Vehicle, excluding a two wheeled vehicle, off road, upright and not substantially damaged	£200	£400	Unladen—£1000	Unladen—£1500
				Laden—£1500	Laden—£2000
5	Vehicle, excluding a two wheeled vehicle, off road but either not upright or substantially damaged or both	£300	£850	Unladen—£3000	Unladen—£4500
				Laden—£4500	Laden—£6000

The prescribed sum in respect of removal, for the purposes of sections 101A(3), 101A(4) and 102(2)(a) of the 1984 Act and sections 4(5) , 4(6) and 5(1)(a) of the 1978 Act, in respect of vehicles set out in column 1 of Table 1 shall be the sum specified in relation to those vehicles in columns 2 to 5 of that Table, the particular sum to be determined by reference to the MAM of the vehicle as described in row 1 of that Table and, for vehicles exceeding 7.5 tonnes MAM and not falling within row 2, whether the vehicle is laden or unladen.

Stray Dog Policy

Date of Issue: January 2020

Review date: January 2030

Contents

1. Introduction
2. The principle
3. The Legislation and process
4. Penalties and payments
5. Contact details
6. Appendix A: Microchipping Policy
7. Appendix B: Collar and Tag Policy

1.0 Introduction

- 1.1 The Environmental Protection Act (1990) (EPA) referred to as ‘The Act’ appoints an officer “for the purpose of discharging the functions for dealing with stray dogs found in the area of the authority”.

2.0 The principle

- 2.1 Mid Devon District Council is responsible for the seizure and transport of stray dogs:
- Patrolling the District and enforcement of dog fouling legislation;
 - Encouraging responsible dog ownership through presentations and talks;
- 2.2 Members of the public who find a stray dog are required by the Environmental Protection Act 1990 to either return to its owner, or report it to the local authority. The finder will be contacted within an hour. Mid Devon District Council does supply a collection service during normal working hours¹ and will endeavour to collect the dog by the end of the day.

3.0 The legislation and process

- 3.1 The current legislation requires a dog in a public place to be fitted with a collar and tag bearing the name and address of the owner (see also microchipping policy). Where a stray dog has a form of identification, or the owner of the dog is known, the District Officer will make every effort to return the dog to its rightful owner. However, if the owner cannot be contacted a ‘notice of seizure’ (s.149 (3) & (4) EPA 1990) will be issued. The notice specifies that the dog has been seized, retained at kennels and that it is liable to be disposed of if it is not claimed within seven clear days from the date of the notice.
- 3.2 The owner of a stray dog is ‘not entitled’ to the return of the animal until they have paid all the expenses incurred and a further prescribed sum (s149 (5)EPA 1990). Should the dog not be claimed or the owner declines to pay the sums outstanding, the ownership of the dog is legally transferred to the Council after seven clear days. The Council is then entitled to sell or re-home the dog (except for the purposes of vivisection) or to have it humanely destroyed.

3.3 Seizure of a dog

- 3.3.1 The Environmental Protection Act 1990 specifies that in each case, a dog seized as a stray is required to be detained and a notice of seizure served upon the owner (where known). In addition, the policy of Mid Devon District Council is that, on the first occasion that a dog is seized, the District Officer

¹ Normal working hours between 9am – 17:00pm Monday to Friday

will make all reasonable efforts to identify the owner and return it to them before taking it to the kennels. The District Officer carries a scanning device to identify dogs fitted with a microchip. If the address of the owner is identified, the District Officer will either visit or telephone. If contact is made, the dog will be returned to the owner.

3.4 Returning a dog

3.4.1 A dog will only be returned to an address if there is someone able to receive the dog; it will not be left at an unoccupied property, for example where the owner is out or with any person under the age of 18 years of age.

3.4.2 Mid Devon District Council currently insists on cash or debit/credit card for the full amount (statutory fee, handling fee, kennelling fees, plus any veterinary costs incurred) **before a stray dog is released to a claimant.** Once all fees are paid the District Officer will arrange to deliver the dog back to the owner. The owner will be required to be at home to receive the dog and sign for its receipt.

3.5 Kennelling Fees

3.5.1 Kennelling fees charged by the contractor plus an additional administration fee need to be paid.

3.6 Out of Hours

3.6.1 Stray dogs will be collected out of hours until 6pm if the dog is detained e.g. in a garden or with the finder. Patrols for stray dogs will not be carried out between the hours of 5pm and 11am except in special circumstances. After 6pm details of the finder will be taken by the Council's Emergency out of Hours service and arrangements will be made with the registered kennels for the dogs to be collected from a designated collection point. The dog will remain in the care of the kennels overnight and the District Officer will endeavour to make arrangements the following day to reunite the dog with the registered owner.

3.7 Recovery

3.7.1 Stray dogs will be returned to the owner during office hours to enable payment to be made. Alternatively the owner can collect the dog from the Council's offices at Phoenix House, Phoenix Lane, Tiverton, Devon EX16 6PP.

3.7.2 Detained dogs will not be released by Mid Devon District Council until all costs incurred are paid in full. During office hours payment can be made in person at one of our community offices via debit/credit card or cash. Alternatively payment can be made on line at <https://www.middevon.gov.uk/do-it-online/miscellaneous/pay-for-it-online/>

3.8 Unclaimed Strays

3.8.1 Stray dogs are held for a minimum period of seven clear days following seizure, or following service of a notice of seizure, whichever is the latest. After this period, ownership of the dog reverts to Mid Devon District Council.

3.8.2 Section 149(6) of the Environmental Protection Act 1990 entitles Mid Devon District Council to deal with unclaimed stray dogs in one of three ways:

- By selling it or giving it to a person who will, in his opinion, care properly for the dog;
- By selling it or giving it to an establishment for the reception of stray dogs; or
- By destroying it humanely and by a qualified veterinary surgeon

No dog shall be sold or given for the purposes of vivisection.

3.8.3 Once transferred to Mid Devon District Council or re-homed to a new owner, the former owner of a stray dog has no legal claim for the return of the animal.

3.8.4 The details of the person to whom ownership is transferred by Mid Devon District Council are required to be recorded on a public register. Under normal circumstances, the majority of unclaimed strays are re-homed and therefore it is this information which is recorded in the public register, rather than any subsequent new owner. The register is available for public inspection.

4.0 Penalties and Payments

4.1 Mid Devon District Council currently insists on cash or card payments for the full amount (statutory administration fee, handling fee, kennelling fees, plus any veterinary costs incurred) in line with the contractor's fees before a stray dog is released to a claimant.

5.0 Contact details

5.1 Lost or found dogs – telephone Customer First, 01884 255255 (*24 hours a day*)



Microchipping Procedure

Date of Issue: January 2020

Review date: January 2029

Contents

1. Introduction
2. The Legislation
3. Procedure

1.0 Introduction

- 1.1 On the 6th April 2016 it became compulsory for all dogs to be microchipped. This move was welcomed by many including Mid Devon District Council District Officers.
- 1.2 The permanent identification of dogs through microchipping not only has the benefit of allowing lost and stolen dogs to be re-united with their owners quickly but will encourage responsible ownership, deter dog theft and help tackle puppy farming and the associated problems.
- 1.3 Microchipping also has a number of animal welfare benefits including the swift contact of owners by veterinary surgeons for emergency procedures (for example dogs that have been involved in road accidents), easy identification of dogs in properties in emergency situations so that dogs and owners can be moved and reunited quickly and the easy identification of owners involved in animal cruelty complaints.
- 1.4 Alongside Mid Devon District Council's statutory function to seize stray dogs, District Officers also work closely with Mid Devon District Councils Licensing Department, Neighbourhood Officers and the Police.

2.0 Legalisation

- 2.1 The Microchipping of Dogs (England) Regulations 2015 come into force on the 6th April 2016 and are made under section 12 of the Animal Welfare Act 2006. These Regulations will provide for the compulsory microchipping of dogs, the recording of a dog's identity and keeper's contact details on a database.
- 2.2 Under the Regulations a keeper means:
 - 2.2.1 In relation to an assistance dog:
 - Until the dog ceases working as an assistance dog, the body responsible for its training and allocation;
 - After the dog has ceased working as an assistance dog, the person with whom it normally resides;
 - 2.2.2 In relation to a new born puppy:
 - The owner of the bitch which gave birth to it;
 - 2.2.3 In relation to any other dog:
 - the person with whom it normally resides.

2.3 Obligation to microchip dogs

2.3.1 From the 6th April 2016, every keeper of a dog that has not been implanted with a microchip by that date and where the dog is older than 8 weeks and not a certified working dog under the Animal Welfare Act 2006 must ensure that it is microchipped.

2.3.2 However this does not apply where a Secretary of State approved certificate has been completed by a veterinary surgeon stating that a dog should not be microchipped for health reasons (this also applies to imported dogs who must otherwise be microchipped within 30 days of being imported). The certificate must state the period for which the dog will be unfit to be microchipped. A dog is deemed to be microchipped where the implanted chip complies with requirements detailed in the Regulations and where these details are recorded on a database by a database operator as specified within the Regulations.

2.4 Change of keeper

2.4.1 From 6th April 2016, where a dog is transferred to a new keeper, the new keeper must (unless the previous keeper has already done so) record their full name, address and contact telephone number (if any) and any change in the dog's name with the database on which the dog's details are recorded.

2.4.2 From 6th April 2016, no keeper may transfer a dog to a new keeper until it has been microchipped unless a certificate has been issued stating that the dog should not be microchipped for reasons of the animal's health.

2.5 Offences

2.5.1 Offences that will relate to Mid Devon District Council enforcement role are –

2.5.2 Failure to transfer a dog to a new keeper without a microchip (unless a certificate has been issued stating that the dog should not be microchipped for health reasons)

2.5.3 Failure to comply with a notice served by an authorised person requiring dog to be microchipped within 21 days

2.5.4 Obstructing an authorised person who is arranging for the dog to be microchipped, recovering the cost of doing so and/or taking possession of a dog for the purposes of microchipping.

2.6 Time limits, Penalties and Appeals

2.6.1 The above offences are punishable on summary conviction (Magistrates) by a fine not exceeding level 2 (£500) on the standard scale with a 6 month time limit upon discovery of an offence to commence a prosecution).

2.7 Appeals

- 2.7.1 A keeper may appeal to the First-tier tribunal against a notice served requiring the keeper to have the dog microchipped within 21 days.

3.0 The Procedure

- 3.1 In order to enforce the Microchipping of Dogs (England) Regulations 2015 it is proposed that the Mid Devon District Council District Officers are authorised in writing by the Local Authority as “authorised persons” in their roles as District Officers.

- 3.2 In accordance with the Regulations as authorised persons, Mid Devon District Council District Officers upon receiving a complaint about a dog that is not microchipped but is required to be so or where a stray dog is picked up and found to have no microchip but is required to have one then the following procedure will be followed:-

- 3.2.1 Serve on the keeper a Notice requiring them to have the dog microchipped within 21 days. A keeper may appeal against this notice.

- 3.2.2 Where the keeper has failed to comply with the Notice, arrangements will be made for the dog to be taken into possession to (a) check whether the animal has been microchipped and (b) to arrange microchipping of the dog with an approved implanter.

- 3.2.3 A written warning will be issued to the keeper advising them that failure to comply with the Notice is an offence under the Regulations. The letter will also state that (a) the dog is being taken into possession and (b) give details of the microchipping appointment.

- 3.2.5 If a dog is taken into possession and removed from the keeper’s property to be microchipped then a Notice will be issued to the keeper which will then be returned to the Mid Devon District Council’s District Offices when the dog is returned to the keeper.

3.3 Change of Keeper

- 3.3.1 In accordance with the Regulations it is proposed that where it is found that a dog has been transferred to a new keeper without a microchip (unless a certificate has been issued stating that the dog should not be microchipped for health reasons) then the following procedure will be followed:

- A written warning will be issued reminding the keeper of their responsibilities under the Regulations including the penalties for failure to comply.

3.3.2 Where a second complaint is received about the same keeper, the keeper will be invited in to attend an interview carried out under the Police and Criminal Evidence Act 1984. Where there is evidence to suggest that an offence has been committed the case will be forwarded to the Mid Devon District Council Legal Department for consideration.



Collar and Tag Procedure

*(To be read in conjunction with
Microchipping Procedure)*

Date of issue: January 2020

Review Date: January 2029

Contents

1. Introduction
2. Legislation
3. Offences
4. Time limits and penalties
5. Procedure
6. Exemptions
7. Appendix 1
8. Appendix 2

1.0 Introduction

1.1 Mid Devon District Council as the local authority has a statutory function to seize stray dogs. It is noticeable that dogs coming into the custody of the District Council are rarely those that are wearing a collar and tag.

2.0 The legislation

2.1 The Control of Dogs Order 1992 came into force on 1 April 1992 and is made under section 13 of the Animal Health Act 1981. This Order is executed and enforced by officers of Mid Devon District Council.

2.2 Article 2 (Wearing of collars by dogs) states that:

2.2.1 Every dog, whilst on a highway or in a place of public resort, shall wear a collar with the name and address of the owner inscribed on the collar, or on a plate or badge attached to it.

2.2.2 This does not apply to the following:

- Any packs of hounds
- Any dog while being used for sporting purposes
- Any dog while being used for the capture or destruction of vermin
- Any dog while being used for the driving or tending of cattle or sheep
- Any dog while being used on official duties by a member of Her Majesty's Armed Forces or Her Majesty's Customs and Excise or the police force for any area
- Any dog while being used in emergency rescue work
- Any dog registered with the Guide Dogs for the Blind Association.

3.0 Offences

3.1 The owner of a dog or the person in charge of a dog who, without lawful authority or excuse, proof of which shall lie on him/her, causes or permits the dog to be on a highway or in a place of public resort not wearing a collar as prescribed in article 2, shall be guilty of an offence under the Animal Health Act 1981.

3.2 Any dog in respect of which an offence is being committed under this Order may be seized and treated as a stray dog under section 149 of the Environmental Protection Act 1990.

4.0 Time limits and Penalties

- 4.1 Section 71A of the Animal Health Act 1981 (Time limits) states that time limits for offences are within the period of 3 years starting with the date of the commission of the offence and within the period of 6 months starting with the day on which evidence that the prosecutor thinks is sufficient to justify the proceedings comes to his knowledge.
- 4.2 Section 75 of the Animal Health Act 1981 states that a person guilty of an offence to which this section applies is liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding level 5 Criminal Justice Act 1982 on the standard scale or to both.

5.0 Procedure

- 5.1 The Animal Health Act 1981 gives Mid Devon District Council the power to pursue a prosecution against those who fail to comply with The Control of Dogs Order 1992.
- 5.2 Where a dog is seen without a collar or tag attached to it bearing details of the owner, as required by article 2 of The Control of Dogs Order 1992, the owner will be served with a Collar and Tag Notice.
- 5.3 This Notice gives the owner/person in charge of the dog 7 working days from the date of the Notice to provide evidence to Mid Devon District Council that a collar and/or tag bearing the owner's name and address has been purchased. Upon presentation of the collar and/or tag, the Notice must be completed by the inspecting officer and no further action will be taken.
- 5.4 A record should be made of the service of this Notice and a copy kept on file.
- 5.5 Should the owner/person in charge fail to provide evidence within this time then a further Notice must be served with a letter as detailed in Annex 2 giving the owner/person in charge of the dog a further 7 working days to produce evidence of a collar and/or tag.
- 5.6 Failure to produce a collar and/or tag on this occasion will result in an investigation being carried out into why the owner/person in charge has failed to present a collar and/or tag to Mid Devon District Council.
- 5.7 The owner/person in charge shall be invited to attend an interview carried out under the Police and Criminal Evidence Act 1984 and where there is evidence to suggest that an offence has been committed, the case should be forwarded to Mid Devon District Council's Legal service for consideration.

Annex 1

	Street Scene Services Phoenix House Phoenix Lane Tiverton Devon EX16 6PP Tel: 01884 255255
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Ref:

Name:

Address:

At...(insert time)....hrs on....(insert date)....a....(insert description of dog)....owned by you/in your charge, was seen/found straying in....(insert location)....

The dog did not have a collar or tag attached to it bearing details of the owner as required by Article 2 of The Control of Dogs Order 1992.

Consideration will be given to prosecuting you for failing to comply with this requirement unless within 7 days of service of this Notice you attend the Mid Devon District Council office as above with a collar and/or tag bearing the owner's name and address (telephone number will suffice).

Signed: MDDC Officer:	Date:
------------------------------	-------

For office use only:

MDDC office - TAG SEEN AND CHECKED AS BELOW

Details on the tag: _____

Signed: MDDC Officer: (print name)	Date:
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Annex 2

INSERT ADDRESS

Street Scene Services
Phoenix House
Phoenix Lane
Tiverton
Devon
EX16 6PP
www.middevon.gov.uk

Our Ref: **INSERT NOTICE REF**

Contact:
Telephone

Street Scene Services

01884 255255

Email: streetscene@middevon.gov.uk

INSERT DATE

Dear Sir/Madam

ANIMAL HEALTH ACT 1981

THE CONTROL OF DOGS ORDER 1992

I write following on from our conversation on **(insert date)** when I issued you with a Notice under the above Order requiring you to present a collar and/or tag bearing your name and address (telephone number will suffice) for your dog. This Notice was served upon you following on from your dog **(insert name, sex, colour and breed description)** who was **seen/found/handed** into the custody of Mid Devon District Council on **(insert date)** without a collar and/or tag as required under The Control of Dogs Order 1992.

To date this Notice has not been complied with. I therefore enclose a further Notice requiring you to present a collar and/or tag bearing your name and address (telephone number will suffice) to Mid Devon District Council within 7 days of the date of the Notice. Failure to produce a collar and tag by this date may result in further enforcement action being taken.

I must take this opportunity to remind you that every dog while in a highway or in a place of public resort shall wear a collar with the name and address of the owner inscribed on the collar or on a plate or badge attached to it.

The owner of a dog or the person in charge of a dog who, without lawful authority or excuse, proof of which shall lie on him, causes or permits the dog to be in a highway or in a place of public resort not wearing a collar as prescribed in article 2 of The Control of Dogs Order 1992 shall be guilty of an offence under the Animal Health Act 1981.

Contravention of The Control of Dogs Order 1992 is an offence against the Animal Health Act 1981. Upon conviction a Magistrates Court can order a fine of up to £5,000 and/or a term of imprisonment of up to 6 months.

Should you wish to discuss the contents of this letter please contact a Dog Warden on the above telephone number.

Yours sincerely

Street Scene Services

Environment PDG
10 March 2020

PUBLIC SPACES PROTECTION ORDER - DOGS

Cabinet Member(s): Cllr Luke Taylor, Cabinet Member for the Environment
Responsible Officer: Vicky Lowman, Environment & Enforcement Manager
Stuart Noyce, Group Manager - Street Scene and Open Spaces

Reason for Report: To consider widening enforcement powers, in order to deliver a cleaner and more sustainable environment across the District within the Mid Devon District Council Boundary.

To replace current dog control powers across the District which are due to expire in October 2020.

RECOMMENDATIONS:

That the PDG recommends to Cabinet:

1. To give authority to consult with members of the public and other relevant stakeholders to introduce a Public Spaces Protection Order (PSPO) under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014.
2. To set the fixed penalty for breach of the order at the maximum level permitted of £100.

Financial Implications: Whilst a consequence of enforcement may be an increase in Fixed Penalty Notices, income generation is not a reason for introducing a new PSPO.

Budget and Policy Framework: The Council already has measures to control dogs and the proposed draft PSPO is to ensure that this can continue.

Legal Implications: The current PSPO is due to expire in October 2020. If a new PSPO is not adopted by then, Officers will not be able to enforce the current measures designed to curb anti-social behaviour arising from dog fouling and other matters set out in the new draft order. .

Risk Assessment: As the legalisation changes and our policies are not updated this may leave the Council at risk of not being able to enforce infringements which could result in reputational damage for not taking appropriate action against offenders.

Equality Impact Assessment: The equality issues are addressed through exemptions – see part 8 of this report.

Relationship to Corporate Plan: The Street Scene Enforcement Service is a frontline service which works throughout the District ensuring cleanliness and attractiveness of our public realm through both education and enforcement.

Impact on Climate Change: PSPOs require or prohibit certain activities from taking place in certain places (restricted areas) in order to prevent or reduce any detrimental effect caused by those activities to local surroundings and people.

1.0 Introduction

- 1.1 The Council has used dog control orders made under the Clean Neighbourhood and Environment Act 2005. These became PSPOs under transitional provisions in the Anti-social Behaviour Crime and Policing Act 2014, but these PSPOs will expire in October 2020
- 1.2 The Street Scene, Education & Enforcement Team have undertaken an internal review and have instructed Legal Services to produce a draft PSPO order. This is attached as Appendix A. Plans have been produced by the Mid Devon District Council GIS team and form part of Appendix A.
- 1.3 PSPOs are available to Local Authorities to deal with specific nuisance problems, in particular areas that are having, or are likely to have, a detrimental effect on the quality of life for those who live, work or play within the locality. An order can prohibit or restrict certain activities and is designed to ensure that the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

2.0 The draft Public Spaces Protection Order

- 2.1 The following guidance is provided to aid understanding of the draft PSPO order .The order is drafted to achieve four main objectives-
 1. Dog fouling
 2. Dogs on leads in
 - a) cemeteries,
 - b) parks,
 - c) when requested by an authorised officer or police constable,
 3. Exclusion of dogs from play areas
 4. Limiting the number of dogs walked at a time by one person

Prohibiting dog fouling

- 2.2 The draft order prohibits dog fouling in certain areas within the district of Mid Devon. The areas where dog fouling is prohibited are known in the order as “Public Spaces” which is a defined term. The term “Public Spaces” is defined at clause 1.1 of the draft order to mean land within the district of Mid Devon, which is open to the air including covered land which is open on at least one side and to which the public are entitled and permitted to have

access, with or without payment, with the exception of Forestry Commission Land. The district of Mid Devon is shown in Schedule A in the draft order.

- 2.3 Clause 5.1.1 of the draft order proposes that in any Public Space if a dog defecates at any time the person in charge of the dog must remove the faeces from the land forthwith. Clause 5.1.2 of the draft order proposes that a person in charge of a dog must have the appropriate means to pick up the faeces and must produce this if required to do so by an authorised officer or a police constable. The local authority provide bins in parks and many other public areas which may be used by dog owners. If there is not a bin around, it should be taken home.
- 2.4 This is a control measure to further assist with tackling dog fouling concerns. Authorised officers may approach dog owners and request them to produce a device for (or other suitable means of) removing dog faeces and transporting it to a bin (whether or not the dog has defecated). If the owner fails to produce this on request then provided it is on designated land and the offender is not exempted it would be considered an offence.

Dog on Leads

- 2.5 Clause 6 of the draft order deals with the requirement of dogs on leads. Dogs must be on leads if any of the following apply:
1. In any public cemeteries which are listed in Schedule B to the order and shown on the relevant plans to the order
 2. In any public parks which are listed in Schedule C to the order and shown on the relevant plans to the order
 3. If requested by an authorised officer or a police constable

Excluding Dogs from children's play areas

- 2.6 Clause 7 of the draft excludes dogs from children's play areas which are listed in Schedule D and shown on the relevant plans to the order. An offence is committed if an individual in charge of a dog at any time takes a dog onto, or permits the dog to enter or remain on, any land to which this part of the Order applies.

Limit on the number of dogs

- 2.7 This part of the order limits the number of dogs a person can be in control of in a public place - unless he/she has reasonable excuse or he/she has permission from the owner of the land on which the dogs are being walked/exercised. Clause 8.1 of the draft order provides that four dogs is the maximum number of dogs that can be walked at one time. This is to minimise the risk of the dog walker not having full control of the dogs. The draft also sets out the penalties for failing to comply with the order and specific exemptions from the order.

3.0 Plans of the land covered by the Order

3.1 The first part of the draft order prohibits dog fouling in public spaces within the district of Mid Devon. The district of Mid Devon is shown in the plan attached to the draft order in Schedule A.

3.2 Secondly, dogs must be on leads if they are within any of the public cemeteries which are listed in Schedule B and shown on the relevant plan to the order. The following public cemeteries are proposed for this restriction:

St Matthews Cheriton Fispaine
Black Dog Crediton
Crediton
Colbrooke
Wembworthy
Halberton
Bradninch
All Saints Culmstock
Culmstock
Hemyock
St Mary's Hemyock
Uffculme
Uffculme (War Memorial)
St Mary's Uffculme
St Andrews Cullompton
Tiverton
St Mary's Willand
Willand Parish Cemetery

3.3 The draft order also requires that dogs be on leads in the following parks and open spaces. Plans of the parks and open spaces can be found in the attached order at Schedule C:

Beacon Park Crediton
Cromwells Meadow Crediton
Chawleigh Chumleigh
Newcombes Meadow Crediton
Peoples Park Crediton
Queen Elizabeth Drive Crediton
School Road Silverton
Southfield Drive Crediton
St Lawrence's Green Crediton
Victoria Crescent Crediton
Crossparks Cullompton
Crow Bridge Cullompton
Forcefield Road Cullompton
Meadow Lane Cullompton

Stoneyford Cullompton
Landunvez Place Bradninch
High Bullen Silverton
Great Close Culmstock
Millhayes Meadows Hemyock
Church Road Silverton
Amory Park Tiverton
Bluebell Avenue Tiverton
Blundells Road Tiverton
Burma Star Garden Tiverton
Cotley Brook Tiverton
Cranmore View Tiverton
Cudmore Park Tiverton
Glebelands Road Tiverton
Gornhay Lane Tiverton
Graters Copse Tiverton
Moutbatten Road Tiverton
Oak Close Tiverton
Old Park Tiverton
Palmerston Park Woods Tiverton
Peoples Park Tiverton
Phoenix House Tiverton
St Andrew Street Tiverton
Railway Walk Tiverton
River Exe Recreation Tiverton
Starkey Close Tiverton
The Oval Tiverton
Tidcombe Railway Walk Tiverton
Tree Field Tiverton
West-Exe Recreation Ground Tiverton
Ashley Close Uffculme
Culm Valley Uffculme
Chesnut Drive Willand
Gables Lea Willand
Sycamore Close Play Area Willand
Victoria Close Willand
Willand Moor Road Willand

- 2.4 The draft order prohibits a person in charge of a dog from taking the dog (or permitting it to enter) into the following enclosed children's play areas Schedule D:

Barns Close Bradninch
Townlands Bradninch
Station Road, Bray Close Burlescombe
Barnfield Credtion
Chaffinch Drive Credtion
Churchlands Bow Crediton
Fernworthy Copplestone

Fulda Crescent Crediton
Glebelands Cheriton Bishop
Godfreys Garden Bow
Greenaway Morchard Bishop
Greenway Crediton
Lapford Play Area Crediton
Lords Meadow Crediton (1)
Lords Meadow Crediton Skate Park Crediton
Lords Meadow Crediton
New Buildings Sandford Crediton
Queen Elizabeth Drive Crediton
Spinning Path Gardens Crediton
St Martins Close Bow
Sunnymead Coppelstone
Town Barton Sanford Crediton
Tuckers Meadow Crediton
Walnut Drive Crediton
Ash Drive Cullompton
Bockland Close Cullompton
Dove Close Cullompton
Conifer Close Cullompton
Haymans Close Cullompton
Haymans Green Cullompton
Headweir Road Cullompton
Knightwood Cullompton
Larks Drive Cullompton
Linden Road Cullompton
Ploudal Road Cullompton
Rivermead Cullompton
Siskin Chase Cullompton
Spindlebury Road Cullompton
Starlings Roost Cullompton
Tanners Close_Clover Drive Cullompton
Tufty Park Cullompton
Water Meadow Cullompton
Ellahayes Hele
Logan Way Hemyock
Millhayes Hemyock
Cornlands Sampford Peverell
Amory Park, Tiverton
Ashley Rise Tiverton
Banksia Close Tiverton
Coles Mead Tiverton
Cotteylands _ Cameron Close Tiverton
Cudmore Park Tiverton
Everett Place Tiverton
Halsbury Road Tiverton
Hawthorne Road Tiverton
Orchard Leigh Tiverton

Palmerston Park Tiverton
Primrose Close Tiverton
Priory Road Tiverton
Puddington Play Area
Queensway Tiverton
Spencer Drive Tiverton
Starkey Close Tiverton
The Hams BMX Track Tiverton
Tiverton Adventure Playground
Trickey Close Tiverton
Waylands Road Tiverton
West-Exe Recreation Ground & Pool Tiverton
Wilcombe Tiverton
Culm Valley Way Uffculme
Pathfields Uffculme
Pippins Field Uffculme
Harpitt Close Willand
Mallow Court Willand
Orchard Way Willand
Recreation Ground Willand
South View Willand
Victoria Close Willand
Worcester Crescent Willand

4.0 Legal Implications

- 4.1 Under the Anti-social Behaviour, Crime and Policing Act 2014, a Local Authority, after consultation with the public, Police, Crime Commissioner and other relevant bodies, are able to make a Public Spaces Protection Order (PSPO), if evidence of a nuisance exists. Under Section 59 of the Act, a Local Authority may make a PSPO if satisfied on reasonable grounds that two conditions are met.
- 4.2 The first condition is:
- a) Activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
 - b) It is likely that activities will be carried on in a public place within that area and that they will have such an effect.
- 4.3 The second condition is that the effect, or likely effect, of the activities:
- a) is, or is likely to be, of a persistent or continuing nature,
 - b) is, or is likely to be, such as to make the activities unreasonable, and
 - c) Justifies the restrictions imposed by the Order.
- 4.4 A Public Spaces Protection Order identifies the public place referred to and sets out a number of conditions, such as;
- a) Prohibiting specified things being done in the area,

- b) Requiring specified things to be done by persons carrying on specified activities in that area, or
 - c) Covering both of those prohibitions.
- 4.5 Prohibitions or requirements may be imposed if they are reasonable to impose through the order –
- a) To prevent the detrimental effect referred to from continuing, occurring or recurring, or
 - b) To reduce the detrimental effect or to reduce the risk of its continuance, occurrence or recurrence
- 4.6 An interested person may appeal to the High Court to question the validity of a PSPO, or a variation of an Order. An appeal must be made within the period of 6 weeks beginning with the date on which the Order or variation is made. Articles 10 and 11 of the Human Rights Act 1998 regarding freedom of expression and freedom of assembly and association have been considered and no issues have been identified.
- 4.7 The Council must satisfy its public sector equality duties under the Equality Act 2010 and at the same time as or following the outcome of consultation it will be necessary to undertake an Equality Impact Assessment to ensure that the Council has properly understood and assessed the potential impact of the proposed PSPO in terms of equality issues.
- 4.8 The enforcement of breaches of the order will be initially enforced through the use of a fixed penalty notice and then to criminal prosecution in the Magistrates' Court if not paid.

5.0 Reason for Recommendations

- 5.1 The Council receives a significant number of complaints about dog fouling and out of control dogs in public places each year. In 2017/18, there were more than 100 reports to the authority in relation to dog fouling.
- 5.2 PSPOs are available to local authorities to deal with specific nuisance problems in particular areas that are, or are likely to have a detrimental effect on the quality of life of people in the area.
- 5.3 Dog fouling is unsightly and unpleasant and in turn can lead to serious illness in humans, such as Toxocariasis, from direct contact with the faeces on the ground which can also lead to blindness. Particular concern is raised in relation to children and sports users using parks and open spaces

6.0 Consultation Process

- 6.1 Consultation with residents and relevant stakeholders will take place before a final decision on the PSPO is made. This will allow the Council to introduce orders, which are relevant, necessary and consistently enforced across Mid

Devon within the Mid Devon District Council boundary. The following will be consulted:

- All Parish & Town Councils in Mid Devon
- Chief Constable of Devon Cornwall Police
- Police & Crime Commissioner
- All neighbouring Local Authorities
- Operational Managers of all Council departments within Mid Devon District Council
- Community Centres
- The Assembly Members and Members of Parliament
- All Councillors
- Ramblers & Walking Groups
- Animal Welfare Groups
- The Kennel Club
- Boarding Kennels within the Mid Devon district.
- Sports Clubs
- Members of the public.

6.2 The consultation will include opening and closing dates of when consultees can respond on this matter and will take place, according to the consultee, via:

- Letters
- Mid Devon District Council's website
- Newspaper Advert
- Email

For those who cannot access the internet, other options will be advertised, such as the option to send a letter or e-mail. Officers may also decide to undertake direct consultation in a number of parks and public space areas during the consultation period to ensure views from users are captured.

6.3 Mid Devon District Council will also consult with the owners and occupiers of the land affected as far as practicable.

7.0 Enforcement

7.1 For breaches of the PSPO, the Council may issue a fixed penalty notice in order to provide an alternative to prosecution. The proposed penalty of £100 is designed to maximise the deterrent. The fixed penalty is not payable on the spot but must be paid within 14 days. If there is a refusal to pay the fixed penalty, the case may be taken to court – with a potential fine of up to £1000 plus costs.

8.0 Exemptions

- 8.1 Clause 10 of the PSPO sets out certain exemptions. These cover those needing assistance dogs or with some form of disability which might prevent them from complying with the Order. There are also exemptions for certain working dogs i.e. those involved in law enforcement, military duties, statutory emergency services and search/rescue.

Contact for more Information: Vicky Lowman Environment & Enforcement Manager
(01884 244601 vlowman@middevon.gov.uk)

Circulation of the Report: Cllr Luke Taylor, Cabinet, Leadership Team

**Public Spaces Protection (Dog Control) Order
2020**

**Section 59 of the Anti-Social Behaviour, Crime
and Policing Act 2014**

DRAFT

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DRAFT

Introduction

Pursuant to Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014.

Mid Devon District Council (in this Order called “the Council”), in exercise of its powers under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) and of all other enabling powers, after consultation carried out in accordance with the Act, and being satisfied that uncontrolled and irresponsible dog walking in public places has a detrimental effect on the quality of life of the local community and that the conditions set out in Section 59 of the Act are met, hereby makes the following Order.

1. Definitions and Interpretation

1.1 In the following provisions of this Order, the following terms shall have the meanings hereby respectively ascribed to them:-

“Authorised Officer” means a person who is authorised in writing by the Council for the purposes of this Order

“District of Mid Devon” means the land shown edge red on the plan marked “District” and referred to in Schedule A

“Person in Charge” means the person who has the dog in his possession, care or company at the time the offence is committed or otherwise, the owner or person who habitually has the dog in his possession

“Police Constable” means any person lawfully designated and authorised by a Chief Officer of Police to exercise the powers and duties of a Police Constable

“Public Spaces” means land within the District of Mid Devon, which is open to the air including covered land which is open on at least one side and to which the public are entitled and permitted to have access, with or without payment, with the exception of Forestry Commission Land

1.2 Except when the context otherwise requires, the singular includes the plural and vice-versa; and the masculine includes the feminine and vice-versa.

1.3 Reference to an Act of Parliament, statutory provision or statutory instrument includes a reference to that Act of Parliament, statutory provision or statutory instrument as amended, extended or re-enacted from time to time and to any regulations made under it.

2. Scope

This Order applies to the Public Spaces, Parks and Open Spaces cited in this Order within the District of Mid Devon, as indicated on the plans in Schedules A,B,C and D hereto.

3. Duration

This Order shall come into effect on [] 2020 and shall remain in force for a period of 3 years from this date, unless extended by further orders made under the Council's statutory powers.

4. Title

This Order may be cited as “The Mid Devon (Public Spaces Protection) (Dog Control) Order 2020” and imposes the following requirements and prohibitions.

5. Dog Fouling

5.1 In any Public Spaces -

- 5.1.1 If a dog defecates at any time, the Person in Charge must remove the faeces from the land forthwith; and
- 5.1.2 A Person in Charge of a dog must have with them an appropriate means to pick up any faeces deposited by that dog, and must produce this if requested to do so by an Authorised Officer or Police Constable.

5.2 For the purposes of Article 5.1.1 -

- 5.2.1 Placing the faeces in a receptacle on the land which is provided for the purpose or for the disposal of waste, shall be sufficient removal from the land; and
- 5.2.2 Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a suitable device or means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.

6. Dogs on Leads

- 6.1 In any of the public cemeteries listed and shown in Schedule B to this Order, any Person in Charge of a dog, at any time, must put and keep the dog on a lead and under proper control.
- 6.2 In any of the of public parks listed and shown in Schedule C to this Order, any Person in Charge of a dog, at any time, must put and keep the dog on a lead and under proper control.
- 6.3 In all other Public Spaces a Person in Charge of a dog, at any time, must put and keep the dog on a lead and keep it under proper control when directed to do so by an Authorised Officer or Police Constable.
- 6.4 For the purposes of Article 6.3, an Authorised Officer or Police Constable shall only give a direction to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause alarm, distress or disturbance to any other person or animal or bird on the land.

7. Dogs Excluded (Enclosed Children's Play Areas)

A Person in Charge of a dog is prohibited from taking that dog onto, or permitting the dog to enter or remain on any enclosed children's play area (which are Public Spaces) described or listed in Schedule D to this Order.

8. Limit on number of dogs

No person in any Public Spaces shall be in charge of more than 4 dogs at any time.

9. Offences and Penalties

- 9.1 Any failure to comply with the requirements or prohibitions imposed in Articles 5, 6, 7 or 8 of this Order shall constitute a criminal offence, unless:
 - 9.1.1 The person has a reasonable excuse for failing to do so;
 - 9.1.2 The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so; or

9.1.3 The person is exempt under Article 10 of this Order.

9.2 Any person guilty of an offence under this Order shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale (on the date of this Order, this is set at £1,000).

9.3 A Fixed Penalty Notice may be issued by an Authorised Officer or Police Constable to anyone believed to have committed an offence under this Order. The Fixed Penalty shall be £100.00. Payment of the Fixed Penalty of £50.00 within 14 days from the date of the Fixed Penalty Notice will discharge the liability for prosecution.

10. Exemptions

10.1 The requirements and prohibitions imposed by this Order shall not apply to any person who:

10.1.1 is registered as blind, sight or hearing impaired under the National Assistance Act 1948, or any other legislation;

10.1.2 has a disability which affects his mobility, manual dexterity, physical coordination, or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a registered charity and upon which he relies for assistance; or

10.2.3 is using a working dog for purposes of law enforcement, military duties or statutory emergency services (search and rescue).

11. Appeal

Any interested person (defined as an individual who lives in the restricted area or who regularly works in or visits that area) may question the validity of this Order, pursuant to Section 66 of the Act, on application made to the High Court within 6 weeks from the date of the Order.

12. Validity (Severance)

If any provision of this Order is held invalid or unenforceable for any reason by a court of competent jurisdiction, such provision shall be severed and the remainder of the provisions of the Order shall continue in full force and effect as if the Order had been executed with the invalid, illegal or unenforceable provision eliminated.

THE COMMON SEAL OF Mid Devon District Council

was hereunto affixed

in the presence of:-

Authorised Signatory

THE SCHEDULES

List of Plans

SCHEDULE A District of Mid Devon

Plan 1 – Map of District

SCHEDULE B – Public Cemeteries

Plan 2 – St Matthews Cheriton Fitzpaine

Plan 3 – Black Dog Crediton

Plan 4 – Crediton

Plan 5 – St Andrews Colbrooke

Plan 6 - Wembworthy

Plan 7 – Halberton

Plan 8 – Bradninch

Plan 9 - All Saints Culmstock

Plan 10 – Culmstock

Plan 11 – Hemyock

Plan 12 – St Mary's Hemyock

Plan 13 – Uffculme

Plan 14 – Uffclume

Plan 15 – St Mary's Uffculme

Plan 16 – St Andrews Cullompton

Plan 17 – Tiverton

Plan 18 – St Mary's Willand

Plan 19 – Willand Parish Cemetery

SCHEDULE C -- Parks & Open Spaces

- Plan 20 - Amory Park Tiverton
- Plan 21 – Ashley Close Uffculme
- Plan 22 – Beacon Park Crediton
- Plan 23 - Bluebell Avenue Tiverton
- Plan 24 - Blundells Road Tiverton
- Plan 25 - Burma Star Garden Tiverton
- Plan 26 - Chawleigh Chumleigh
- Plan 27 - Chestnut Drive Willand
- Plan 28 - Church Road Silverton
- Plan 29 - Cottey Brook Tiverton
- Plan 30 - Cranmore View Tiverton
- Plan 31 - Cromwells Meadow Crediton
- Plan 32 - Crossparks Cullompton
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- Plan 34 - Cudmore Park Tiverton
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- Plan 43 - Landunvez Place Bradninch
- Plan 44 - Meadow Lane Cullompton
- Plan 45 - Millhayes Meadows Hemyock
- Plan 46 - Moutbatten Road Tiverton
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- Plan 49 - Old Park Tiverton
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Plan 51 - Peoples Park Crediton
Plan 52 - Peoples Park Tiverton
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Plan 66 - Tree Field Tiverton
Plan 67 - Victoria Close Willand
Plan 68 - Victoria Crescent Crediton
Plan 69 - West-Exe Recreation Ground Tiverton
Plan 70 - Willand Moor Road Willand

SCHEDULE D - Enclosed Children's Play Areas

- Plan 71 - Amory Park, Tiverton
- Plan 72 - Ash Drive Cullompton
- Plan 73 - Ashley Rise Tiverton
- Plan 74 - Banksia Close Tiverton
- Plan 75 - Barnfield Credtion
- Plan 76 - Barns Close Bradninch
- Plan 77 - Bockland Close Cullompton
- Plan 78 - Chaffinch Drive Credtion
- Plan 79 - Churchlands Bow
- Plan 80 - Coles Mead Tiverton
- Plan 81 - Conifer Close Cullompton
- Plan 82 - Cornlands Sampford Peverell
- Plan 83 - Cotteylands _ Cameron Close Tiverton
- Plan 84 - Cudmore Park Tiverton
- Plan 85 - Culm Valley Way Uffculme
- Plan 86 - Dove Close Cullompton
- Plan 87 - Ellerhayes Hele
- Plan 88 - Everett Place Tiverton
- Plan 89 - Fernworthy Copplesstone
- Plan 90 - Fulda Crescent Crediton
- Plan 91 - Glebelands Cheriton Bishop
- Plan 92 - Godfreys Garden Bow
- Plan 93 - Greenaway Morchard Bishop
- Plan 94 - Greenway Crediton
- Plan 95 - Halsbury Road Tiverton
- Plan 96 - Harpitt Close Willand
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- Plan 98 - Haymans Close Cullompton
- Plan 99 - Haymans Green Cullompton
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Plan 102 - Lapford Play Area
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Plan 104 - Linden Road Cullompton
Plan 105 - Logan Way Hemyock
Plan 106 - Lords Meadow Crediton (1)
Plan 107 - Lords Meadow Crediton Skate Park Crediton
Plan 108 - Lords Meadow Crediton
Plan 109 - Mallow Court Willand
Plan 110 - Millhayes Hemyock
Plan 111 - New Buildings Sandford
Plan 112 - Orchard Leigh Tiverton
Plan 113 - Orchard Way Willand
Plan 114 - Palmerston Park Tiverton
Plan 115 - Pathfields Uffculme
Plan 116 - Pippins Field Uffculme
Plan 117 - Ploudal Road Cullompton
Plan 118 - Primrose Close Tiverton
Plan 119 - Priory Road Tiverton
Plan 120 - Puddington Play Area
Plan 121 - Queen Elizabeth Drive Crediton
Plan 122 - Queensway Tiverton
Plan 123 - Recreation Ground Willand
Plan 124 - Rivermead Cullompton
Plan 125 - Siskin Chase Cullompton
Plan 126 - South View Willand
Plan 127 - Spencer Drive Tiverton
Plan 128 - Spindlebury Road Cullompton
Plan 129 - Spinning Path Gardens Crediton
Plan 130 - St Martins Close Bow
Plan 131 - Starkey Close Tiverton
Plan 132 - Starlings Roost Cullompton
Plan 133 - Station Road, Bray Close Burlescombe

- Plan 134 - Sunnymead Copplesstone
- Plan 135 - Tiverton Adventure Playground
- Plan 136 - Town Barton Sanford
- Plan 137 - Townlands Bradninch
- Plan 138 - Trickey Close Tiverton
- Plan 139 - Tuckers Meadow Crediton
- Plan 140 - Tufty Park Cullompton
- Plan 141 - Victoria Close Willand
- Plan 142 - Walnut Drive Crediton
- Plan 143 - Water Meadow Cullompton
- Plan 144 - Waylands Road Tiverton
- Plan 145 - West-Exe Recreation Ground & Pool Tiverton
- Plan 146 - Wilcombe Tiverton
- Plan 147 - Worcester Crescent Willand
- Plan 148 - Tanners Close Clover Drive Cullompton
- Plan 149 - The Hams BMX Track Tiverton

DRAFT

DRAFT

DRAFT

DRAFT

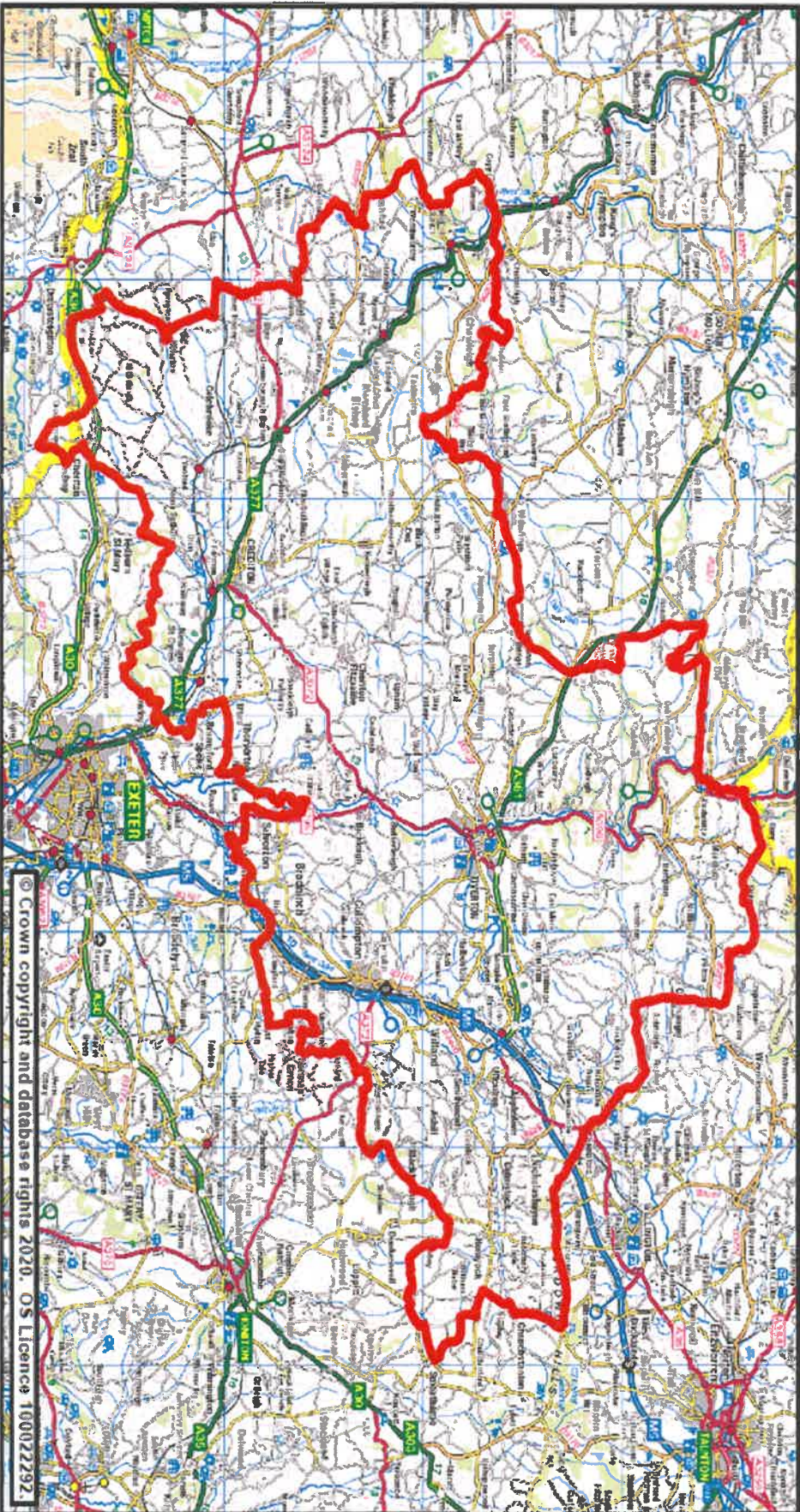
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Street Scene Plan 1

Scale	1:245,373 @ A4	Date	05 February 2020
Dist. No. Mid Devon District Boundary		Produced by GMS Unit	

Phoenix House
Phoenix Lane, Tiverton EX16 6PP
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Website: www.middevon.gov.uk



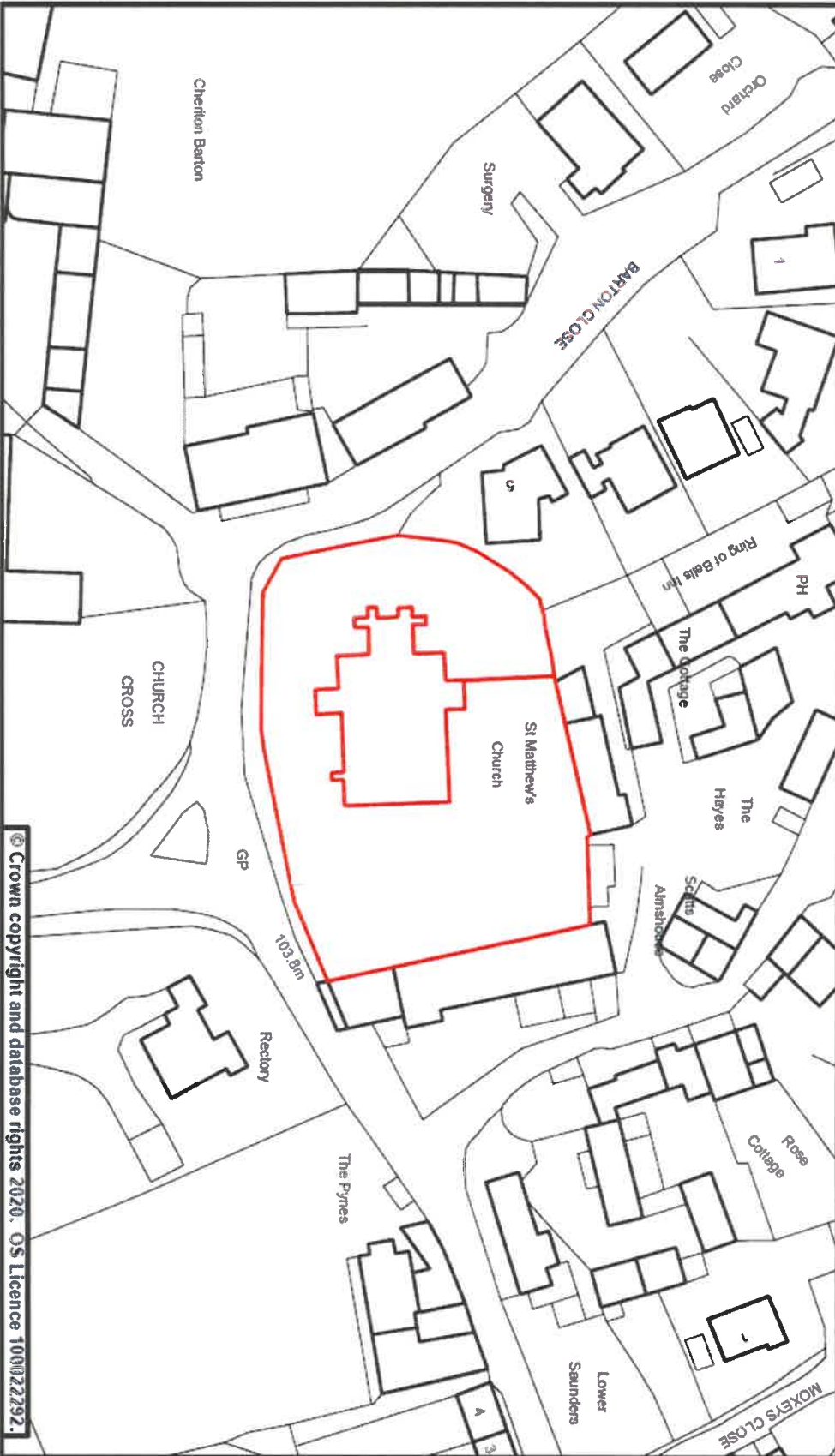
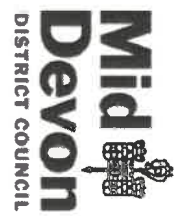
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Street Scene Plan 2

Scale	1:750 @ A4	Date	06 February 2020
Dwg. No.	St Matthew's Church, Cherton Fitzpaine	Produced by	GMS Unit

Phoenix House
 Phoenix Lane, Tiverton EX16 6PP
 Tel: 01884 255255
 Website: www.middevon.gov.uk



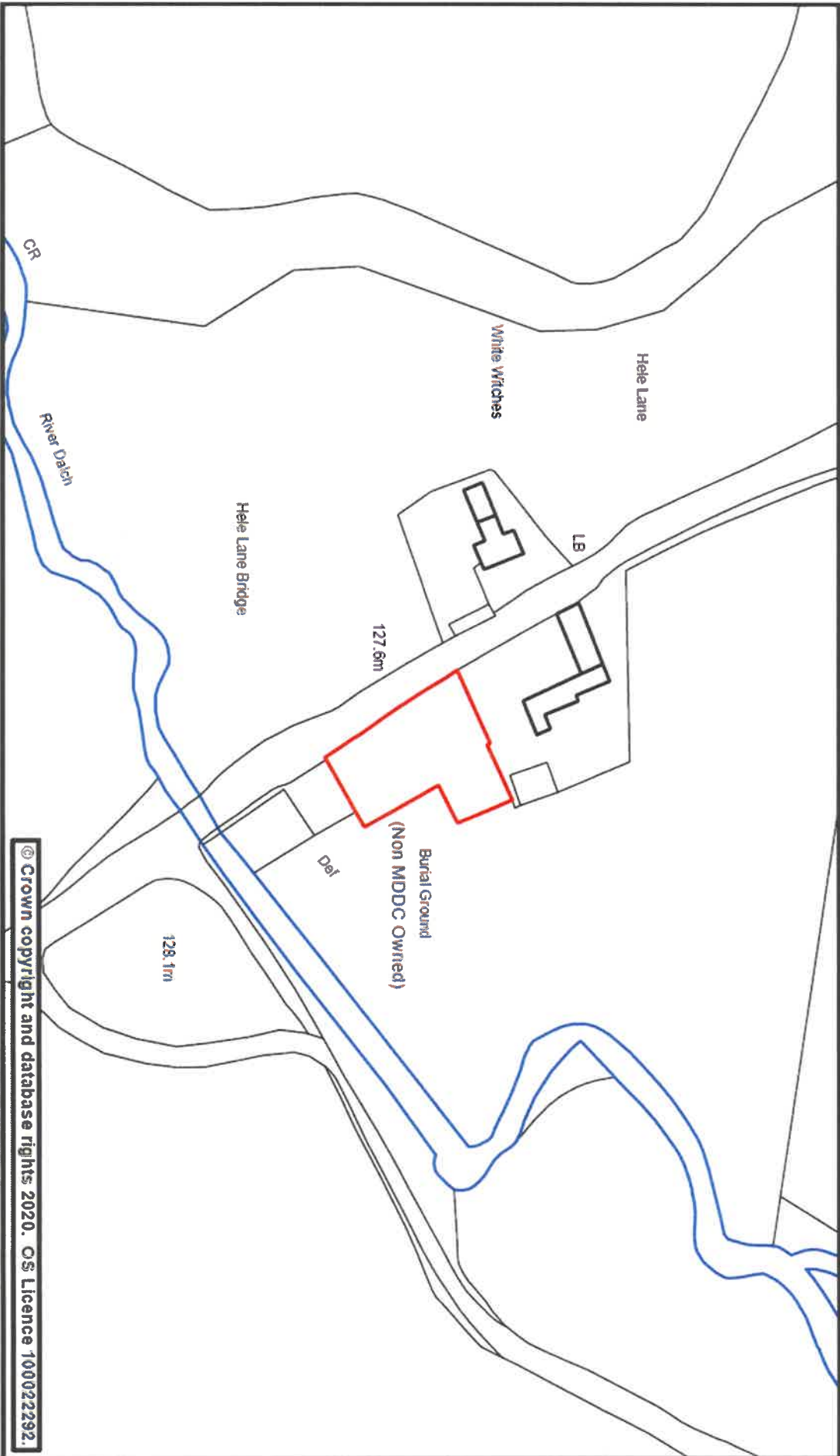
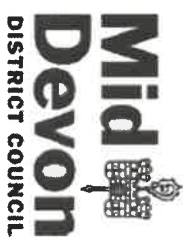
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Street Scene Plan 3

Scale	1:1,000 @ A4	Date	24 January 2020
Dwg. No.	Cemetery, Black Dog	Produced by	GMS Unit

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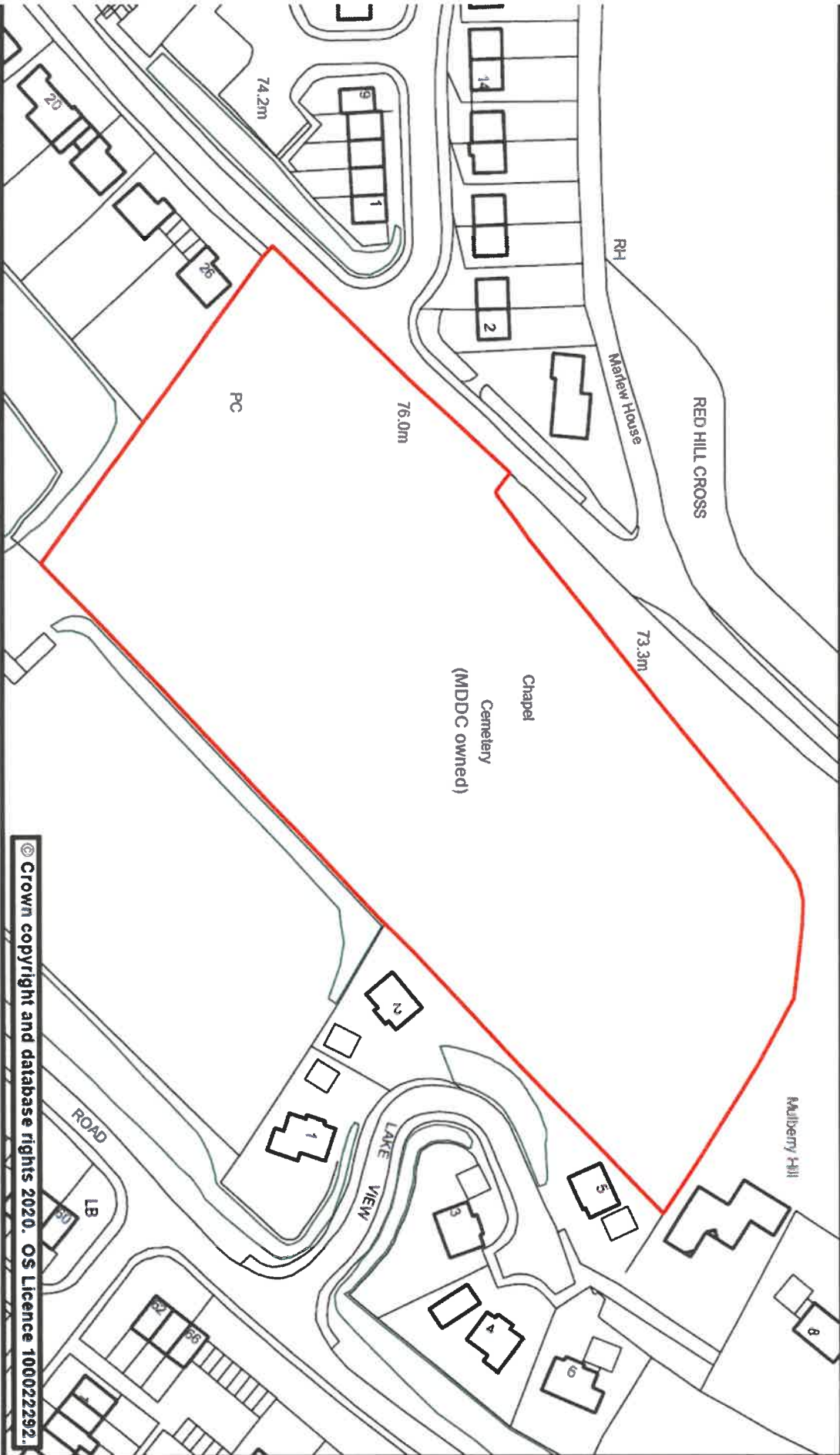


Street Scene

Plan 4

Scale	1:1,130 @ A4	Date	05 February 2020
Dwg. No.	Crediton Cemetry	Produced by	GMS Unit

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Phoenix Lane, Tiverton EX16 6PP
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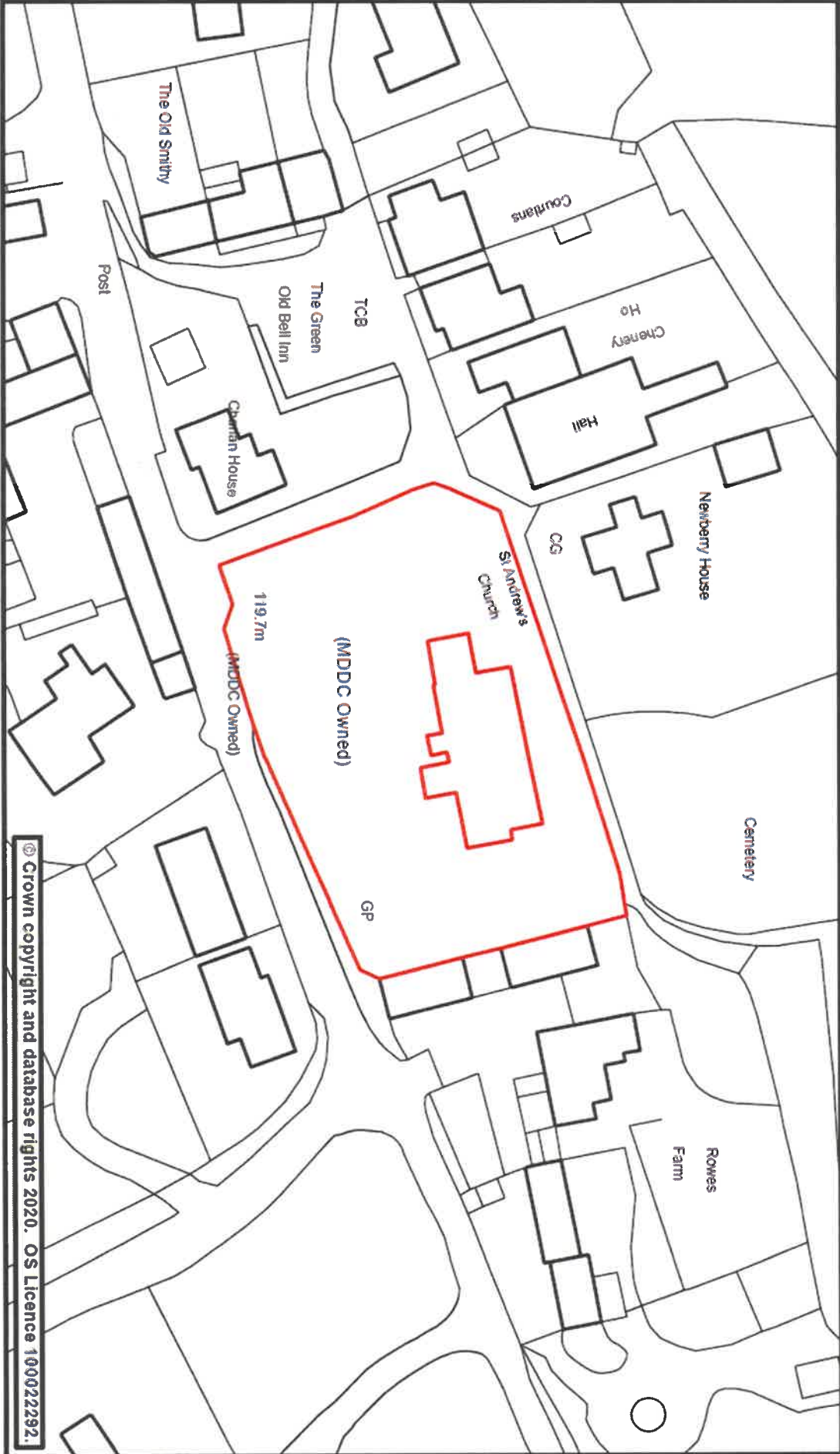


Street Scene

Plan 5

Scale	1:750 @ A4	Date	24 January 2020
Dwg. No.	St Andrew's Church Cemetery, Colebrooke	Produced by	GMS Unit

Phoenix House
Phoenix Lane, Tiverton EX16 6PP
Tel: 01884 255255
Website: www.tmi.ddevon.gov.uk



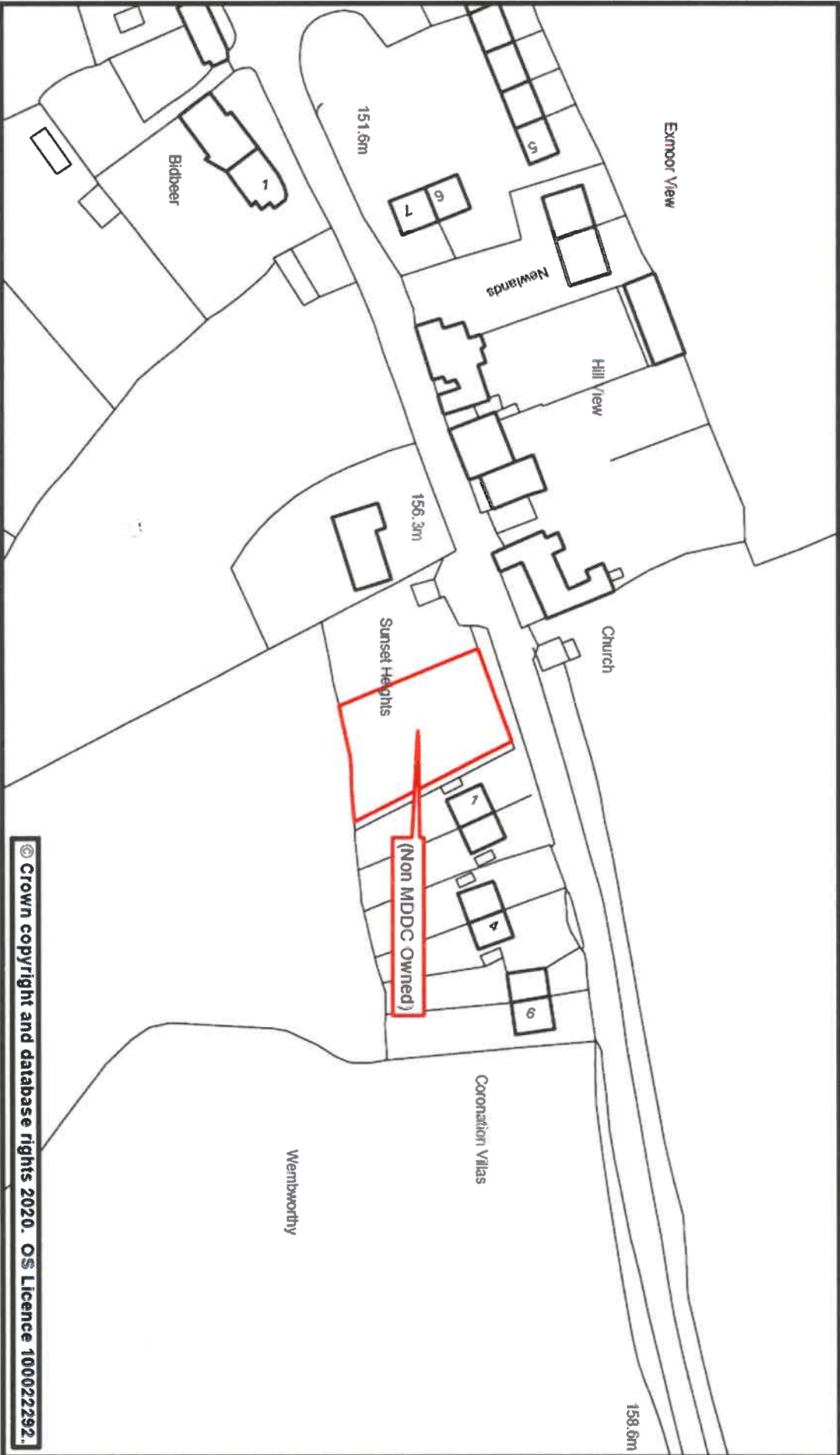
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Street Scene Plan 6

Scale	1:1,000 @ A4	Date	27 January 2020
Dwg. No.	Cemetery, Wembworthy	Produced by	GMS Unit

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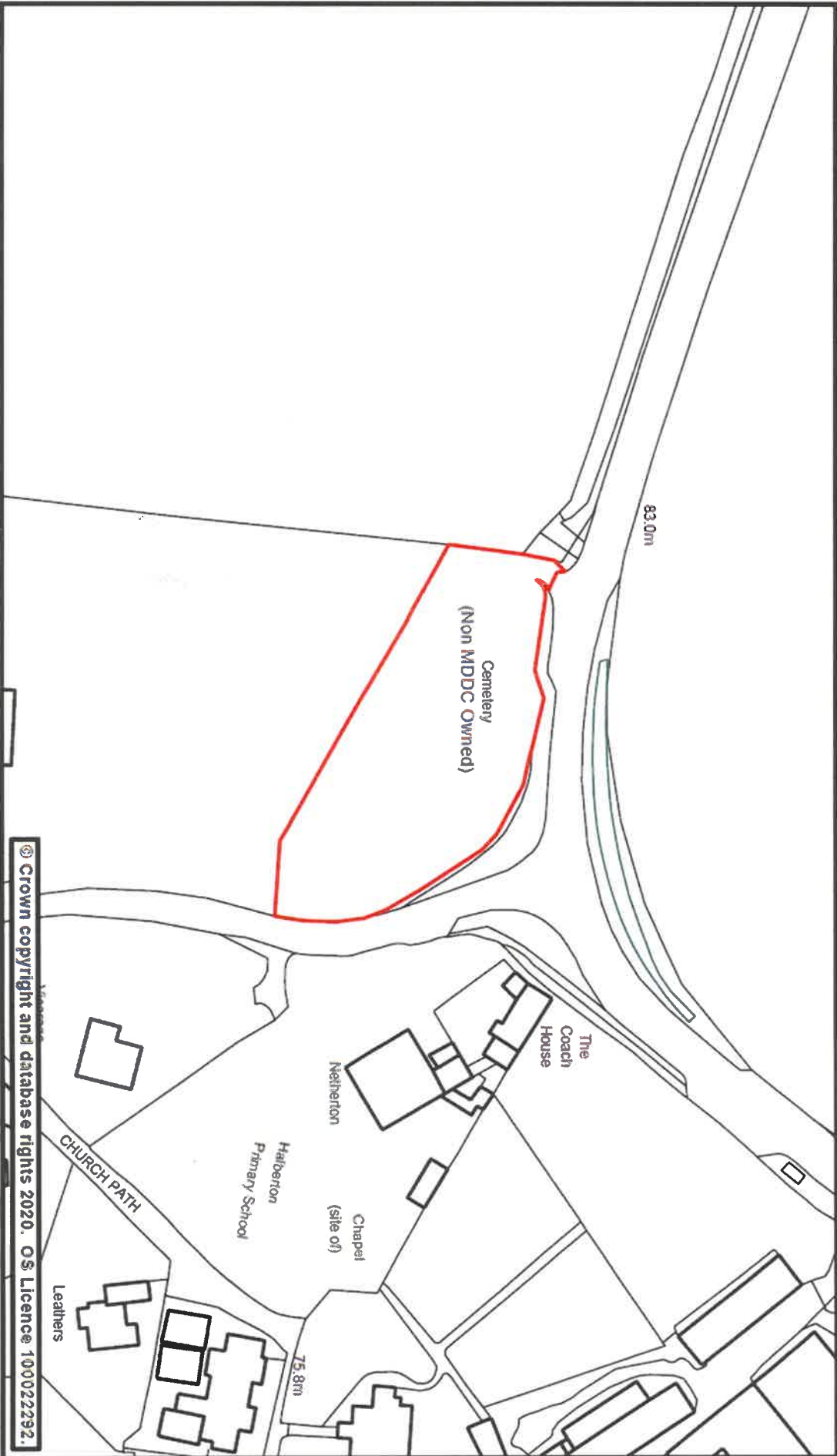


Street Scene

Plan 7

Scale	1:1,250 @ A4	Date	27 January 2020
Dwg. No.	Cemetery, Halberton	Produced by	GMS Unit

Phoenix House
Phoenix Lane, Tiverton EX16 6PP
Tel: 01884 255255
Website: www.middevon.gov.uk

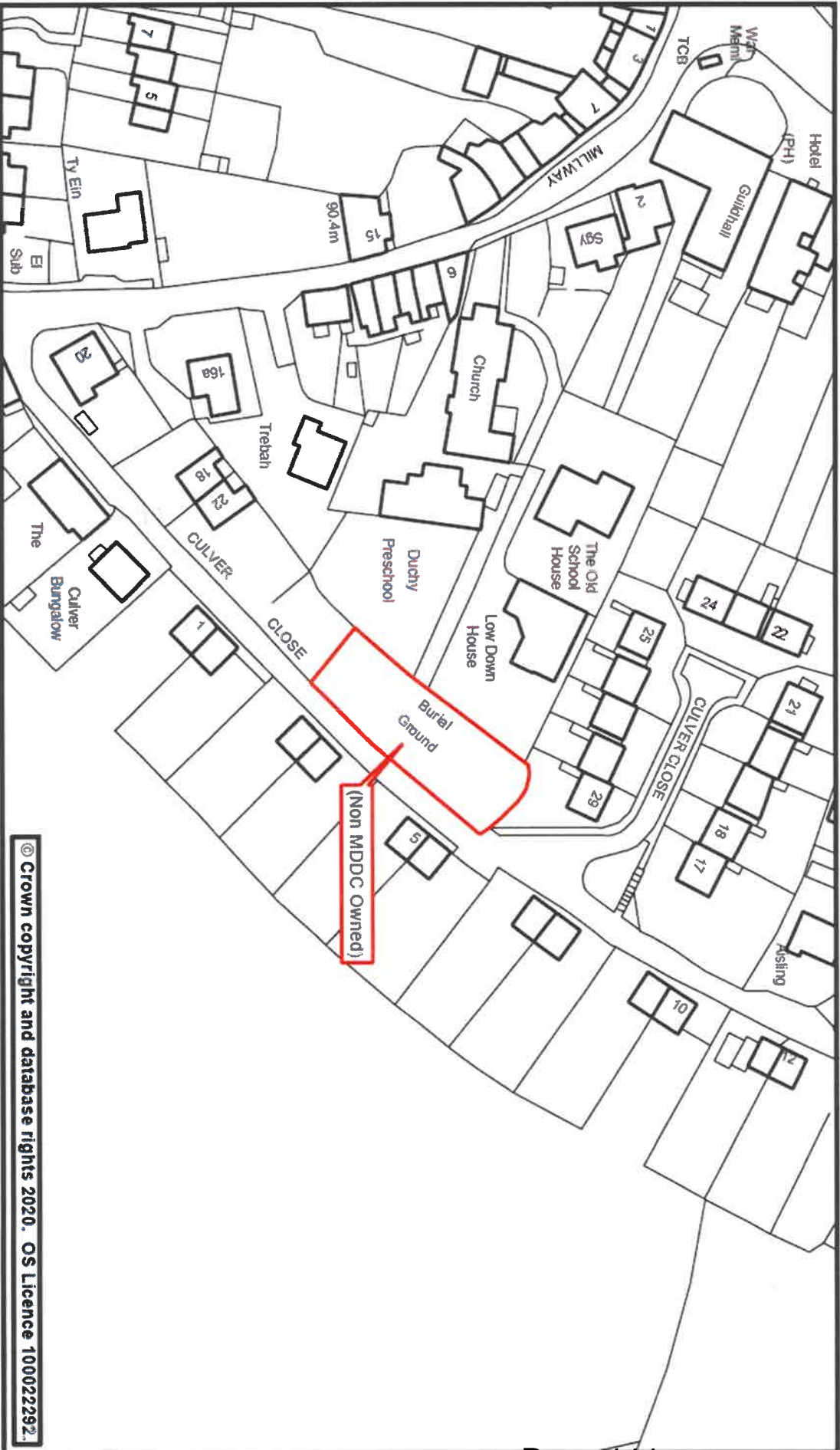




Street Scene Plan 8

Scale	1:1,000 @ A4	Date	27 January 2020
Dwg. No.	Cemetery, Bradninch	Produced by	GMS Unit

Phoenix House
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Tel: 01884 255255
Website: www.middevon.gov.uk

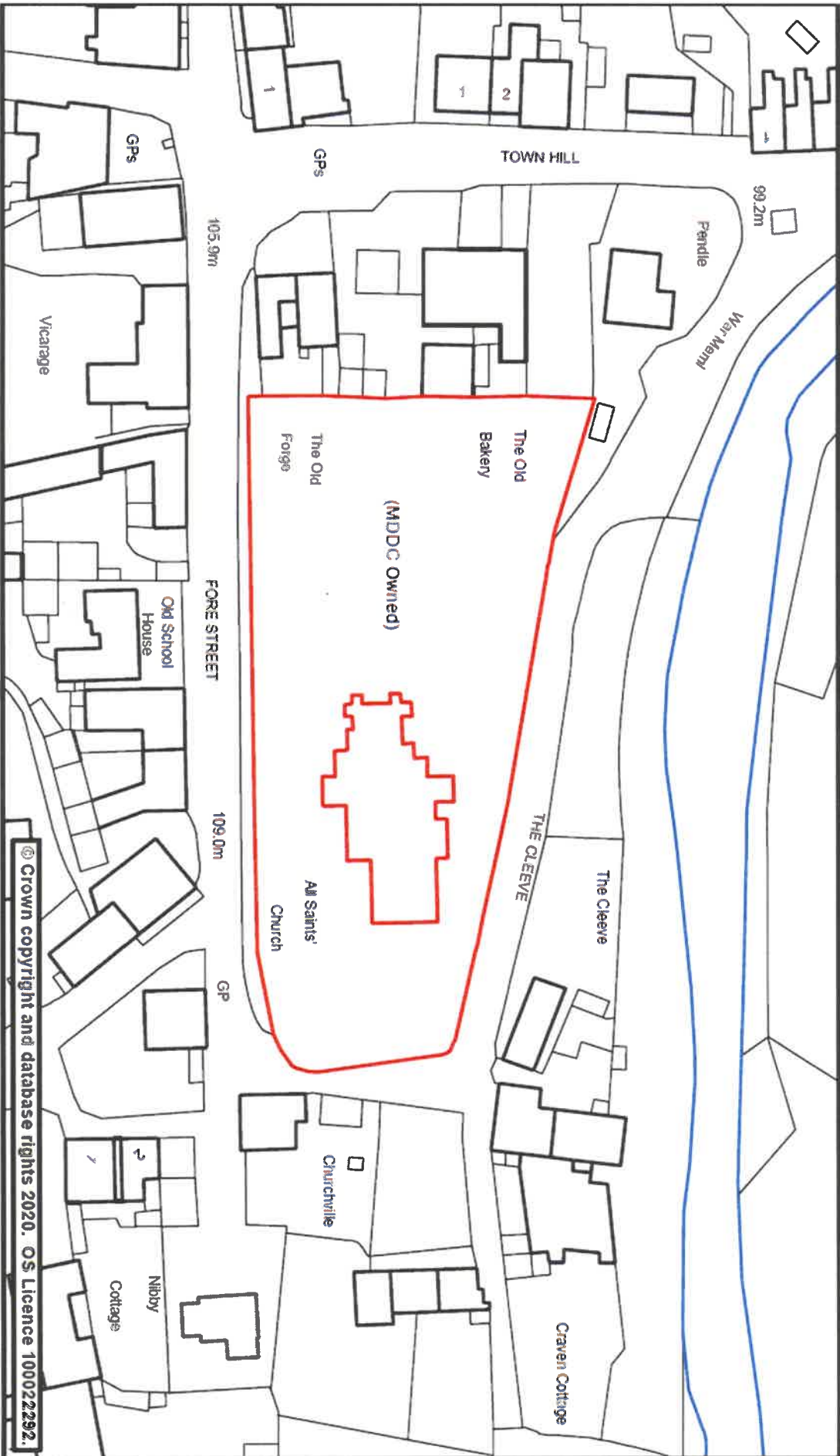




Street Scene Plan 9

Scale	1:750 @ A4	Date	24 January 2020
Dwg. No.	All Saints' Church Cemetery, Culmstock	Produced by	GMS Unit

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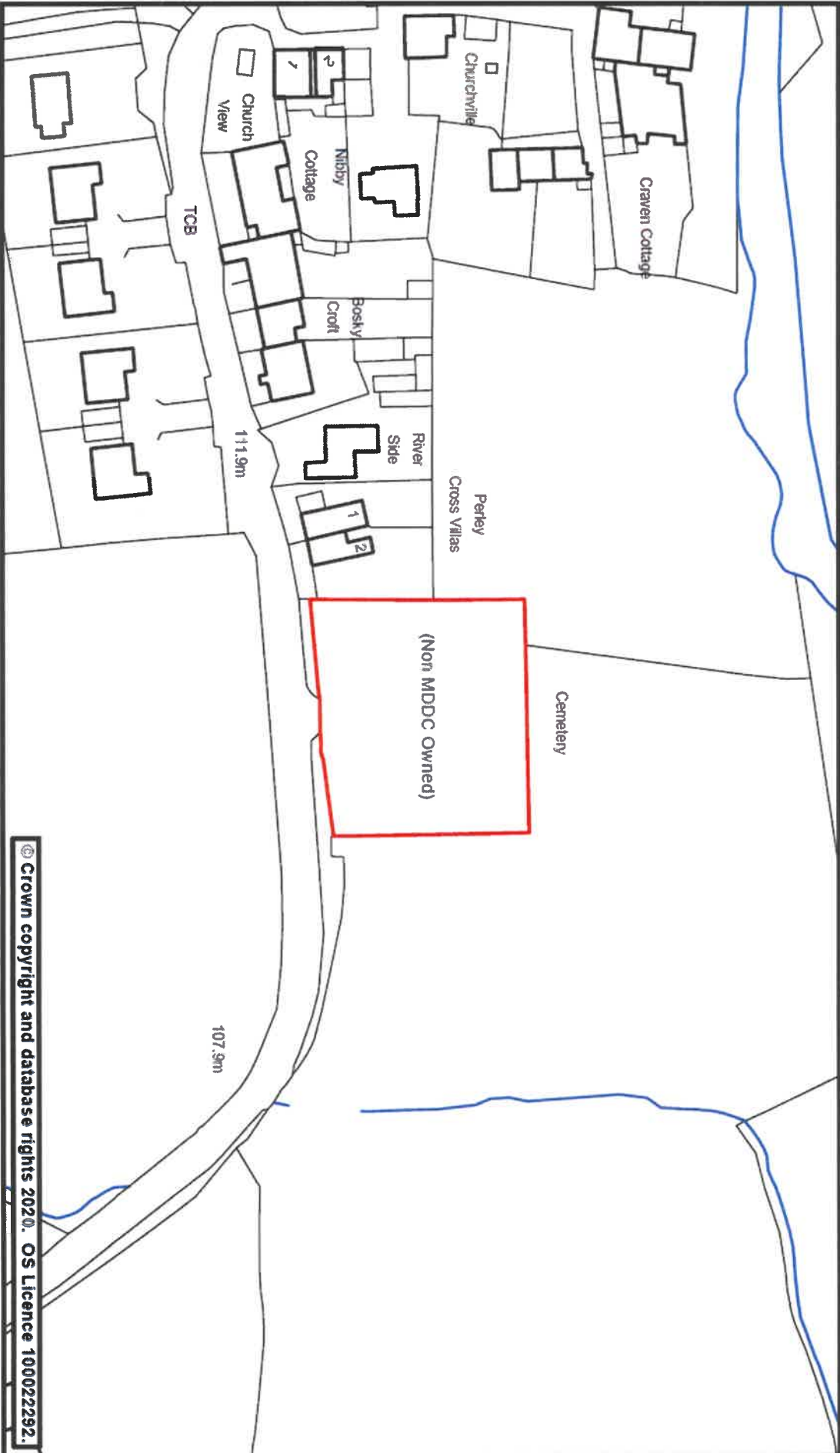


Street Scene

Plan 10

Scale	1:1,000 @ A4	Date	27 January 2020
Dwg. No.	Cemetery, Culmstock	Produced by	GMS Unit

Phoenix House
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Tel: 01884 255255
Website: www.middledevon.gov.uk



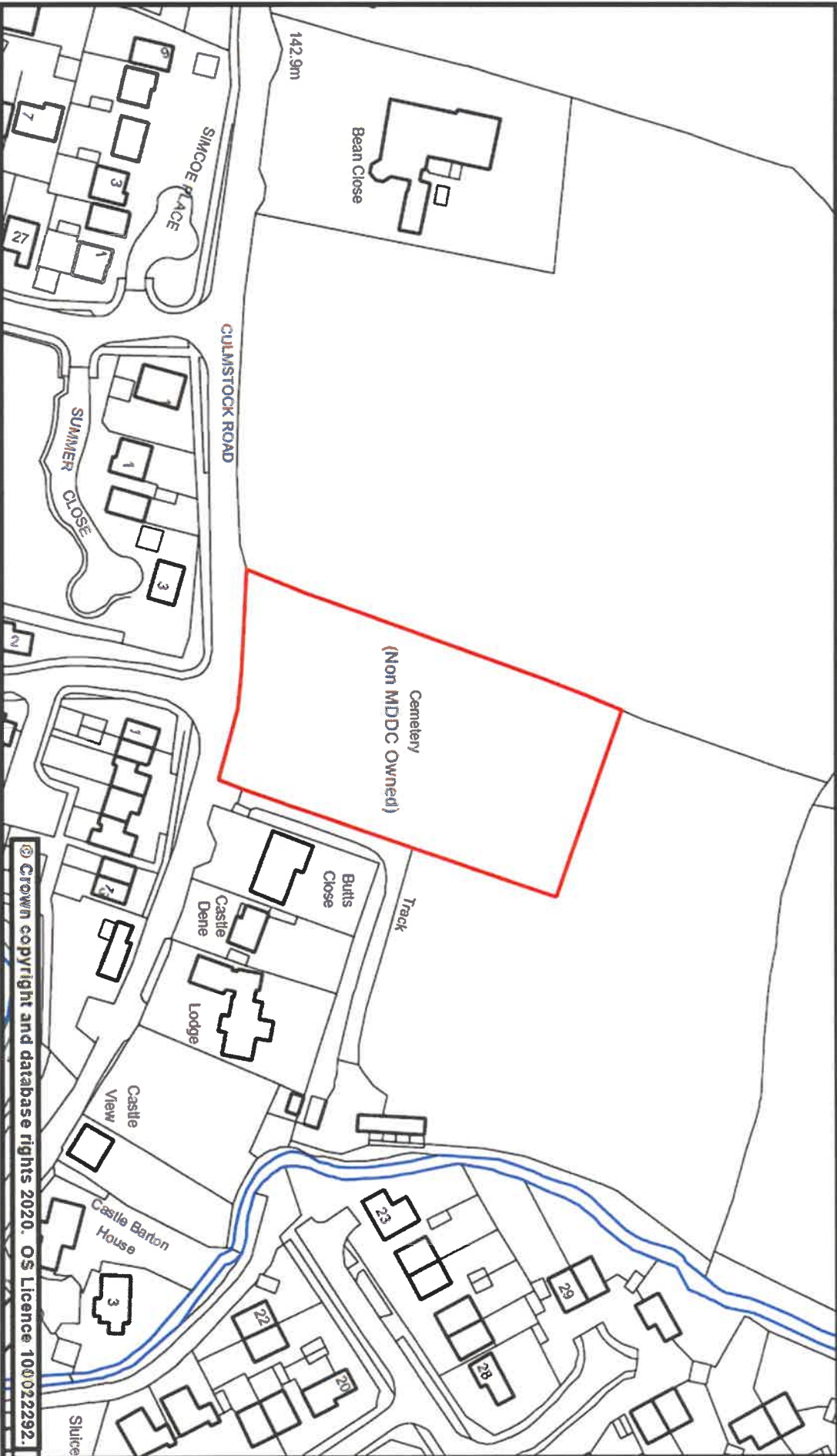
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Street Scene Plan 11

Scale	1:1,250 @ A4	Date	27 January 2020
Dwg. No.	Cemetery, Hemynock	Produced by	GMS Unit

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Tel: 01884 255255
Website: www.middledevon.gov.uk



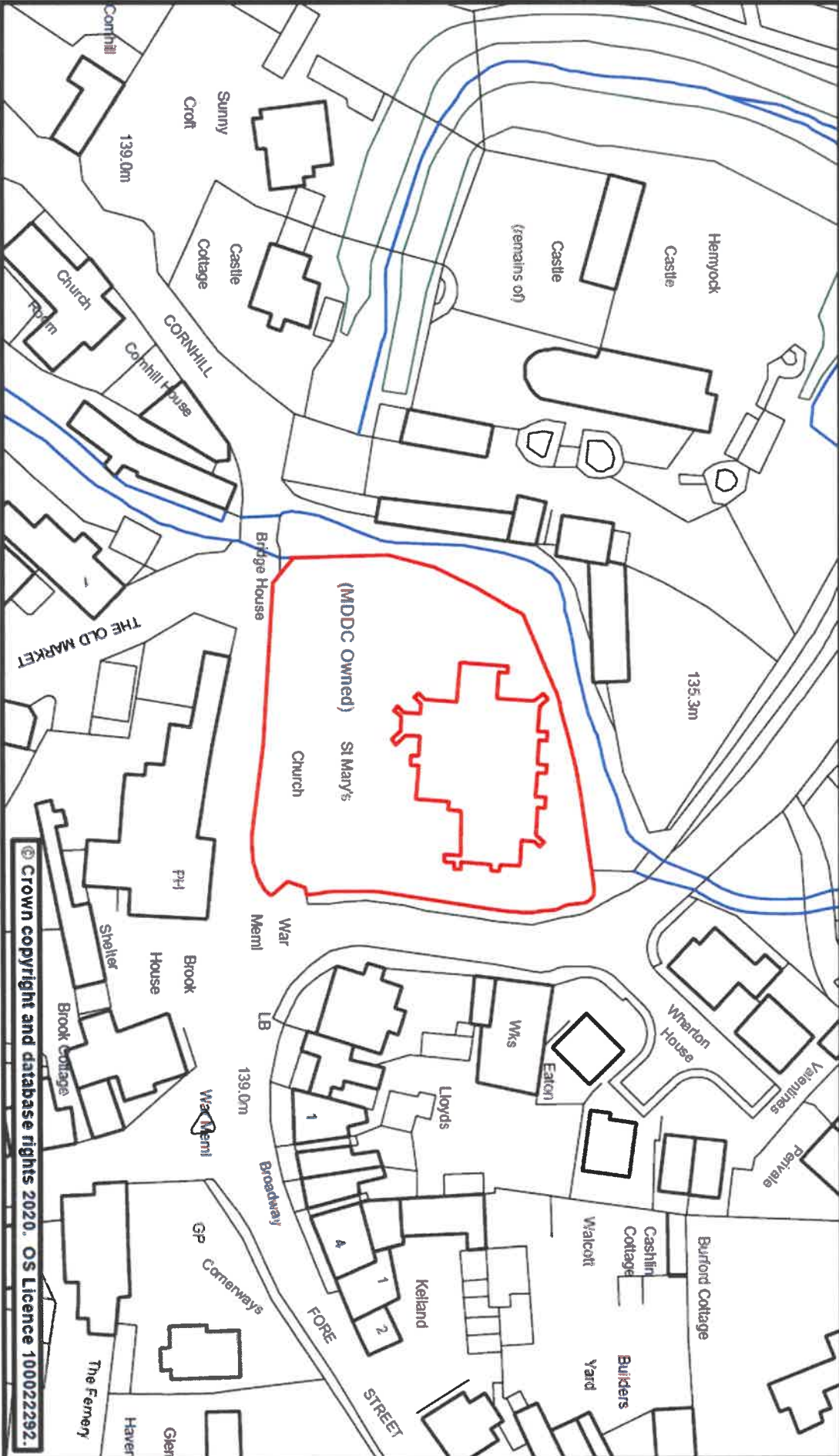
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Street Scene Plan 12

Scale	1:750 @ A4	Date	24 January 2020
Dwg. No.	St Mary's Church Cemetery, Hemmock	Produced by	GMS Unit

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Phoenix Lane, Tiverton EX16 6PP
Tel: 01884 255255
Website: www.middevon.gov.uk



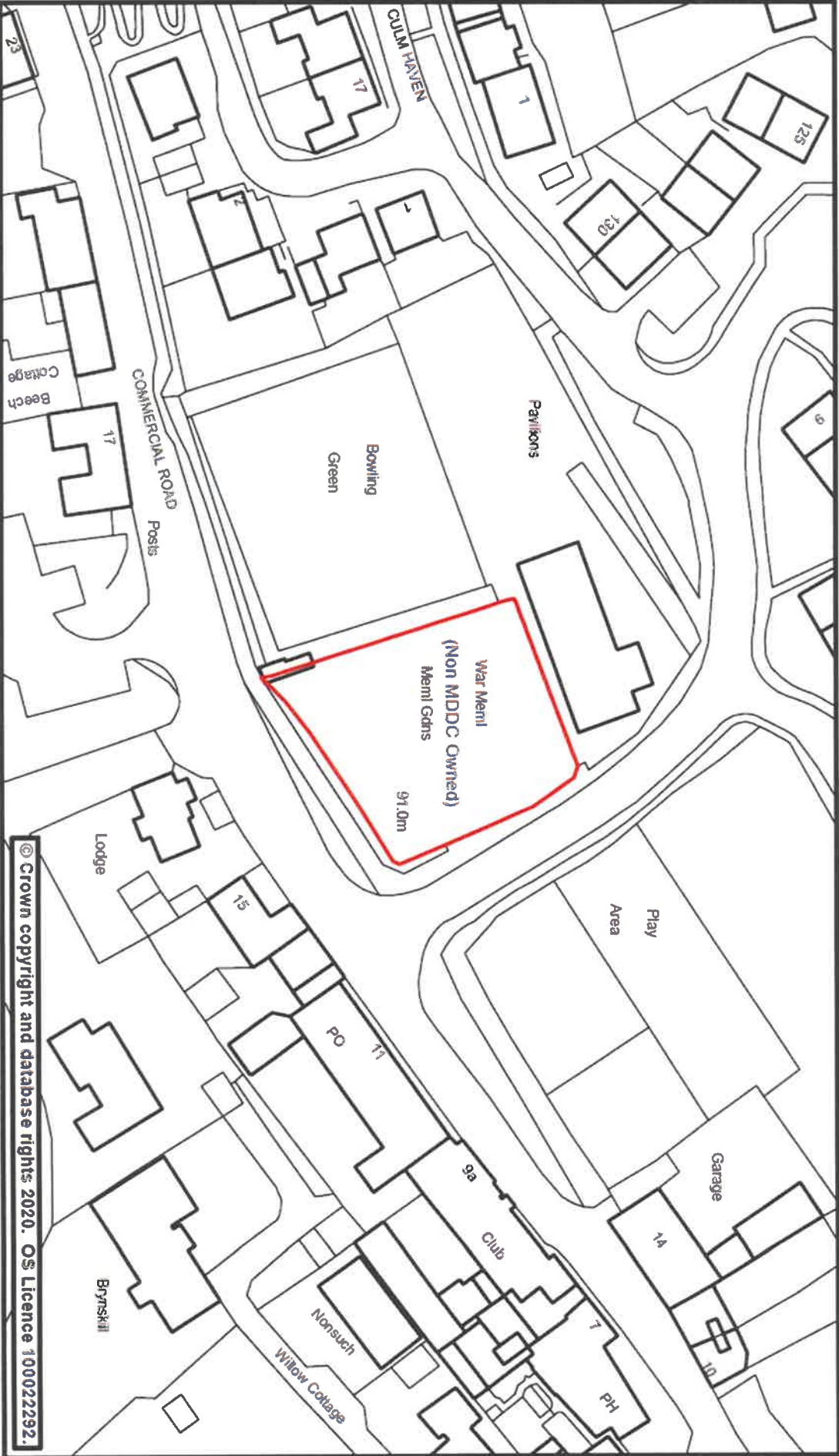
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Street Scene Plan 13

Scale	1:750 @ A4	Date	27 January 2020
Drng. No.	Cemetery, Uffculme	Produced by	GMS Unit

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Tel: 01884 255255
Website: www.middevon.gov.uk



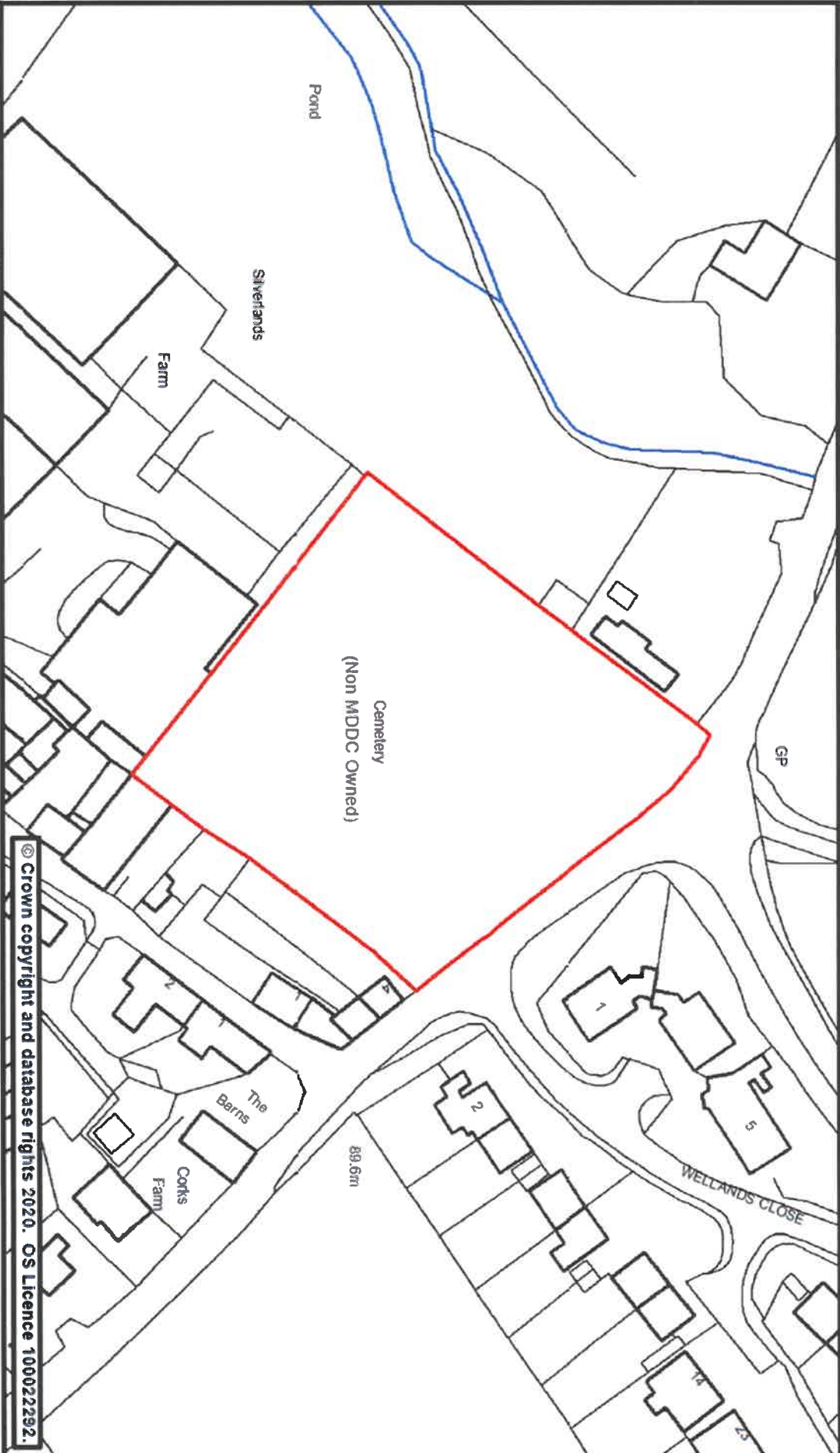
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Street Scene Plan 14

Scale	1:1,000 @ A4	Date	27 January 2020
Dwg. No.	Cemetery, Uffculme	Produced by	GMS Unit

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Tel: 01884 255255
Website: www.middevon.gov.uk



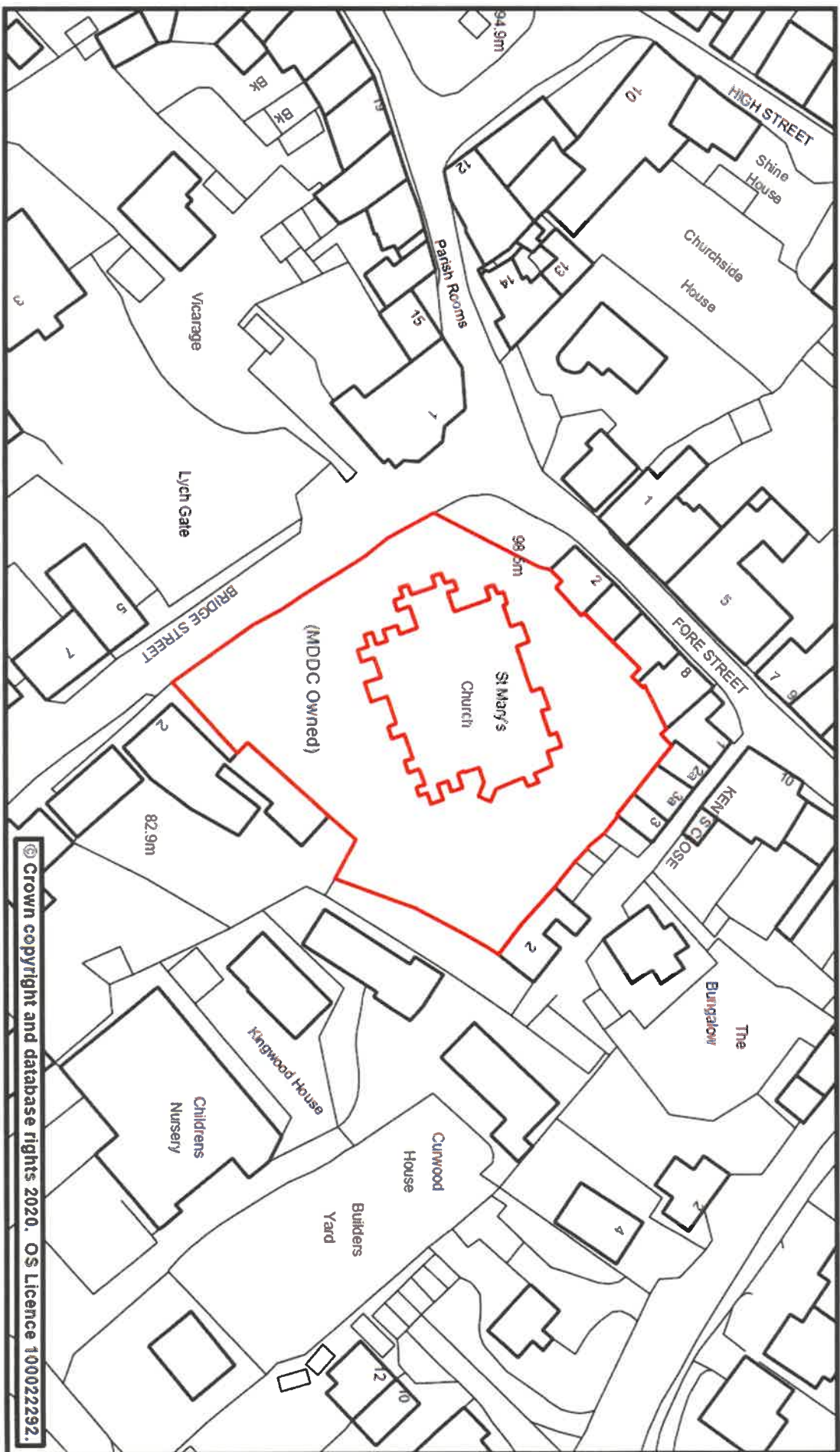
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Street Scene Plan 15

Scale	1:750 @ A4	Date	24 January 2020
Dwg. No.	St Mary's Church Cemetery, Uffculme	Produced by	GMS Unit

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Tel: 01884 255255
Website: www.middledevon.gov.uk



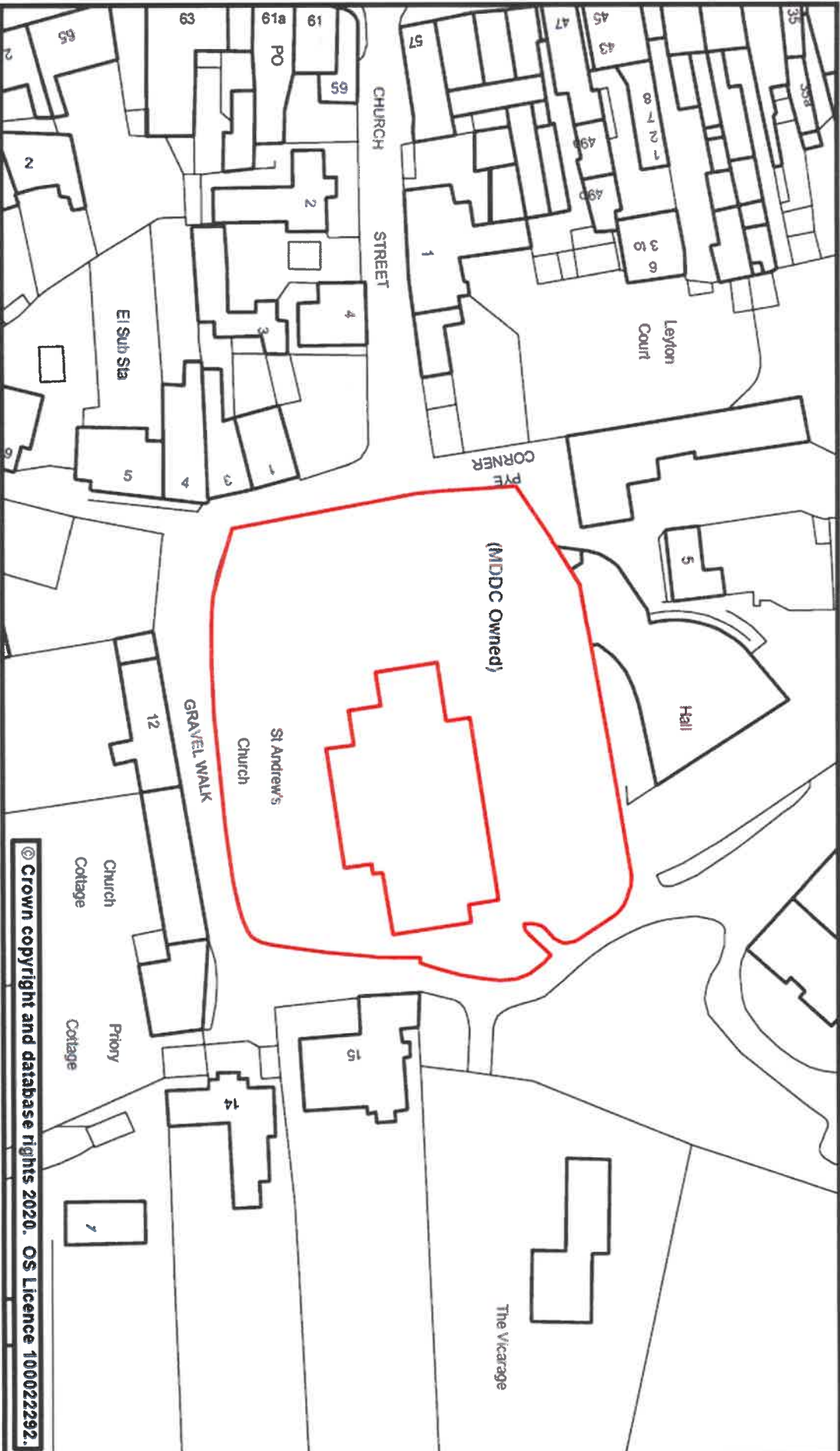
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Street Scene Plan 16

Scale	1:750 @ A4	Date	24 January 2020
Dwg. No.	St Andrew's Church Cemetery, Culliompton	Produced by	GMS Unit

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Tel: 01884 255255
Website: www.middevon.gov.uk



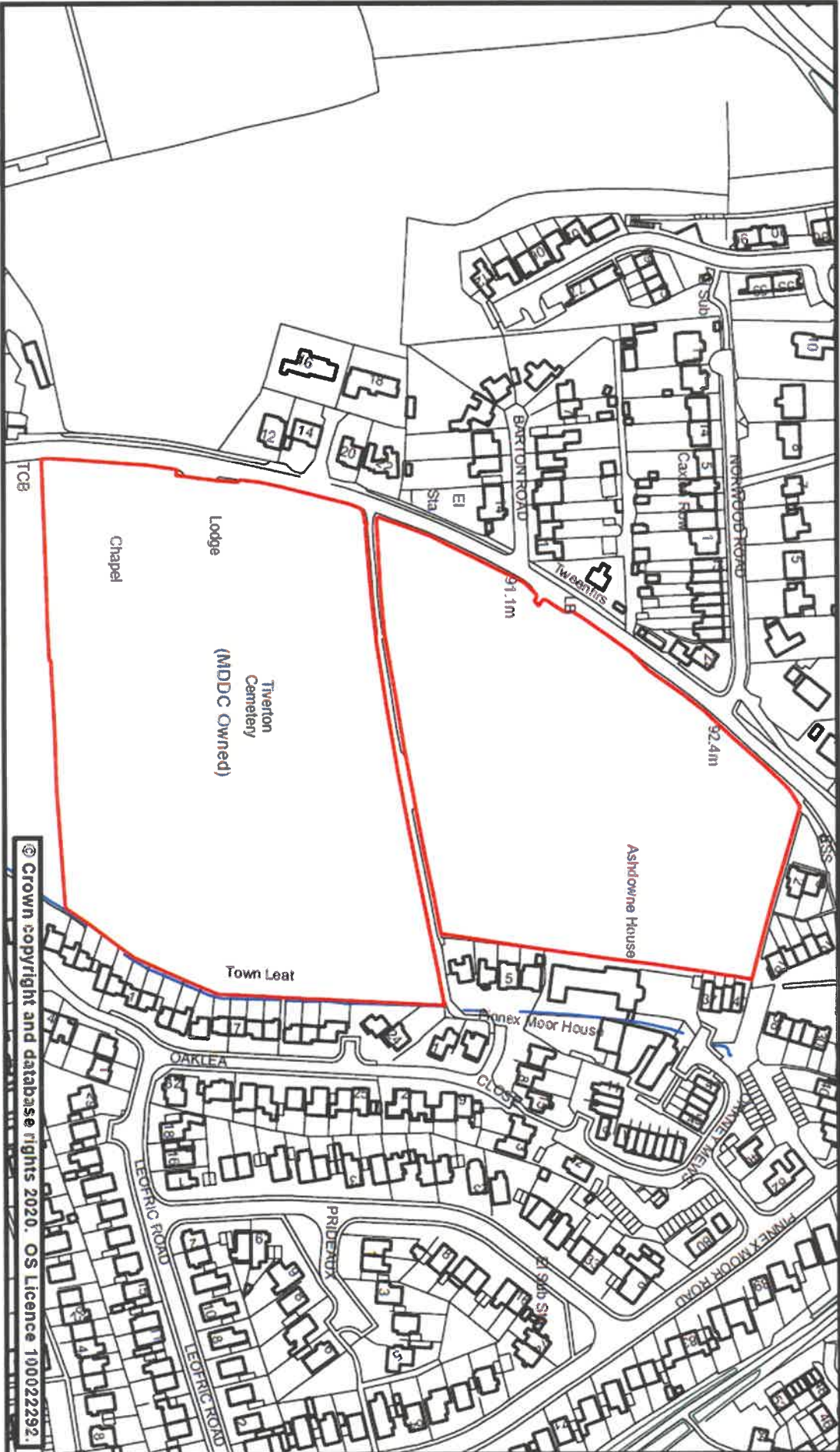


Street Scene

Plan 17

Scale	1:2,188 @ A4	Date	24 January 2020
Dwg. No.	Tiverton Cemetery	Produced by	GMS Unit

Phoenix House
Phoenix Lane, Tiverton EX16 6PP
Tel: 01884 255255
Website: www.middledevon.gov.uk

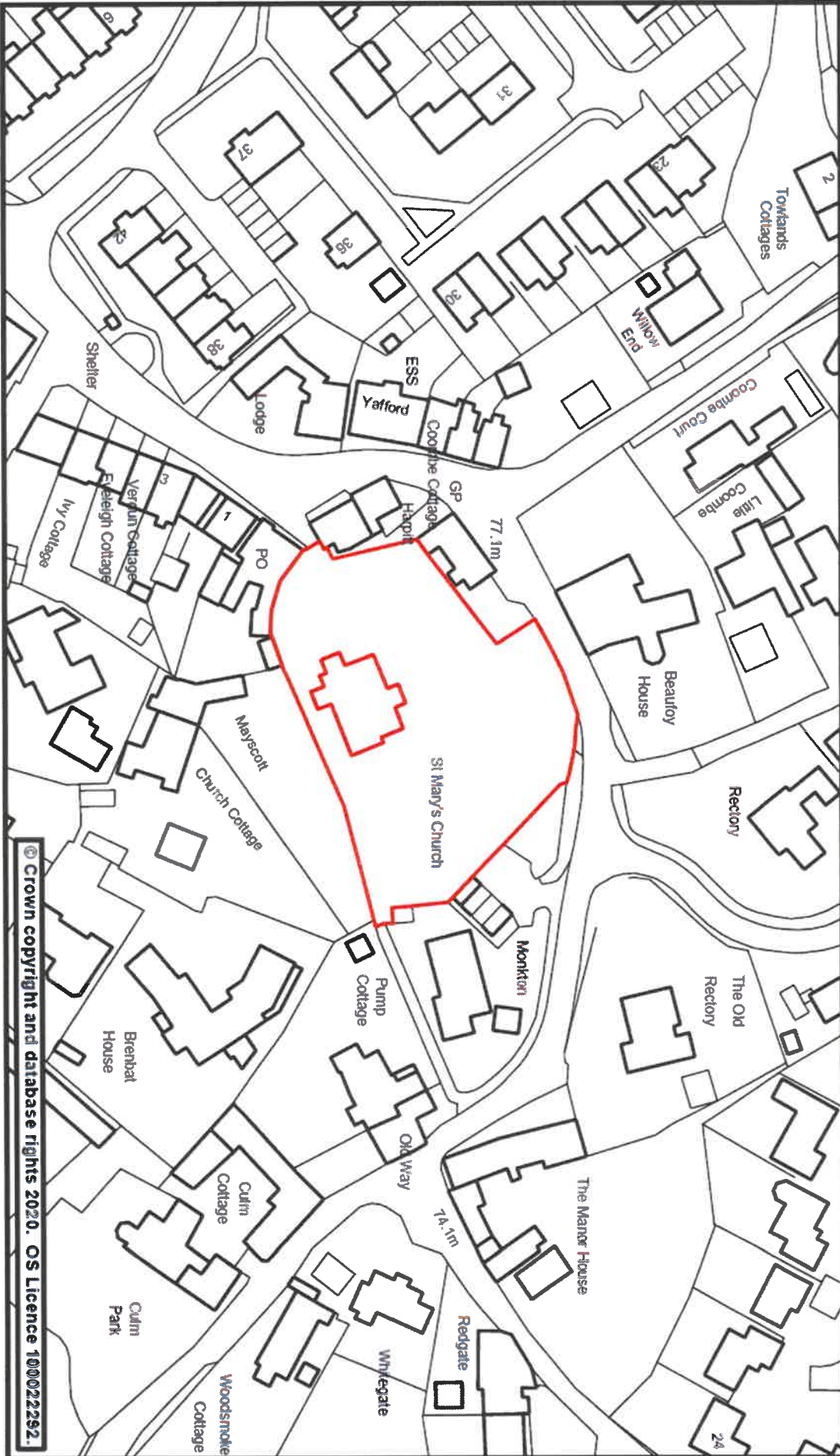




Street Scene Plan 18

Scale	1:1,000 @ A4	Date	06 February 2020
Dwg. No.	St Mary's Church, Willand	Produced by	GMS Unit

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Street Scene

Plan 19

Scale	1:1,250 @ A4	Date	06 February 2020
Fig. No.	Willand Parish Cemetery, Willand	Produced by	GMS Unit

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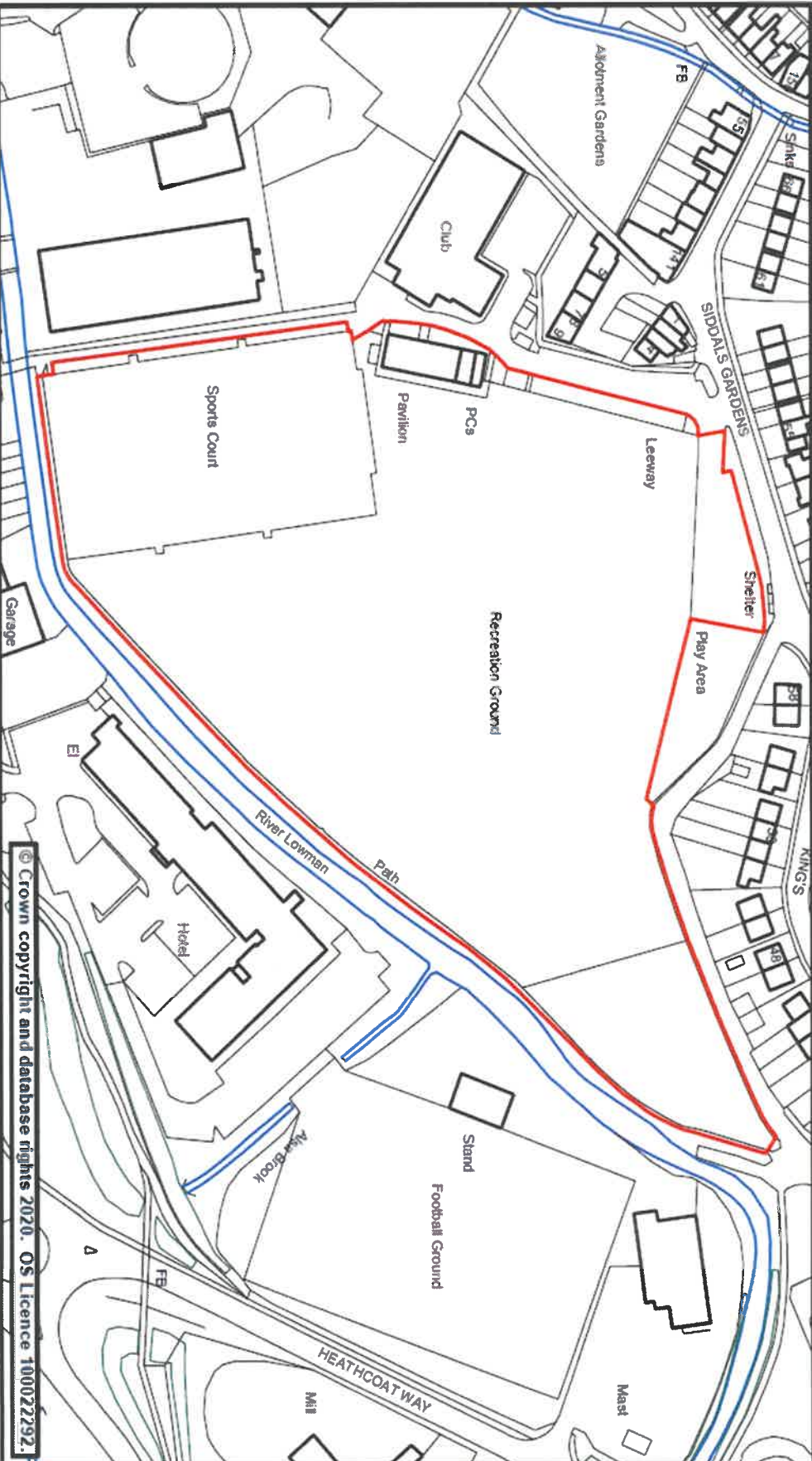
Website: www.middevon.gov.uk



Street Scene

Plan 20

Scale	1:1,575 @ A4	Date	23 January 2020
Dwg. No.	Amory Park, Tiverton	Produced by	GMS Unit





Street Scene Plan 21

Scale	1:1,000 @ A4	Date	23 January 2020
Dwg. No.	Ashley Close, Uffculme	Produced by	GMS Unit

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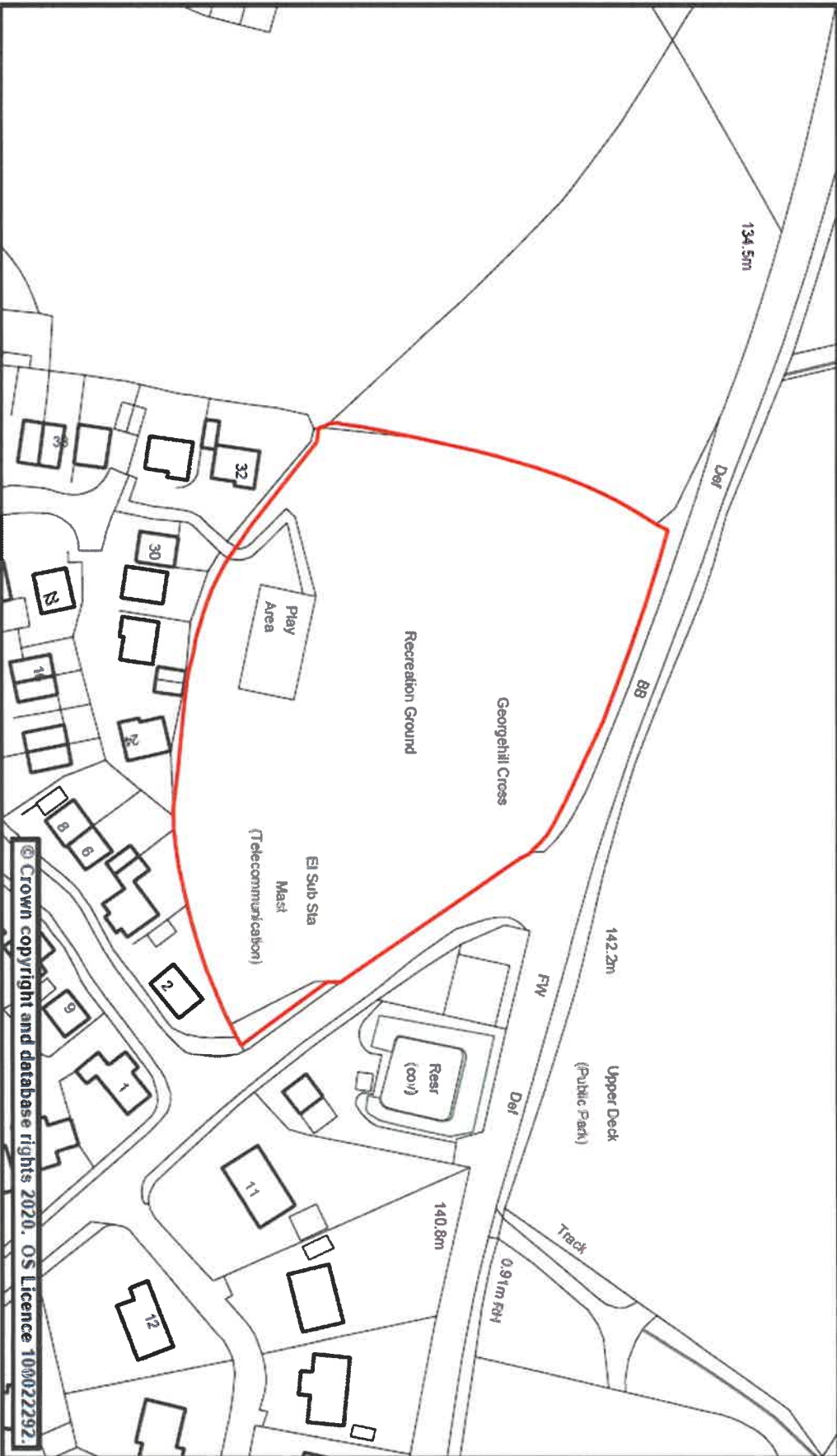


Street Scene Plan 22

Scale	1:1,000 @ A4	Date	23 January 2020
Dwg. No.	Beacon Park, Credition	Produced by	GMS Unit

Phoenix House
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Tel: 01884 255255
Website: www.middevon.gov.uk



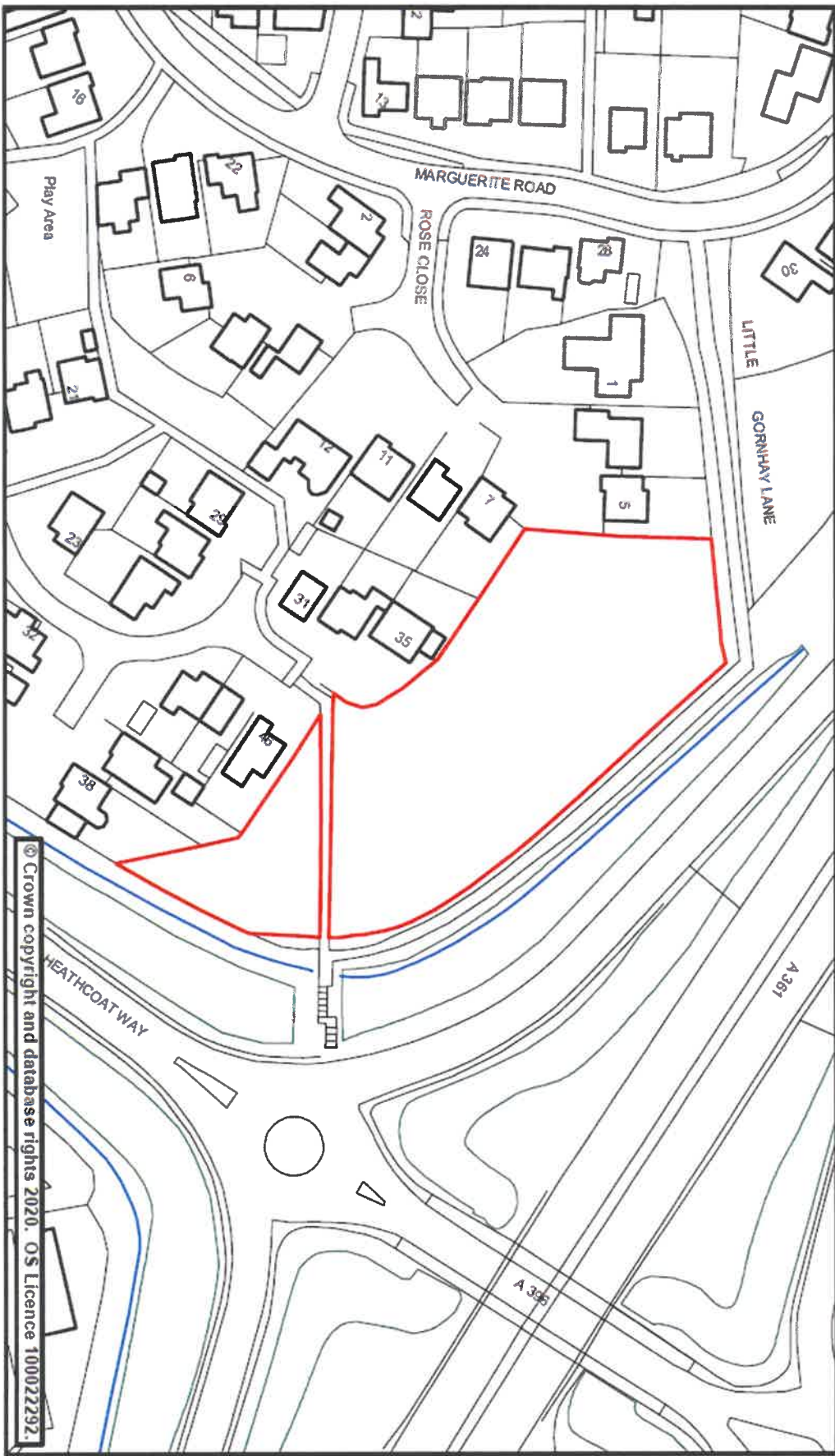
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Street Scene Plan 23

Scale	1:1,000 @ A4	Date	23 January 2020
Org. No.	Bluebell Avenue, Tiverton	Produced by	GMS Unit

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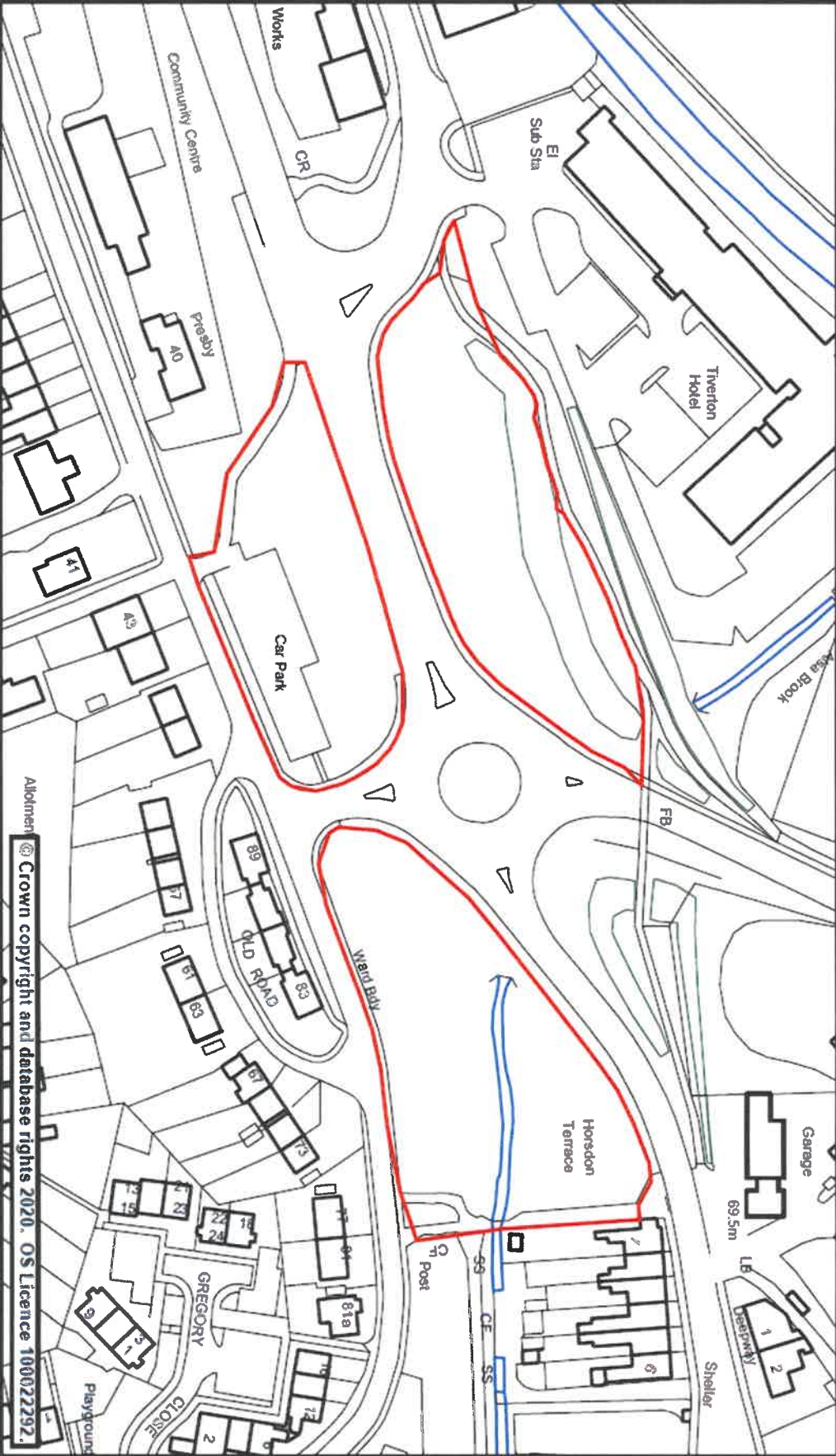
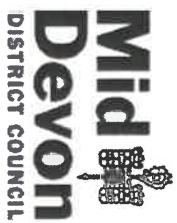
Street Scene

Plan 24

Scale	1:1,250 @ A4	Date	23 January 2020
Dwg. No.	Blundells Road, Tiverton	Produced by	GMS Unit

Phoenix House
Phoenix Lane, Tiverton EX16 6PP

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Website: www.middevon.gov.uk



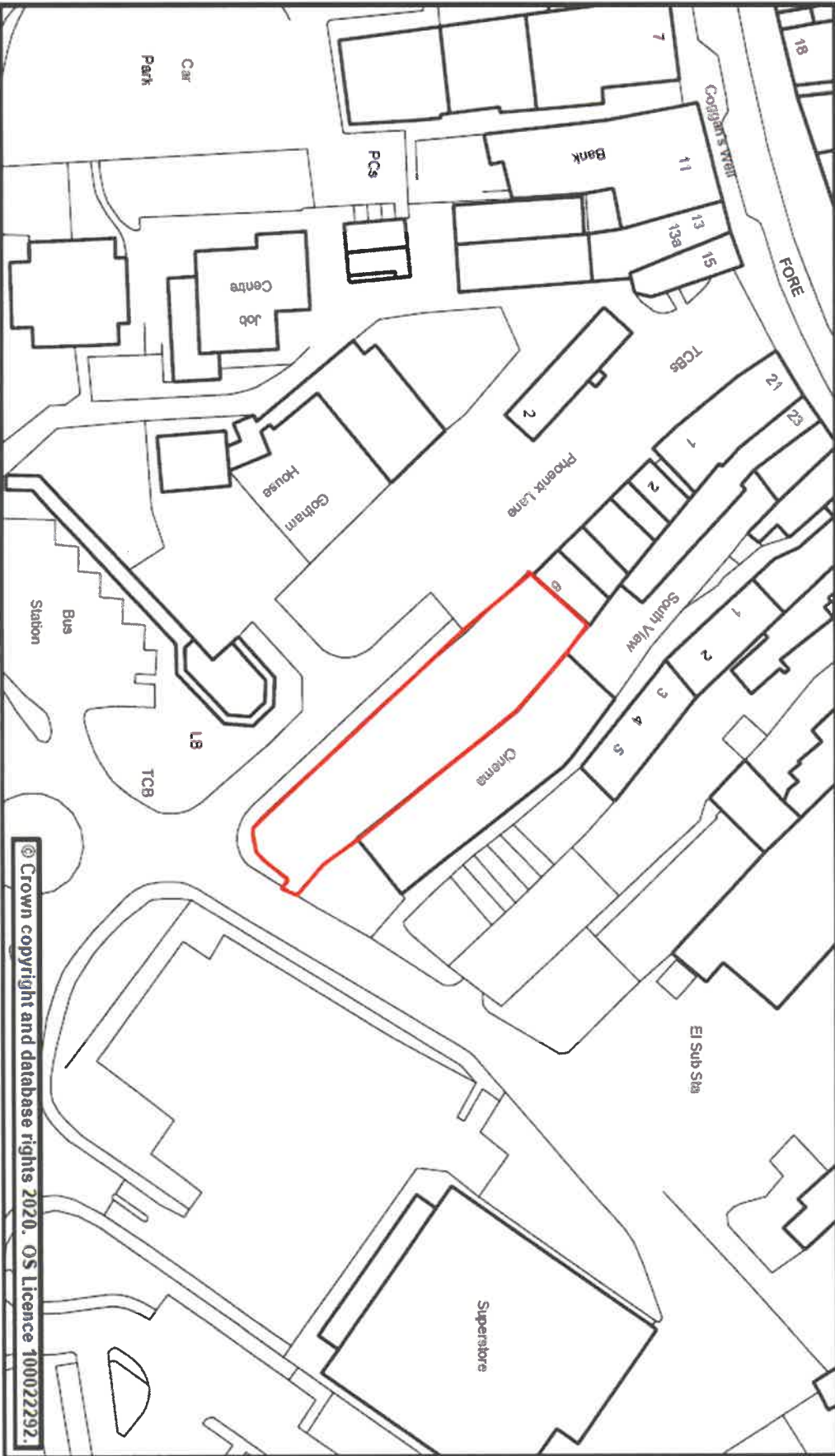
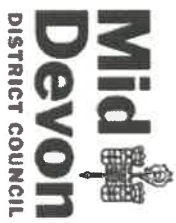
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Street Scene Plan 25

Scale	1:750 @ A4	Date	23 January 2020
Dwg. No.	Burma Star Garden, Tiverton	Produced by	GMS Unit

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Tel: 01884 255255
Website: www.middevon.gov.uk



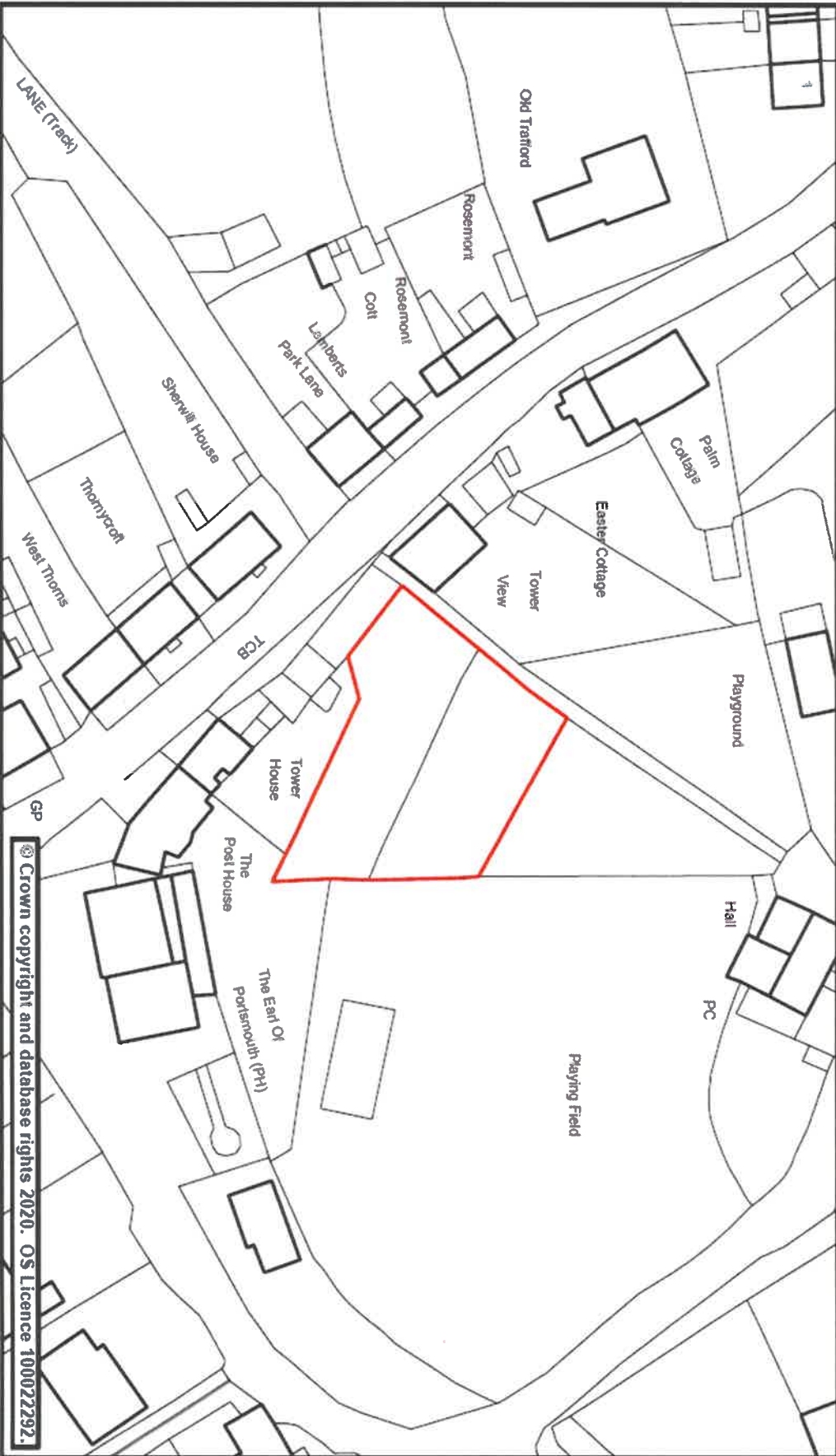
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Street Scene Plan 26

Scale	1:750 @ A4	Date	23 January 2020
Dwg. No.	Chawleigh, Chumleigh	Produced by	GMS Unit

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Website: www.middevon.gov.uk



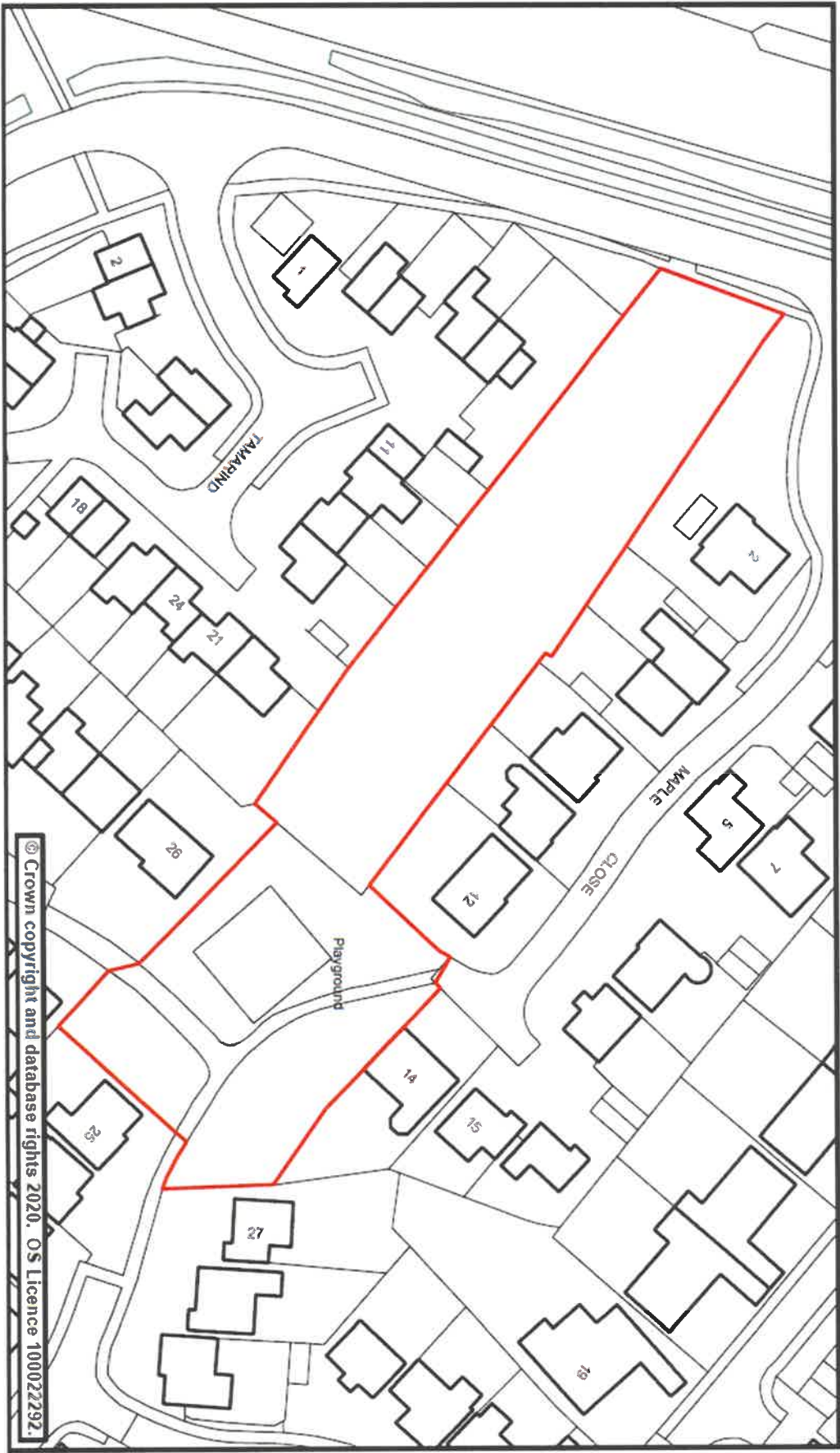
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Street Scene Plan 27

Scale	1:750 @ A4	Date	23 January 2020
Dwg. No.	Chestnut Drive, Willand	Produced by	GMS Unit

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Street Scene Plan 28

Scale	1:750 @ A4	Date	23 January 2020
Dwg. No.	Church Road, Silverton	Produced by	GMS Unit

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Website: www.middevon.gov.uk



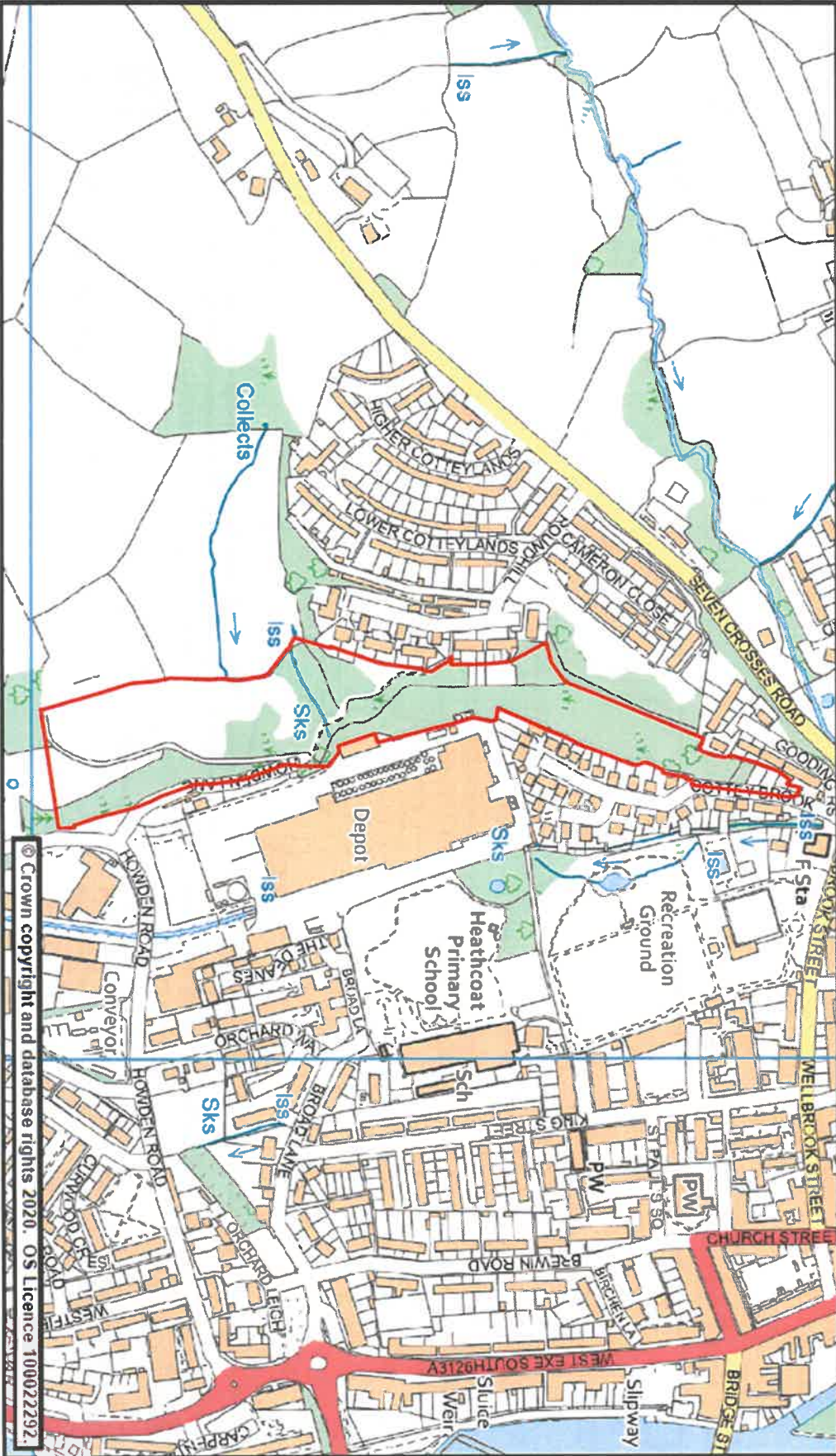
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Street Scene Plan 29

Scale	1:4,106 @ A4	Date	23 January 2020
Dwg. No.	Cotley Brook, Tiverton	Produced by	GMS Unit

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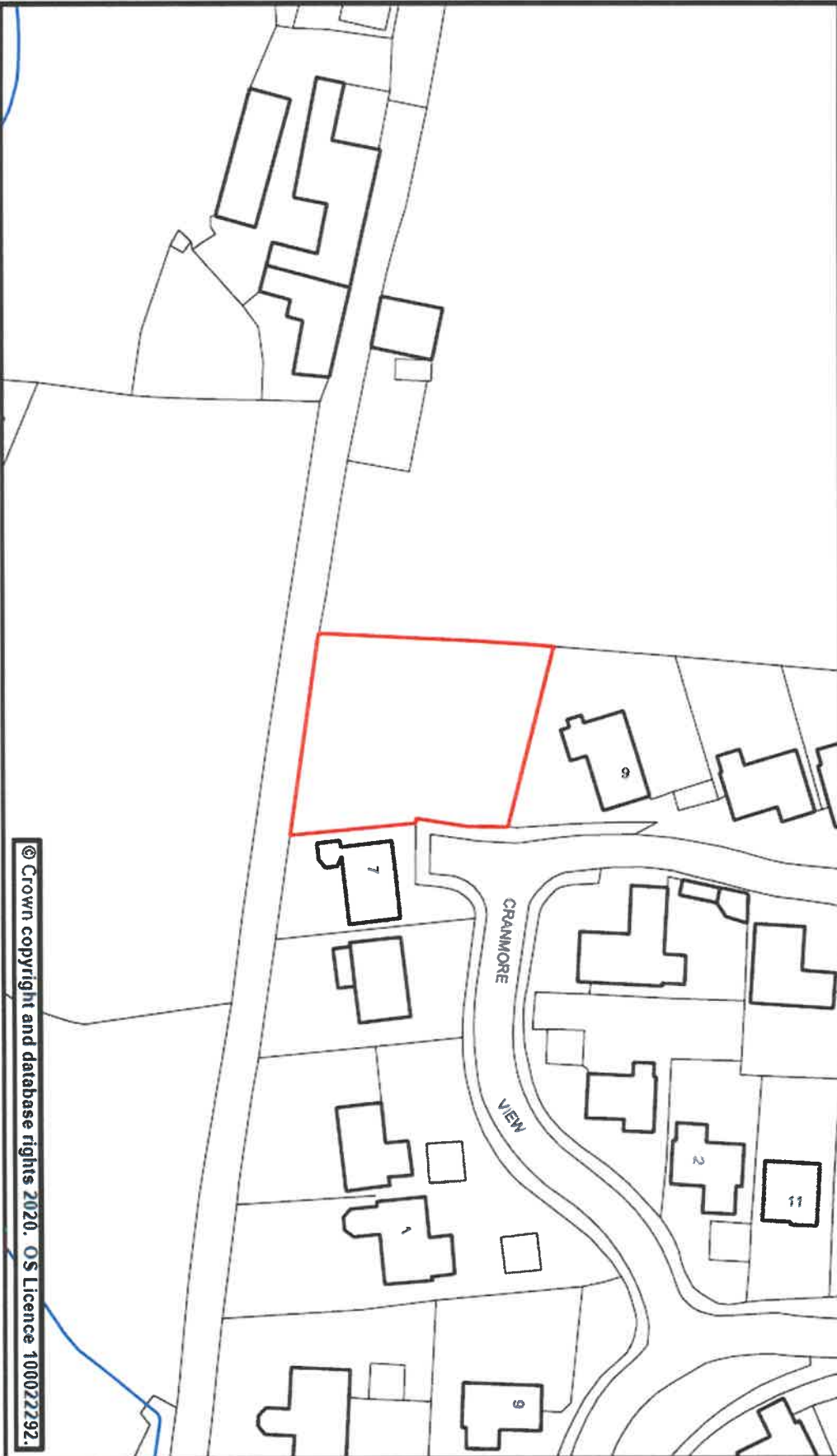




Street Scene Plan 30

Scale	1:750 @ A4	Date	23 January 2020
Dwg. No.	Cranmore View, Tiverton	Produced by	GMS Unit

Phoenix House
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Website: www.middevon.gov.uk

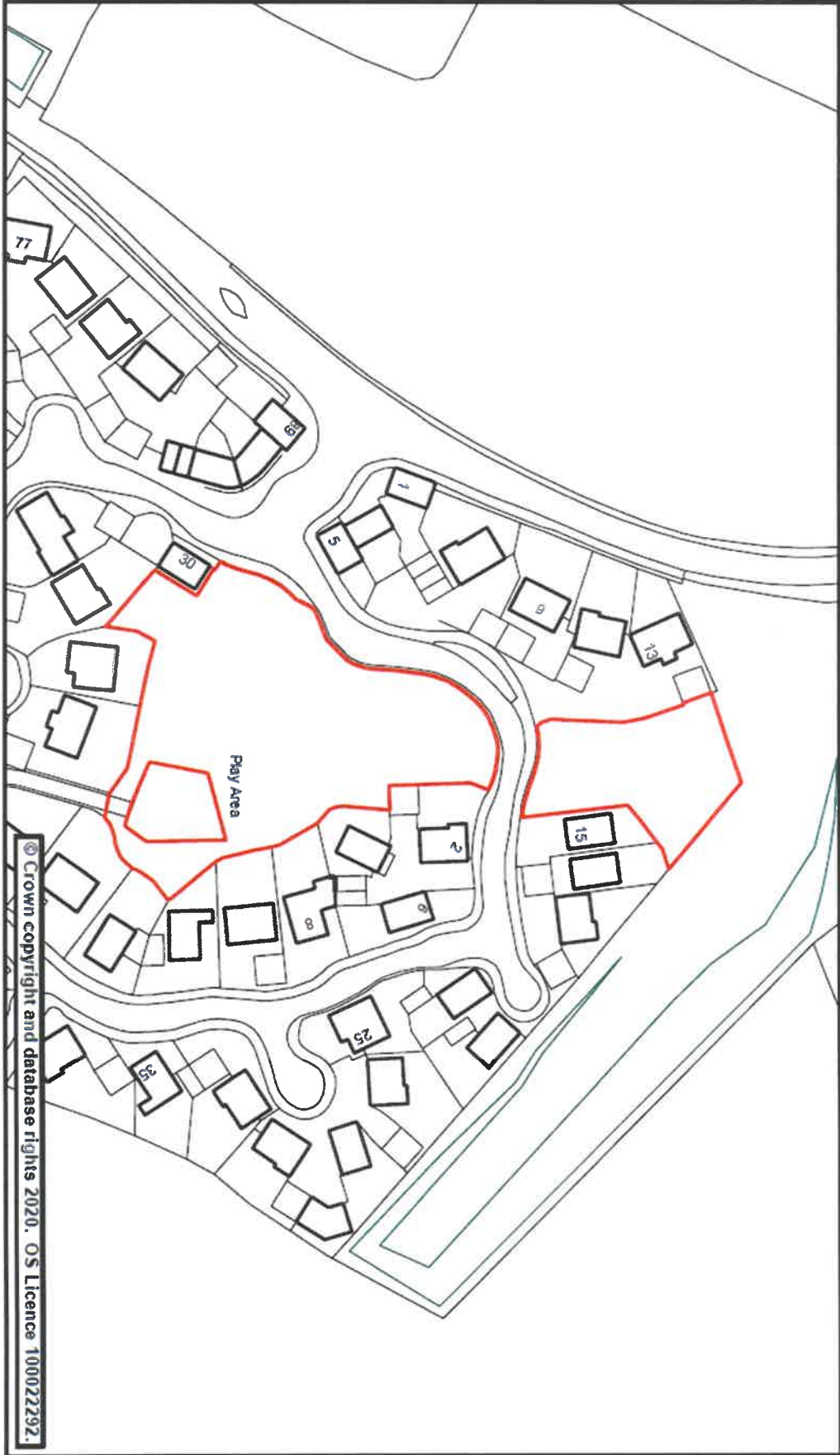




Street Scene Plan 31

Scale	1:1,000 @ A4	Date	23 January 2020
Dwg. No.	Cromwells Meadow, Crediton	Produced by	GMS Unit

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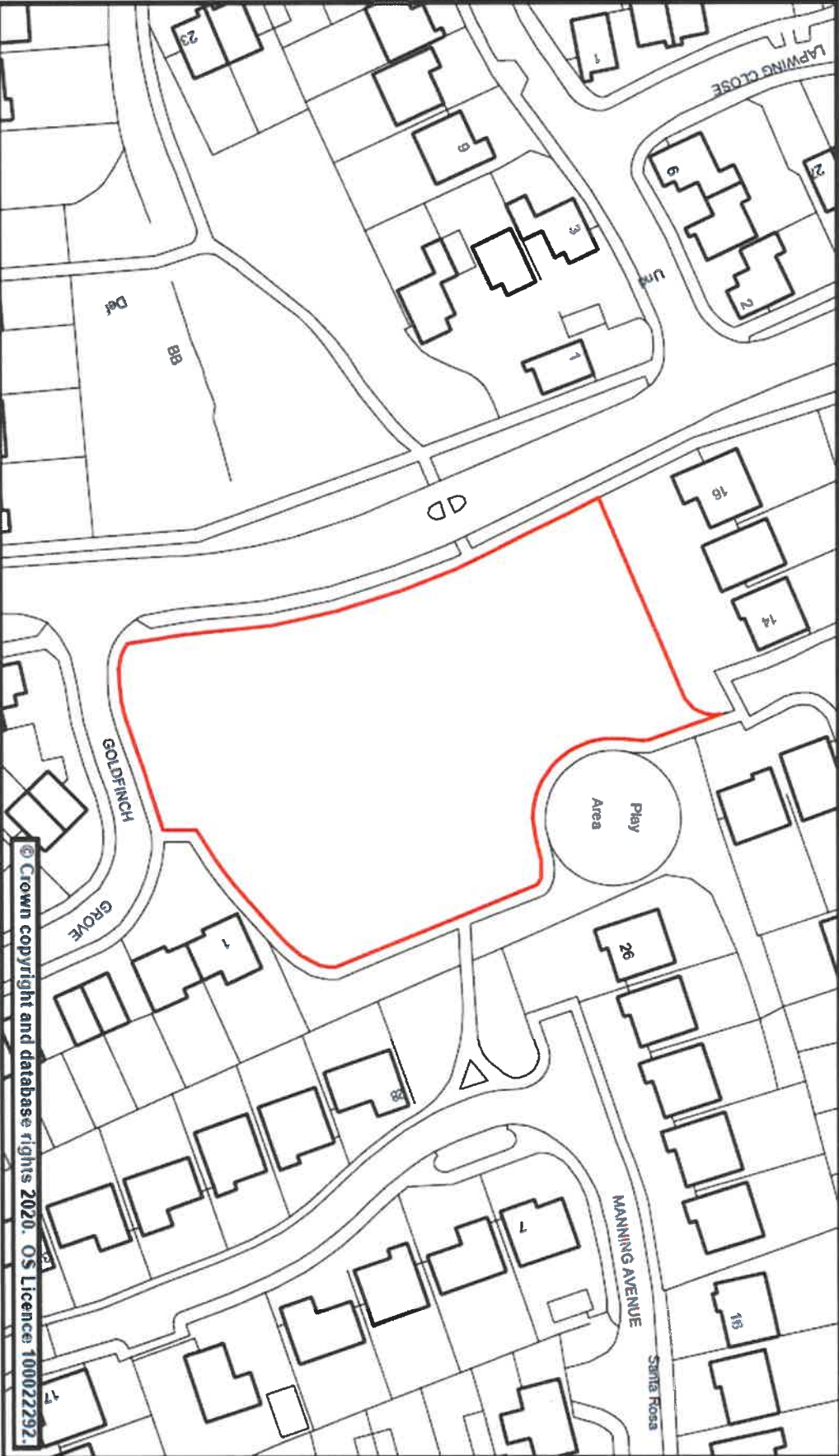
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Street Scene Plan 32

Scale	1:750 @ A4	Date	23 January 2020
Dwg. No.	Crossparks, Culmpton	Produced by	GMS Unit

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Street Scene Plan 33

Scale	1:1,189 @ A4	Date	23 January 2020
Dwg. No.	Crow Bridge, Cullompton	Produced by	GMS Unit

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Street Scene

Plan 34

Scale	1:750 @ A4	Date	23 January 2020
Dwg. No.	Cudmore Park, Tiverton	Produced by	GMS Unit

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Tel: 01884 255255
Website: www.middleton.gov.uk



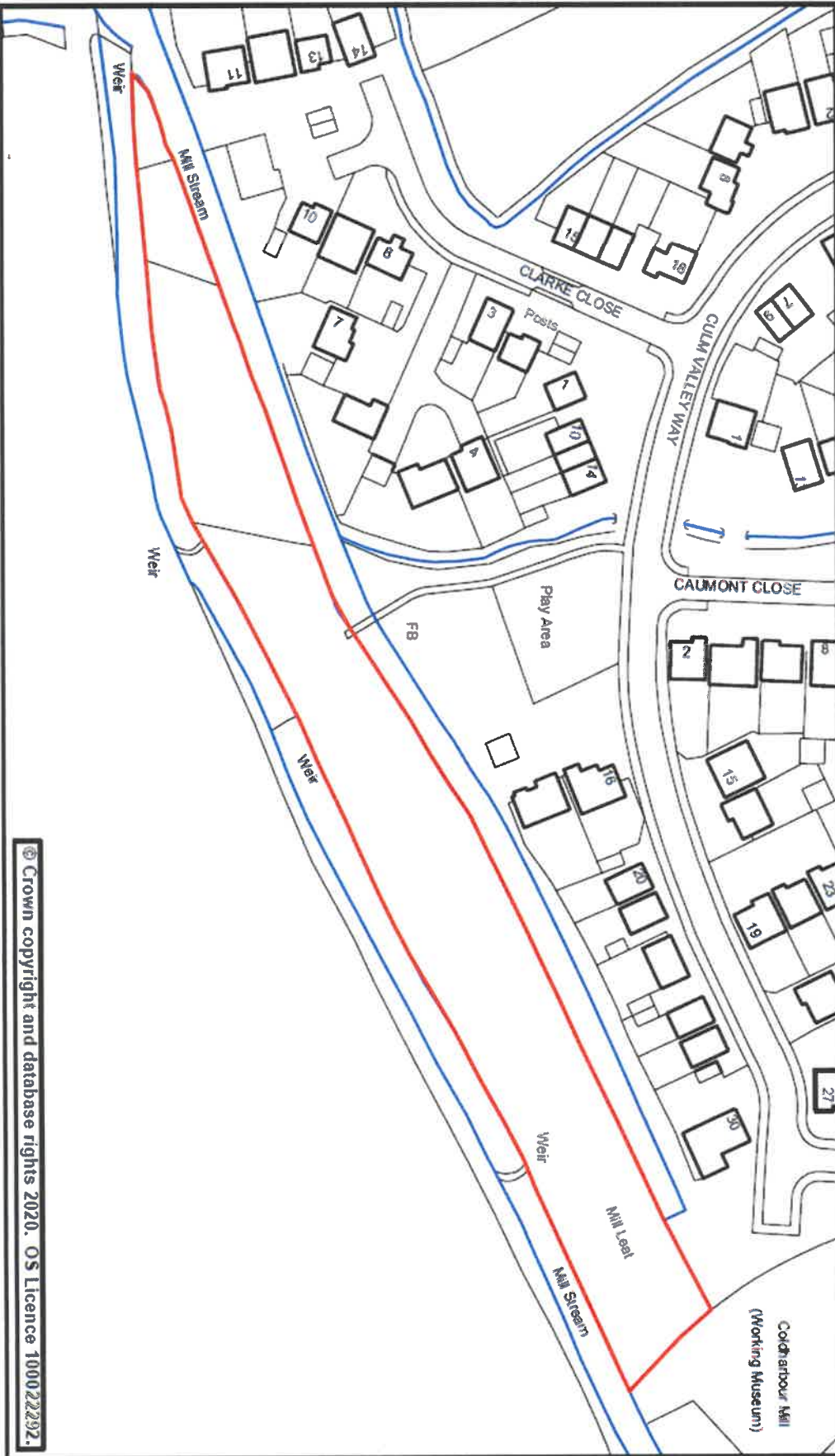
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Street Scene Plan 35

Scale	1:1,087 @ A4	Date	23 January 2020
Drwg. No.	Culm Valley, Uffculme	Produced by	GMS Unit

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Tel: 01884 255255
Website: www.middevon.gov.uk



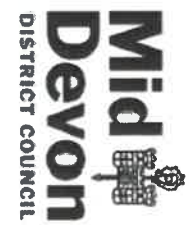
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Street Scene Plan 36

Scale	1:750 @ A4	Date	23 January 2020
Dwg. No.	Forcefield Road, Cullompton	Produced by	GMS Unit

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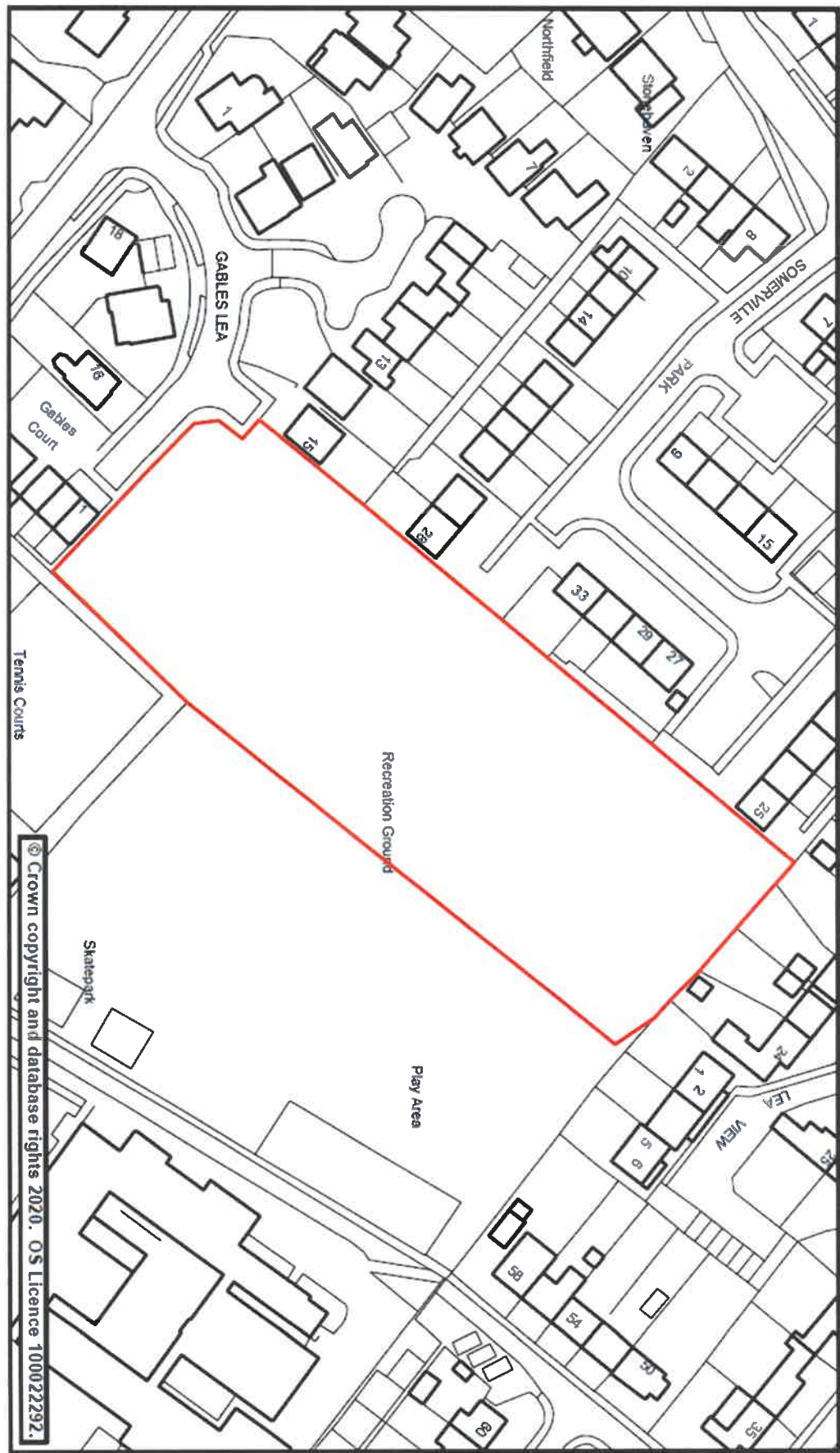
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Street Scene Plan 37

Scale	1:1,000 @ A4	Date	23 January 2020
Dwg. No.	Gables Lea, Willand	Produced by	GMS Unit

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Website: www.middledevon.gov.uk



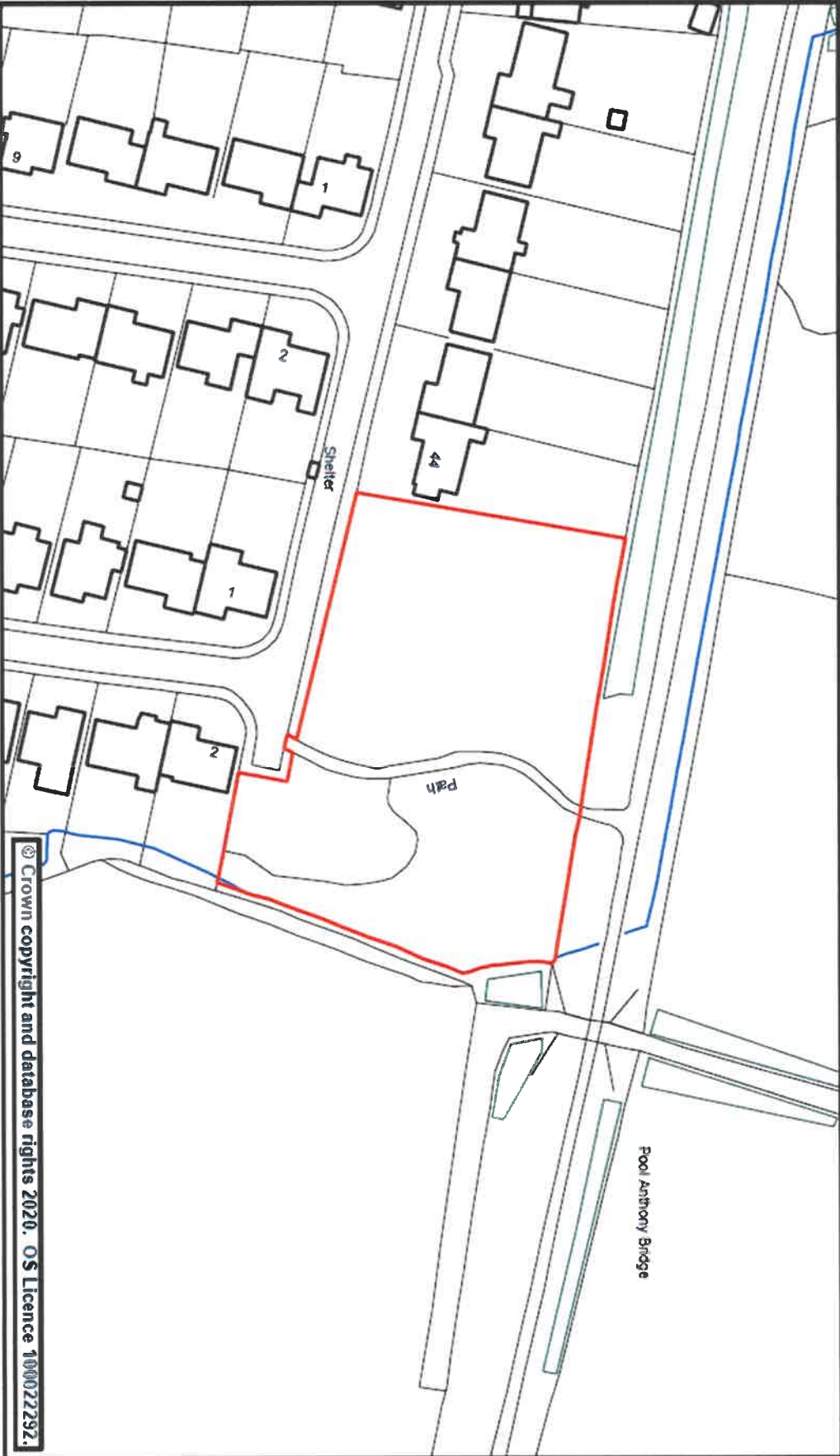
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Street Scene Plan 38

Scale	1:1,000 @ A4	Date	23 January 2020
Dwg. No.	Glebelands Road, Tiverton	Produced by	GMS Unit

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Tel: 01884 255255
Website: www.middevon.gov.uk



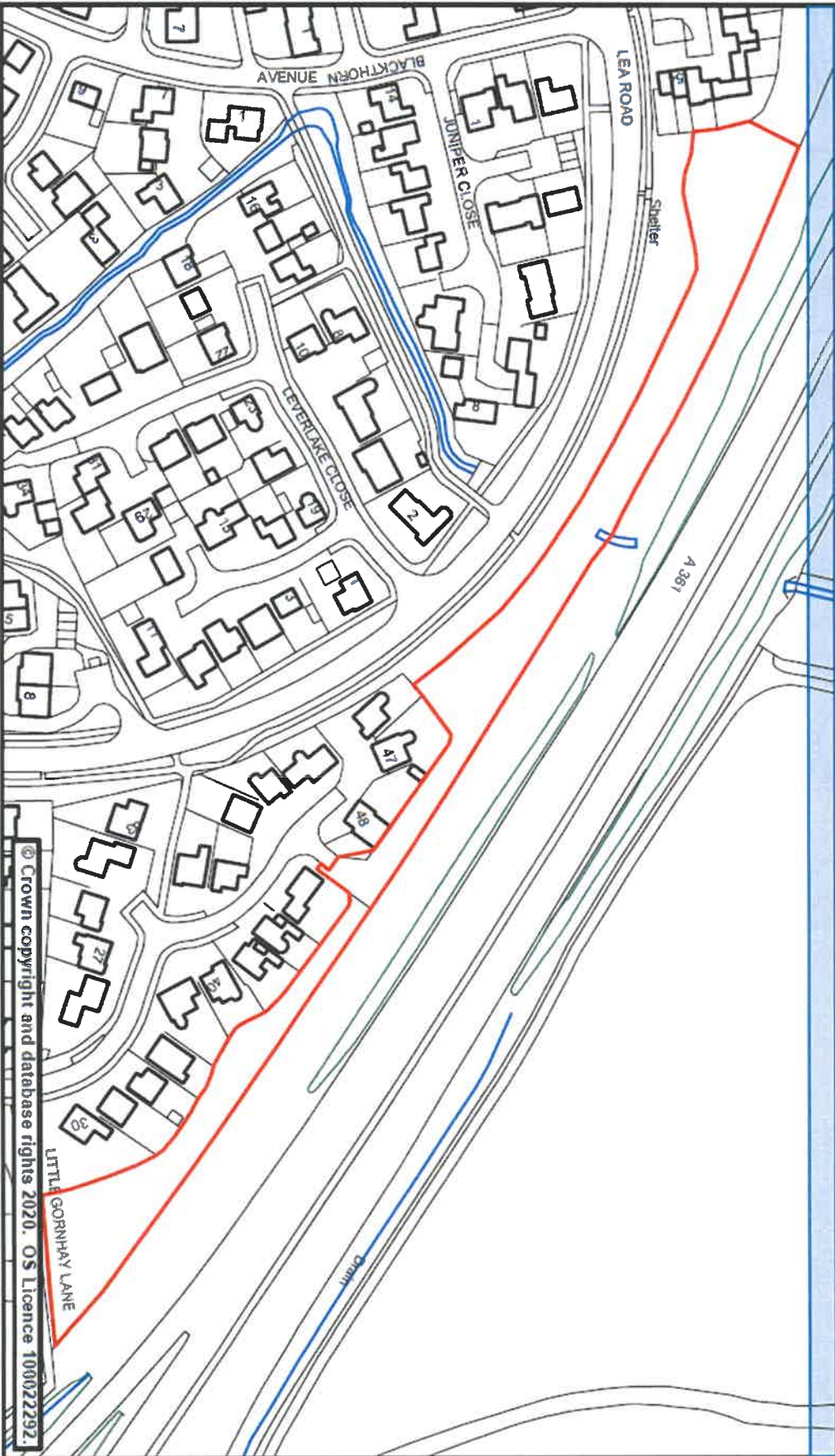
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Street Scene Plan 39

Scale	1:1,508 @ A4	Date	23 January 2020
Dwg. No.	Gornhay Lane, Tiverton	Produced by	GMS Unit

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Phoenix Lane, Tiverton EX16 6PP
Tel: 01894 255255
Website: www.middevon.gov.uk

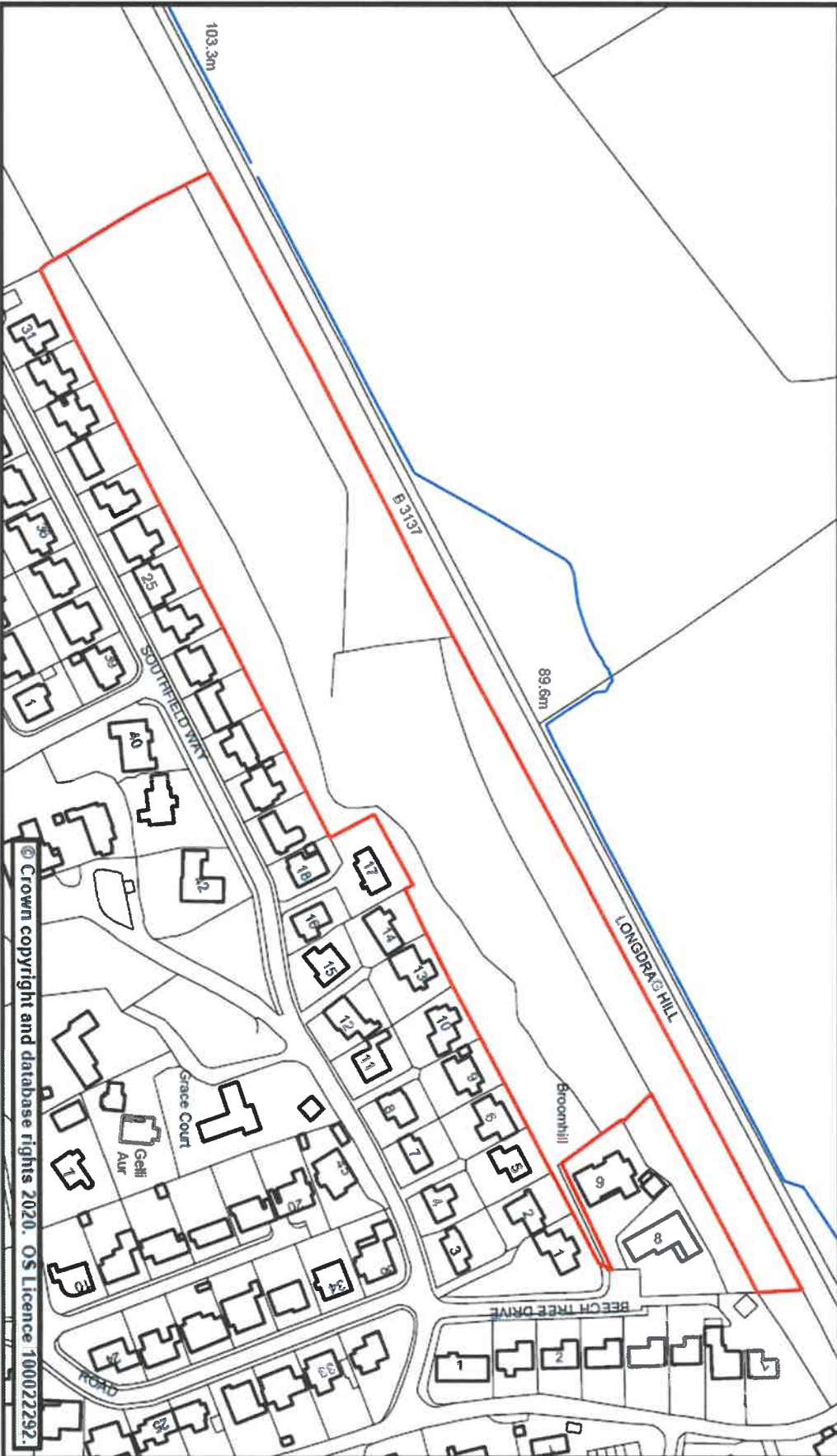




Street Scene Plan 40

Scale	1:1,689 @ A4	Date	23 January 2020
Dwg. No.	Graters Copse, Tiverton	Produced by	GMS Unit

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Street Scene Plan 4-1

Scale	1:750 @ A4	Date	23 January 2020
Dwg. No.	Great Close, Culmstock	Produced by	GMS Unit

Phoenix House
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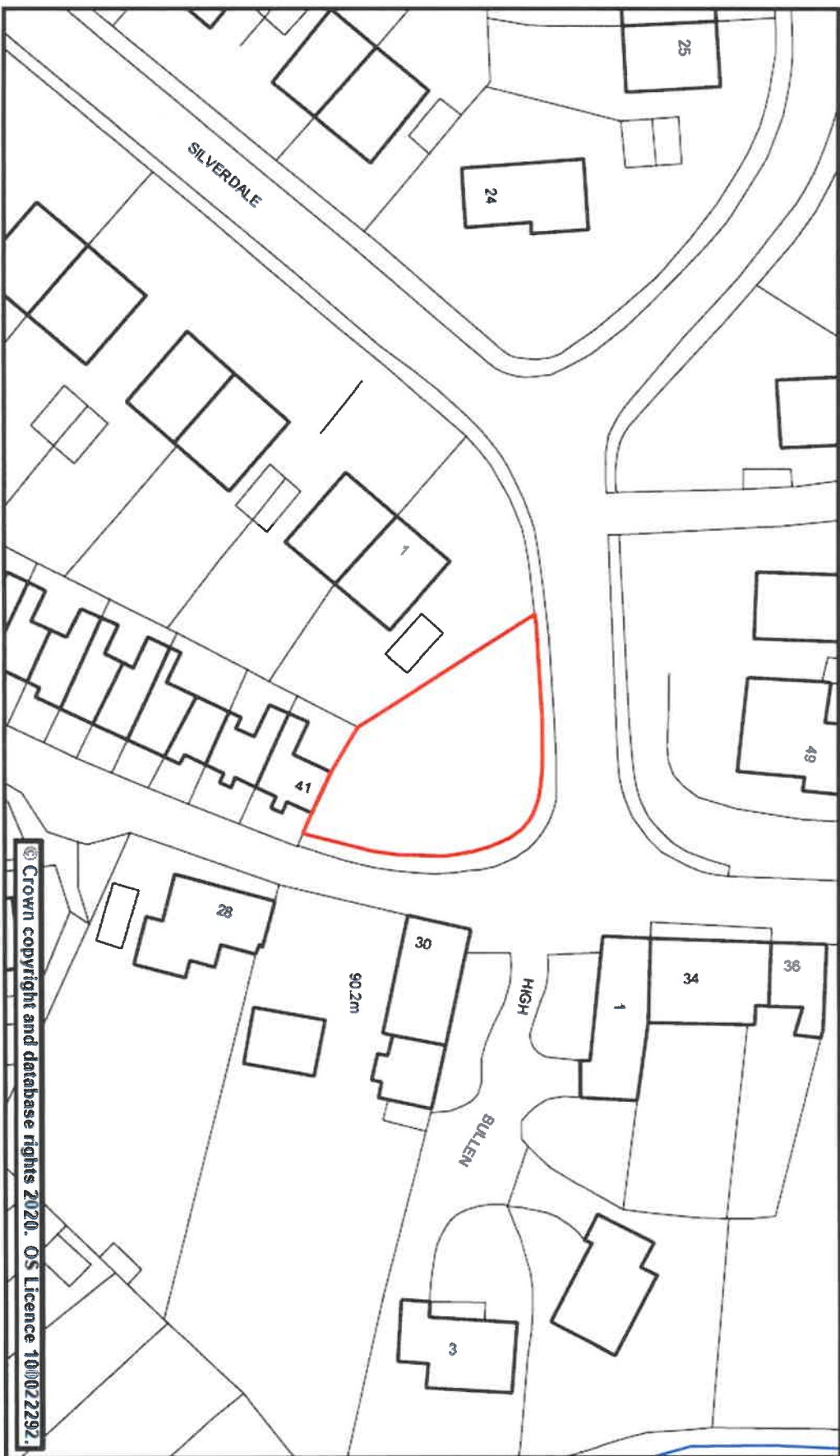
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Street Scene Plan 4-2

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	High Bullen, Silverton	Produced by	GMS Unit

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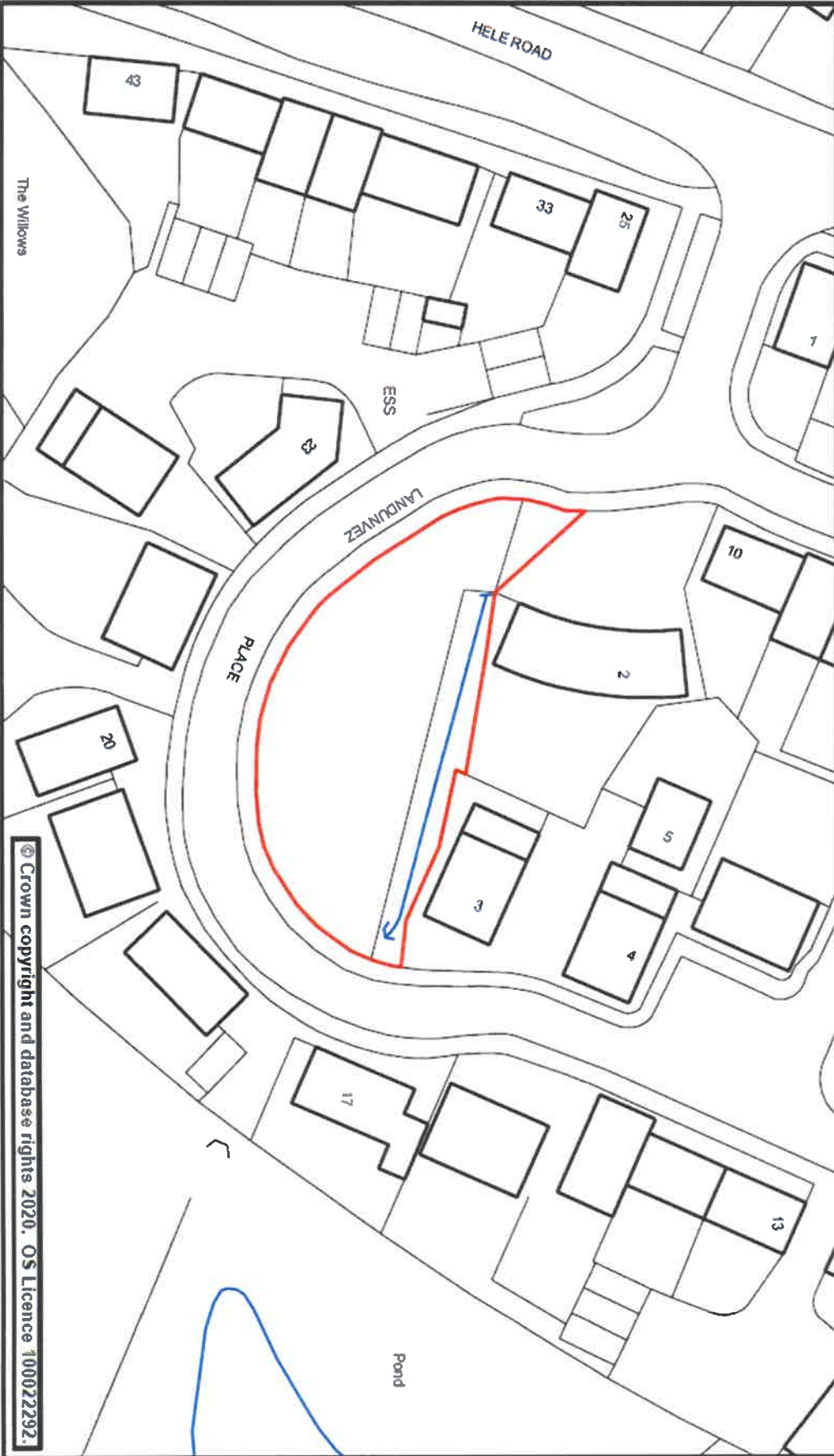
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Street Scene Plan 43

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	Landunvez Place, Bradninch	Produced by	GMS Unit

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Tel: 01884 255255
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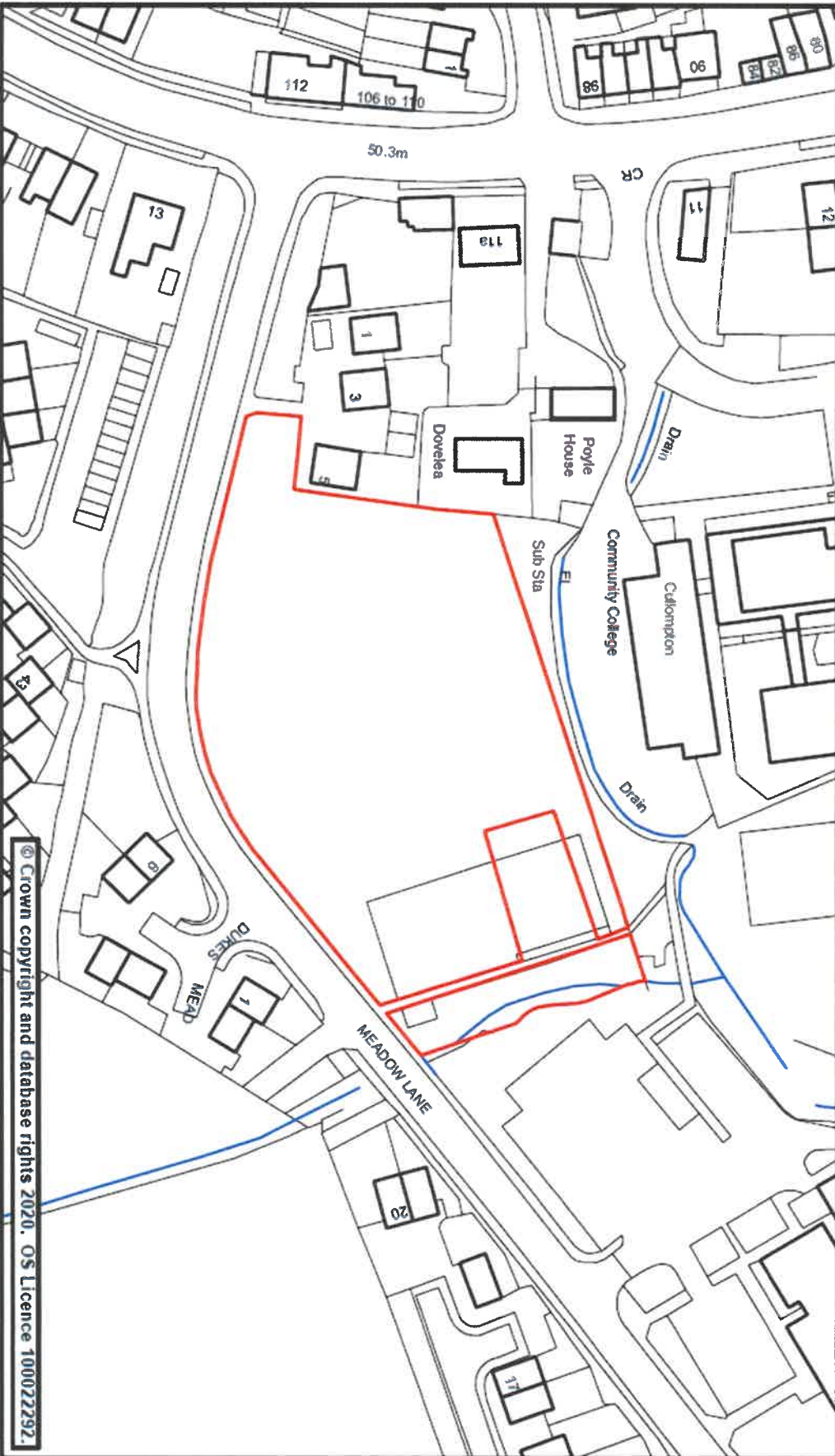
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Street Scene Plan 44

Scale	1:1,000 @ A4	Date	23 January 2020
Drwg. No.	Meadow Lane, Cullompton	Produced by	GMS Unit

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Tel: 01884 255255
Website: www.middevon.gov.uk



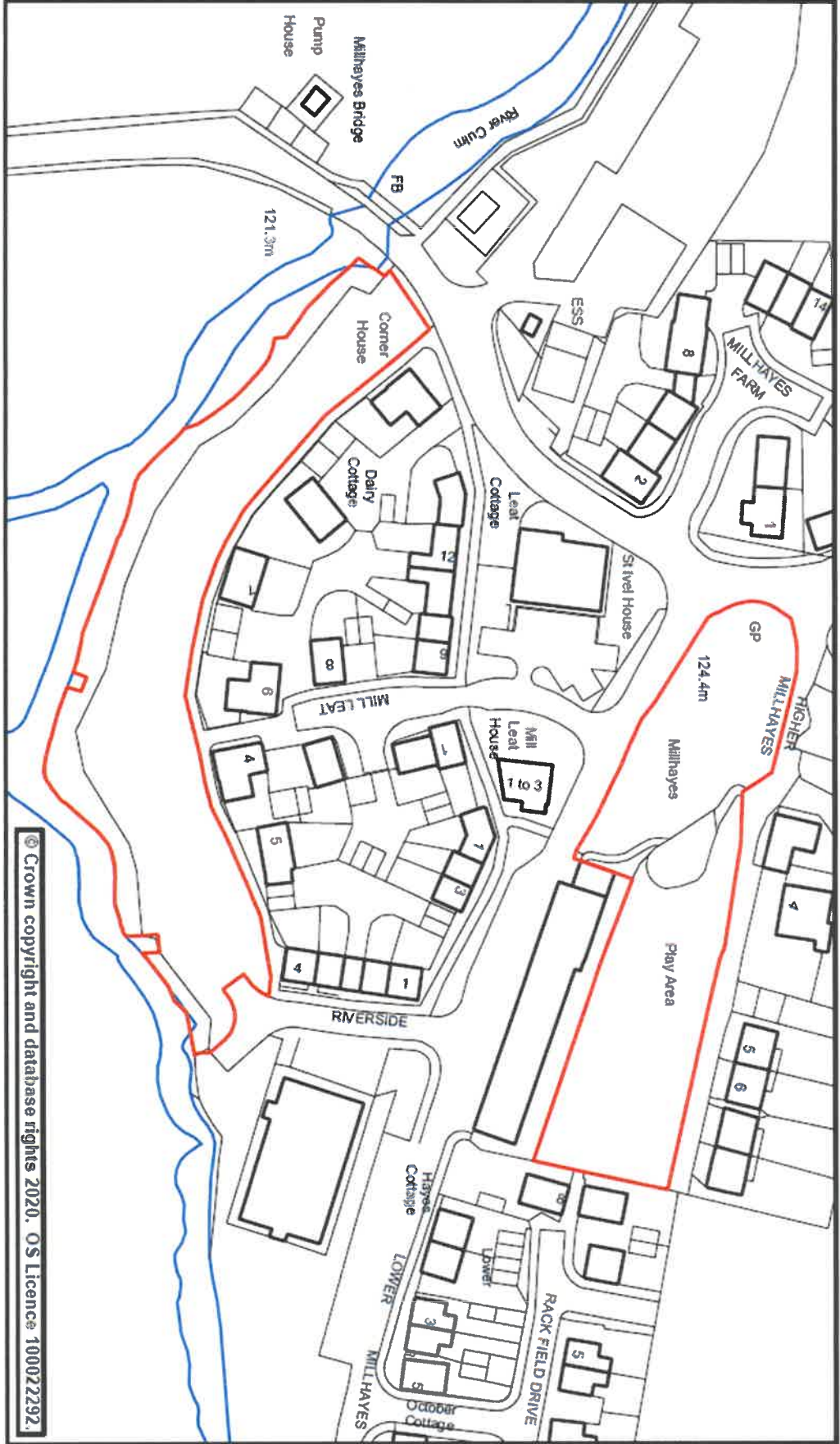
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Street Scene Plan 45

Scale	1:1,009 @ A4	Date	23 January 2020
Org. No.	Millhayes Meadows, Hemmock	Produced by	GMS Unit

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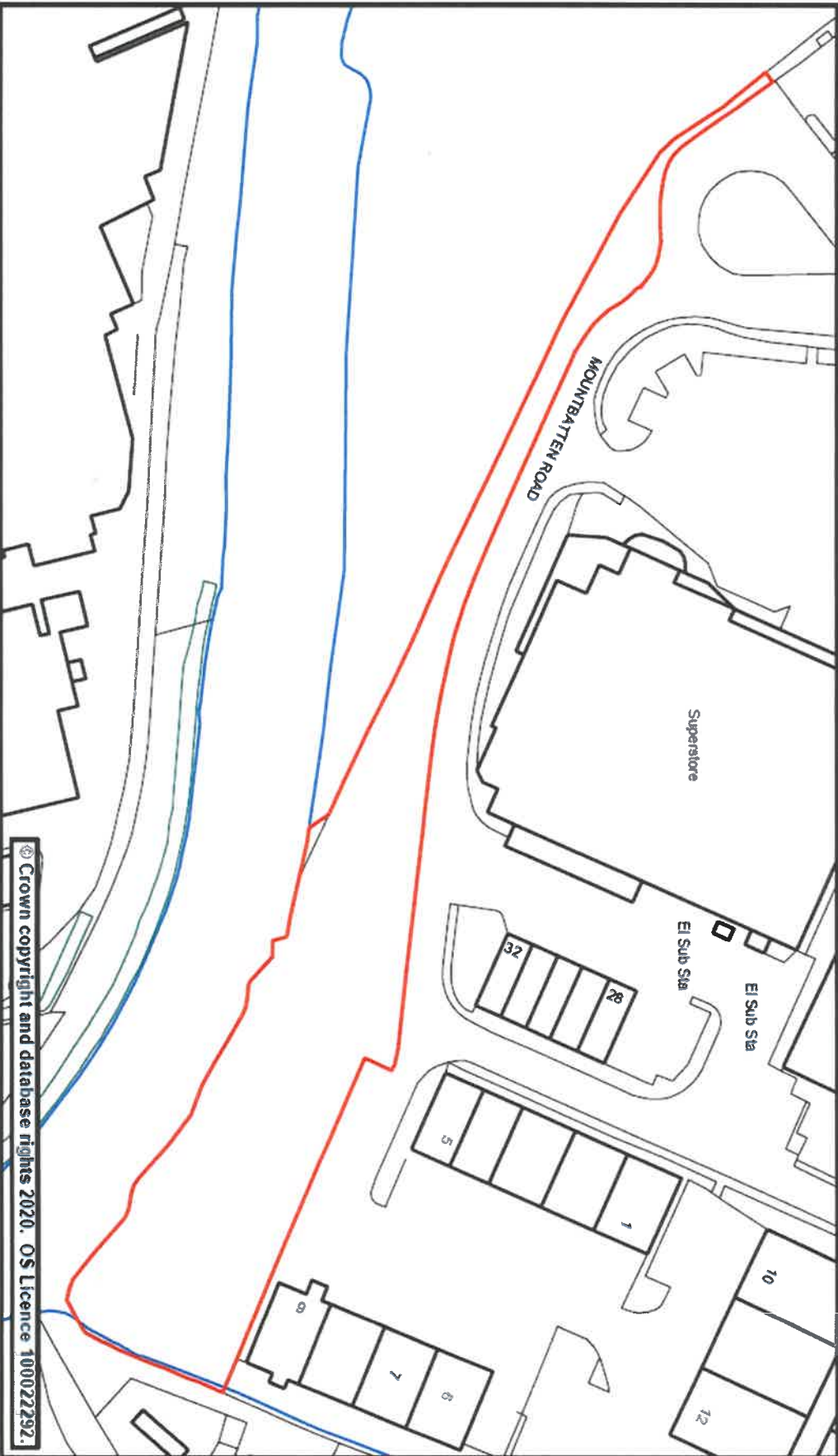
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Street Scene Plan 4+6

Scale	1:1,071 @ A4	Date	23 January 2020
Dwg. No.	Mounbatten Road, Tiverton	Produced by	GMS Unit

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Tel: 01884 255255
Website: www.middevon.gov.uk



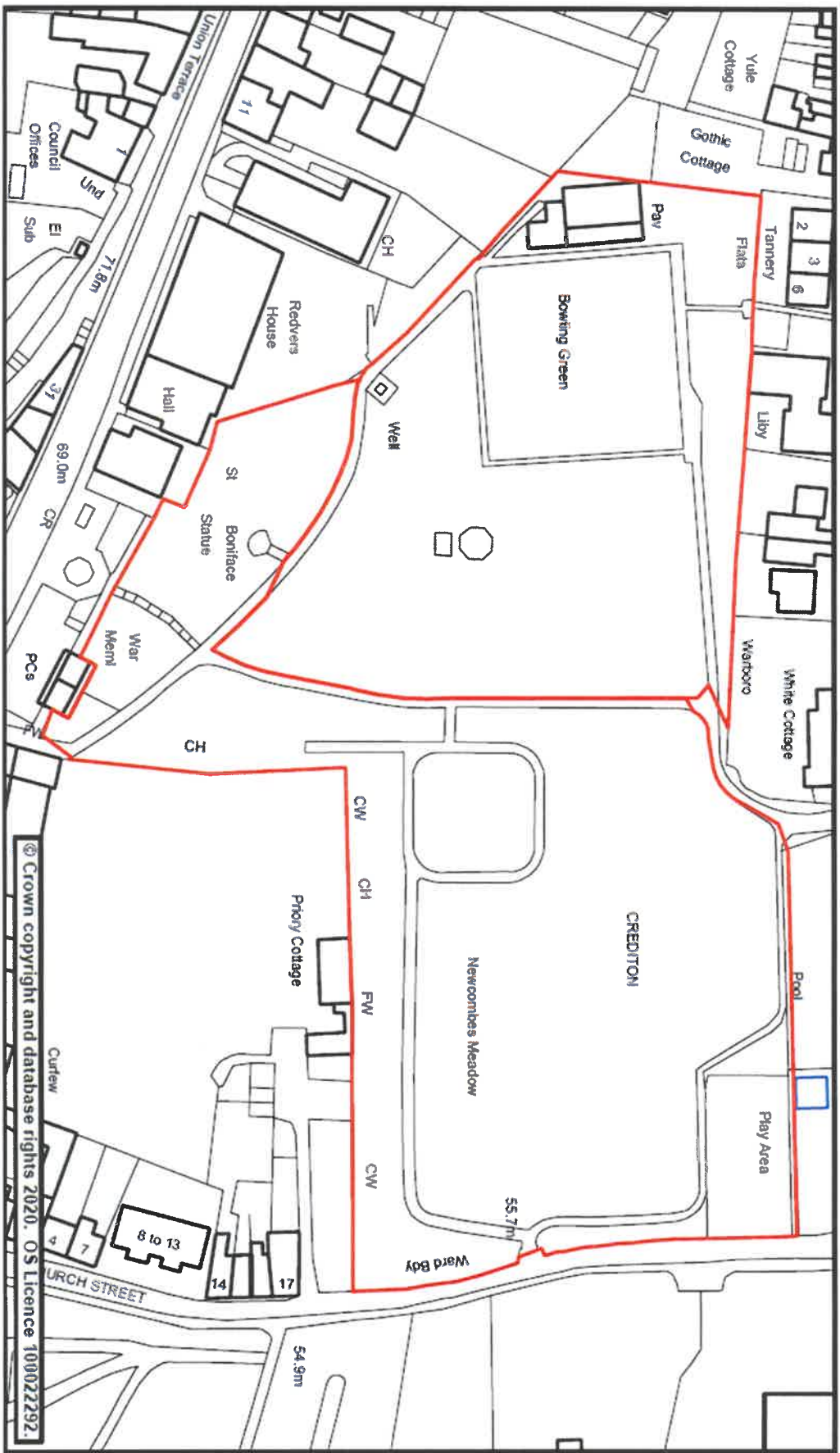
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Street Scene Plan 4-7

Scale	1:1,074 @ A4	Date	23 January 2020
Dwg. No.	Newcombes Meadow, Crediton	Produced by	GMS Unit

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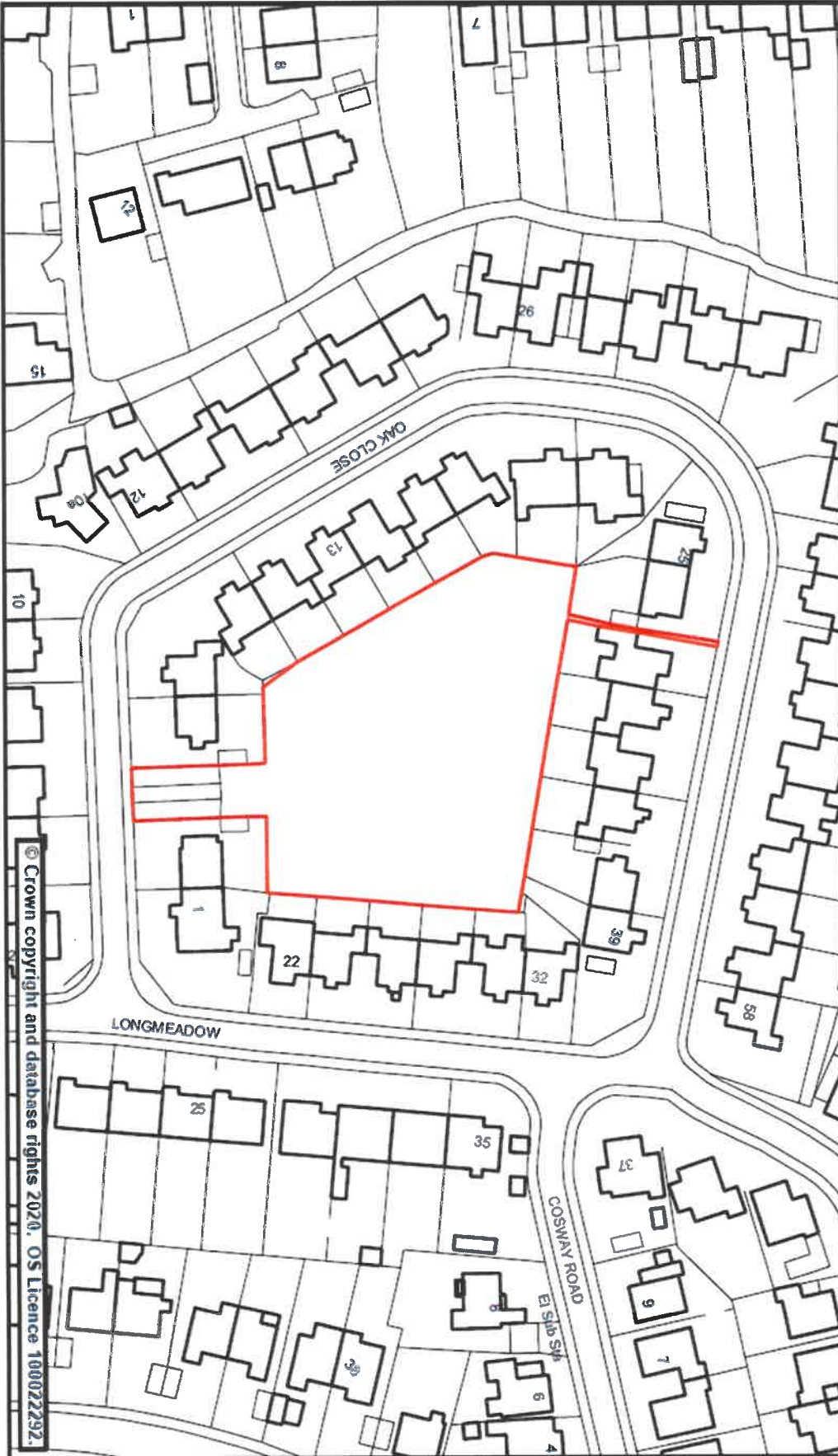


Street Scene Plan 4&8

Scale	1:1,000 @ A4	Date	23 January 2020
Dwg. No.	Oak Close, Tiverton	Produced by	GMS Unit

Phoenix House
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Website: www.middledevon.gov.uk





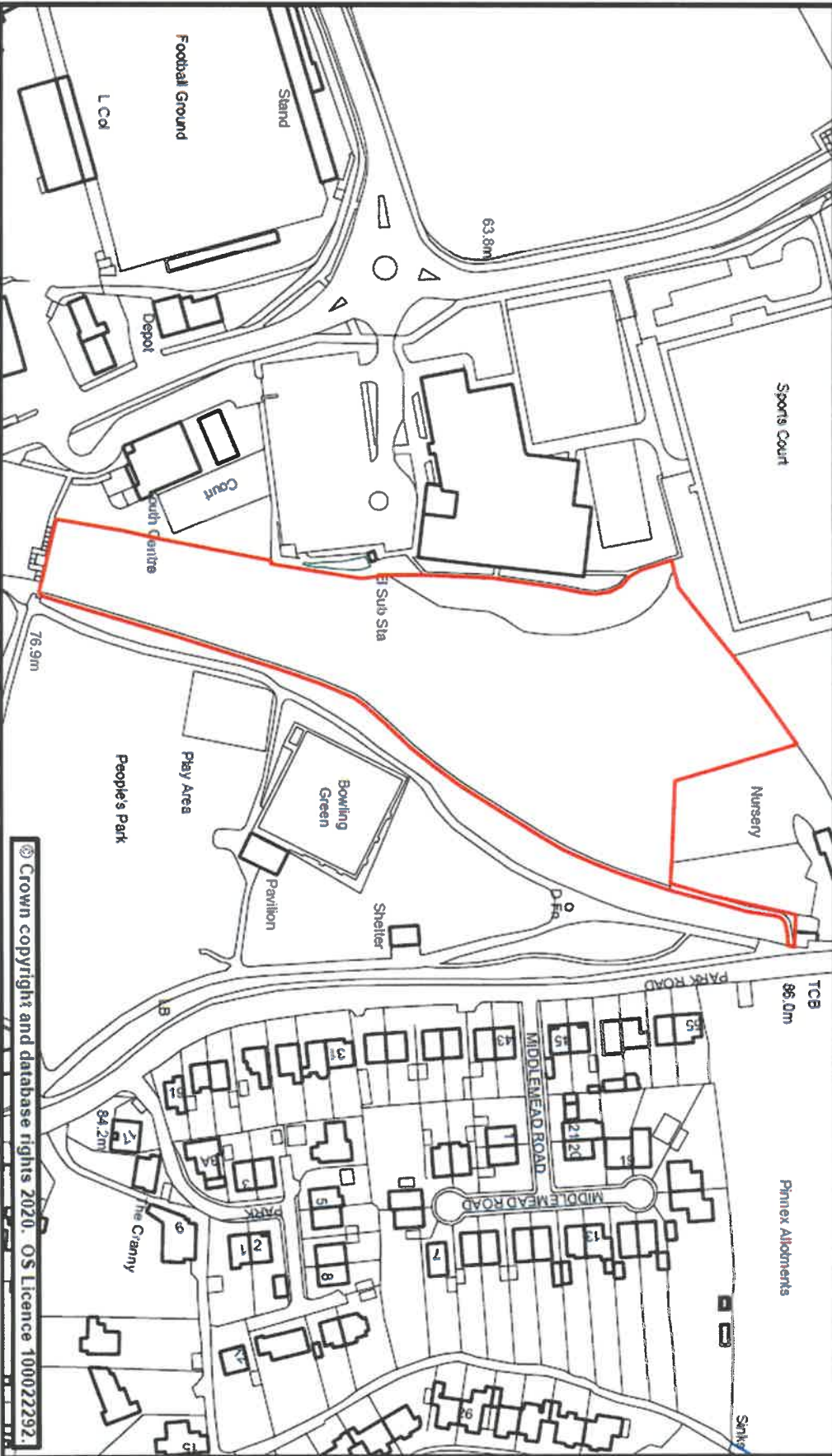
Street Scene

Plan 49

Scale	1:1,768 @ A4	Date	23 January 2020
Dwg. No.	Old Park, Tiverton	Produced by	GMS Unit

Phoenix House
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Tel: 01884 255255
Website: www.middevon.gov.uk

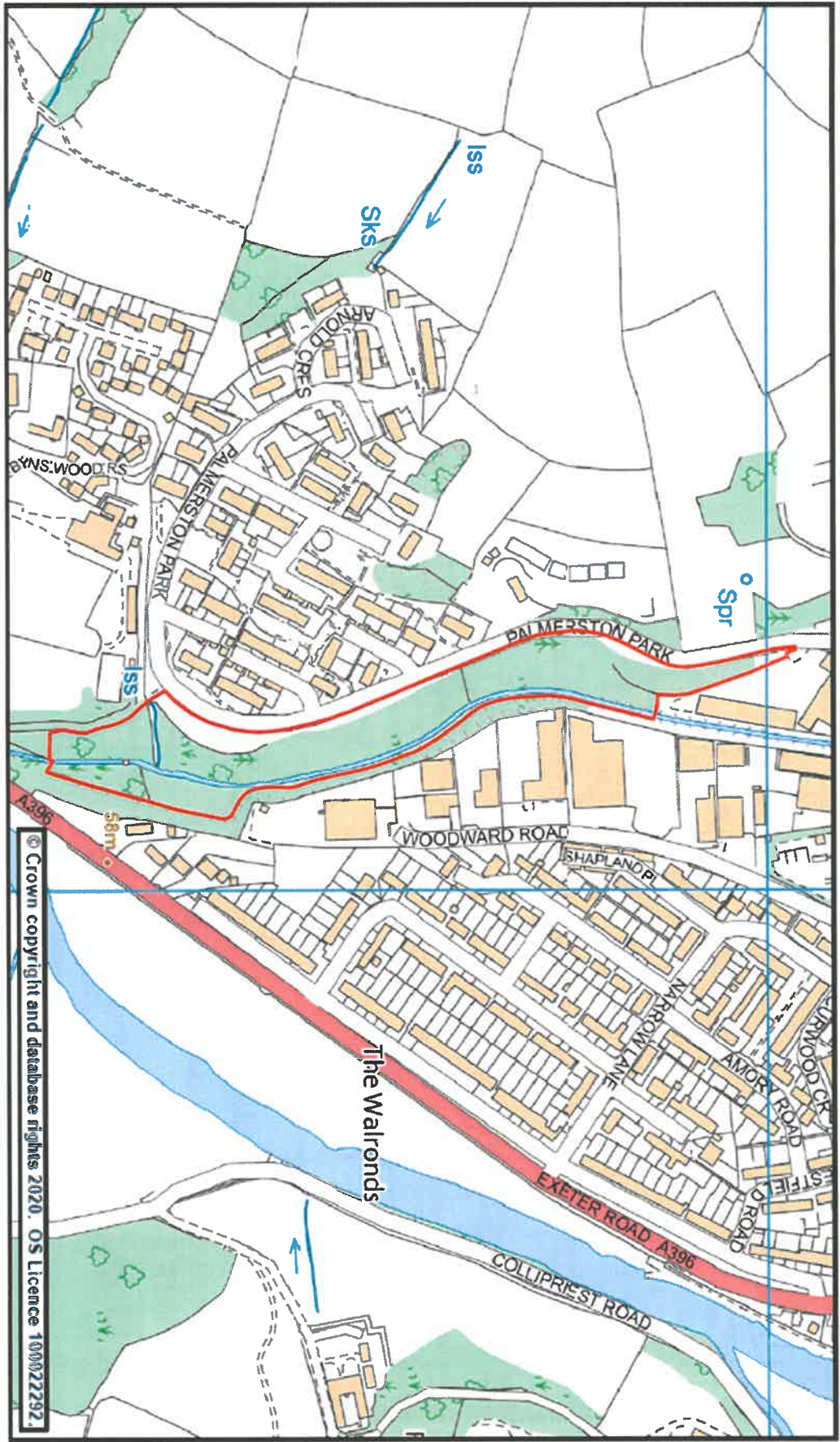




Street Scene Plan 50

Scale	1:3,595 @ A4	Date	23 January 2020
Dwg. No.	Palmerston Park Woods, Tiverton	Produced by	GMS Unit

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Tel: 01884 265255
Website: www.middevon.gov.uk



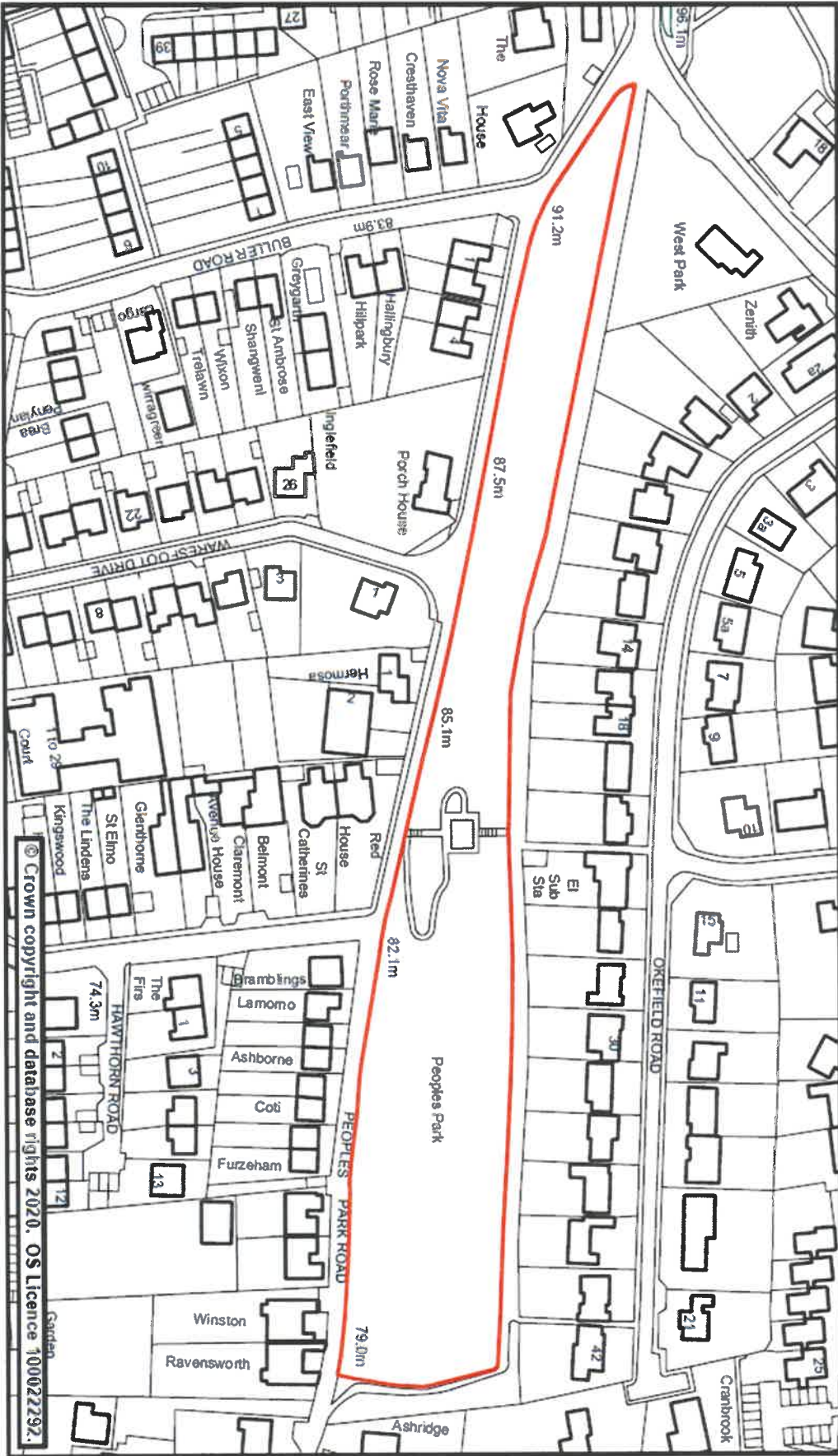
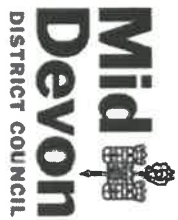
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Street Scene Plan 51

Scale	1:1,488 @ A4	Date	23 January 2020
Dwg. No.	Peoples Park, Credition	Produced by	GMS Unit

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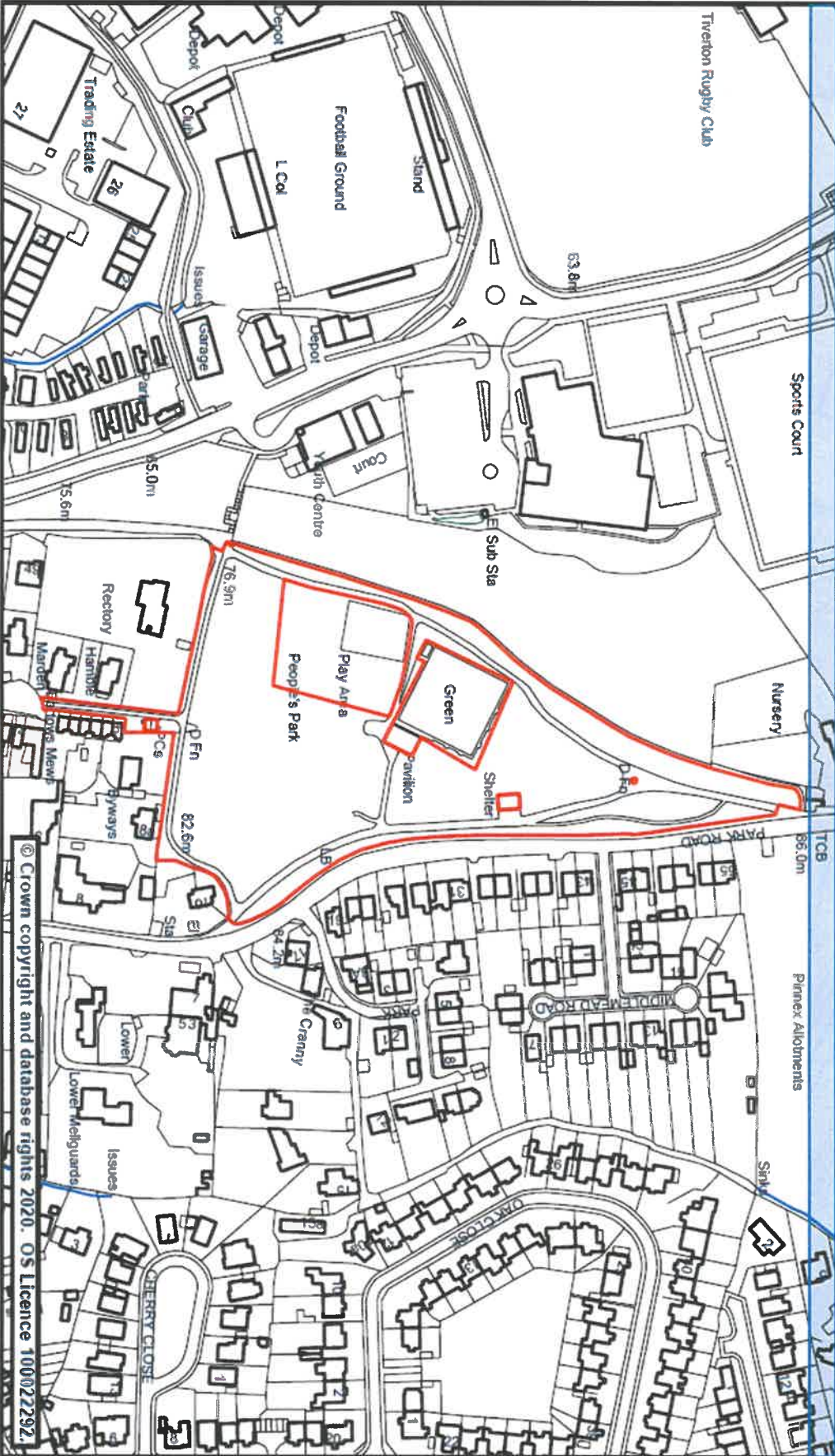




Street Scene Plan 52

Scale	1:2,334 @ A4	Date	23 January 2020
Dwg. No.	People's Park, Tiverton	Produced by	GMS Unit

Phoenix House
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Website: www.middledevon.gov.uk

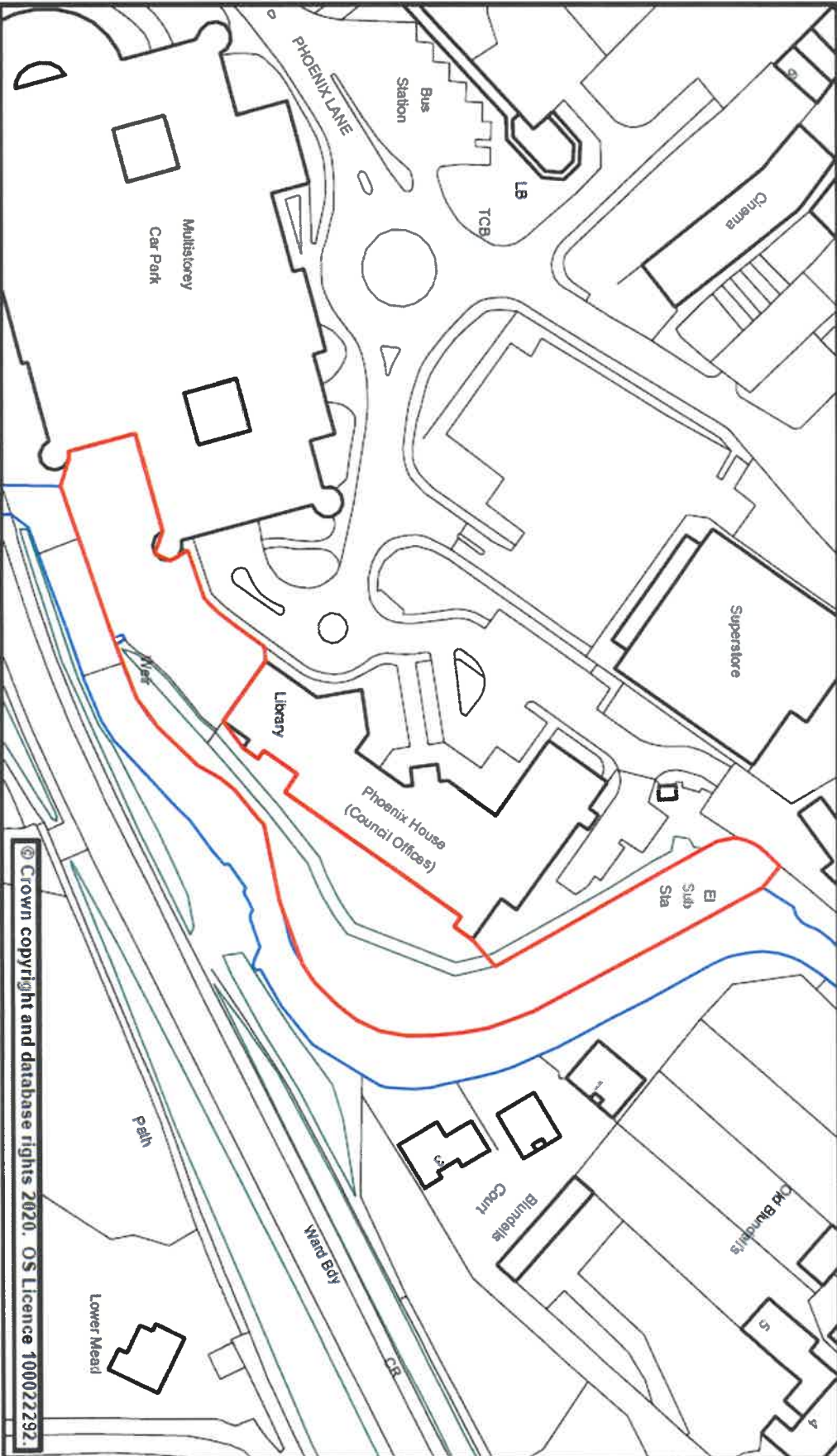




Street Scene Plan 53

Scale	1:1,000 @ A4	Date	23 January 2020
Dwg. No.	Phoenix House, Tiverton	Produced by	GMS Unit

Phoenix House
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Tel: 01884 255255
Website: www.middevon.gov.uk



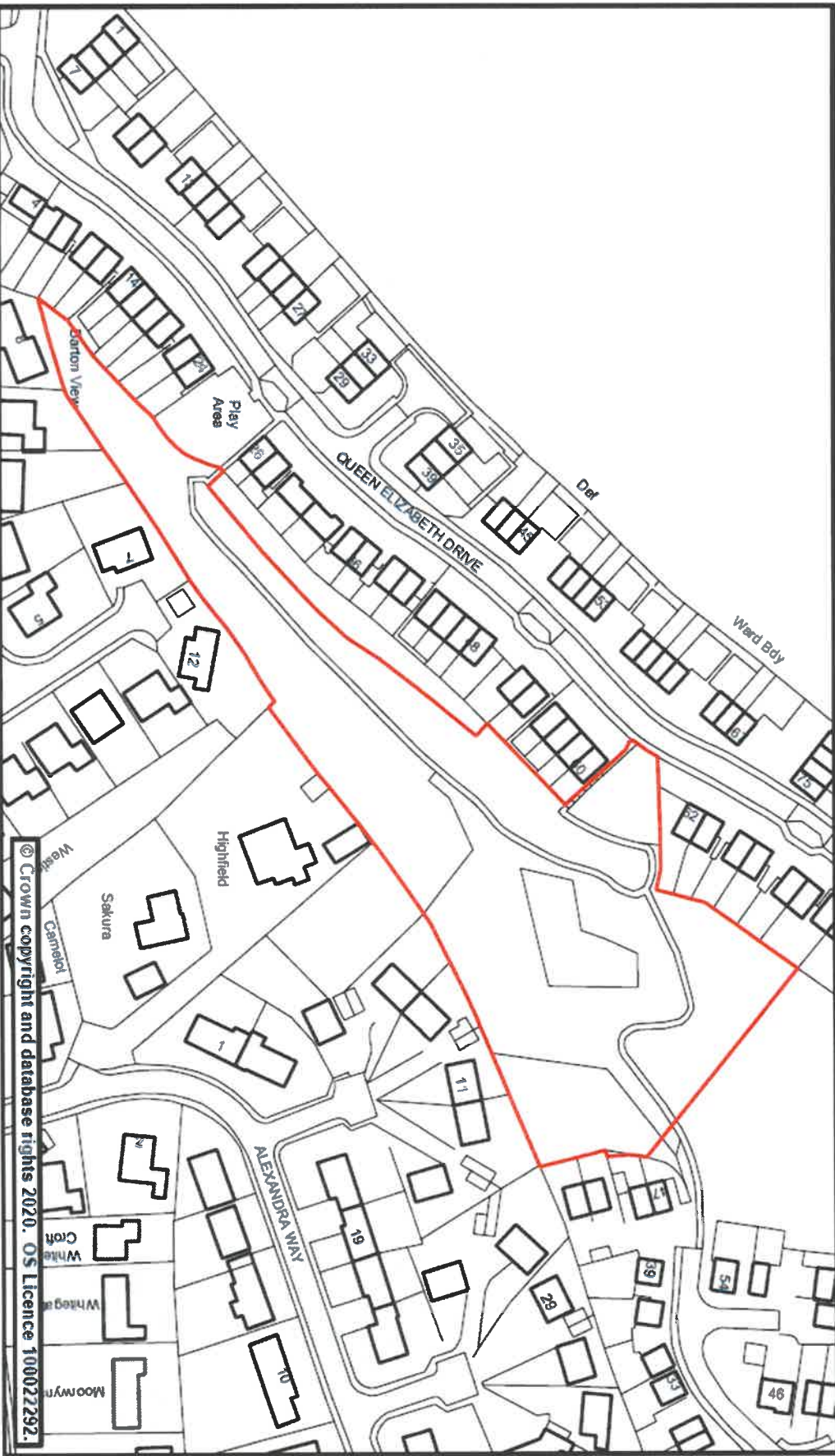
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Street Scene Plan 54

Scale	1:1,302 @ A4	Date	23 January 2020
Dwg. No.	Queen Elizabeth Drive, Crediton	Produced by	GMS Unit

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Website: www.middledevon.gov.uk



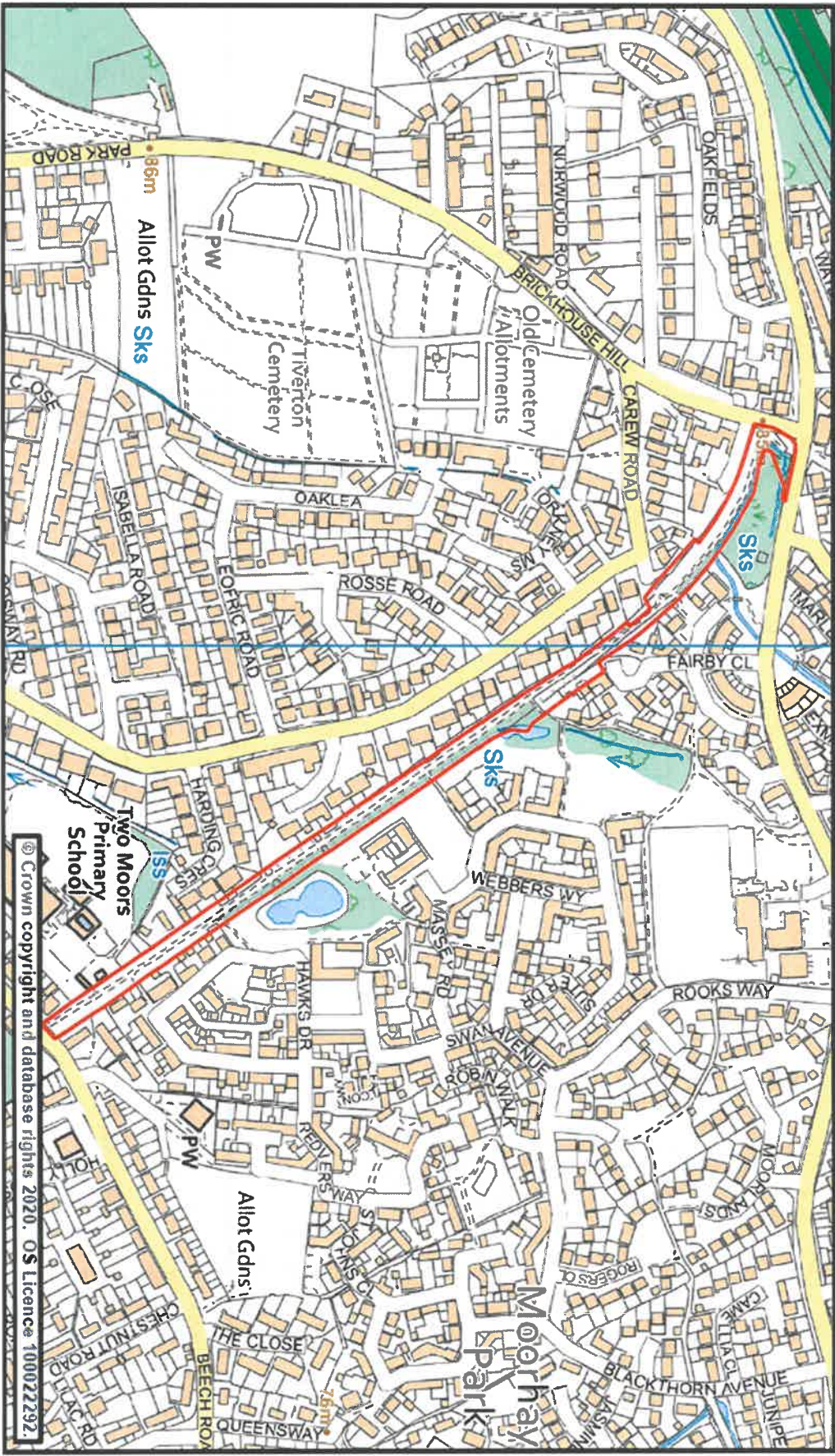
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Street Scene Plan 5.5

Scale	1:3,842 @ A4	Date	23 January 2020
Dwg. No.	Railway Walk, Tiverton		
Produced by	GMS Unit		

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Website: www.middevon.gov.uk



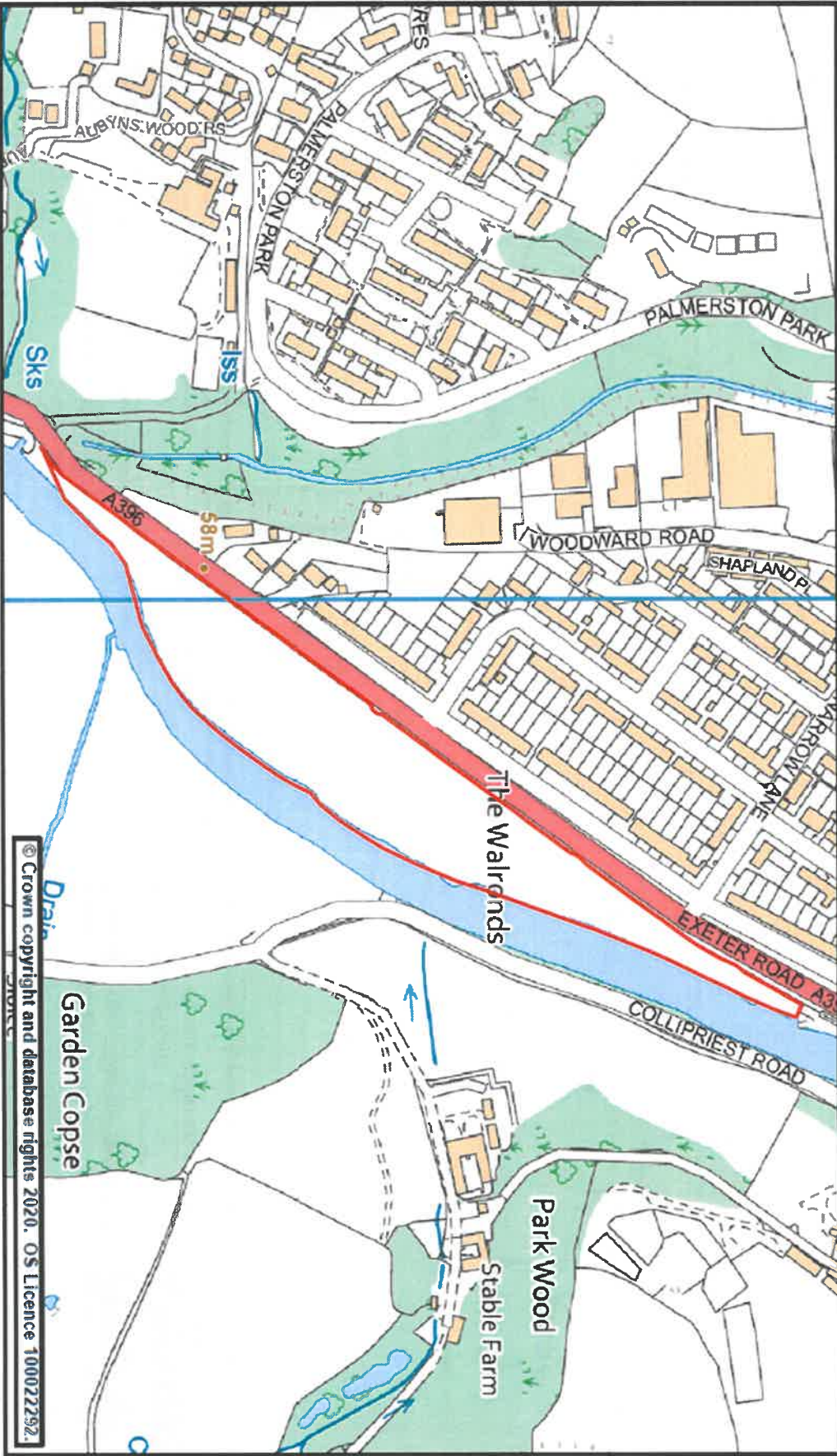
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Street Scene Plan 56

Scale	1:3,287 @ A4	Date	23 January 2020
Drwg. No.	River Exe Recreation, Tiverton	Produced by	GMS Unit

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Website: www.middledevon.gov.uk



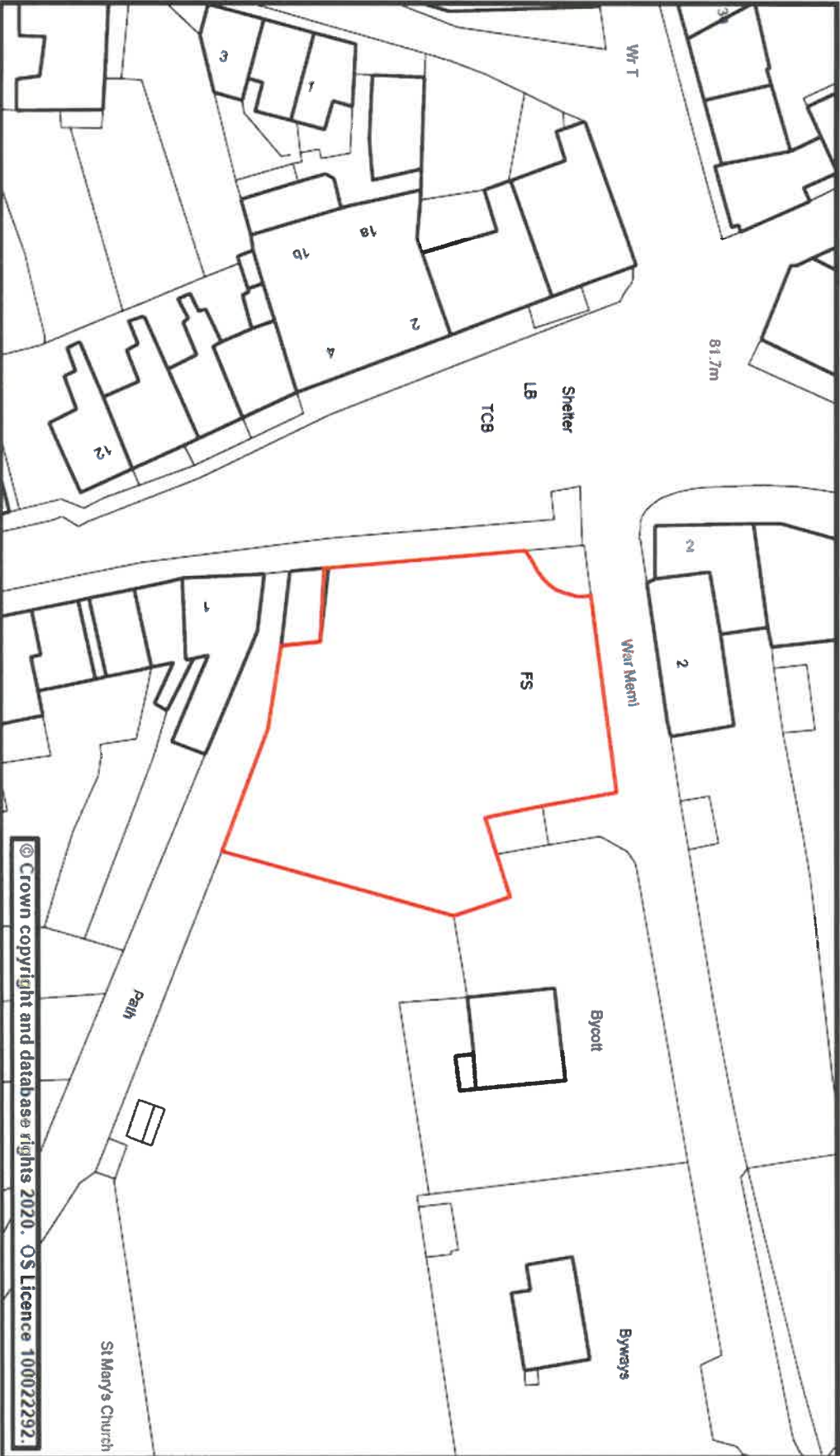
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Street Scene Plan 57

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	School Road, Silverton	Produced by	GMS Unit

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Street Scene Plan 58

Scale	1:1,000 @ A4	Date	23 January 2020
Dwg. No.	Southfield Drive, Crediton	Produced by	GMS Unit

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Website: www.middevon.gov.uk



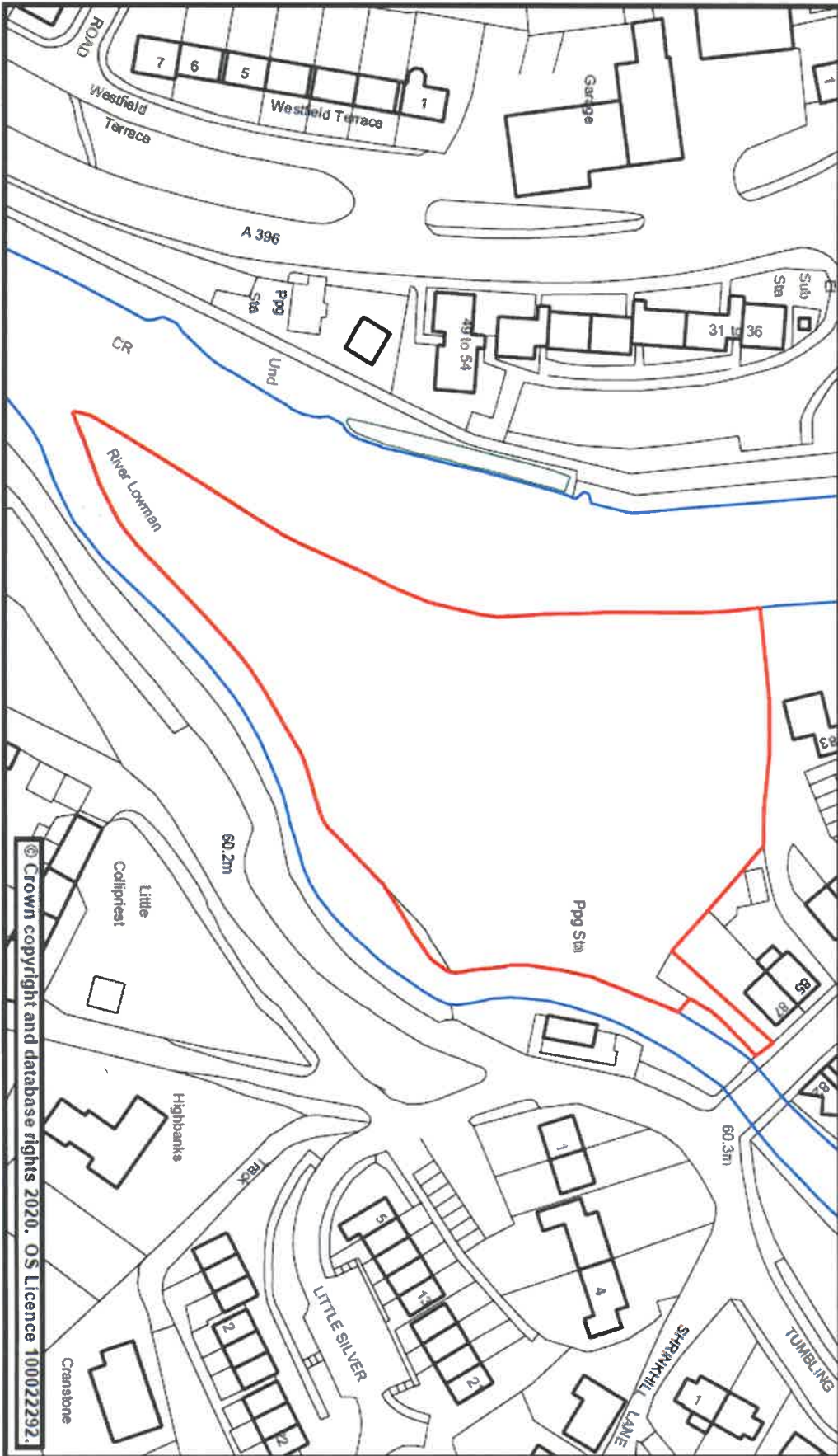
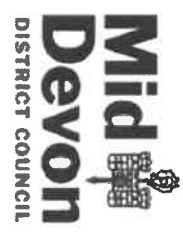
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Street Scene Plan 59

Scale	1:1,000 @ A4	Date	23 January 2020
Dwg. No.	St Andrew Street, Tiverton	Produced by	GMS Unit

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Tel: 01884 255255
Website: www.middevon.gov.uk

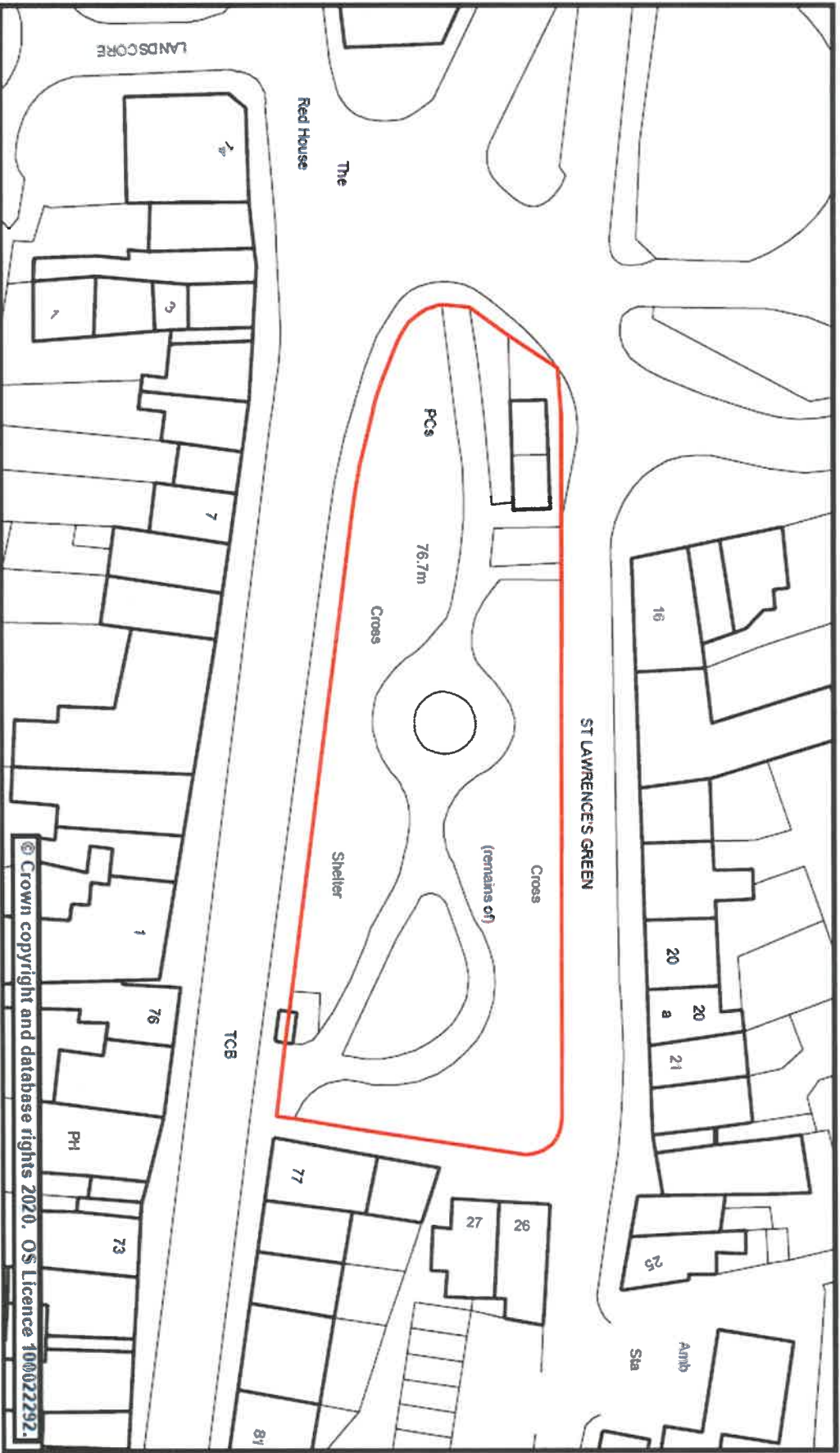




Street Scene Plan 60

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	St Lawrence's Green, Crediton	Produced By	GMS Unit

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Street Scene Plan 61

Scale	1:1,000 @ A4	Date	23 January 2020
Dwg. No.	Starkey Close, Tiverton	Produced by	GMS Unit

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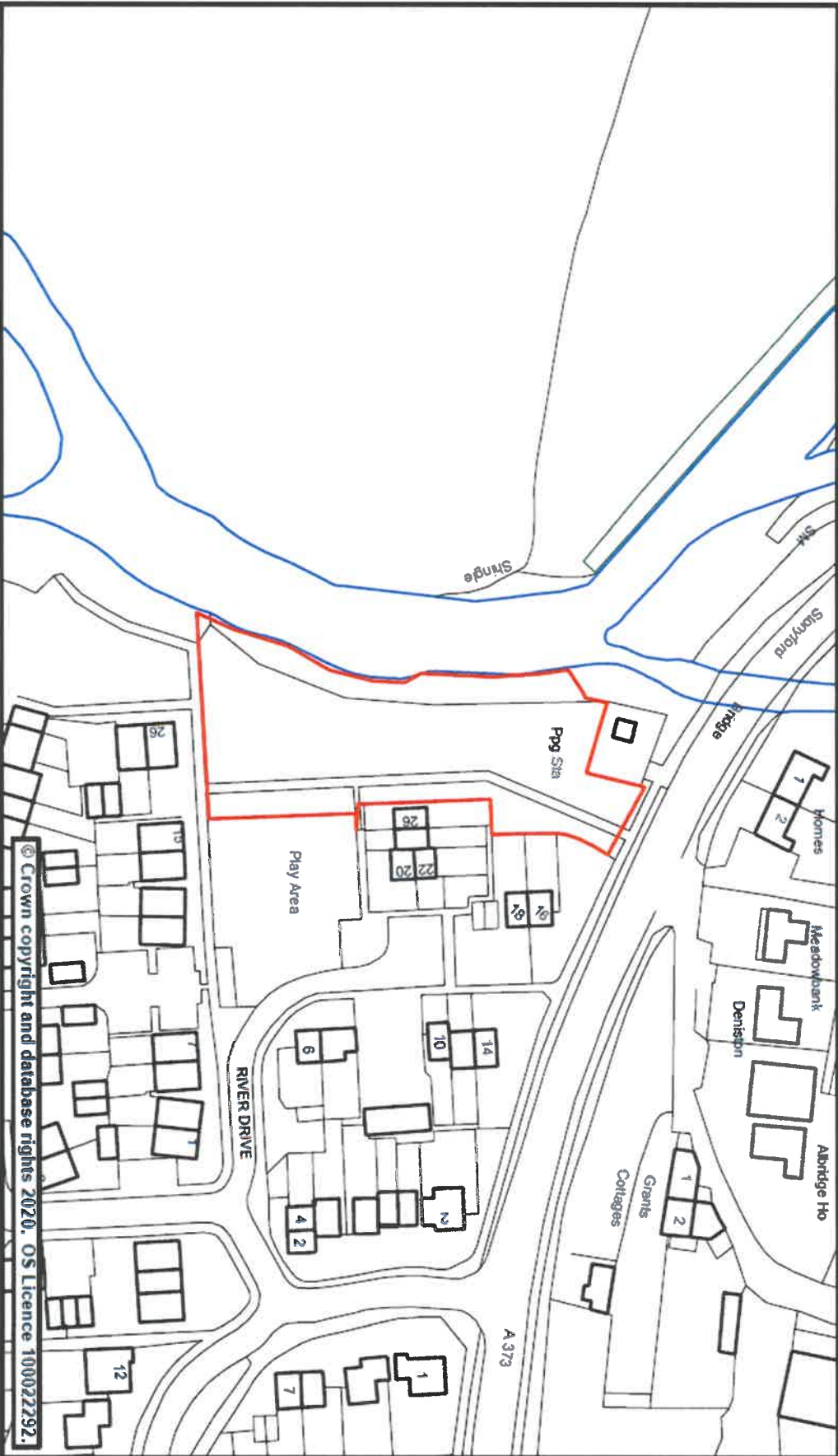
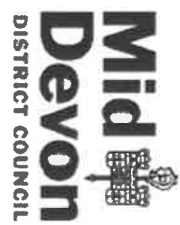
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Street Scene Plan 62

Scale	1:1,000 @ A4	Date	23 January 2020
Dwg. No.	Stoneyford, Culiompton	Produced by	GMS Unit

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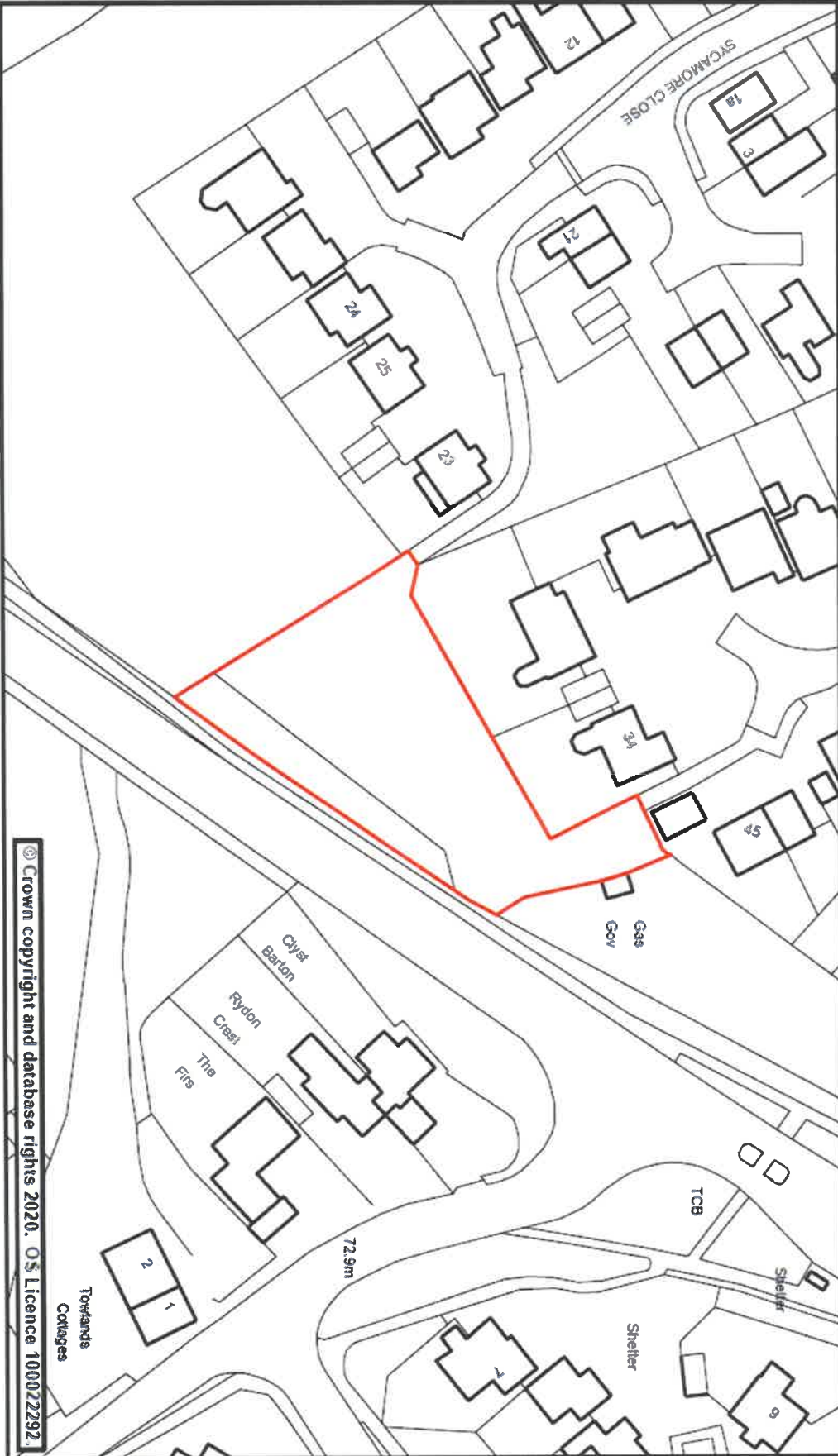
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Street Scene Plan 63

Scale	1:750 @ A4	Date	23 January 2020
Dwg. No.	Sycamore Close Play Area, Willand	Produced by	GMS Unit

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Street Scene Plan 64

Scale	1:750 @ A4	Date	23 January 2020
Dwg. No.	The Oval, Tiverton	Produced by	GMS Unit

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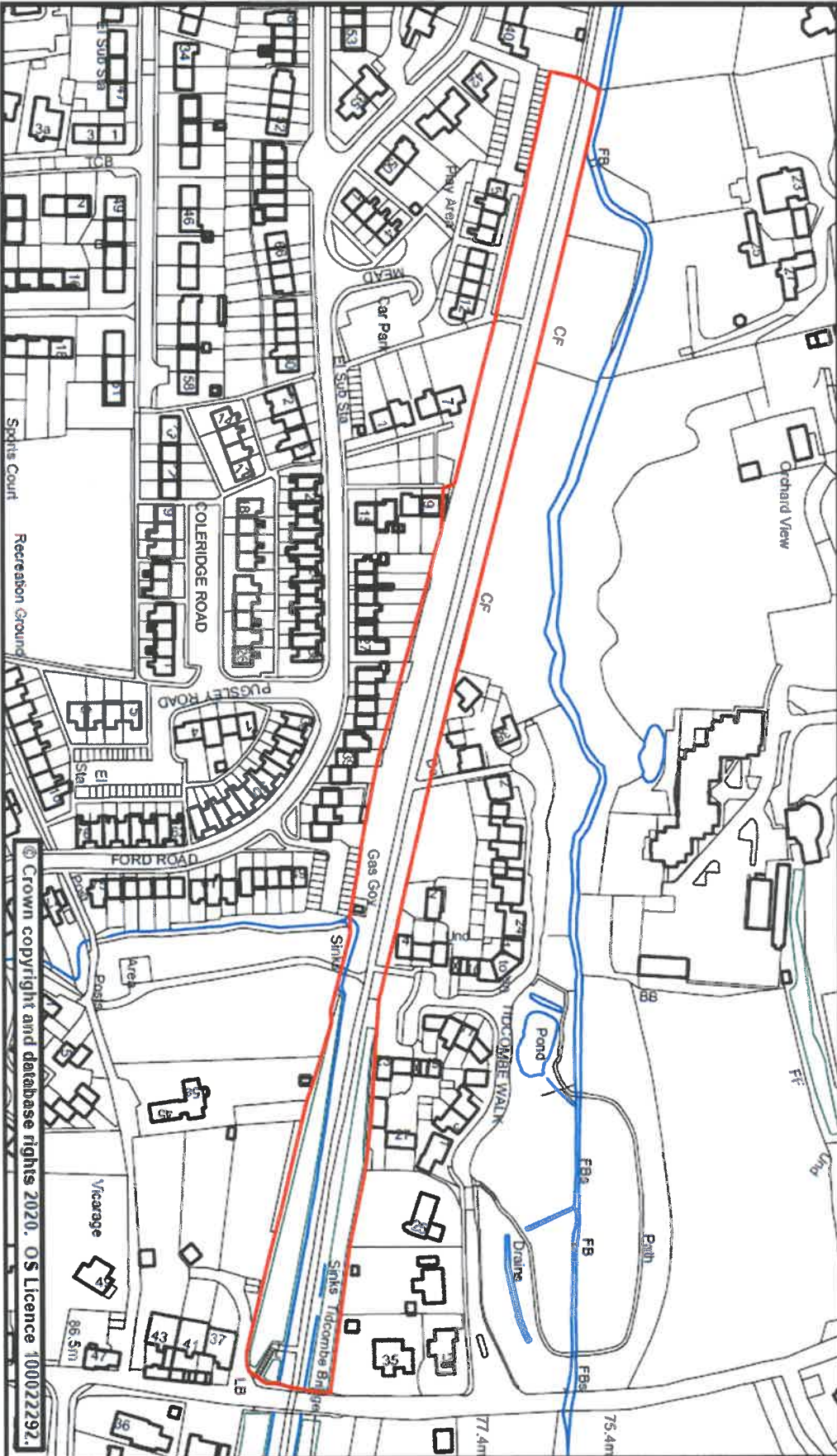




Street Scene Plan 65

Scale	1:1,962 @ A4	Date	23 January 2020
Dwg. No.	Tidcombe Railway Walk, Tiverton	Produced by	GMS Unit

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Website: www.middledevon.gov.uk

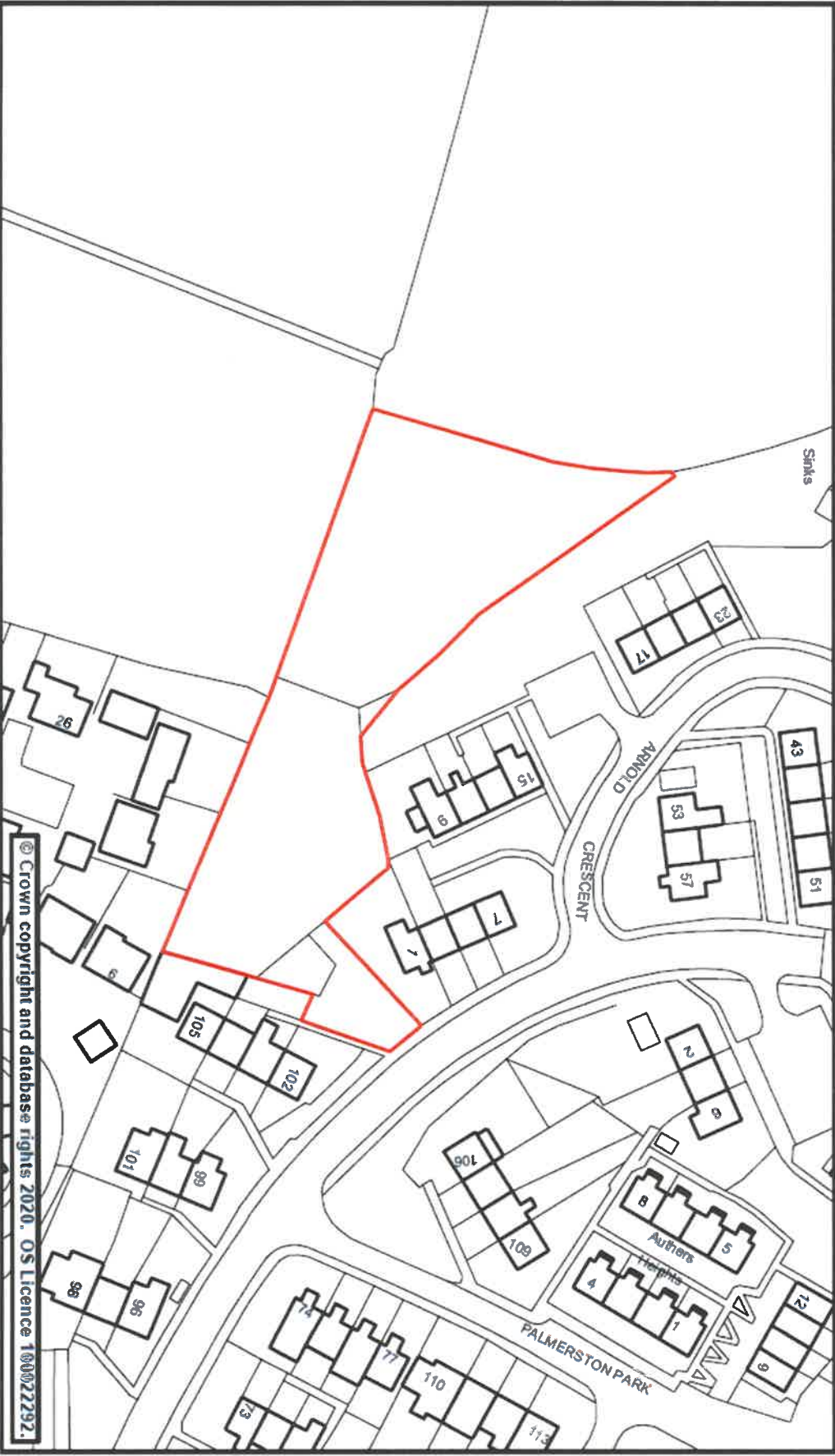




Street Scene Plan 66

Scale	1:1,000 @ A4	Date	23 January 2020
Dwg. No.	Tree Field, Tiverton	Produced by	GMS Unit

Phoenix House
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Tel: 01884 255255
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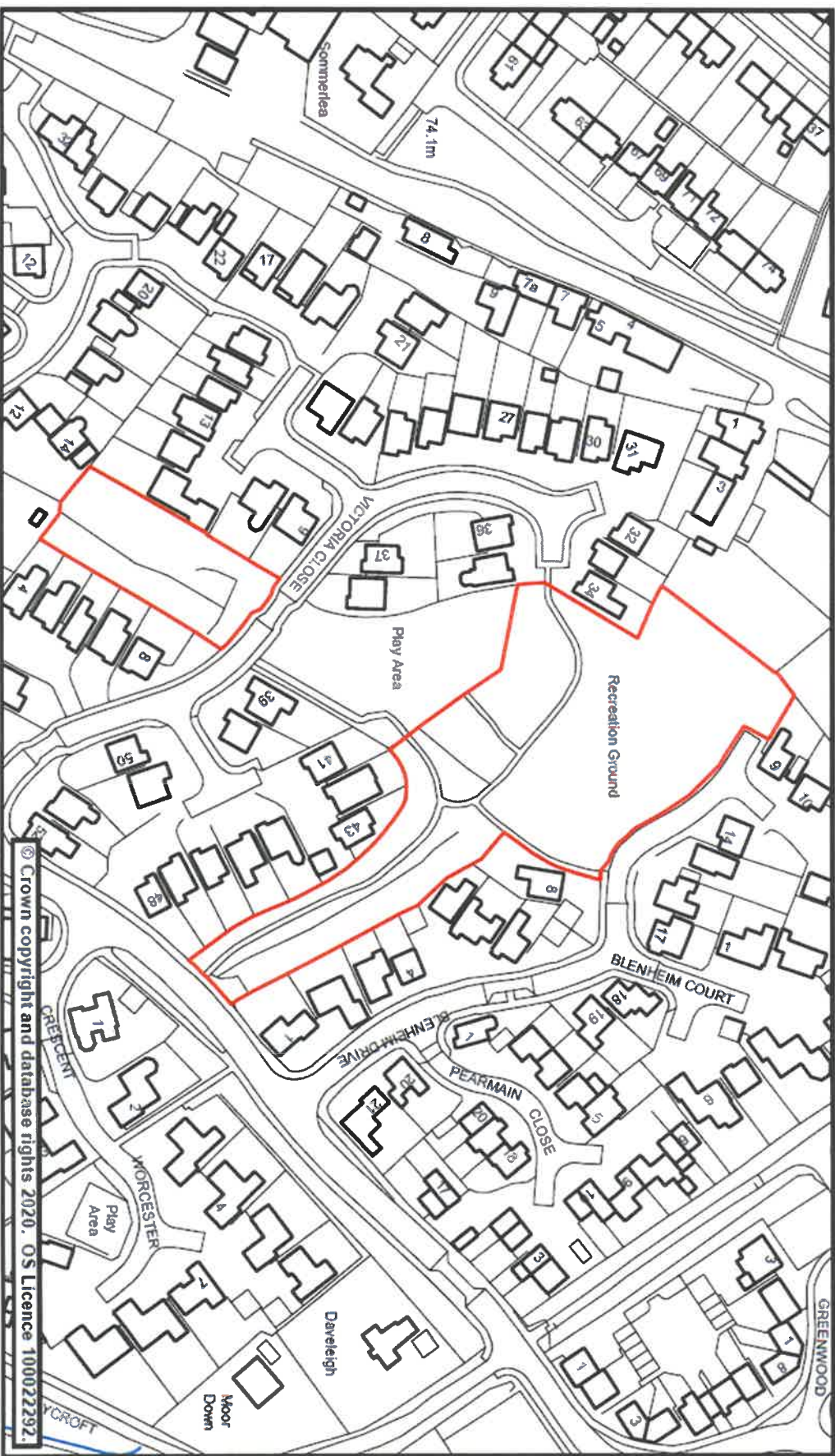
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Street Scene Plan 67

Scale	1:1,352 @ A4	Date	23 January 2020
Dwg. No.	Victoria Close, Willand	Produced by	GMS Unit

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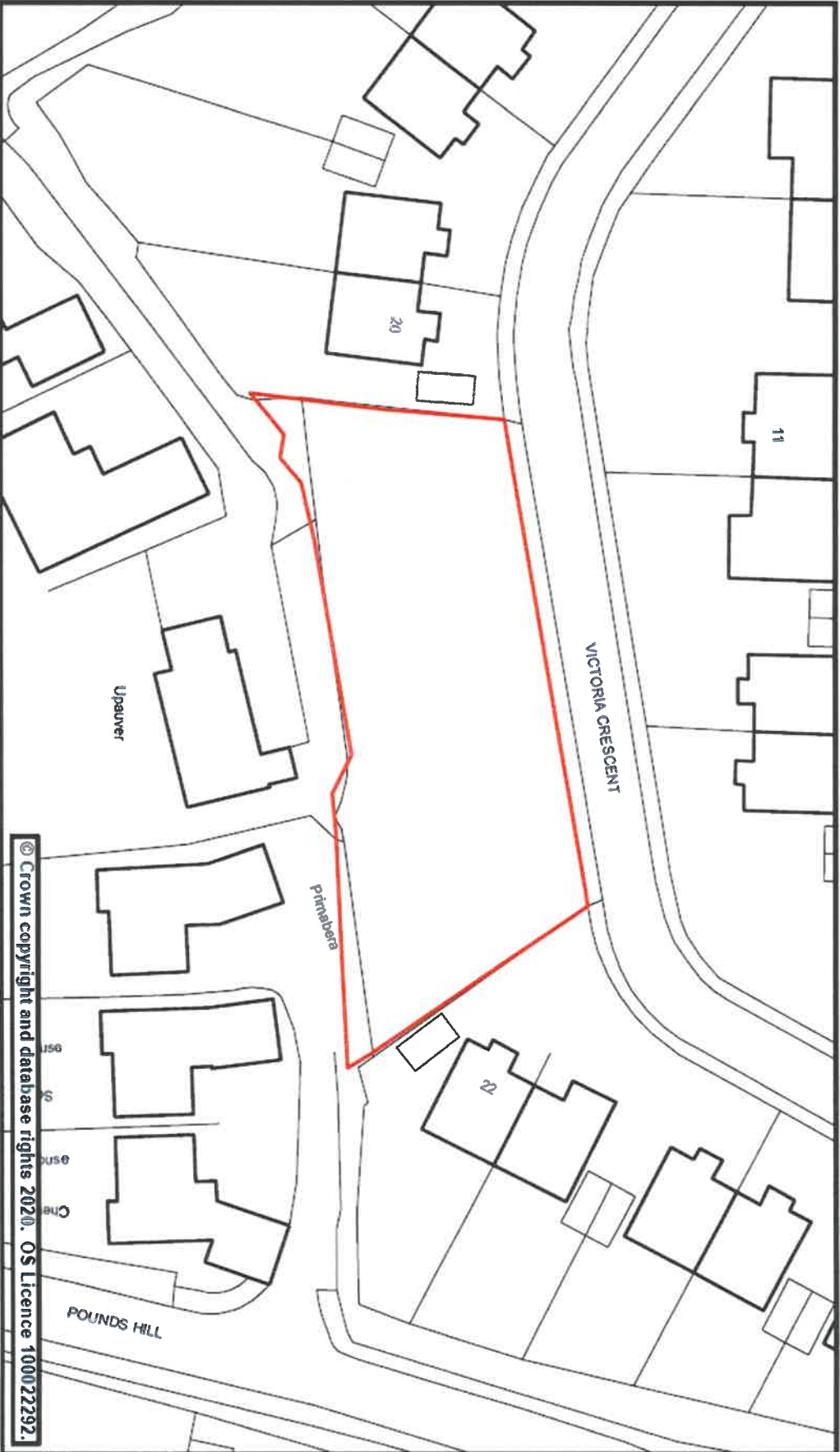




Street Scene Plan B8

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	Victoria Crescent, Crediton	Produced by	GMS Unit

Phoenix House
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Website: www.middevon.gov.uk





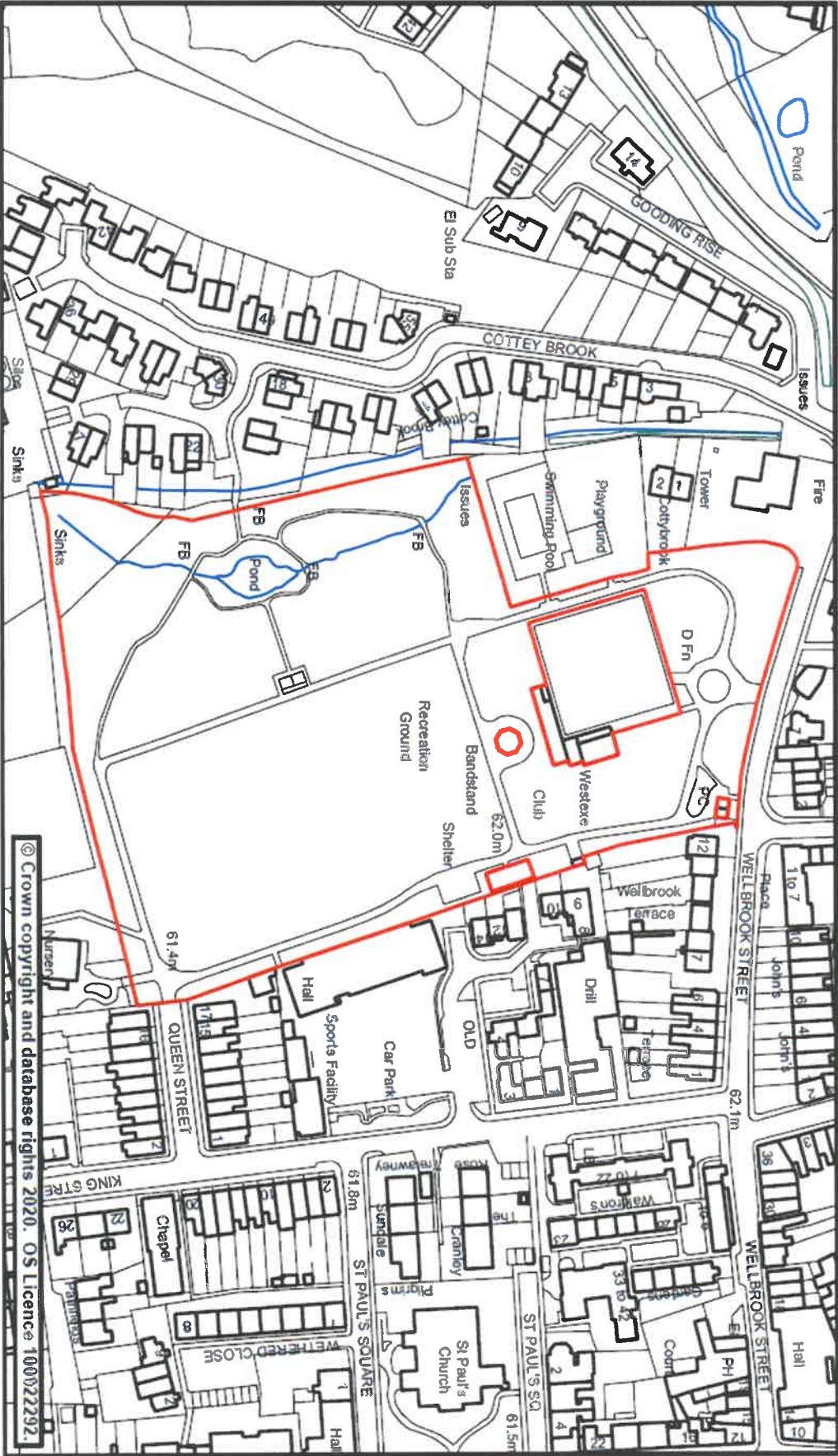
Street Scene

Plan 69

Scale	1:1,635 @ A4	Date	23 January 2020
Dwg. No.	West-Exe Recreation Ground, Tiverton	Produced by	GMS Unit

Phoenix House
Phoenix Lane, Tiverton EX16 6PP

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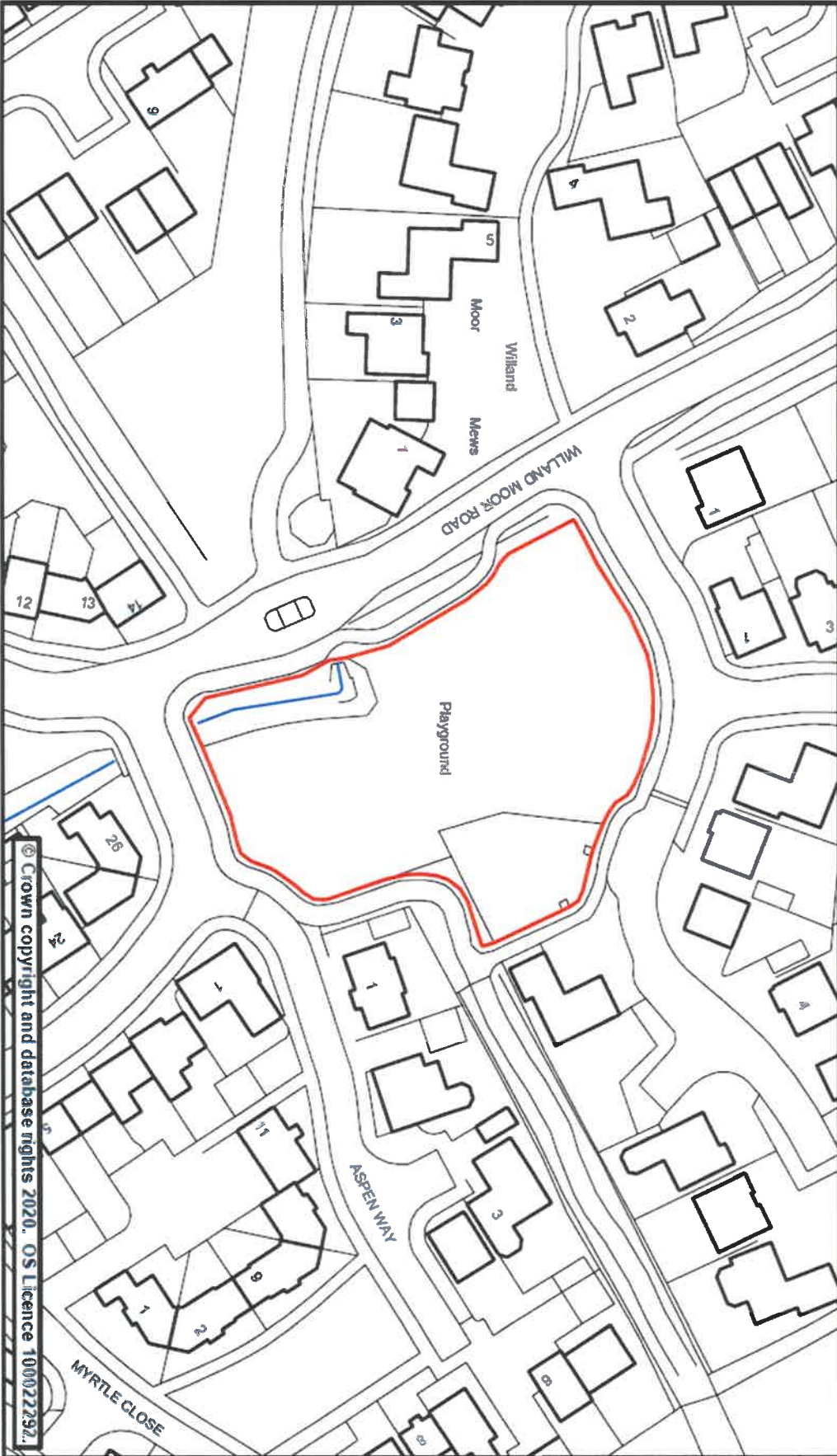
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Street Scene Plan 70

Scale	1:750 @ A4	Date	23 January 2020
Dwg. No.	Willand Moor Road, Willand	Produced by	GMS Unit

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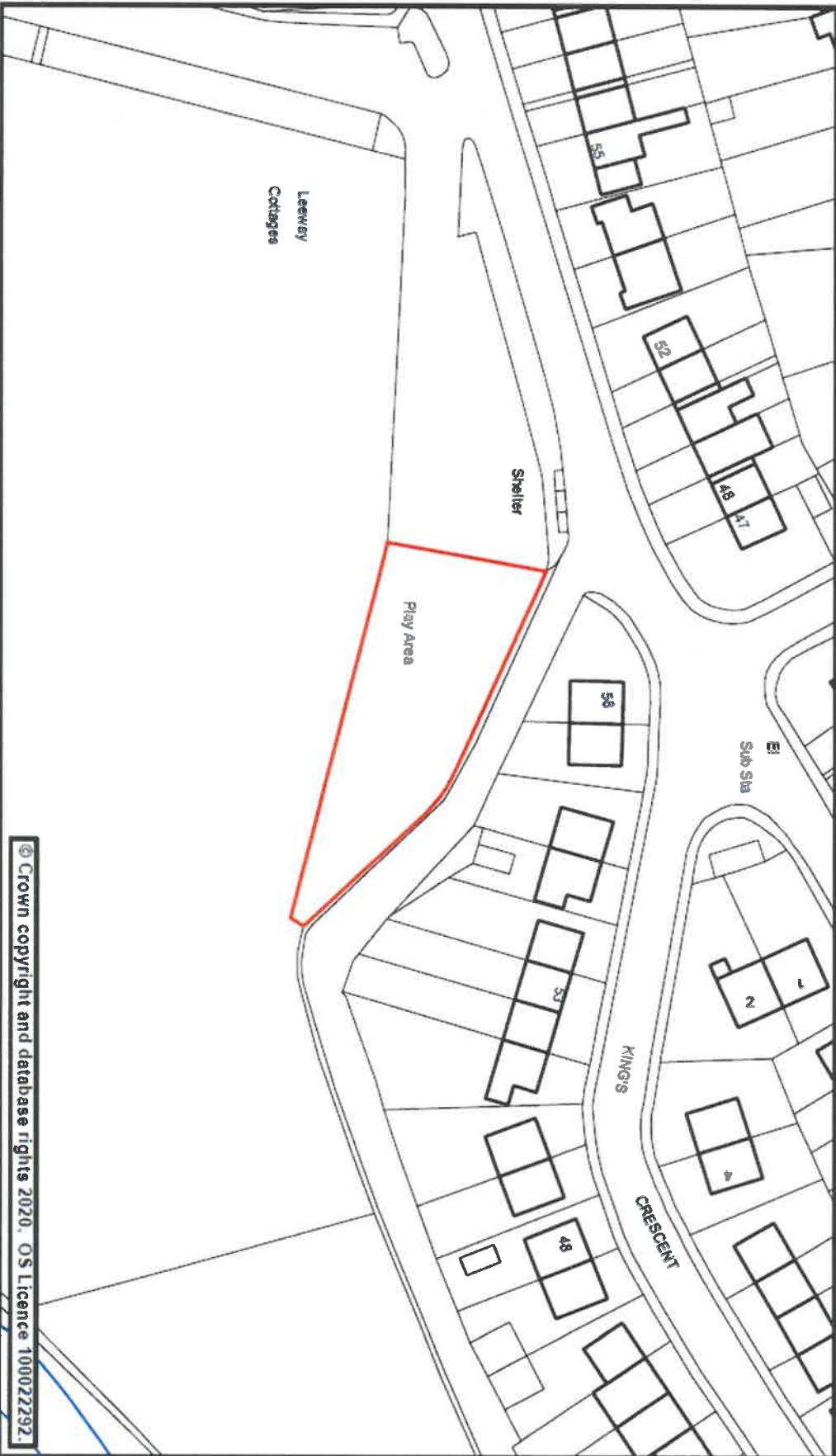
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Street Scene Plan 7/

Scale	1:750 @ A4	Date	23 January 2020
Dwg. No.	Amory Park, Tiverton	Produced by	GMS Unit

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Street Scene Plan 72

Scale	1:250 @ A4	Date	23 January 2020
Dwg. No.	Ash Drive, Cullompton	Produced by	GMS Unit

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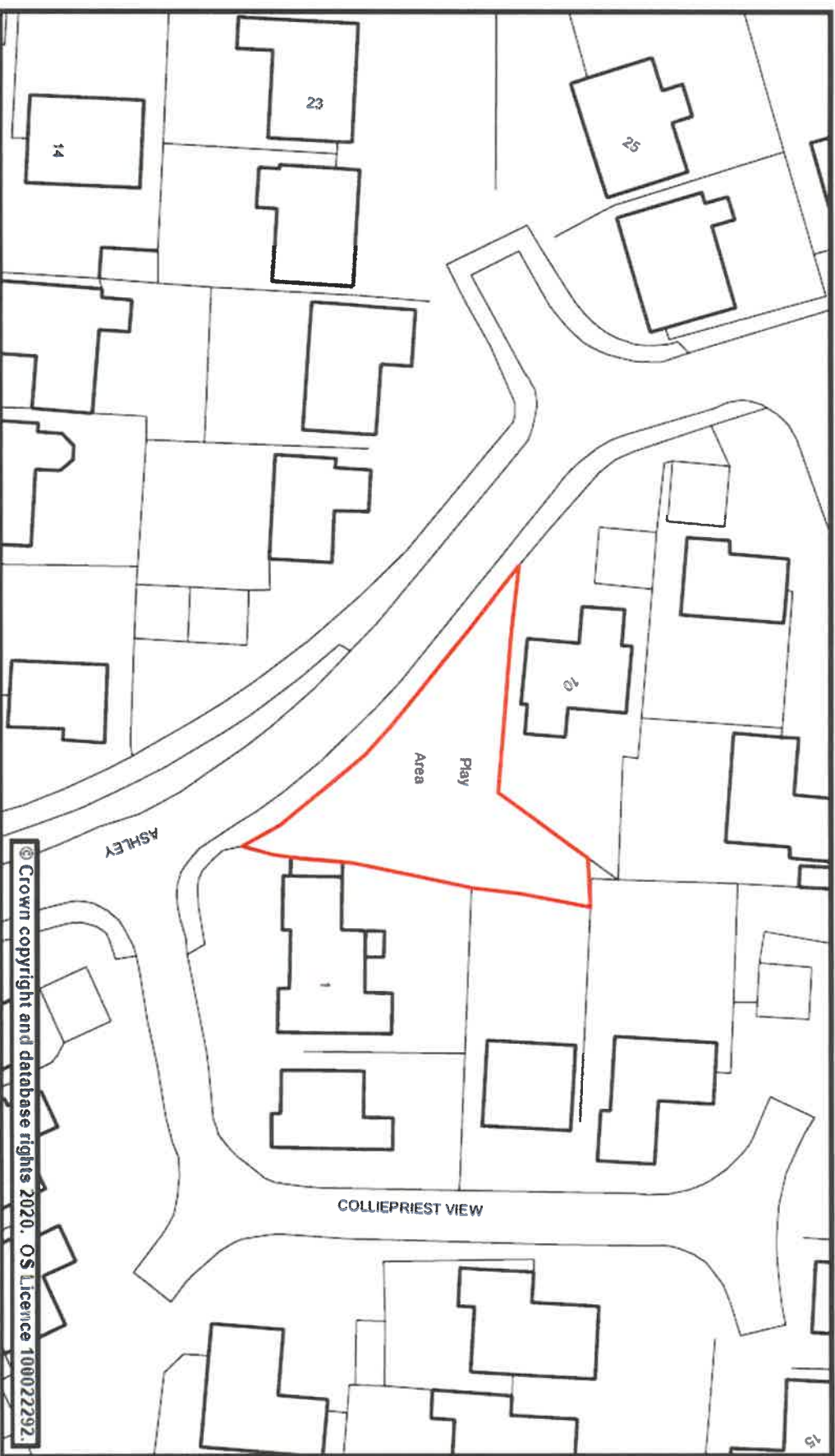
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Street Scene Plan 73

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	Ashley Rise, Tiverton	Produced by	GMS Unit

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Street Scene

Plan 74

Scale	1:750 @ A4	Date	23 January 2020
Dwg. No.	Banksia Close, Tiverton	Produced By	GMS Unit

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Tel: 01884 255255

Website: www.milddevon.gov.uk



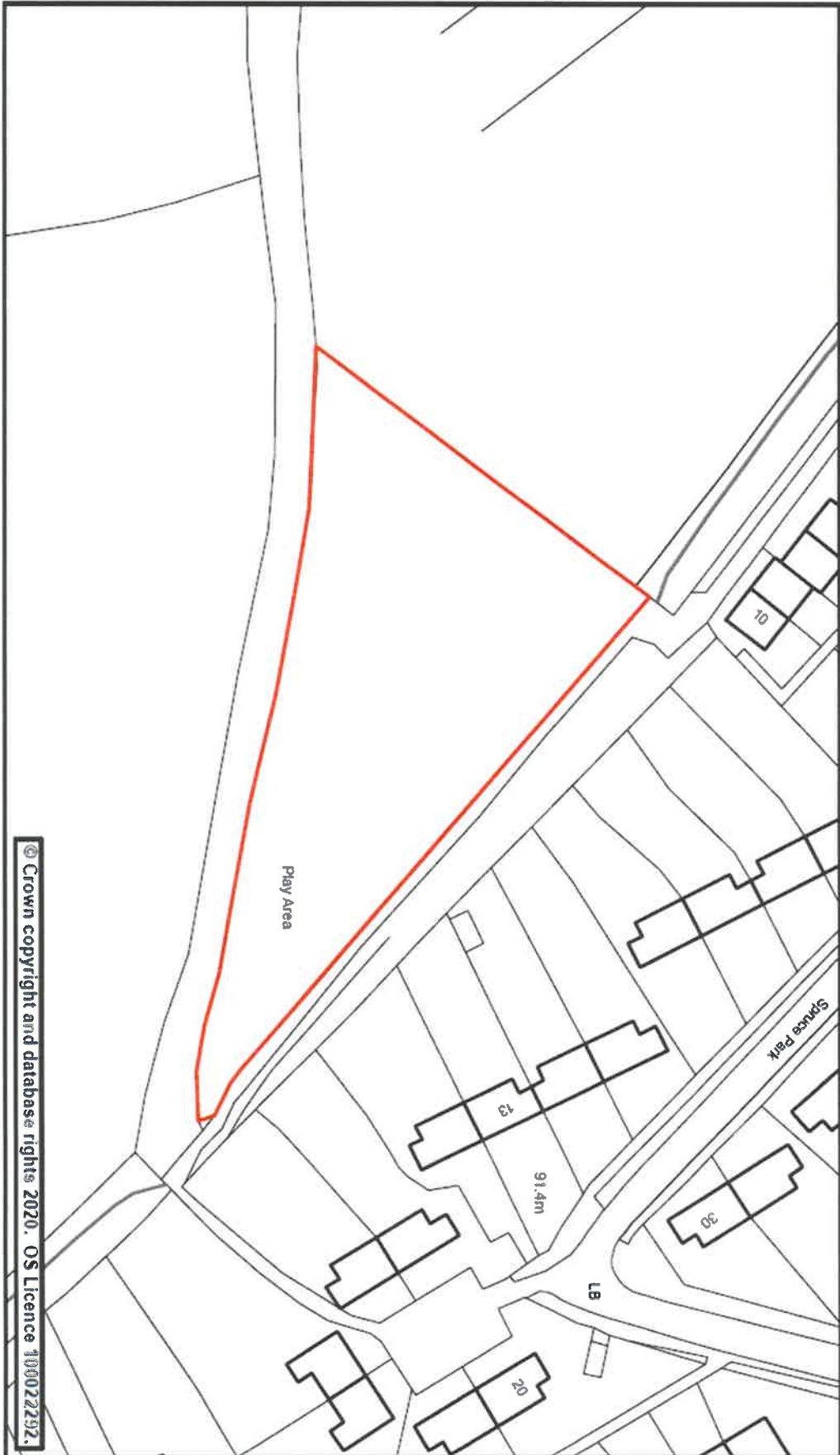
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Street Scene Plan 75

Scale	1:750 @ A4	Date	23 January 2020
Dwg. No.	Barnfield, Credition	Produced by	GMS Unit

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Street Scene Plan 7c

Scale	1:750 @ A4	Date	23 January 2020
Dwg. No.	Barns Close, Bradninch	Produced by	GMS Unit

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Street Scene Plan 77

Scale	1:750 @ A4	Date	23 January 2020
Dwg. No.	Bockland Close, Cullompton	Produced by	GMS Unit

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Website: www.middevon.gov.uk



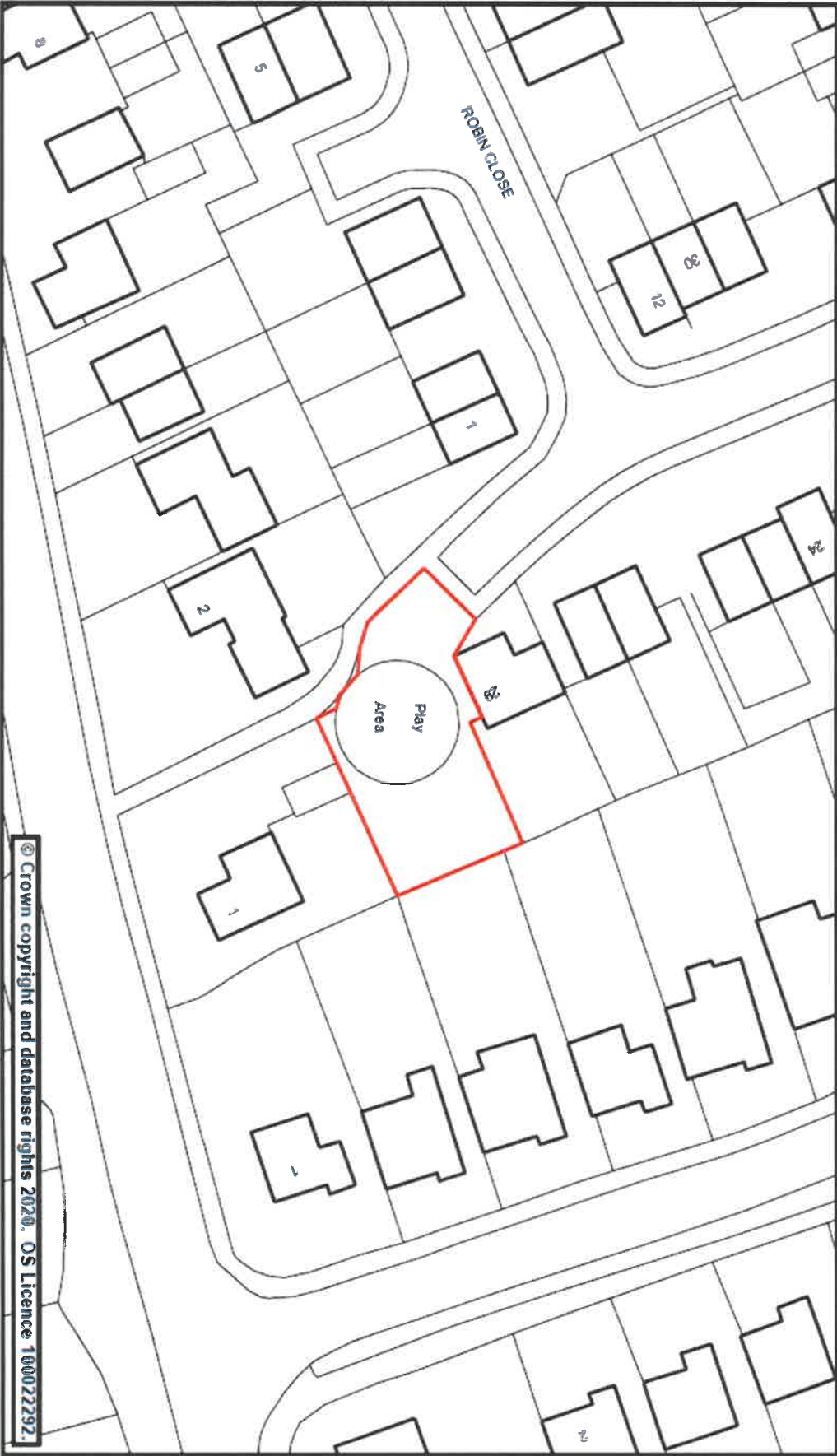
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Street Scene Plan 78

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	Chaffinch Drive, Culiompton	Produced by	GMS Unit

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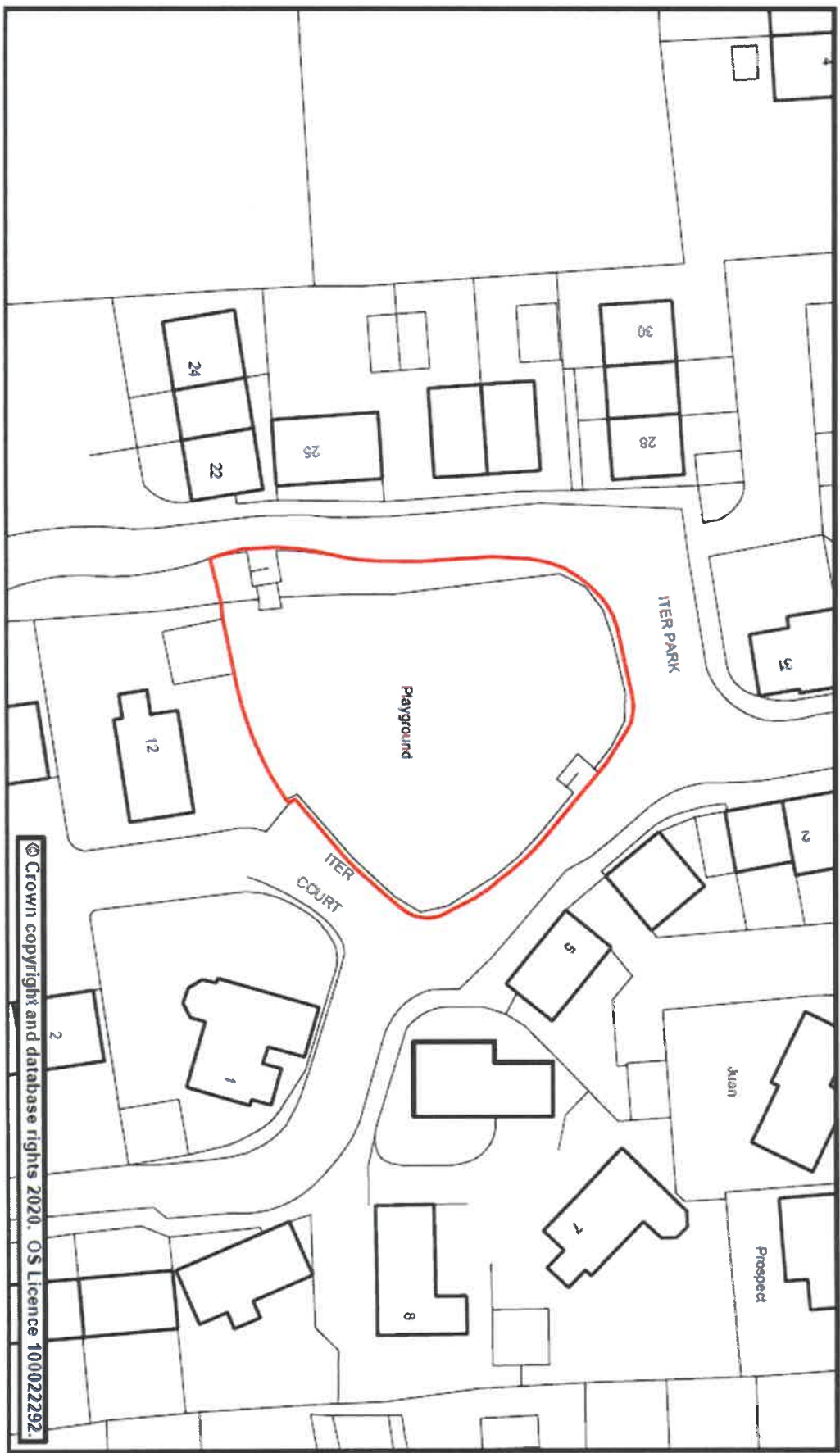
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Street Scene Plan 79

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	Churchlands, Bow	Produced by	GMS Unit

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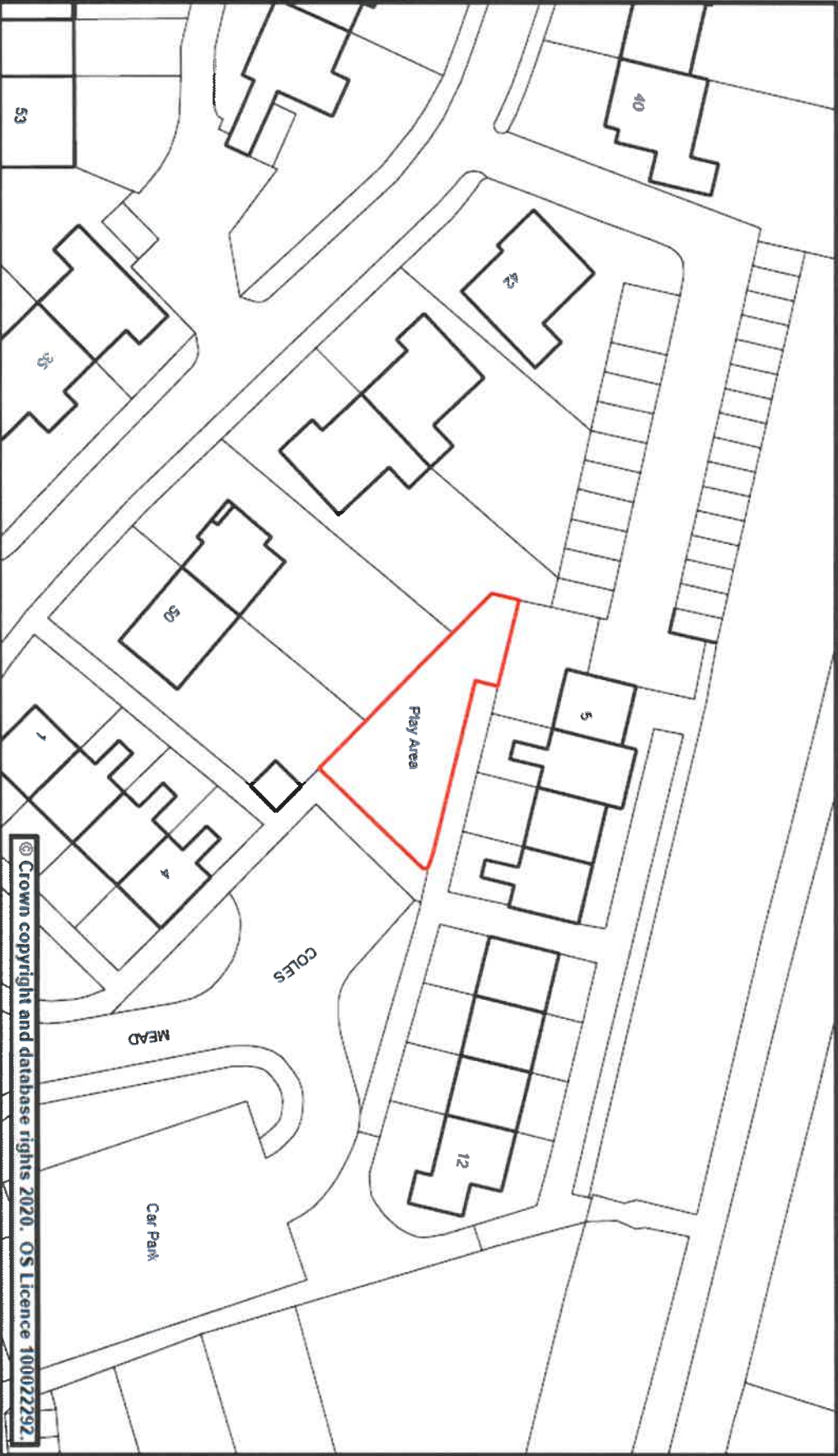
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Street Scene Plan 80

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	Coles Mead, Tiverton	Produced by	GMS Unit

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Street Scene Plan 5/1

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	Conifer Close, Cullompton	Produced by	GMS Unit

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Street Scene Plan 82

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	Cornlands, Sampford Peverell	Produced by	GMS Unit

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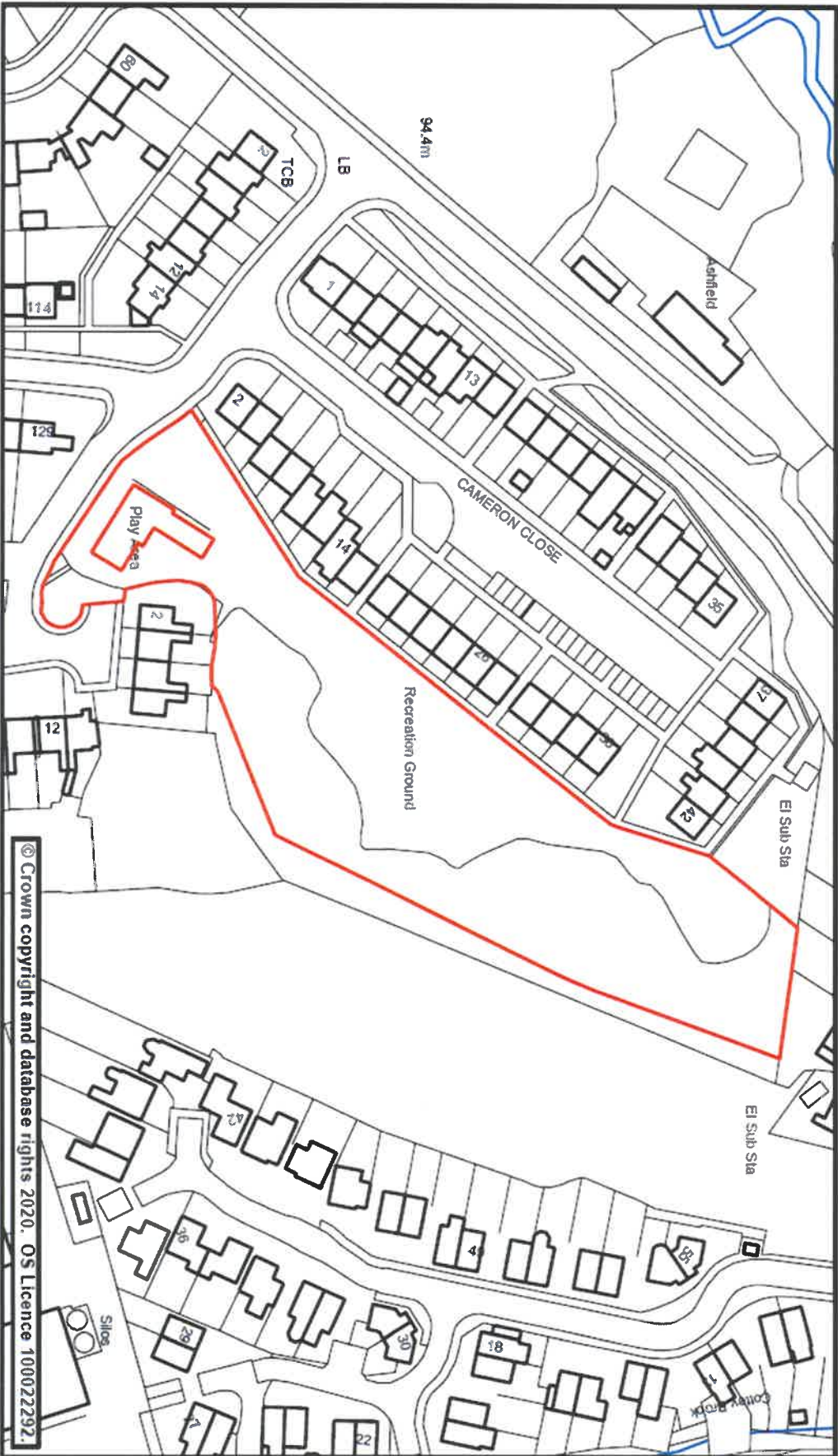
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Street Scene Plan 83

Scale	1:1,093 @ A4	Date	23 January 2020
Dwg. No. Cotteylands/Cameron Close, Tiverton		Produced by GMS Unit	

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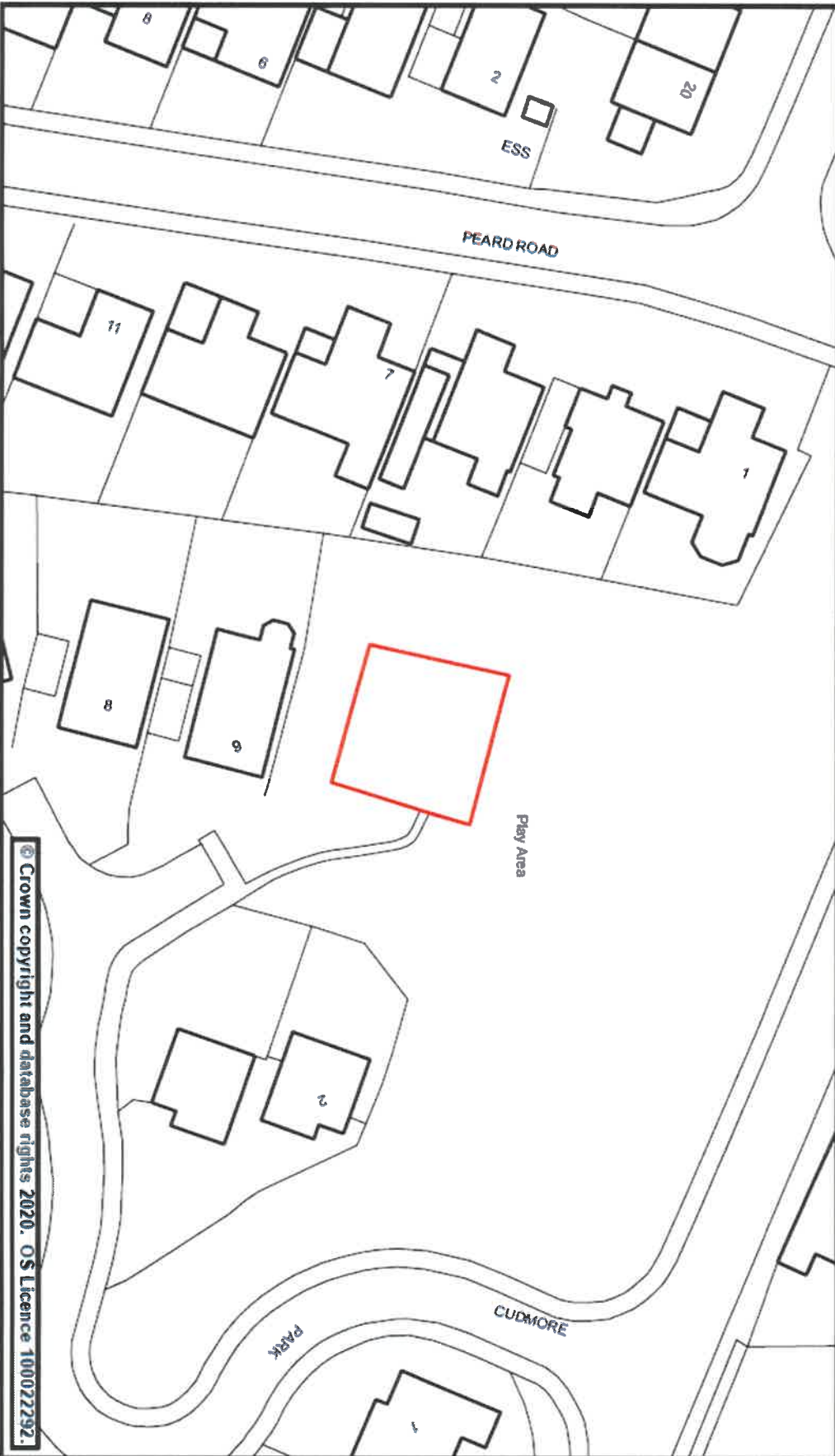
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Street Scene Plan 84

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	Cudmore Park, Tiverton	Produced by	GMS Unit

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Street Scene Plan 85

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	Culm Valley Way, Uffculme	Produced by	GMS Unit

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Street Scene Plan 86

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	Dove Close, Cullompton	Produced by	GMS Unit

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Website: www.middevon.gov.uk



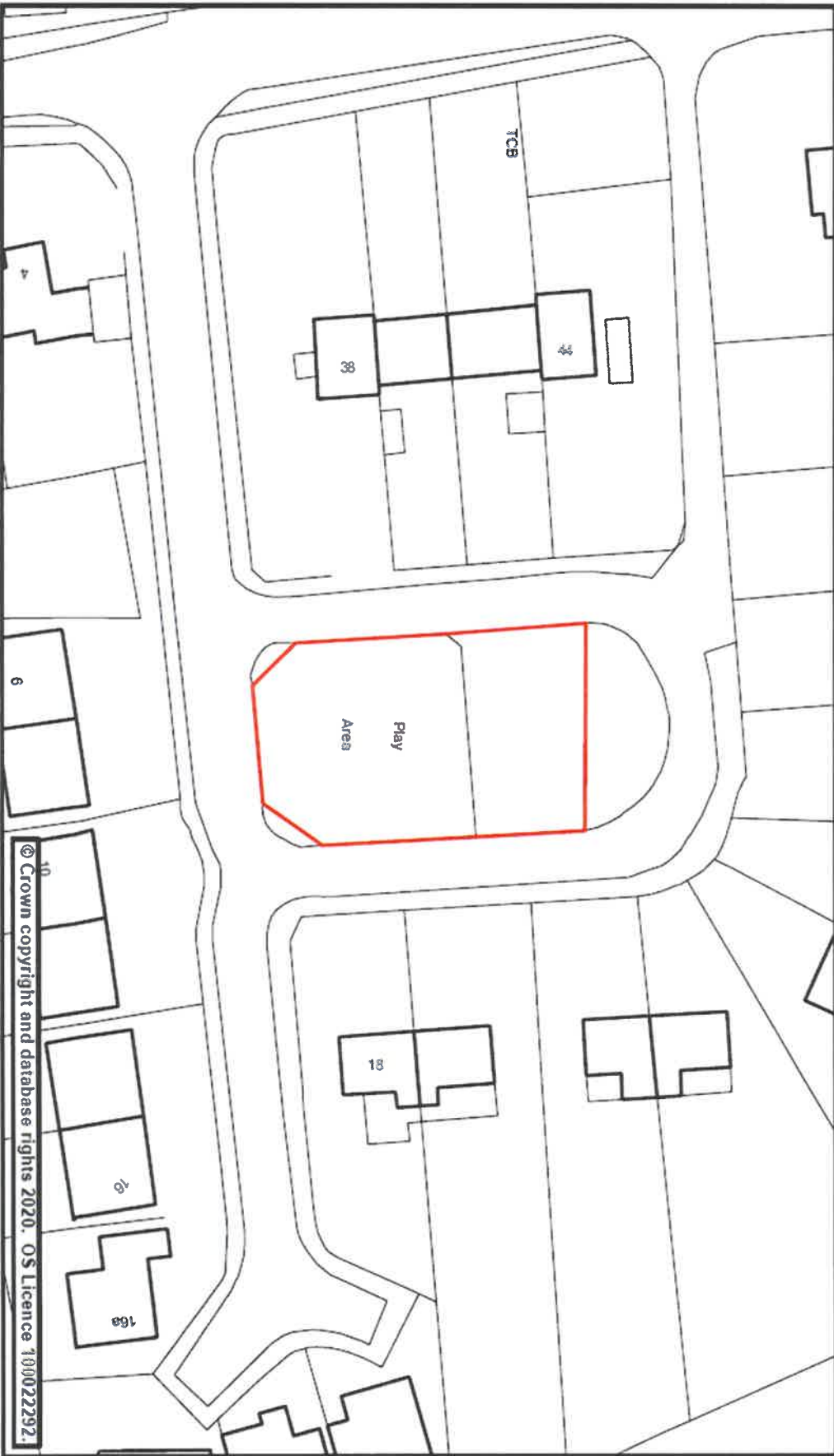
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Street Scene Plan 87

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	Ellerhayes, Hele	Produced by	GMS Unit

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Street Scene Plan 88

Scale	1:750 @ A4	Date	23 January 2020
Dwg. No.	Everett Place, Tiverton	Produced by	GMS Unit

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Website: www.middevon.gov.uk



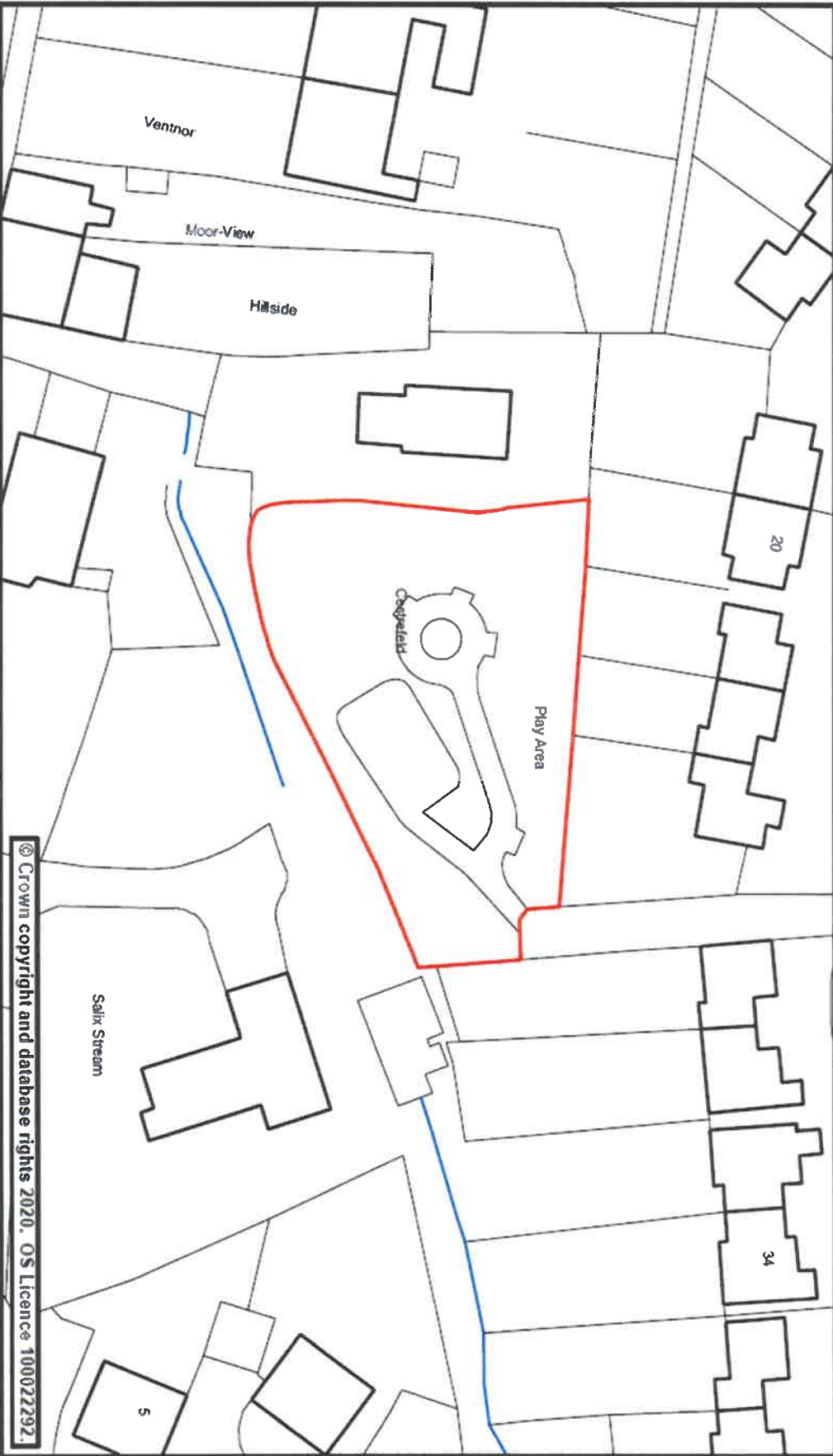
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Street Scene Plan 89

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	Ferworthy, Coppelstone	Produced by	GMS Unit

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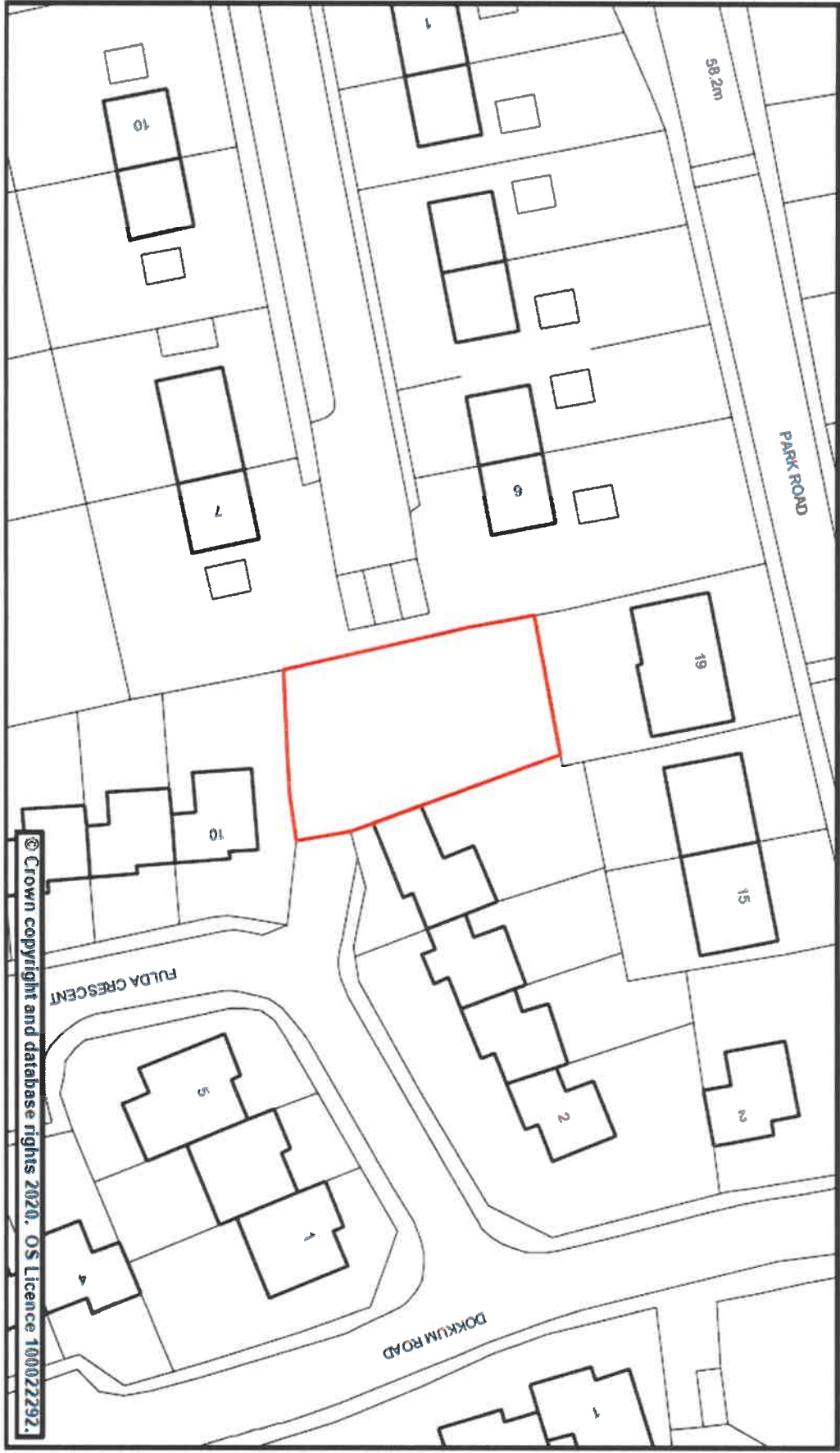
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Street Scene Plan 96

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	Fulda Crescent, Credition	Produced by	GMS Unit

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Street Scene

Plan 91

Scale	1:750 @ A4	Date	23 January 2020
Drwg. No.	Glebelands, Cheriton Bishop	Produced by	GMS Unit

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Street Scene Plan 92

Scale	1:500 @ A4	Date	23 January 2020
Org. No.	Godfrey's Garden, Bow	Produced by	GMS Unit

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Street Scene Plan 93

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	Greenaway, Morchard Bishop	Produced by	GMS Unit

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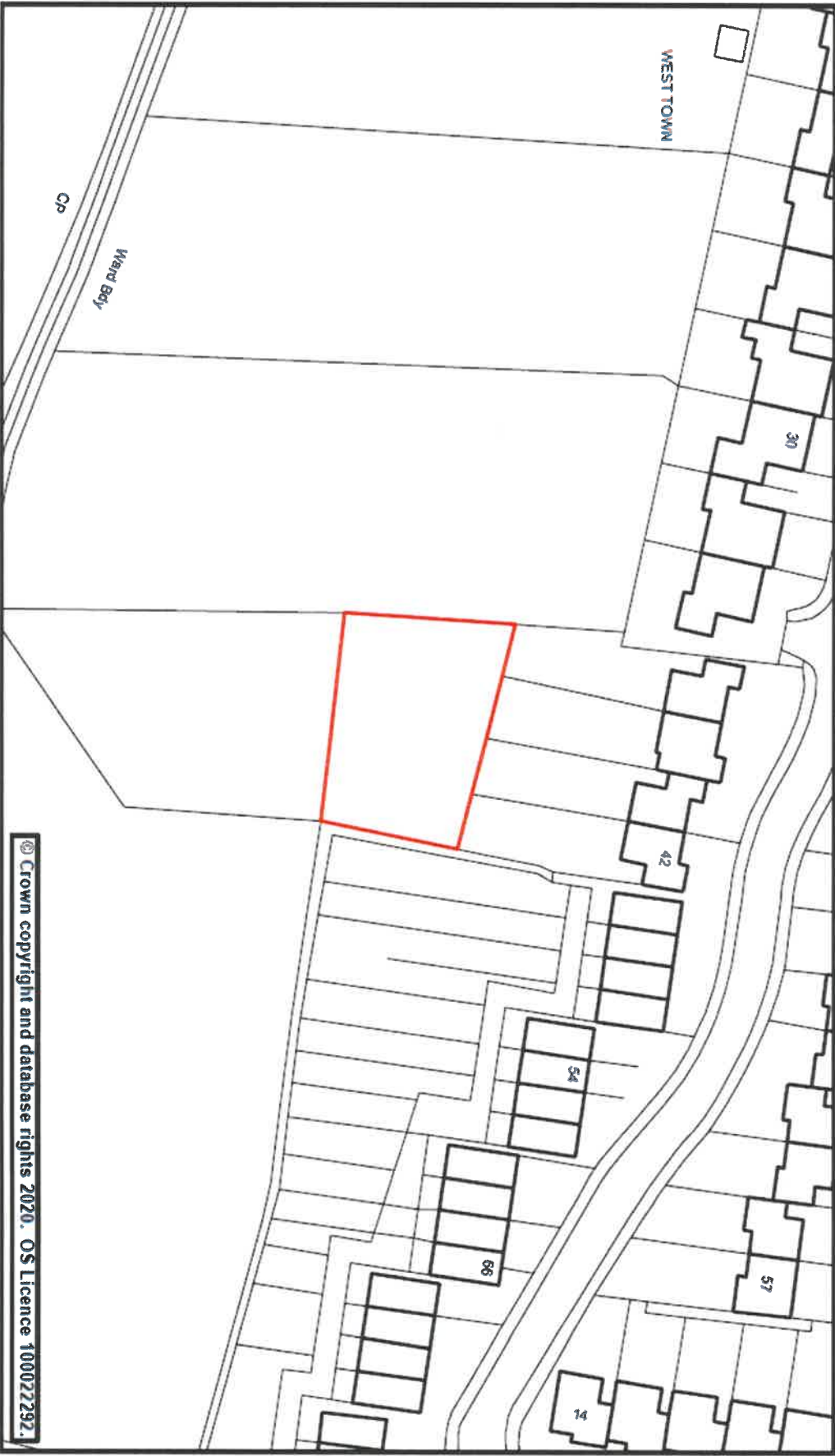




Street Scene Plan 94

Scale	1:750 @ A4	Date	23 January 2020
Dwg. No.	Greenway, Crediton	Produced by	GMS Unit

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Website: www.middledevon.gov.uk



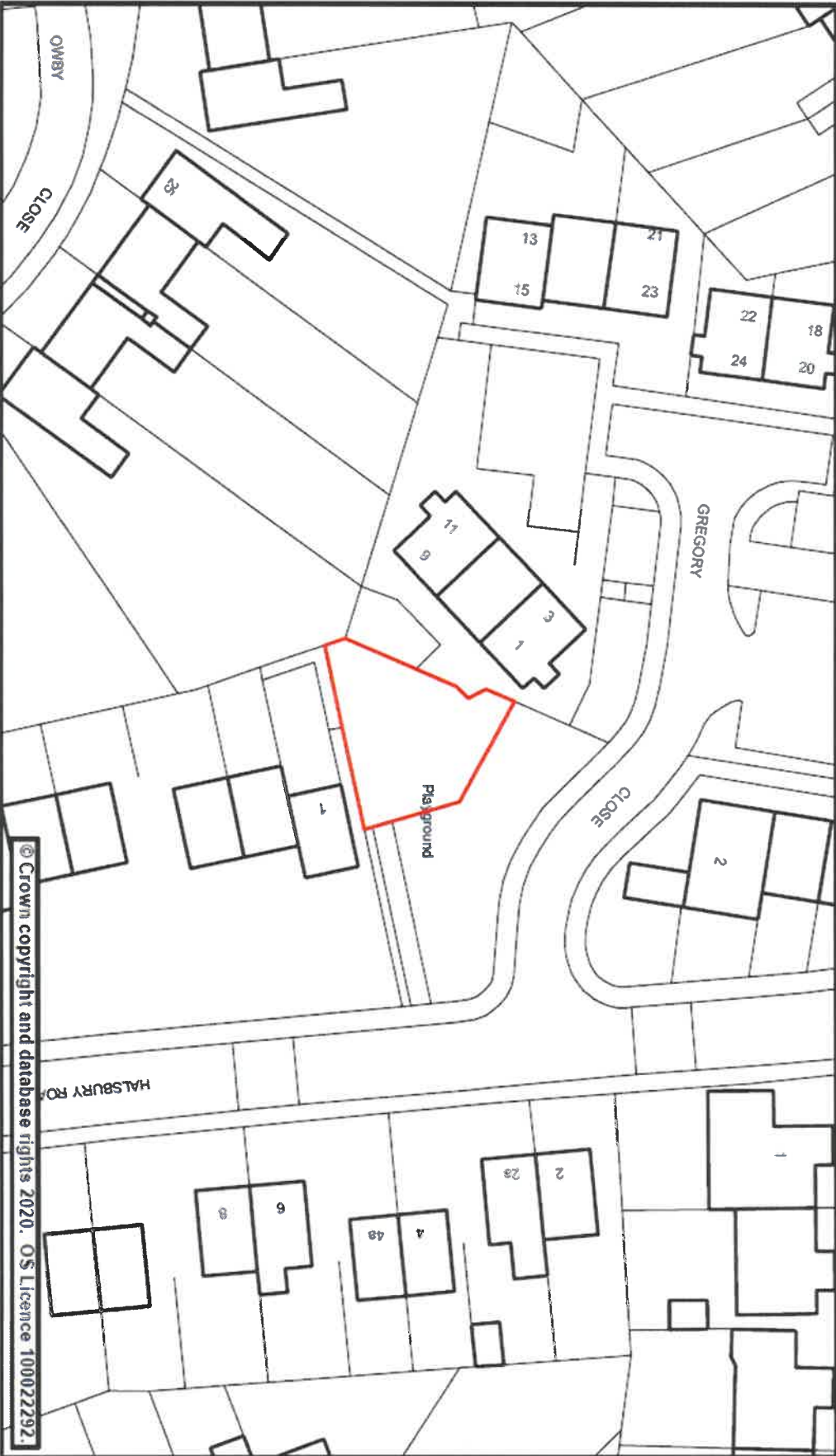
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Street Scene Plan 95

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	Halsbury Road, Tiverton	Produced by	GMS Unit

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Street Scene Plan 96

Scale	1:750 @ A4	Date	23 January 2020
Dwg. No.	Harpitt Close, Willand	Produced by	GMS Unit

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Website: www.middevon.gov.uk



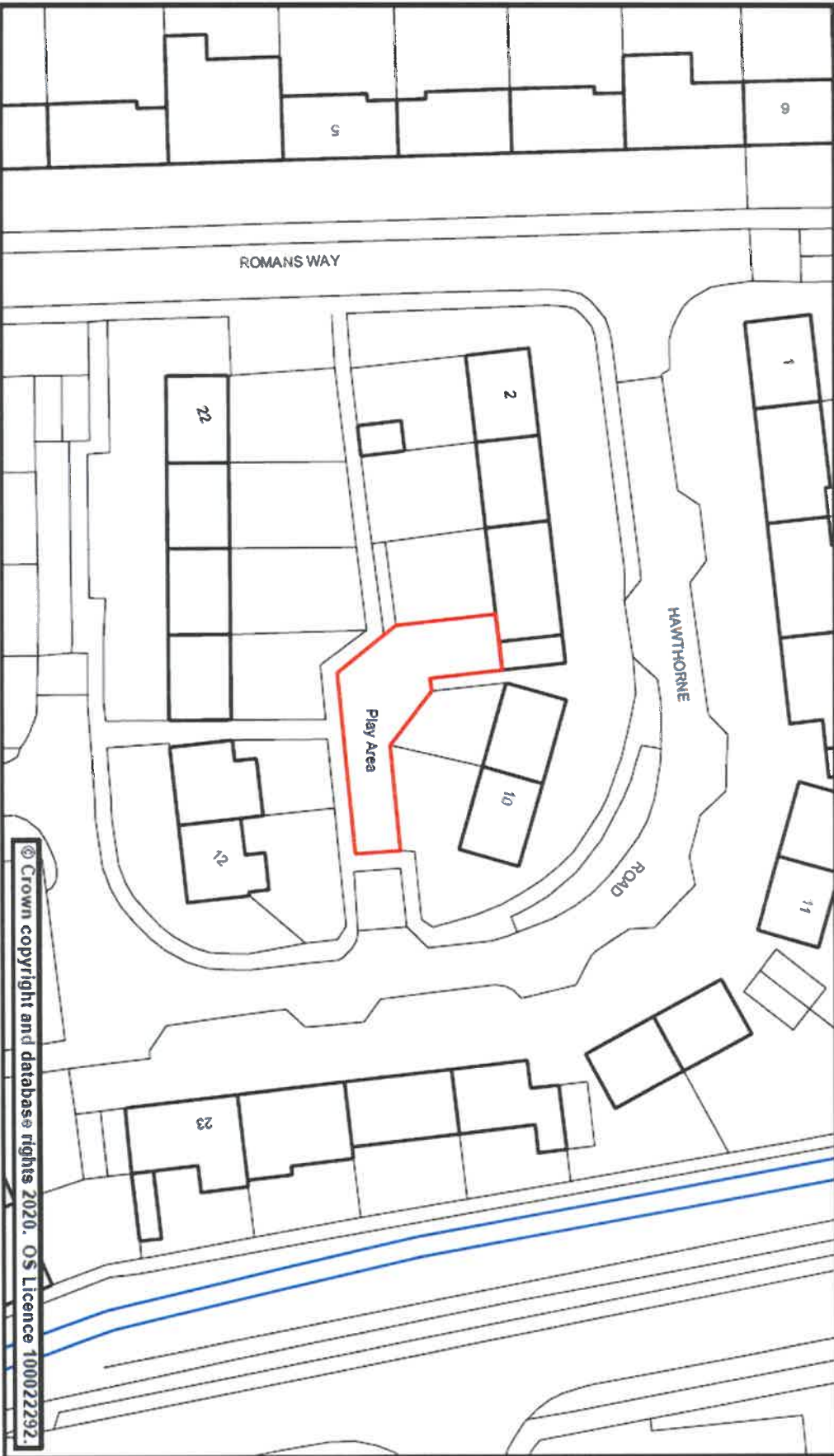
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Street Scene Plan 97

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	Hawthorne Road, Tiverton	Produced by	GMS Unit

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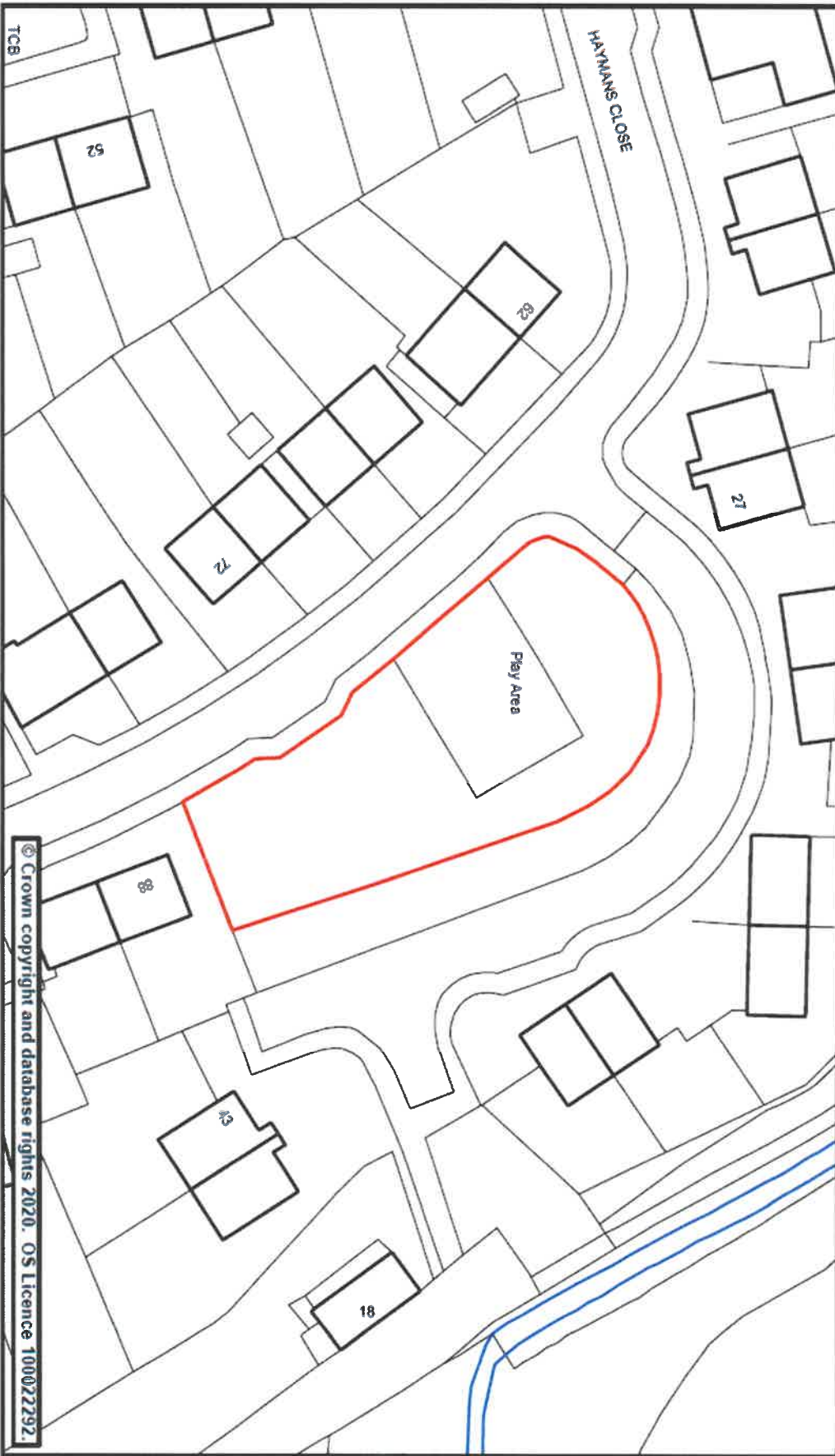
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Street Scene Plan 98

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	Haymans Close, Culmpton	Produced by	GMS Unit

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Tel: 01894 255255
Website: www.middevon.gov.uk



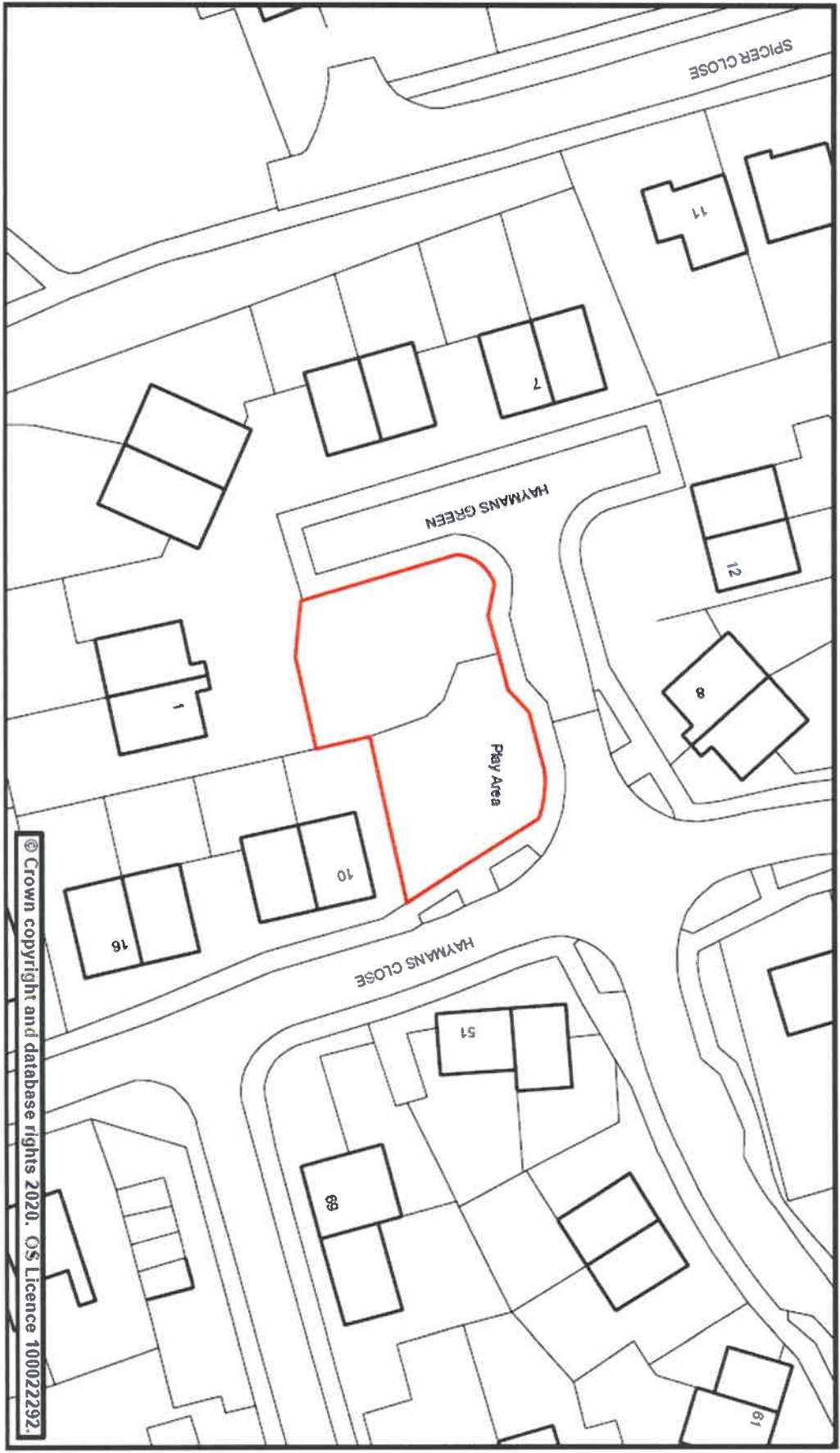
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Street Scene Plan 99

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	Haymans Green, Culmpton	Produced by	GMS Unit

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Website: www.middevon.gov.uk



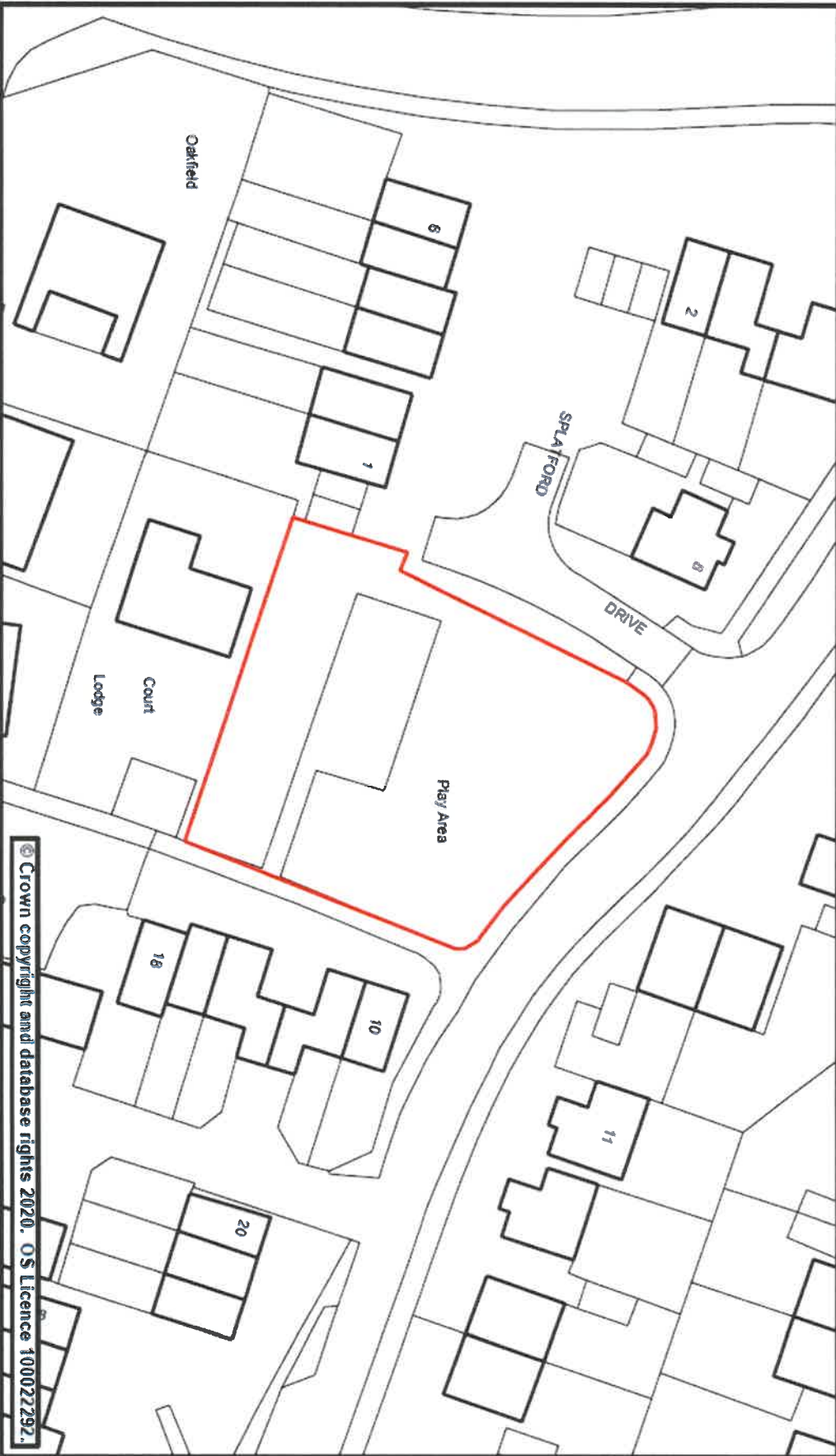
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Street Scene Plan 100

Scale	1:500 @ A4	Date	23 January 2020
Drwg. No.	Headweir Road, Culmpton	Produced by	GMS Unit

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Street Scene Plan 101

Scale	1:750 @ A4	Date	23 January 2020
Dwg. No.	Knightswood, Cullompton	Produced by	GMS Unit

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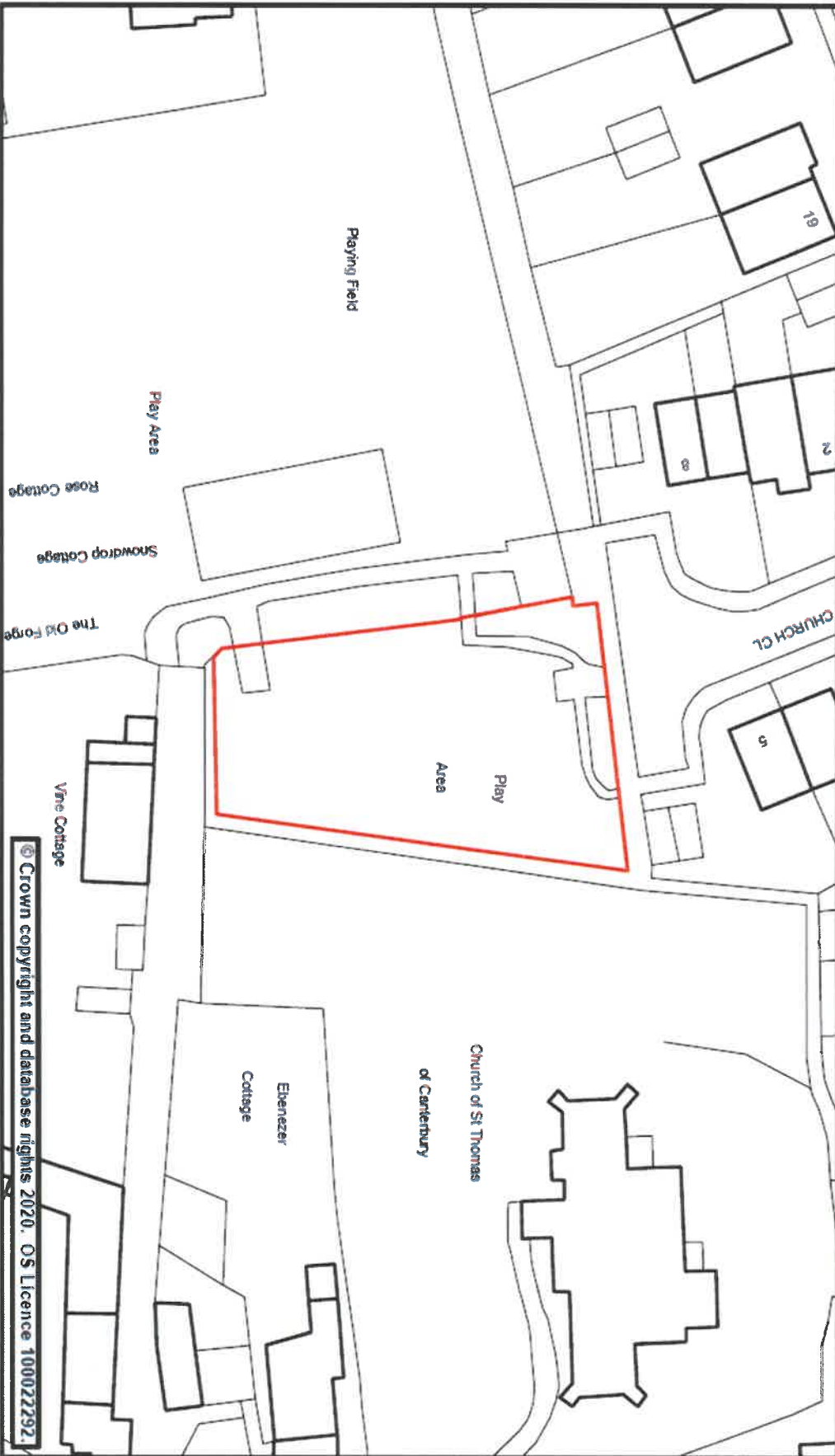
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Street Scene Plan 102

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	Lapford Play Area	Produced by	GMS Unit

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Website: www.middevon.gov.uk



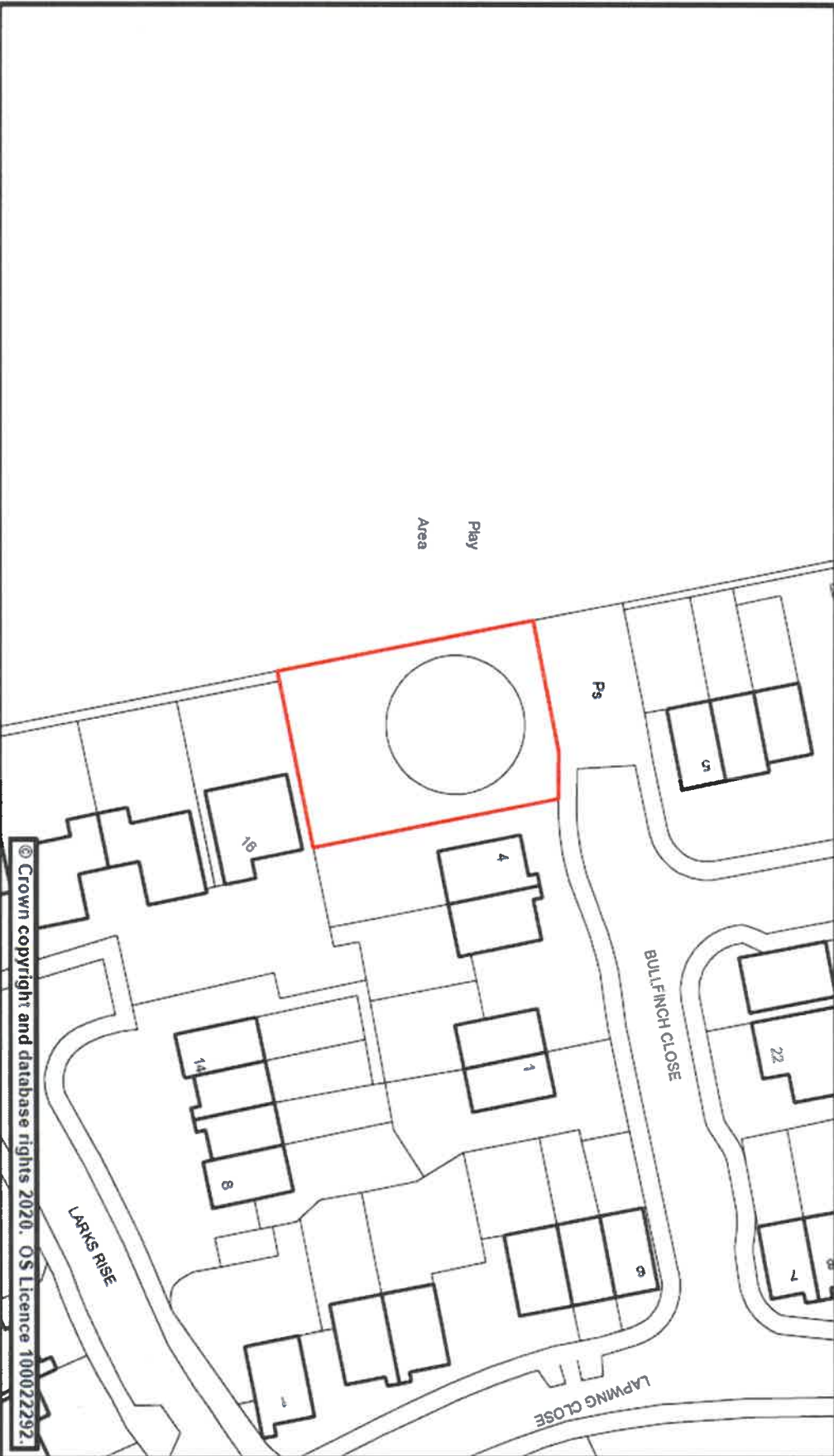
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Street Scene Plan 103

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	Larks Drive, Cullompton	Produced by	GMS Unit

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Tel: 01884 255255
Website: www.middevon.gov.uk

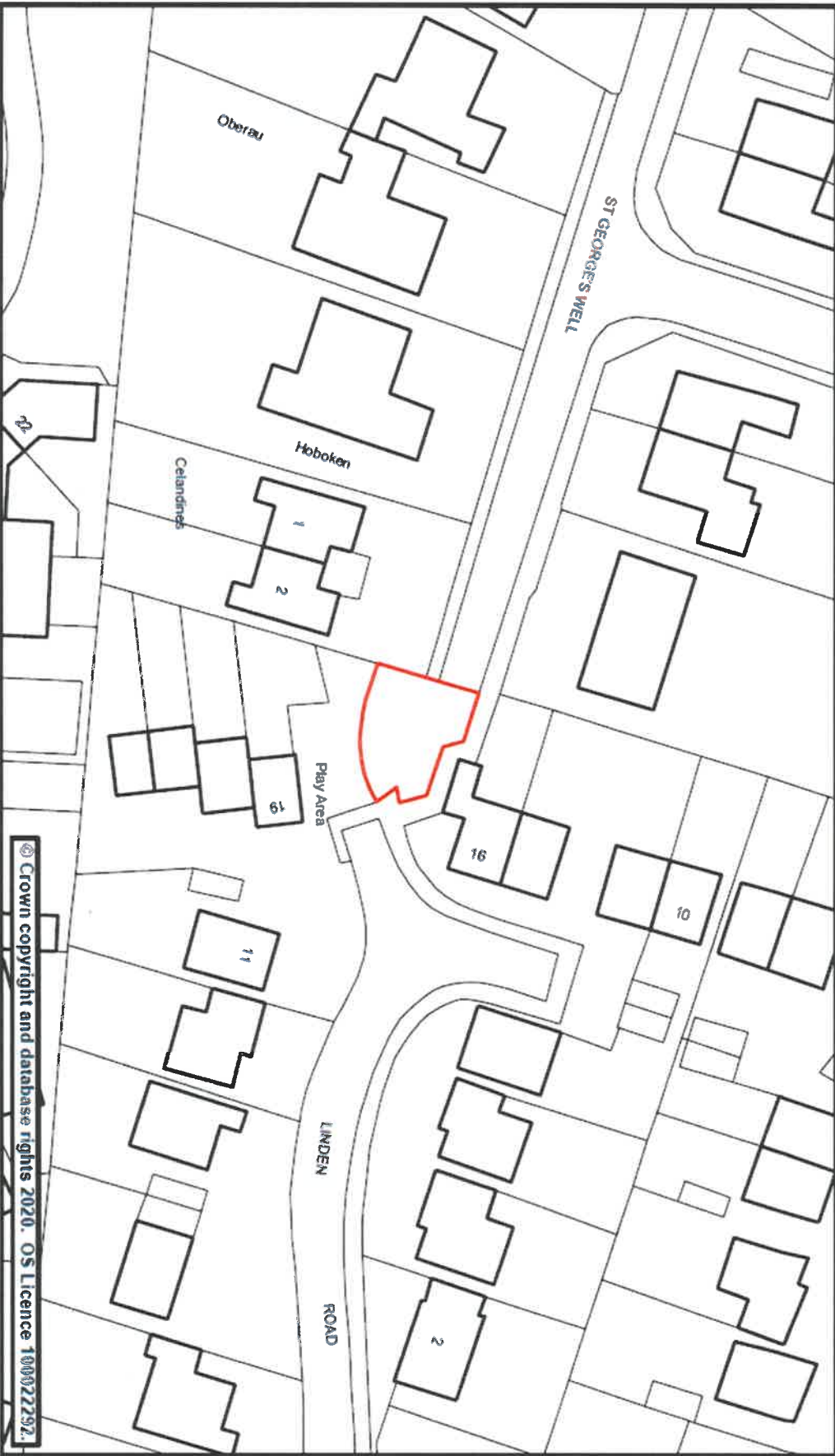




Street Scene Plan 104

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	Linden Road, Culmpton	Produced by	GMS Unit

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Street Scene Plan 105

Scale	1:750 @ A4	Date	23 January 2020
Dwg. No.	Logan Way, Henryock	Produced by	GMS Unit

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Tel: 01884 255255
Website: www.middevon.gov.uk



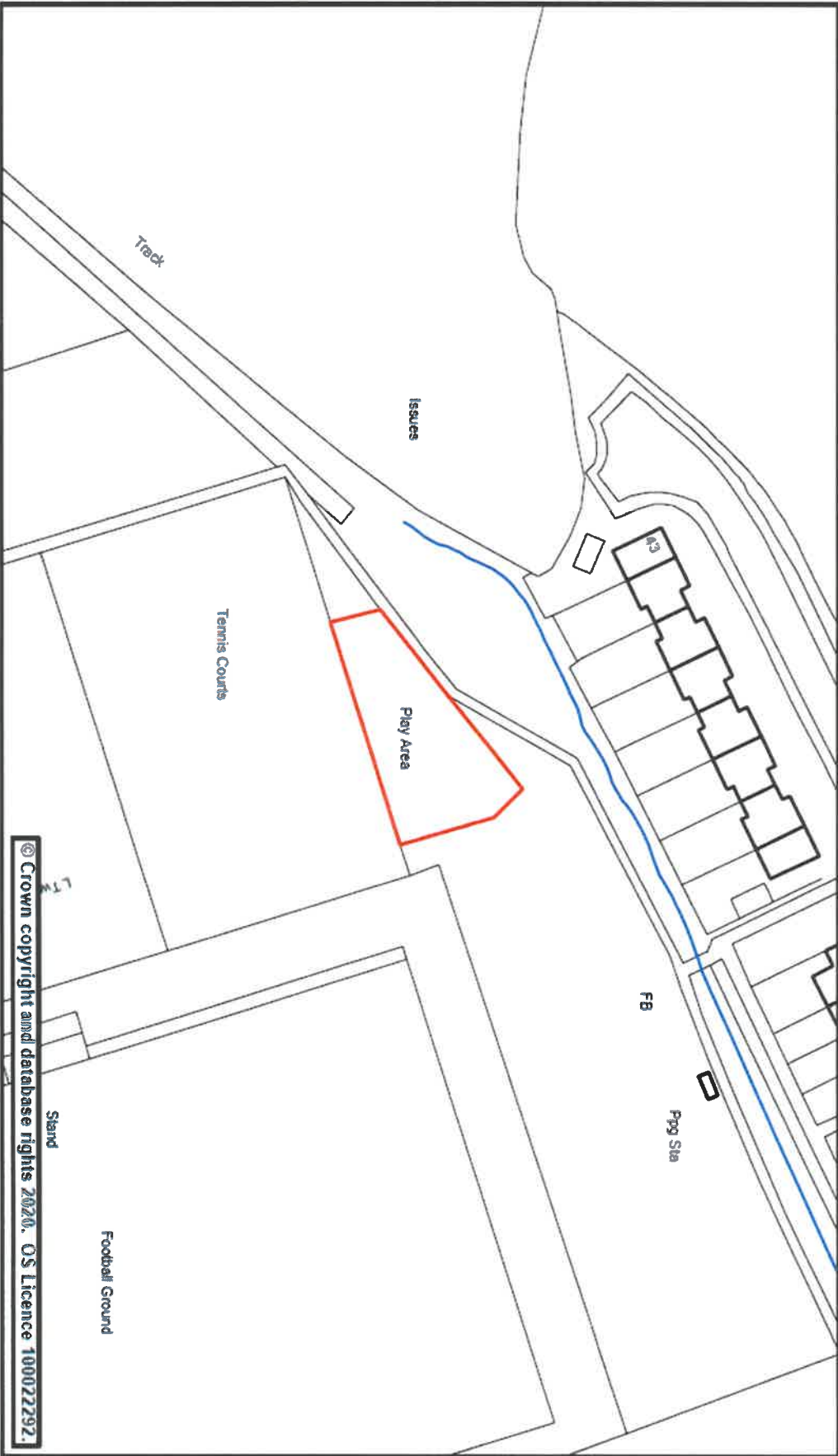
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Street Scene Plan 106

Scale	1:750 @ A4	Date	23 January 2020
Dwg. No.	Lords Meadow, Crediton	Produced by	GMS Unit

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Tel: 01884 255255
Website: www.middevon.gov.uk



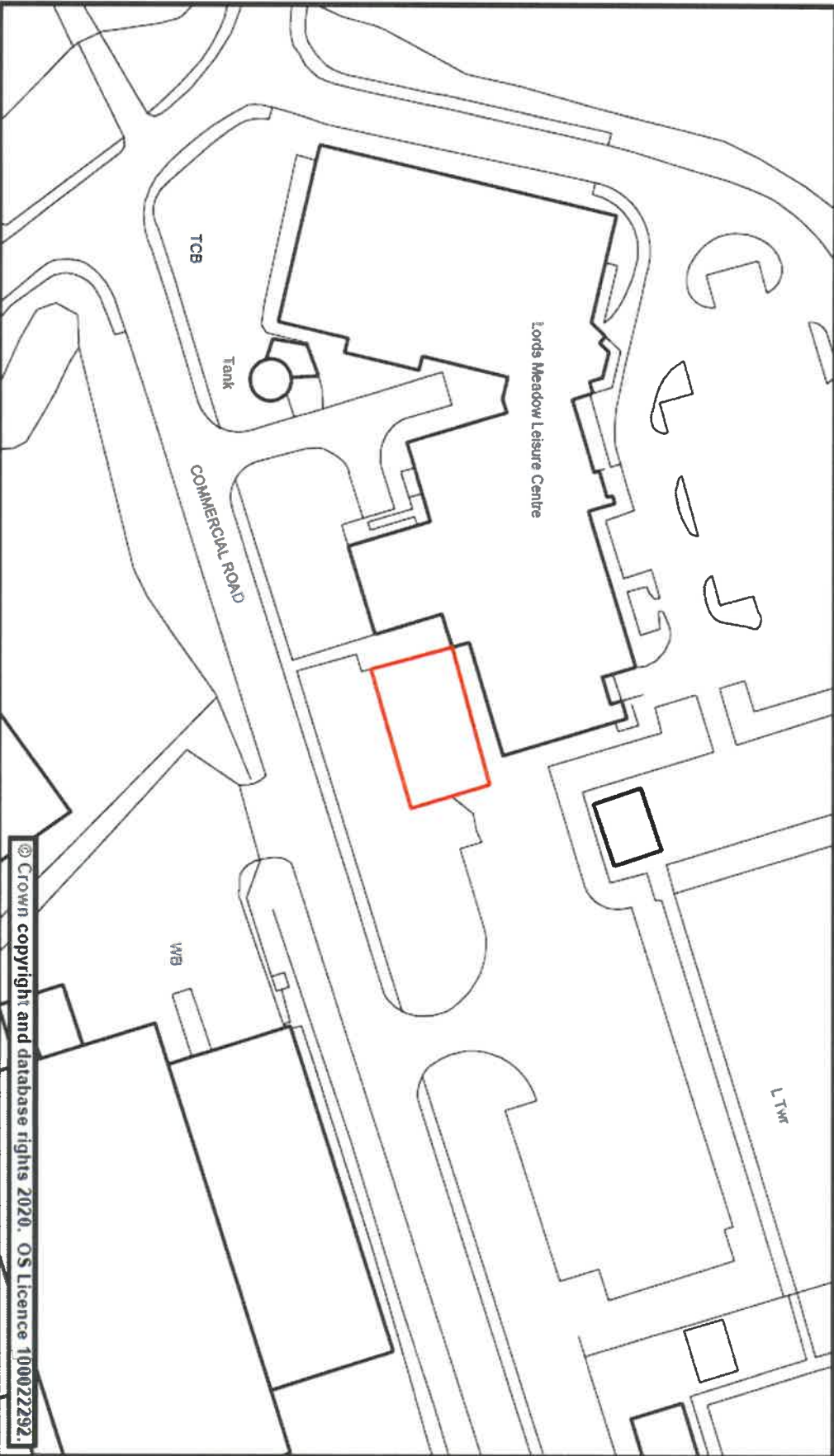
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Street Scene Plan 107

Scale	1:750 @ A4	Date	23 January 2020
Drwg. No.	Lords Meadow Skate Park, Crediton	Produced by	GMS Unit

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Tel: 01884 255255
Website: www.middevon.gov.uk



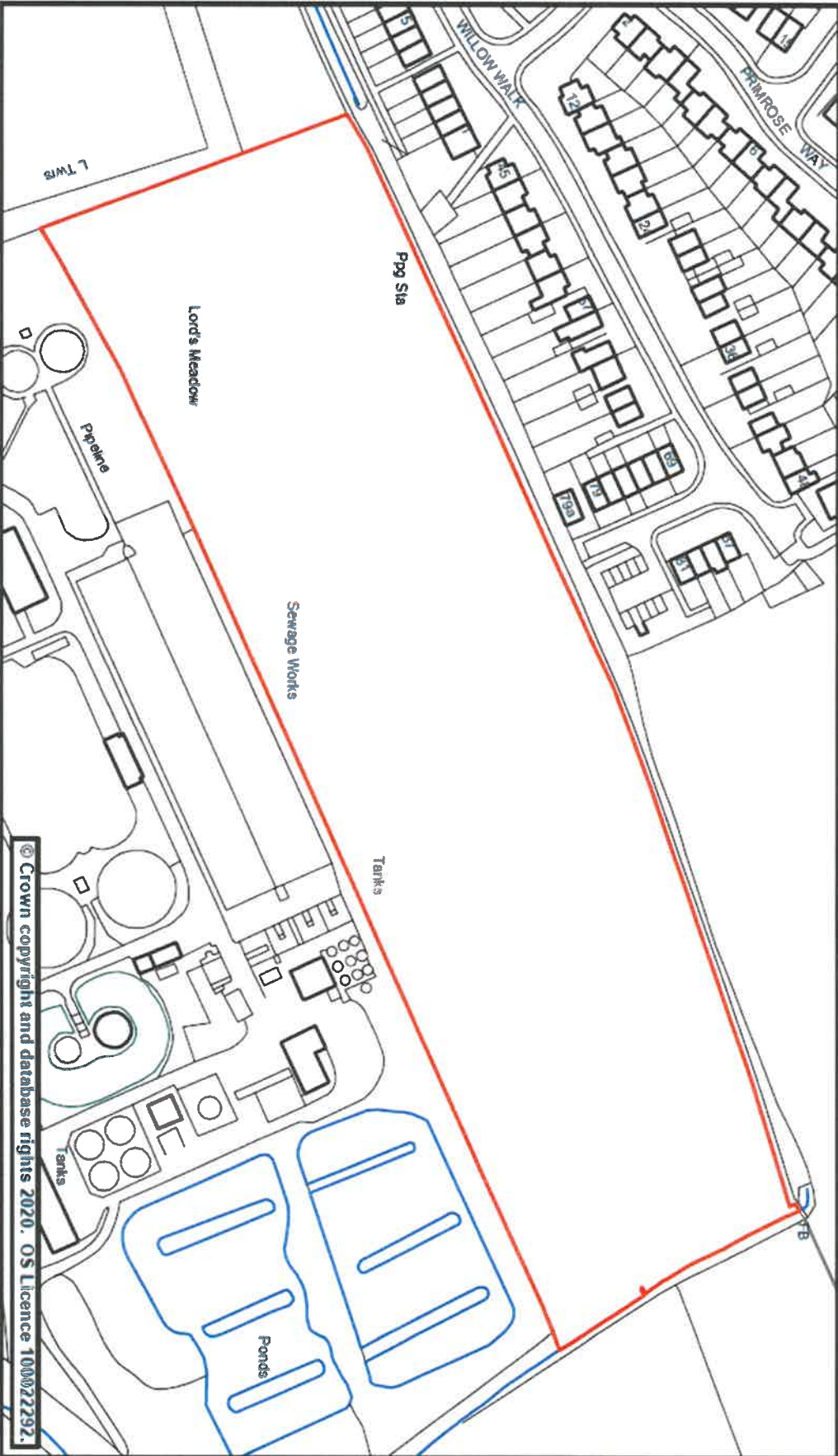
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Street Scene Plan /08

Scale	1:1,540 @ A4	Date	23 January 2020
Dwg. No.	Lords Meadow, Crediton	Produced by	GMS Unit

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Street Scene Plan / 09

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	Mallow Court, Willand	Produced by	GMS Unit

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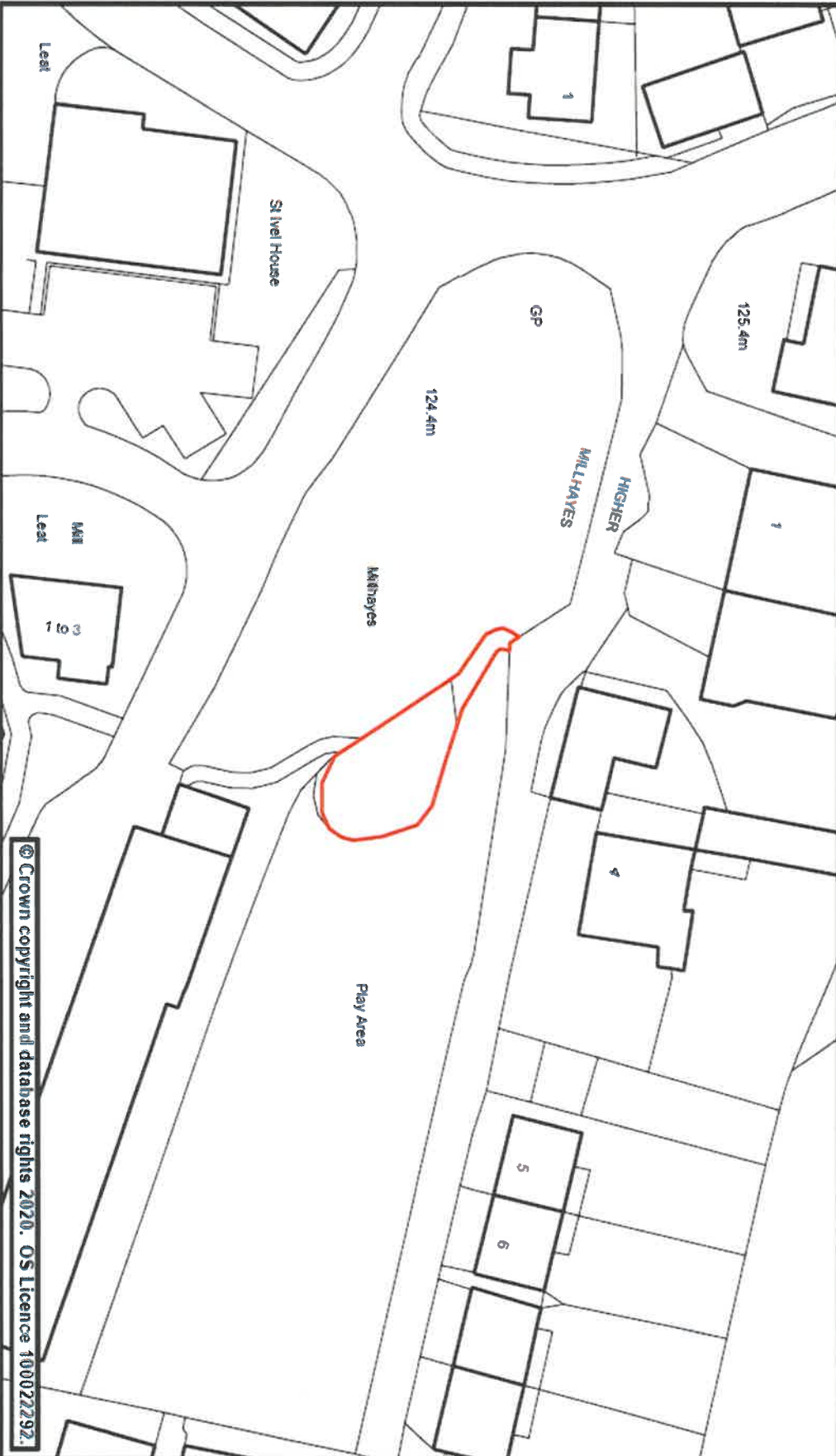
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Street Scene Plan 1/10

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	Milthayes, Henryock	Produced by	GMS Unit

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Website: www.middledevon.gov.uk

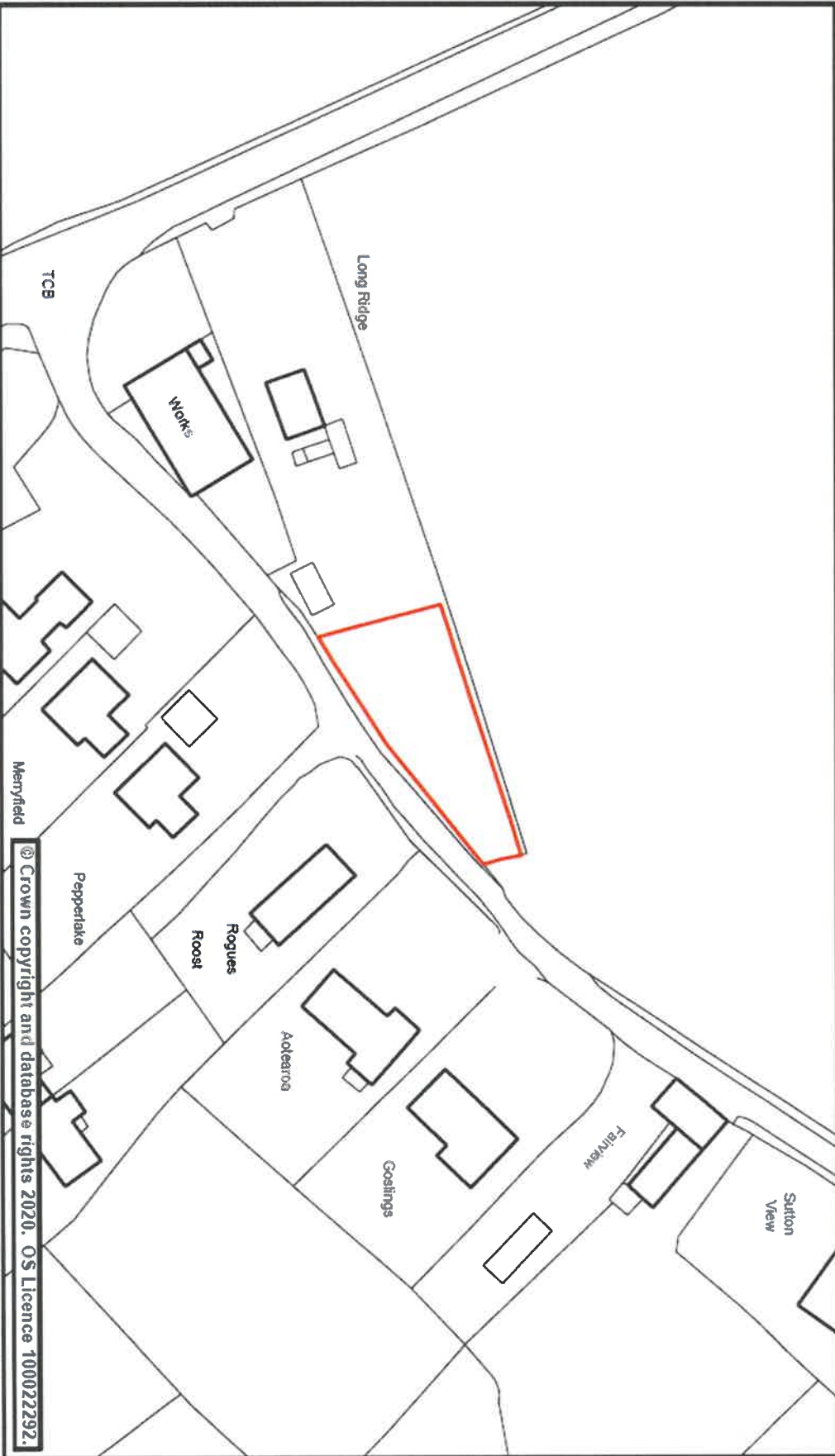




Street Scene Plan 111

Scale	1:750 @ A4	Date	23 January 2020
Dwg. No.	New Buildings, Sandford	Produced by	GMS Unit

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Website: www.middevon.gov.uk



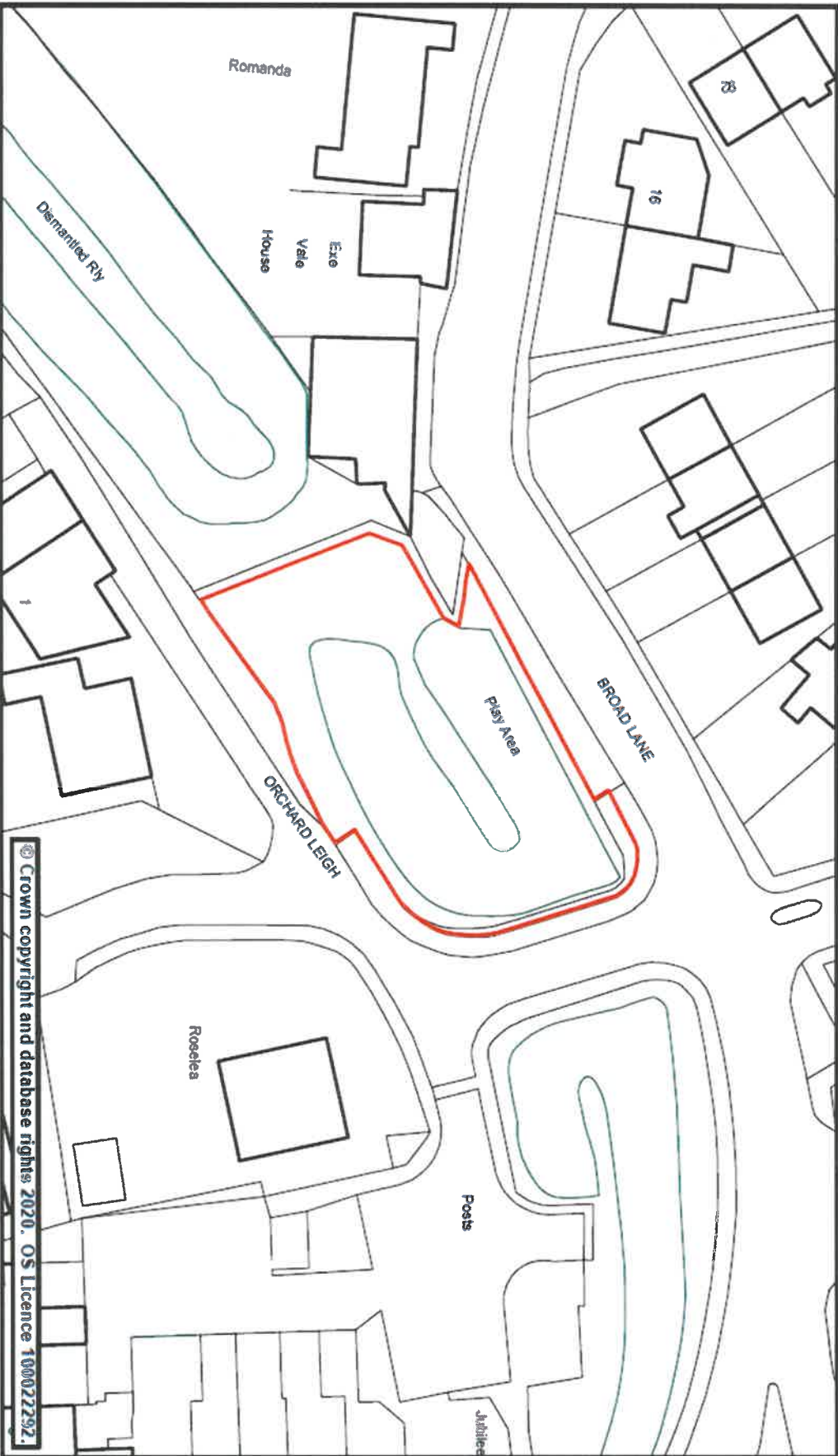
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Street Scene Plan 1:2

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	Orchard Leigh, Tiverton	Produced by	GMS Unit

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Street Scene Plan 1/3

Scale	1:1,000 @ A4	Date	23 January 2020
Dwg. No.	Orchard Way, Willand	Produced by	GMS Unit

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Street Scene Plan 1/4

Scale	1:750 @ A4	Date	23 January 2020
Dwg. No.	Palmerston Park, Tiverton	Produced by	GMS Unit

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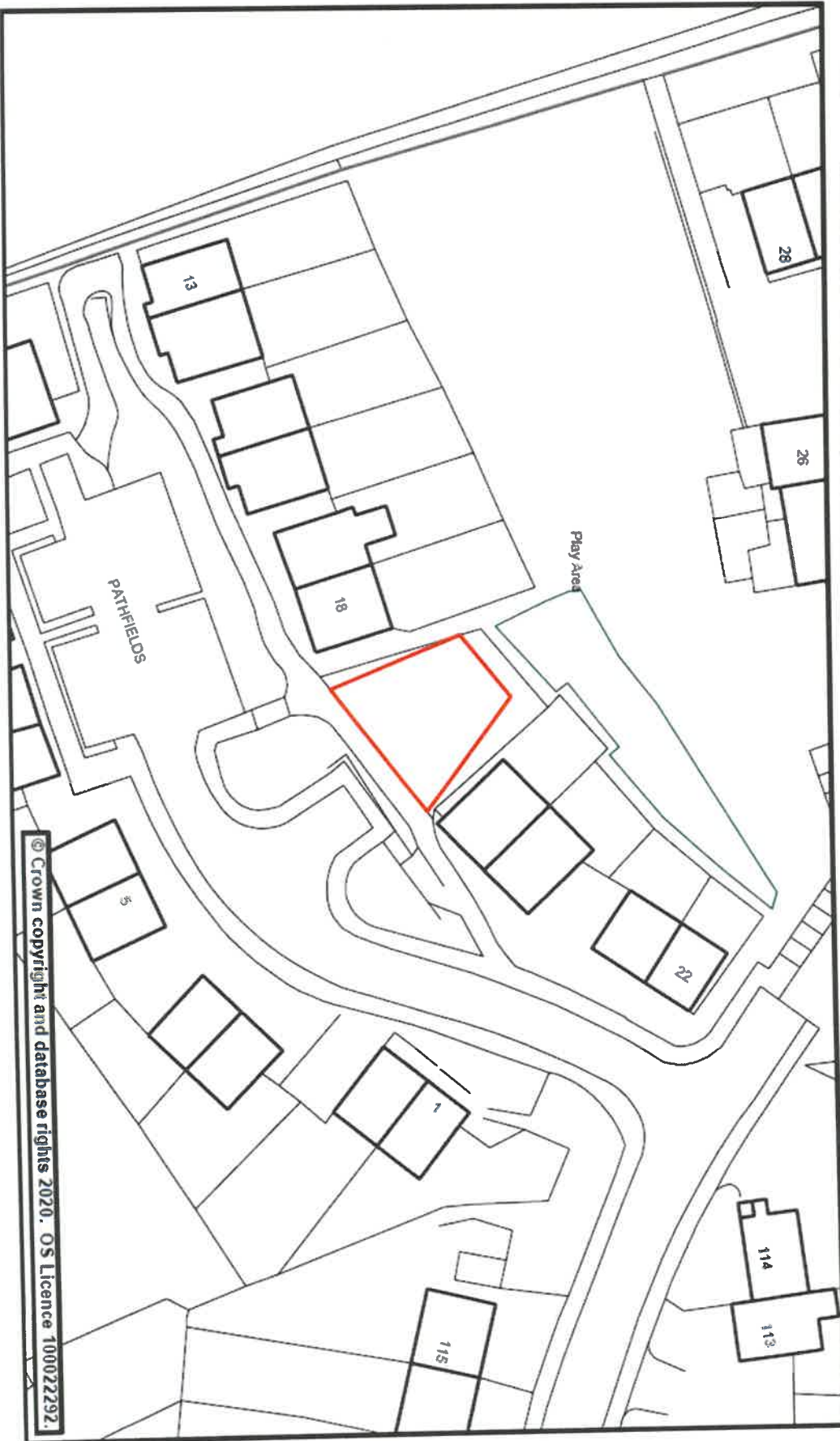


Street Scene

Plan 115

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	Pathfields, Uffculme	Produced by	GMS Unit

Phoenix House
Phoenix Lane, Tiverton EX16 6PP
Tel: 01884 255255
Website: www.middevon.gov.uk



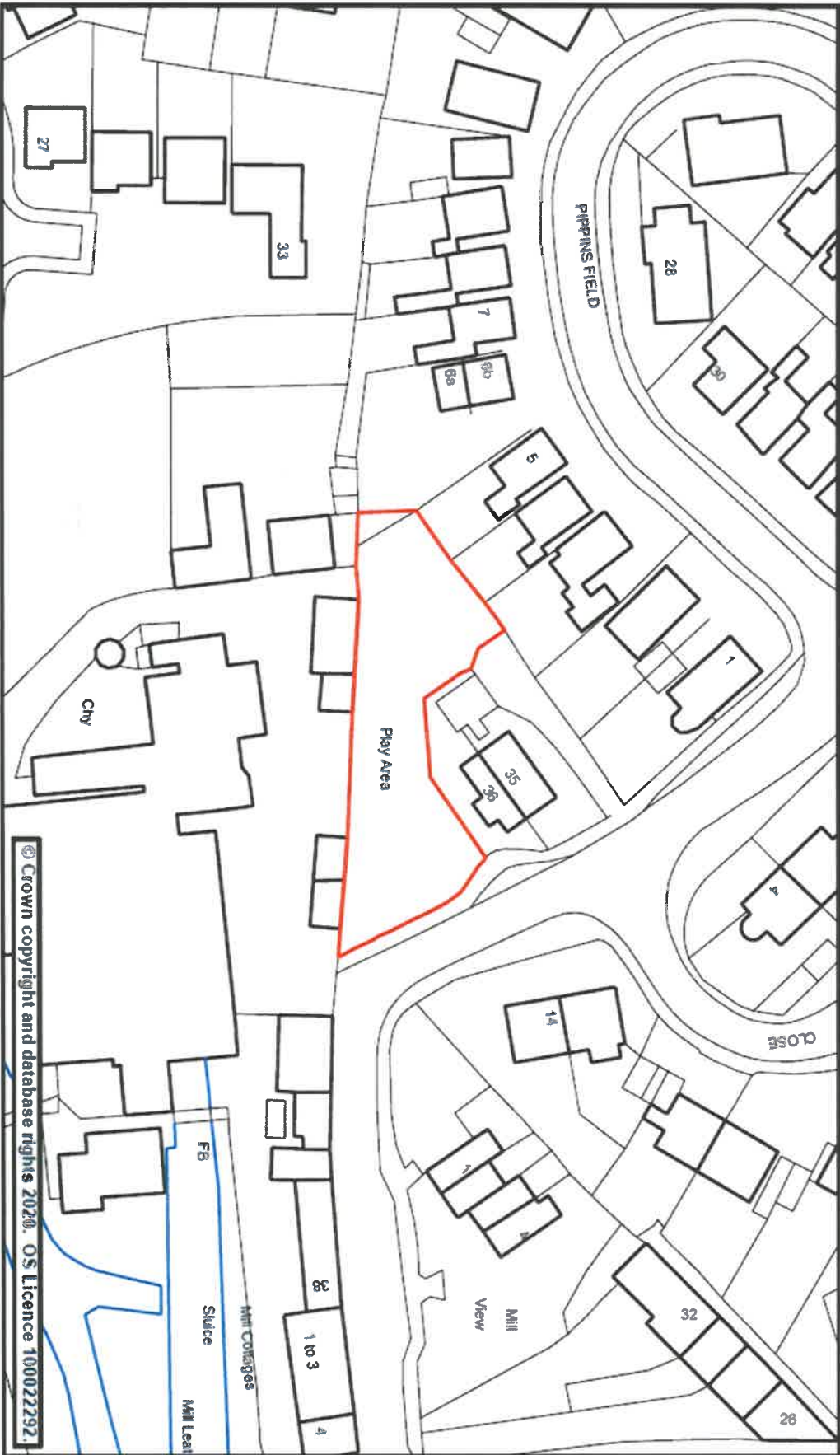
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Street Scene Plan 116

Scale	1:750 @ A4	Date	23 January 2020
Dwg. No.	Pippins Field, Uffculme	Produced by	GMS Unit

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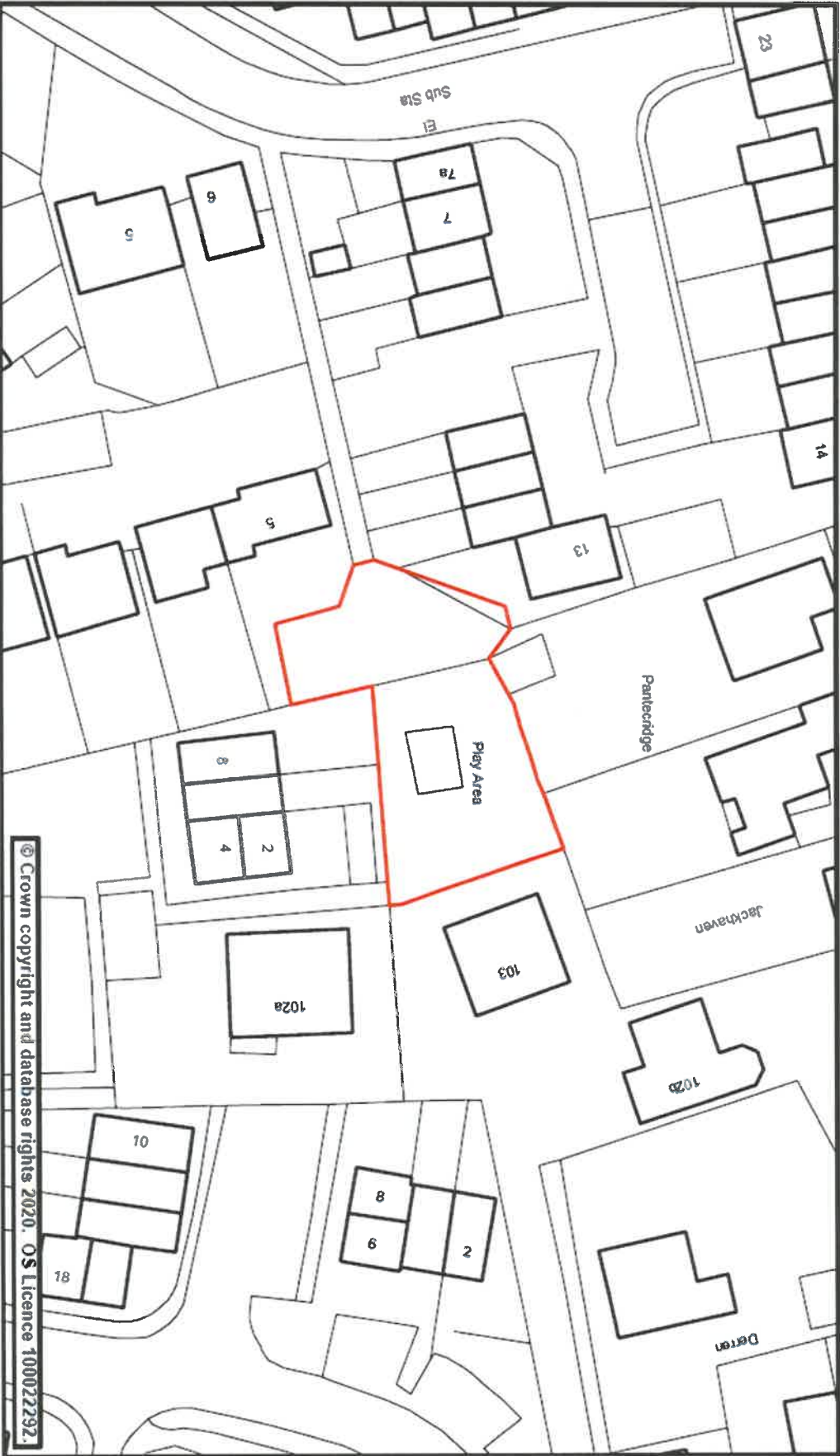
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Street Scene Plan 1/17

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	Ploudal Road, Culloompton	Produced by	GMS Unit

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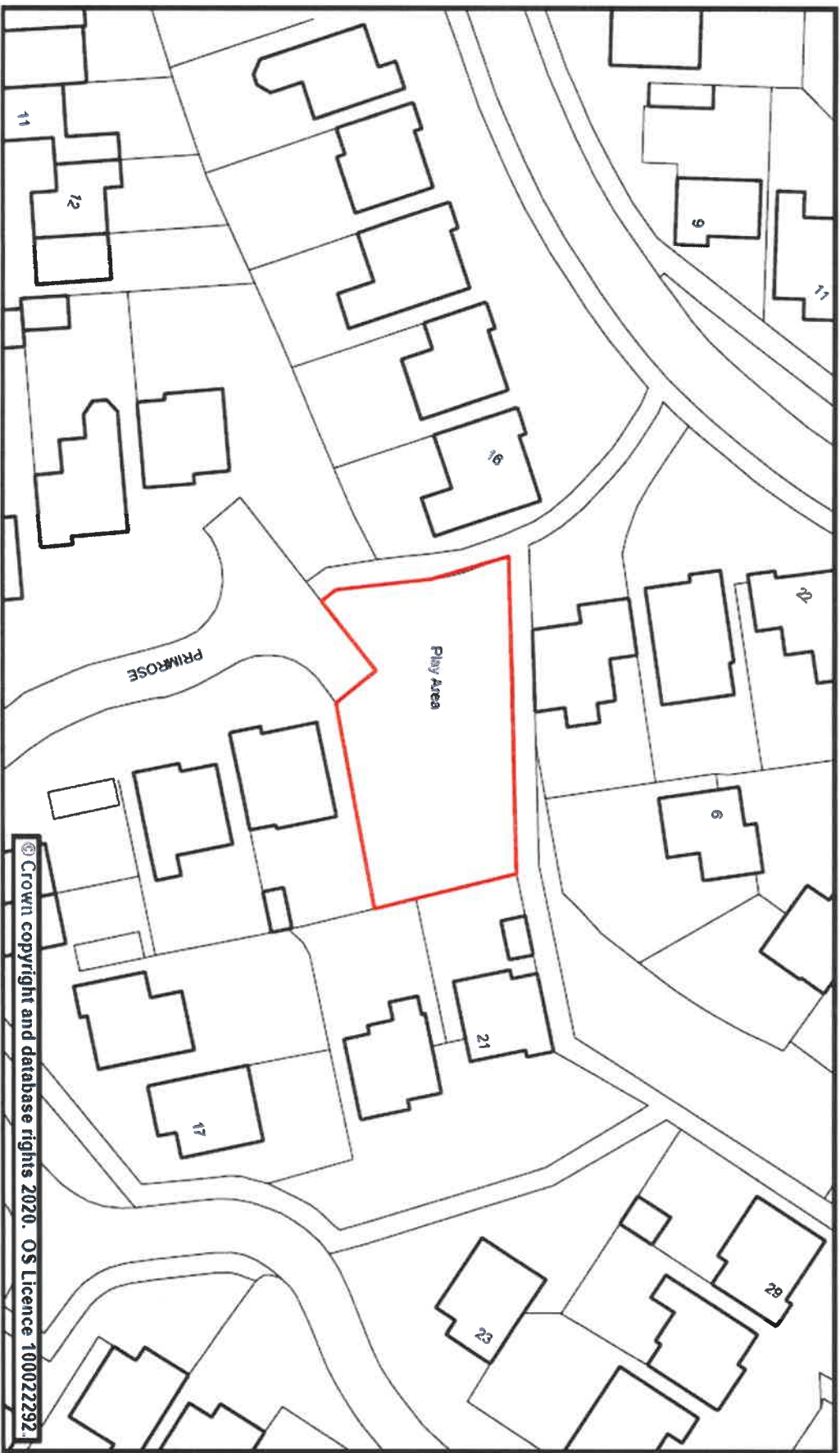
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Street Scene Plan J18

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	Primrose Close, Tiverton	Produced by	GMS Unit

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Street Scene Plan 119

Scale	1:750 @ A4	Date	23 January 2020
Dwg. No.	Priority Road, Tiverton	Produced by	GMS Unit

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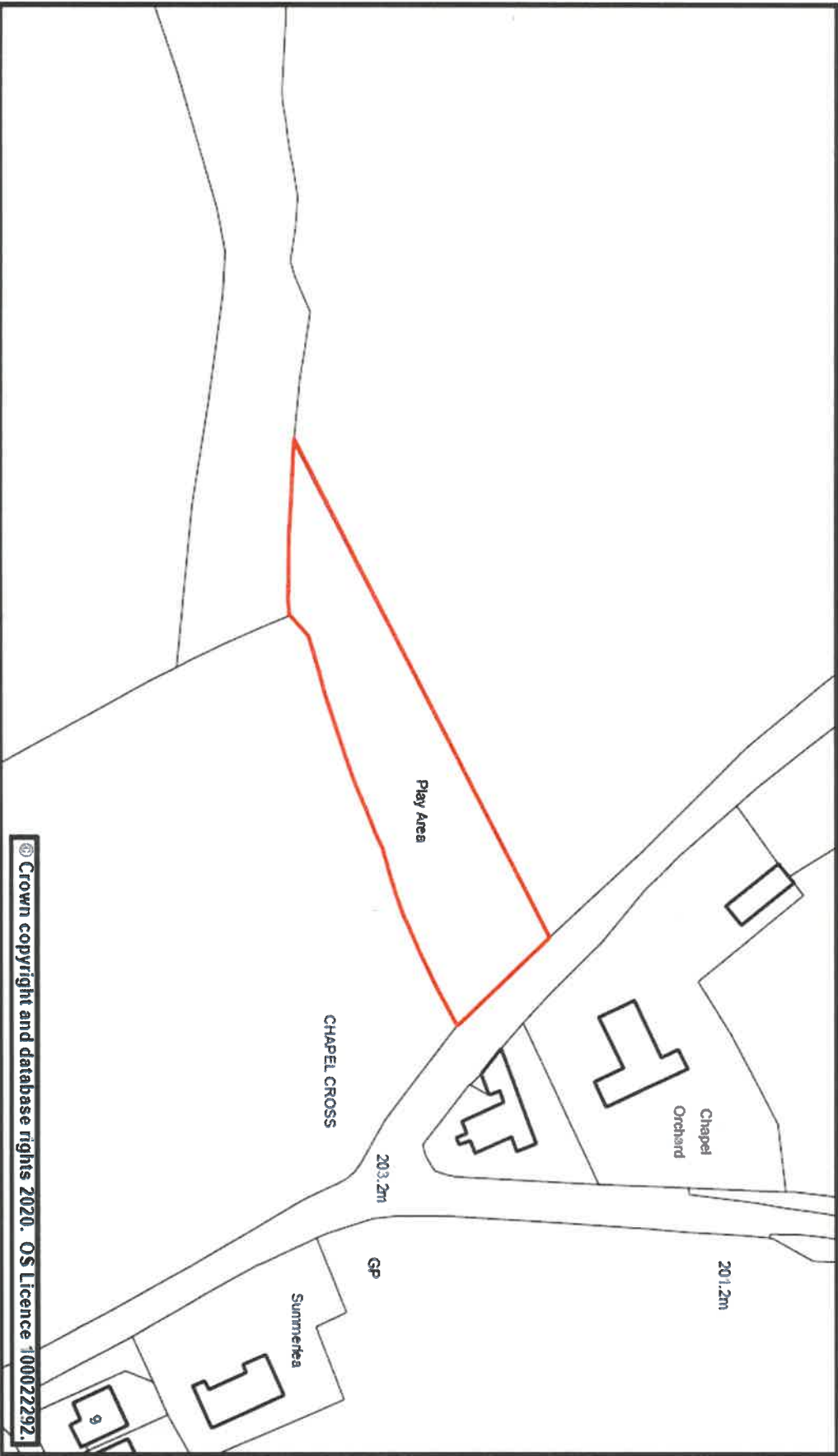
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Street Scene Plan 120

Scale	1:1,000 @ A4	Date	23 January 2020
Dwg. No.	Puddington Play Area	Produced by	GMS Unit

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Street Scene Plan | 2 |

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	Queen Elizabeth Drive, Crediton	Produced by	GMS Unit

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Tel: 01884 255255
Website: www.middleton.gov.uk



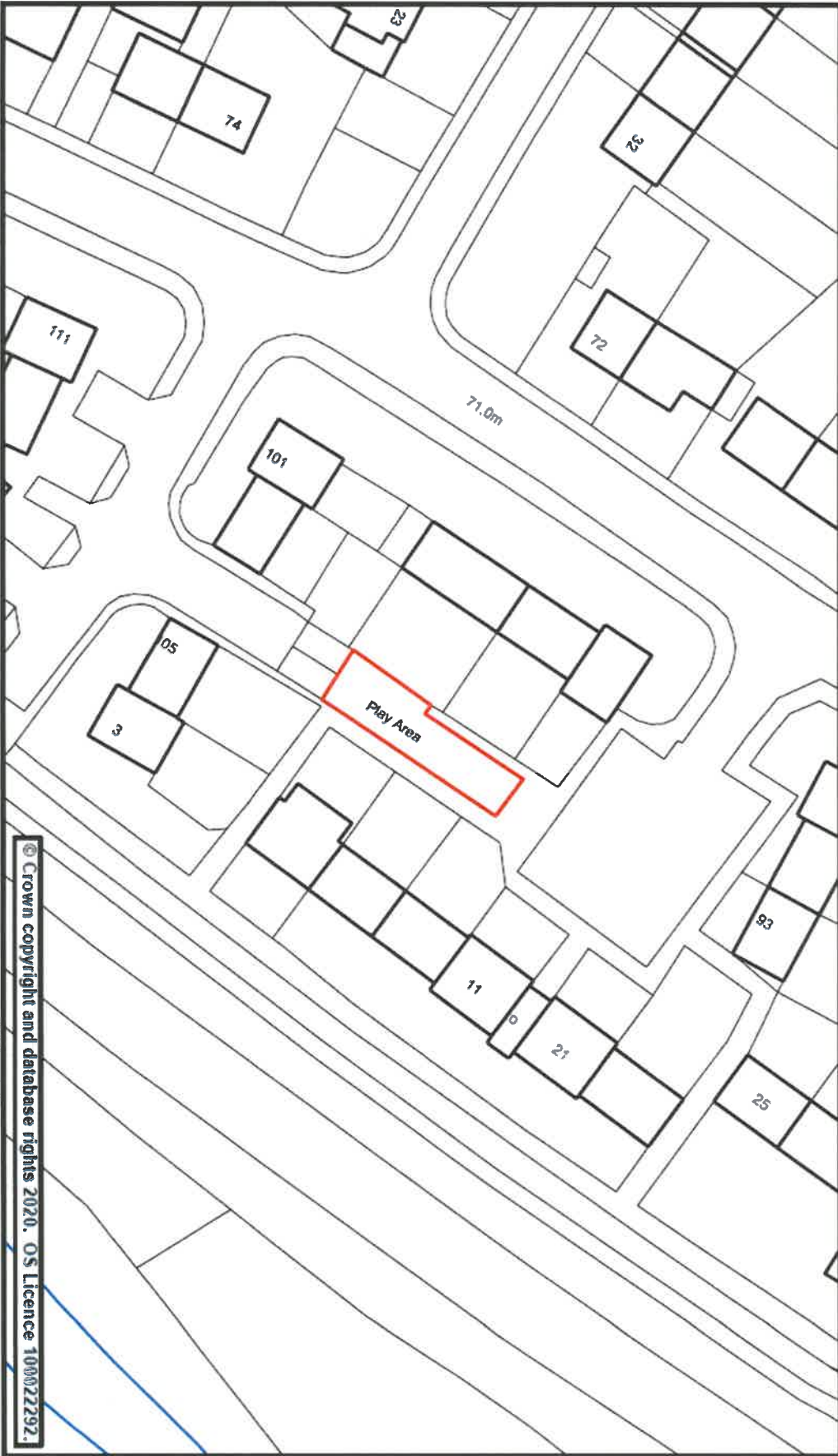
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Street Scene Plan 122

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	Queensway, Tiverton	Produced by	GMS Unit

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Tel: 01884 255255
Website: www.middledevon.gov.uk

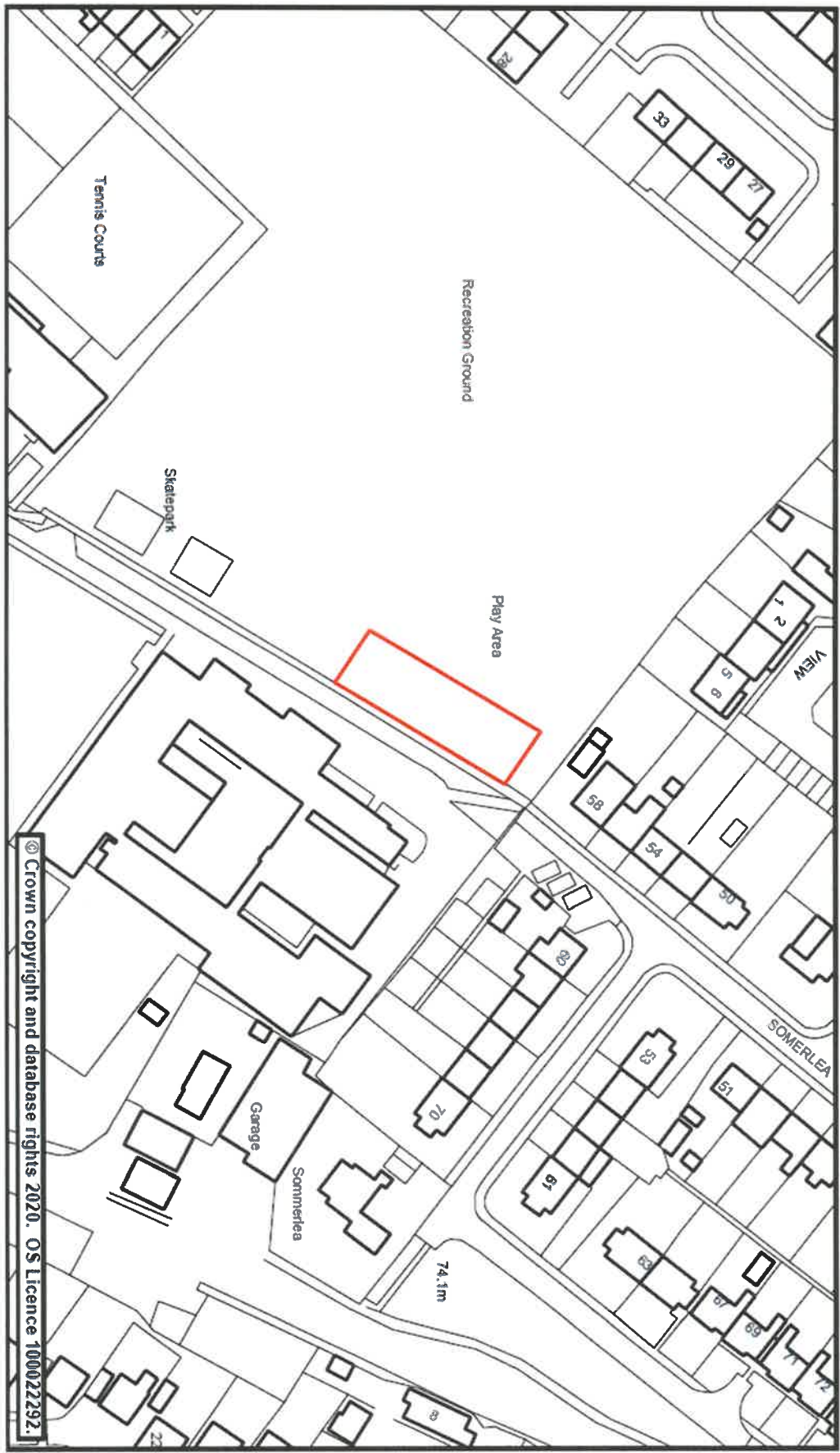




Street Scene Plan 123

Scale	1:1,000 @ A4	Date	06 February 2020
Dwg. No	Recreation Ground, Willand	Produced by	GMS Unit

Phoenix House
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Tel: 01884 255255
Website: www.middevon.gov.uk



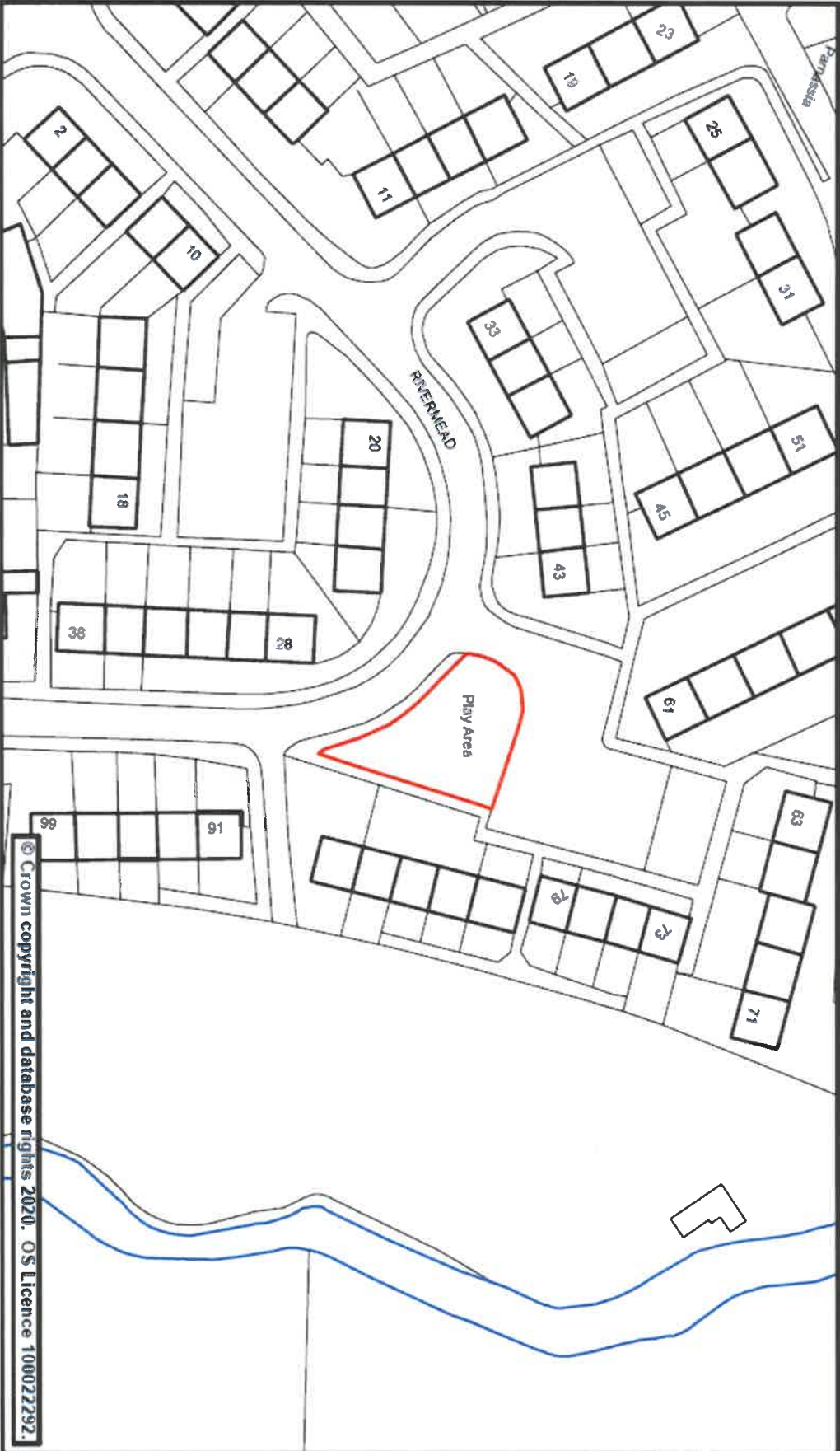
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Street Scene Plan 124

Scale	1:750 @ A4	Date	23 January 2020
Dwg. No.	Rivemead, Culiompton	Produced by	GMS Unit

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Website: www.middledevon.gov.uk



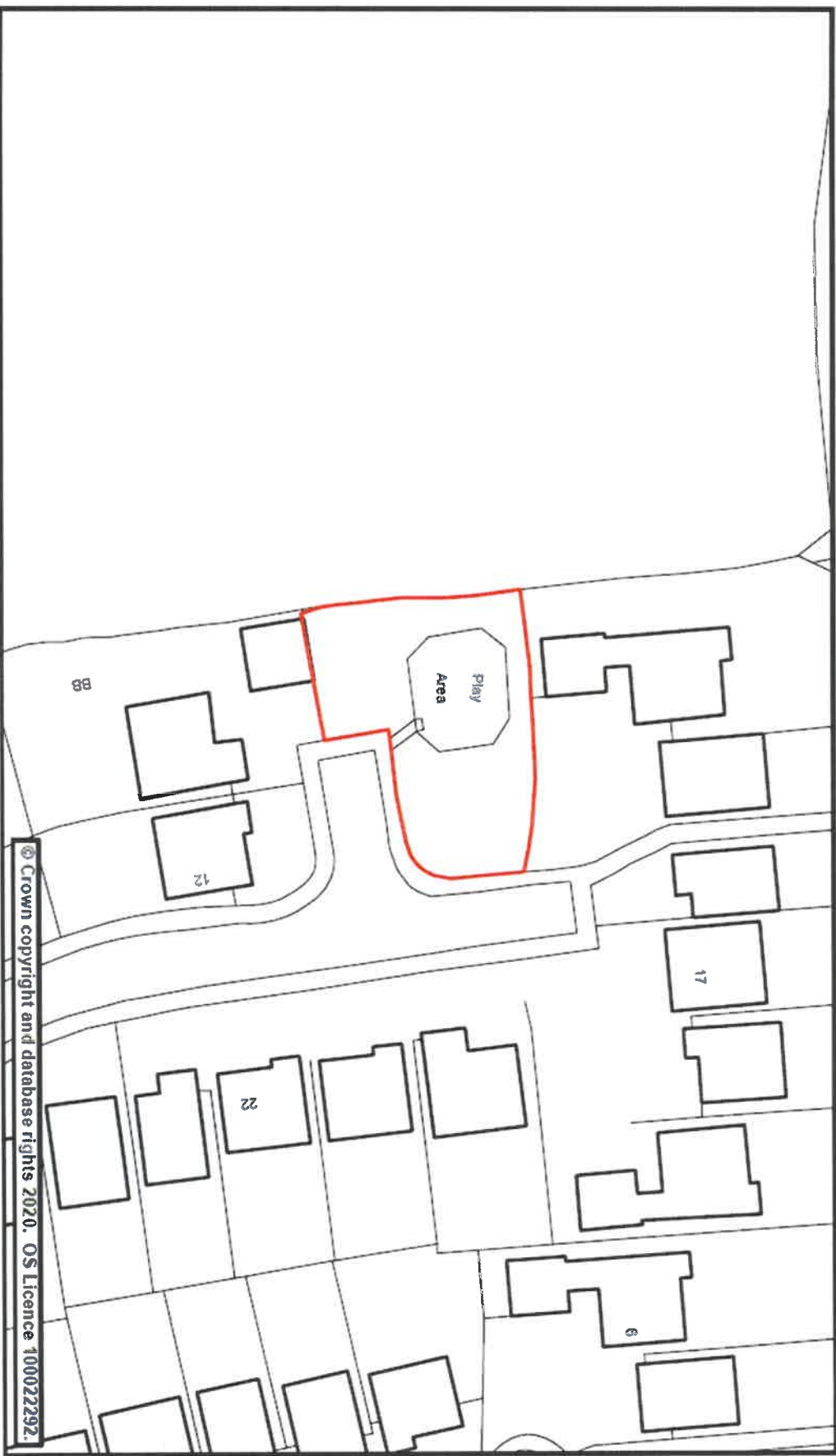
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Street Scene Plan 125

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	Siskin Chase, Culiompton	Produced by	GMS Unit

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Street Scene Plan 1'26

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	South View, Willand	Produced by	GMS Unit

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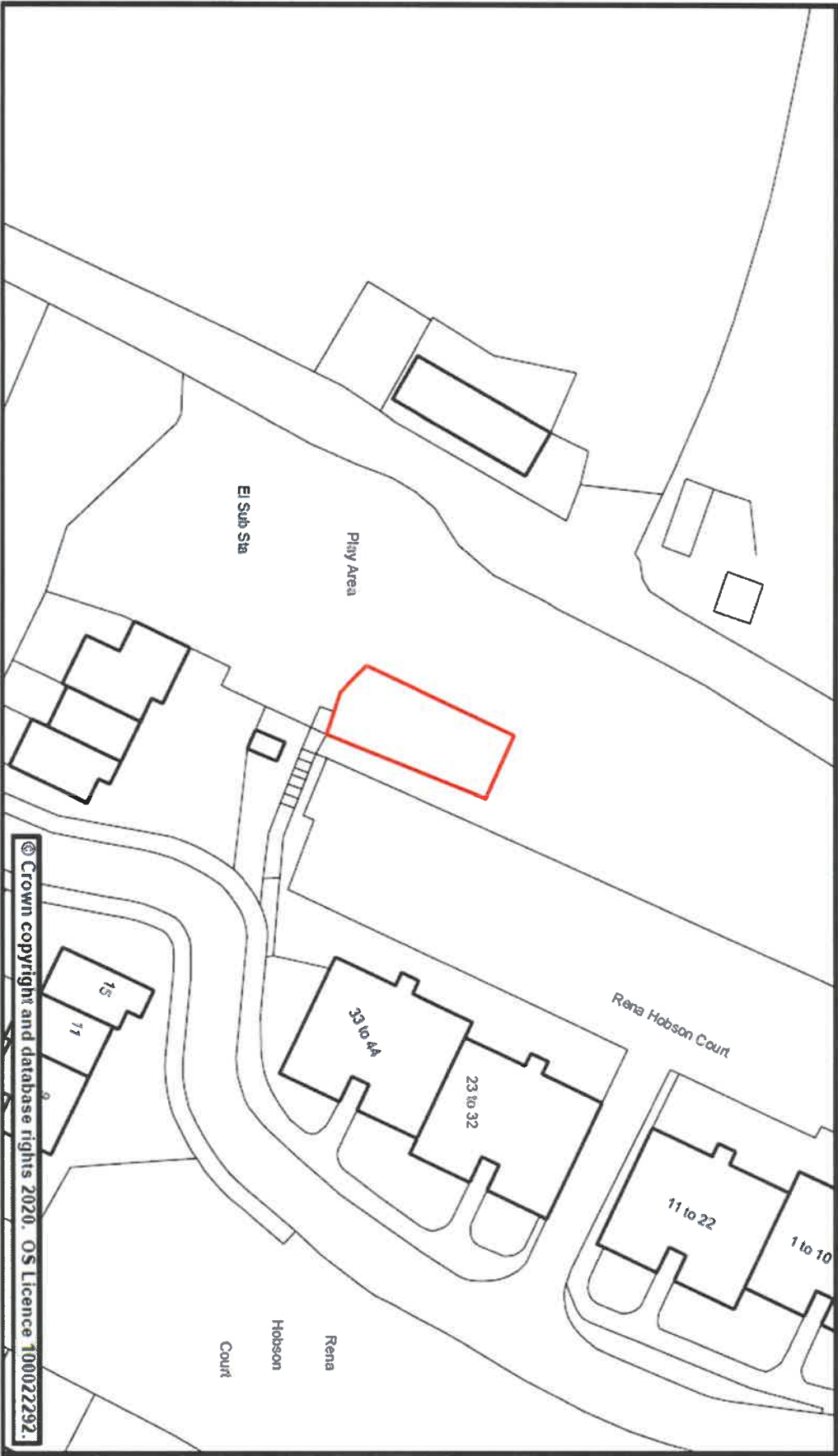
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Street Scene Plan 127

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	Spencer Drive, Tiverton	Produced by	GMS Unit

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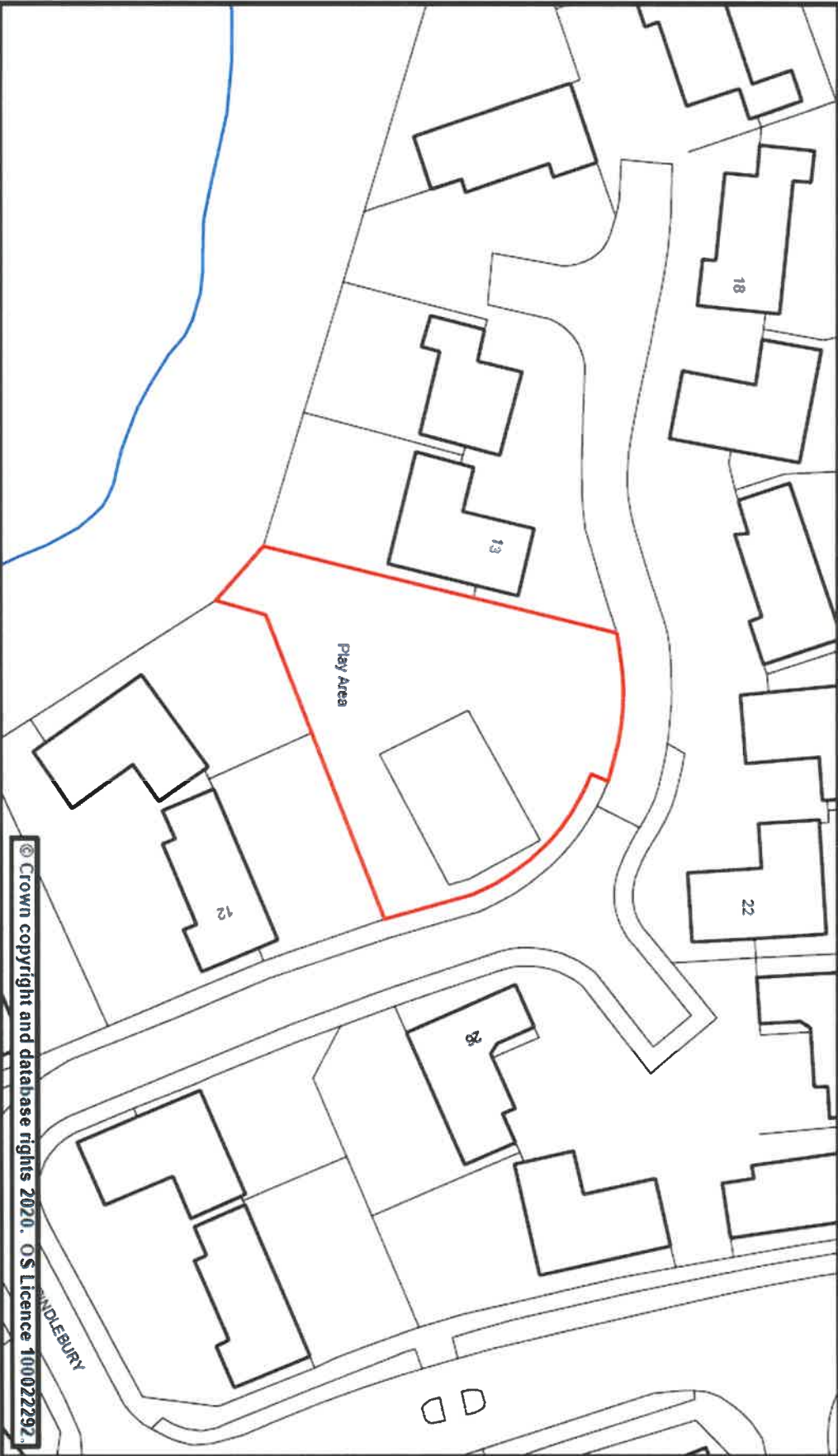
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Street Scene Plan 128

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	Spindlebury Road, Culiompton	Produced by	GMS Unit

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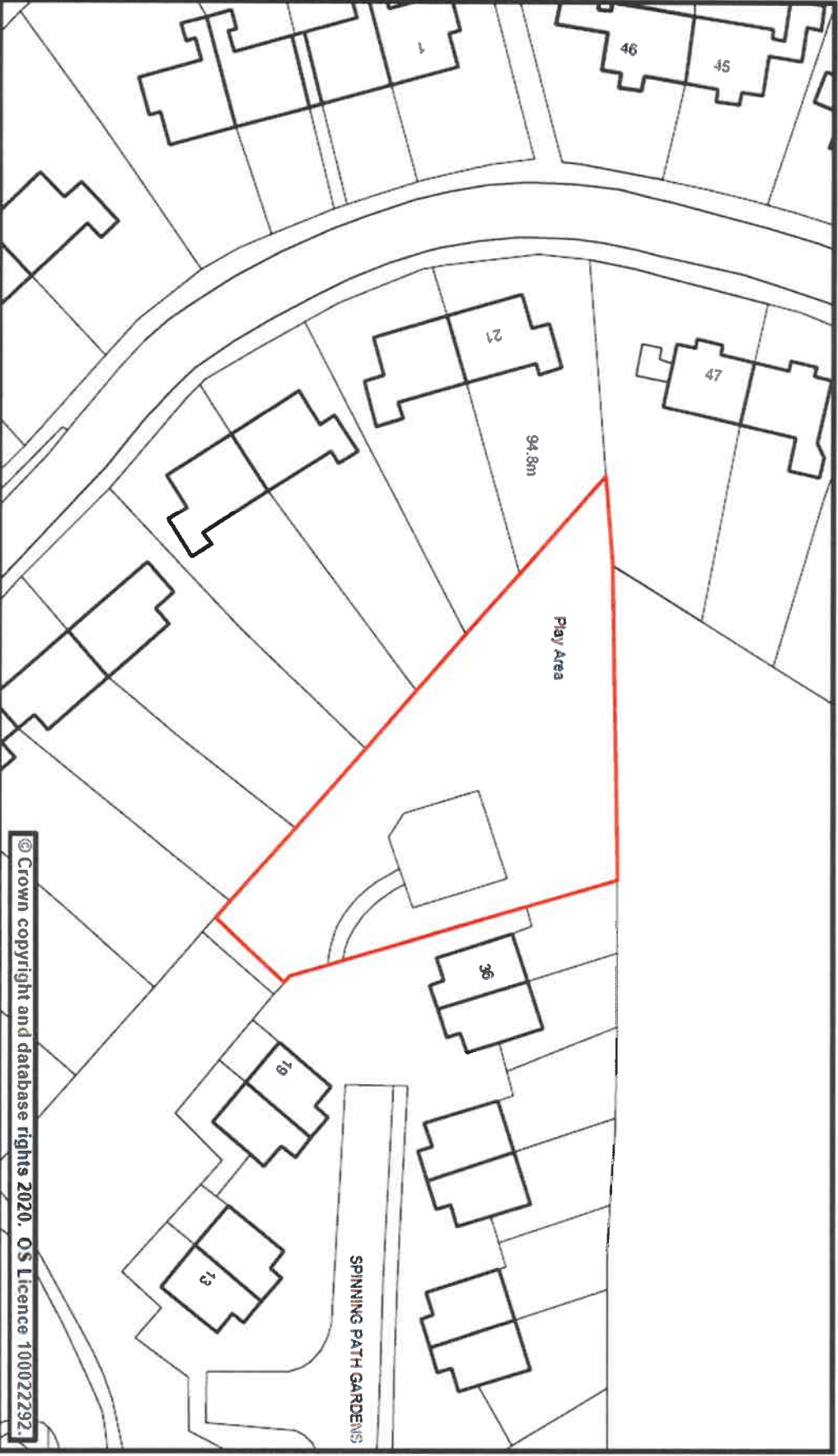
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Street Scene Plan 129

Scale	1:500 @ A4	Date	23 January 2020
Dr. No.	Spinning Path Gardens, Crediton	Produced by	GMS Unit

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Street Scene Plan 130

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	SI Martins Close, Bow	Produced by	GMS Unit

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Tel: 01884 255255

Website: www.middledevon.gov.uk



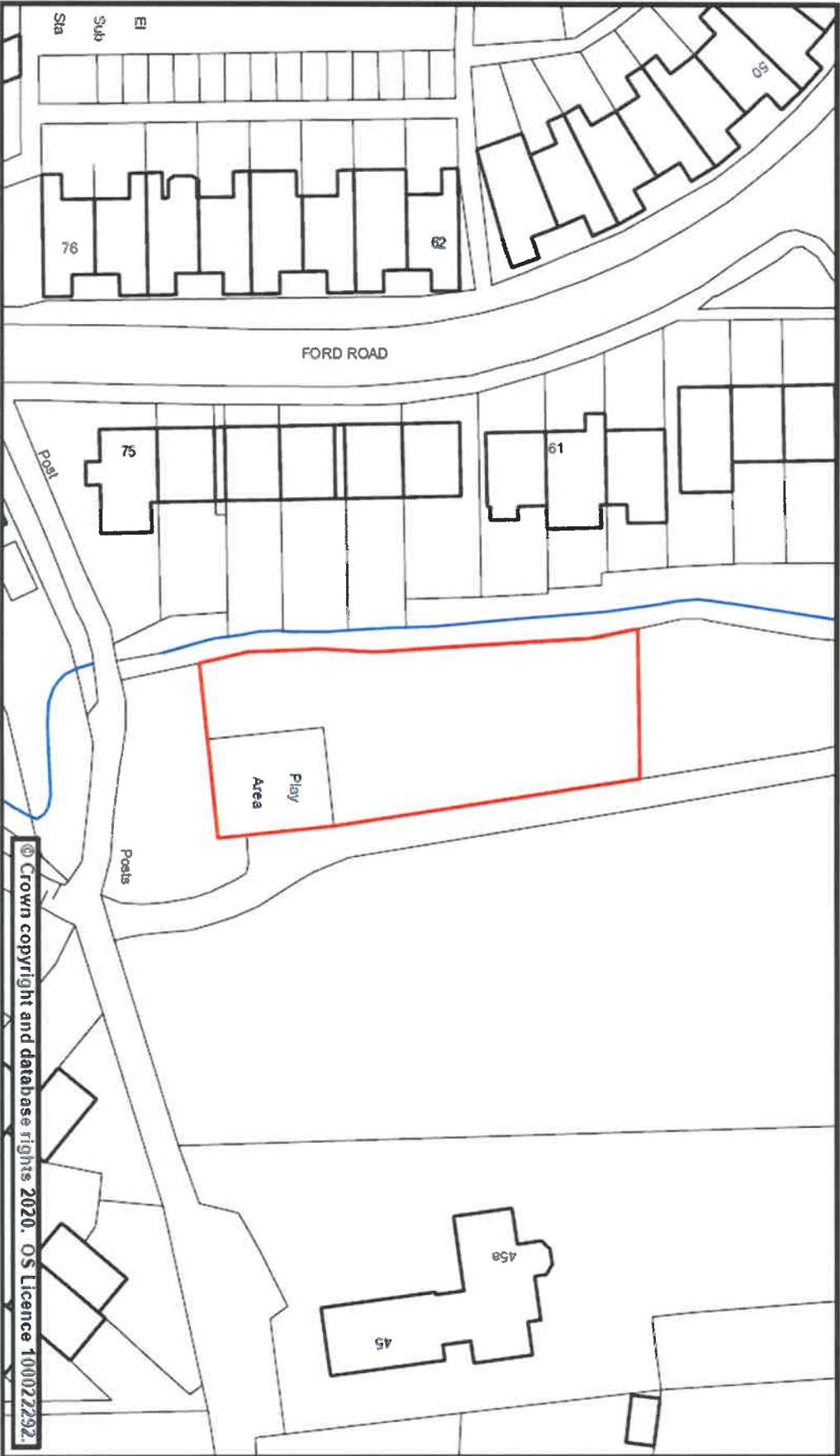
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Street Scene Plan 131

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	Starkey Close, Tiverton	Produced by	GMS Unit

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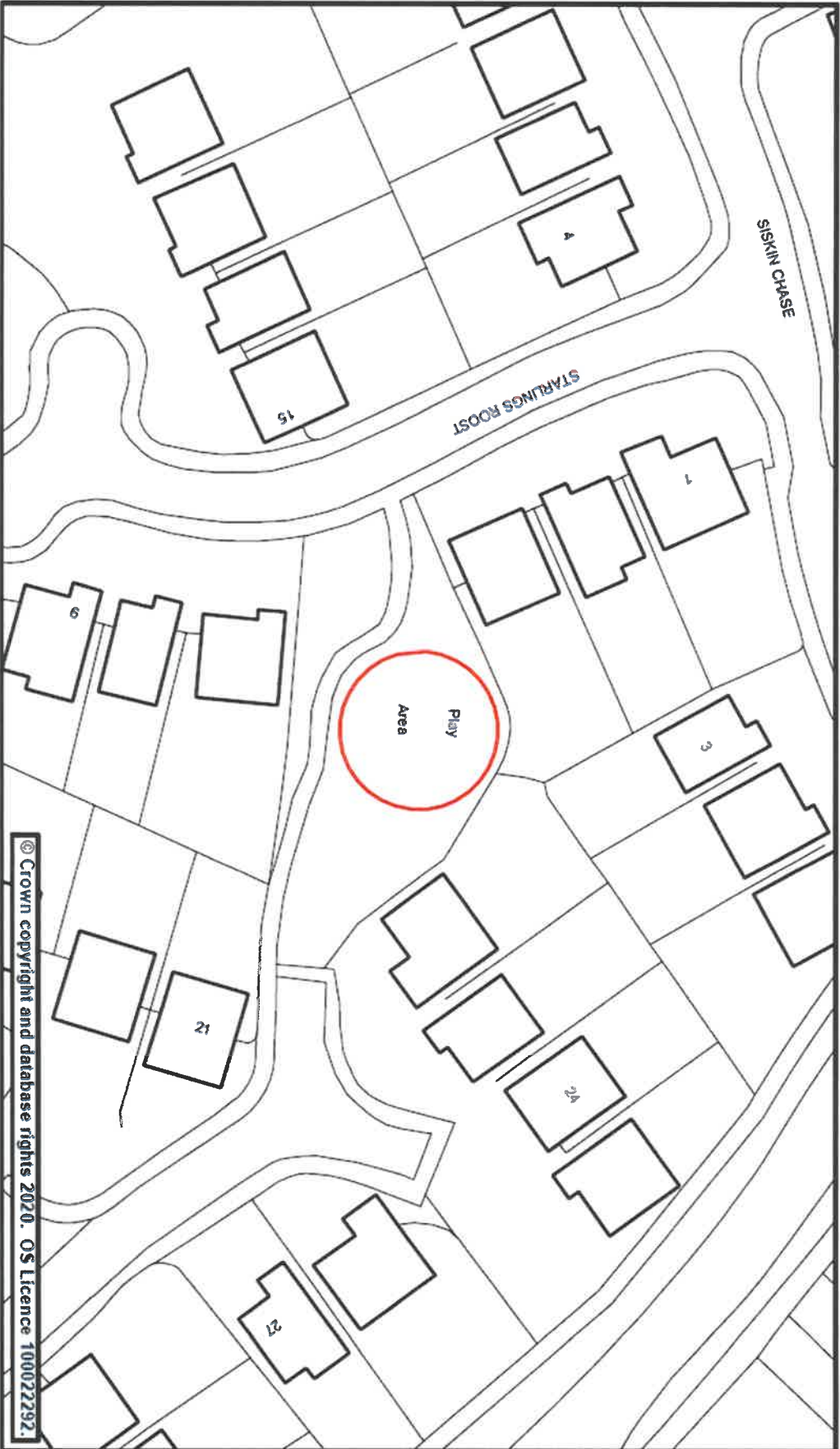
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Street Scene Plan 132

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	Starlings Roost, Cullampton	Produced by	GMS Unit

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Street Scene Plan 133

Scale	1:750 @ A4	Date	23 January 2020
Dwg. No.	Station Rd/Bray Close, Burlescombe	Produced by	GMS Unit

Phoenix House
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Website: www.middevon.gov.uk



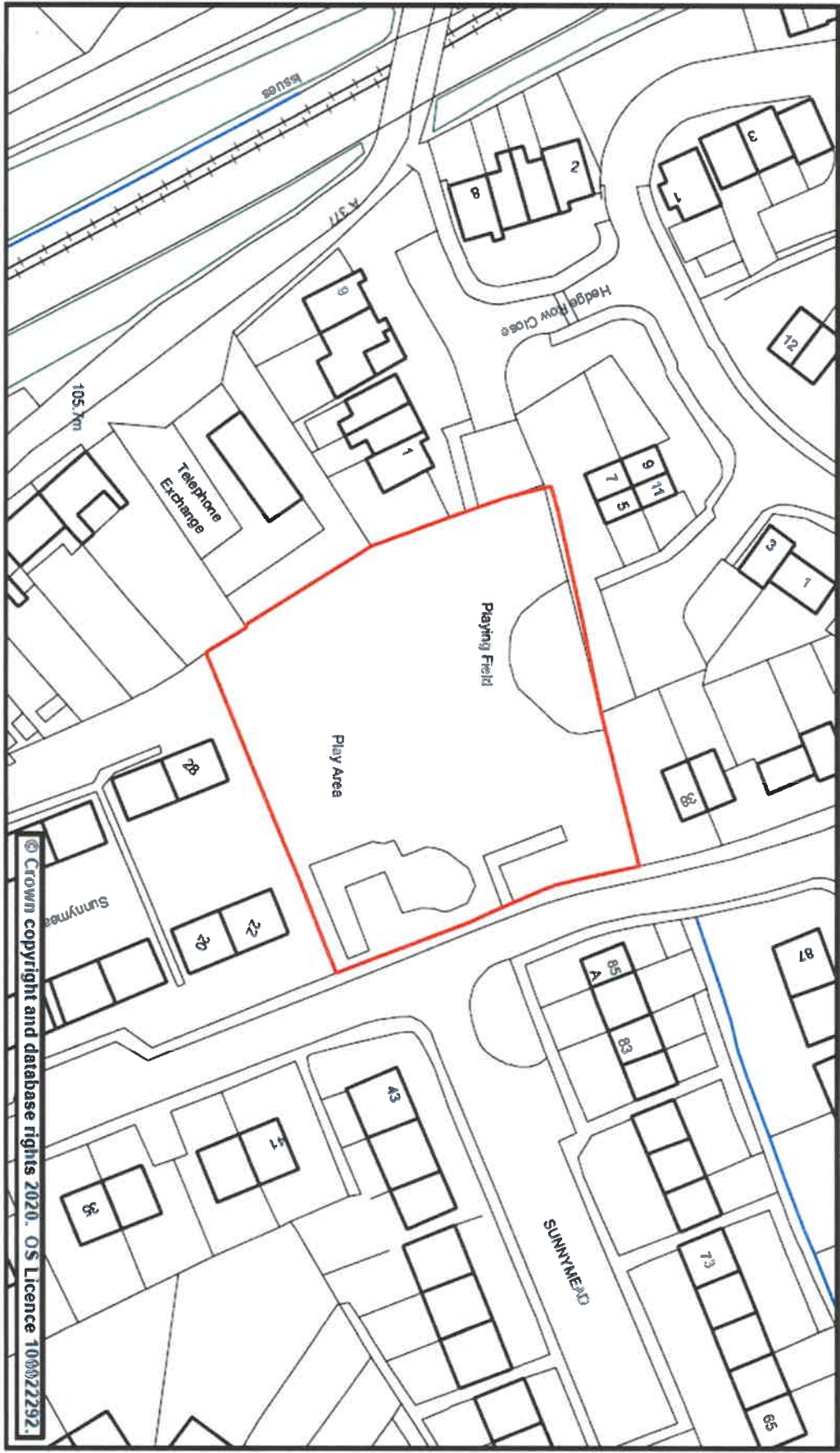
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Street Scene Plan 134

Scale	1:750 @ A4	Date	23 January 2020
Drwg. No.	Sunnymead, Copplestone	Produced by	GMS Unit

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Tel: 01884 255255
Website: www.middevon.gov.uk



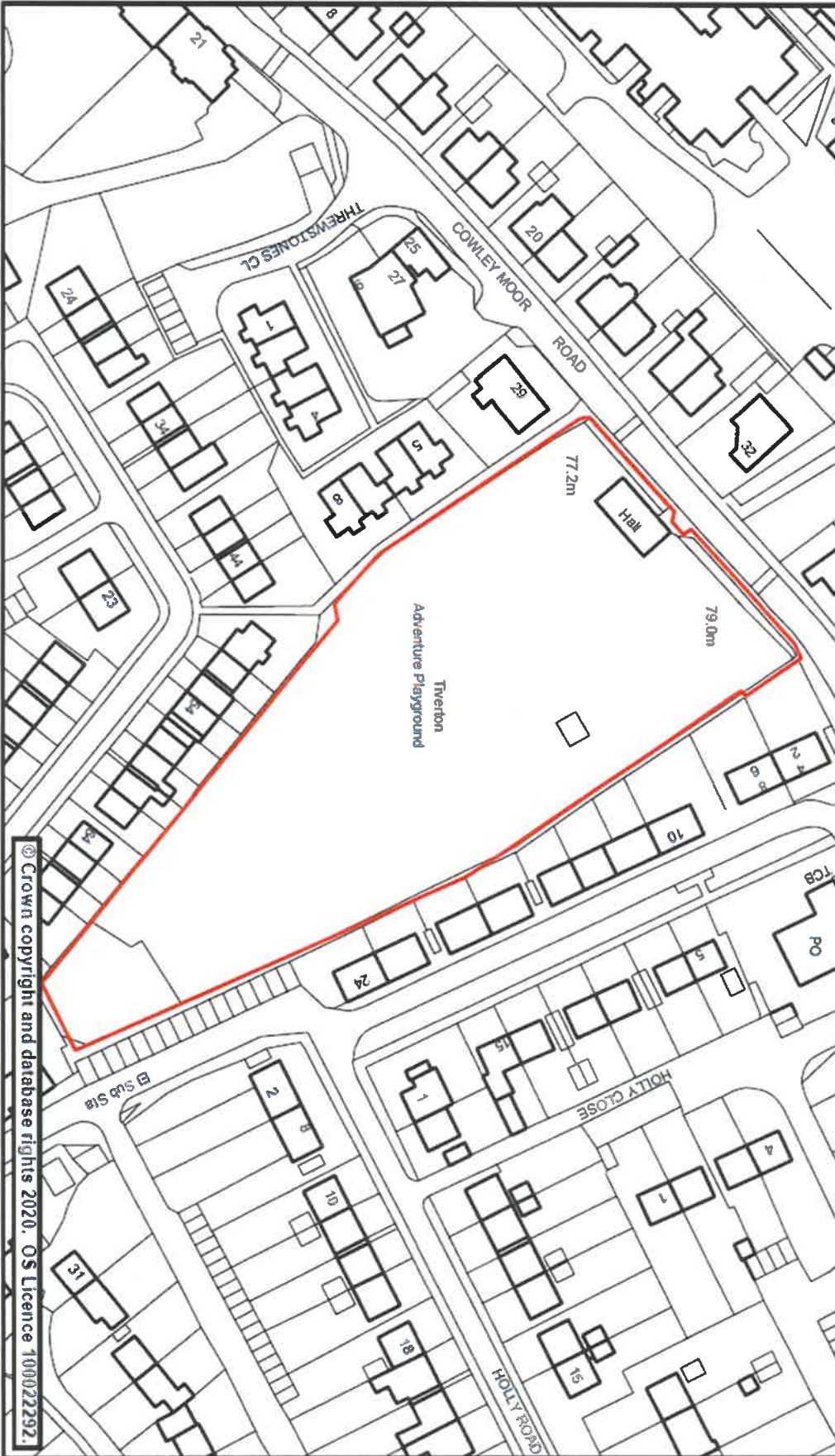
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Street Scene Plan P35

Scale	1:1,066 @ A4	Date	23 January 2020
Dwg. No.	Tiverton Adventure Playground	Produced by	GMS Unit

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Street Scene Plan 1/36

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	Town Barton, Sandford	Produced by	GMS Unit

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Street Scene Plan 137

Scale	1:750 @ A4	Date	23 January 2020
Dwg. No.	Townlands, Bradninch	Produced by	GMS Unit

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Tel: 01884 255255
Website: www.middevon.gov.uk



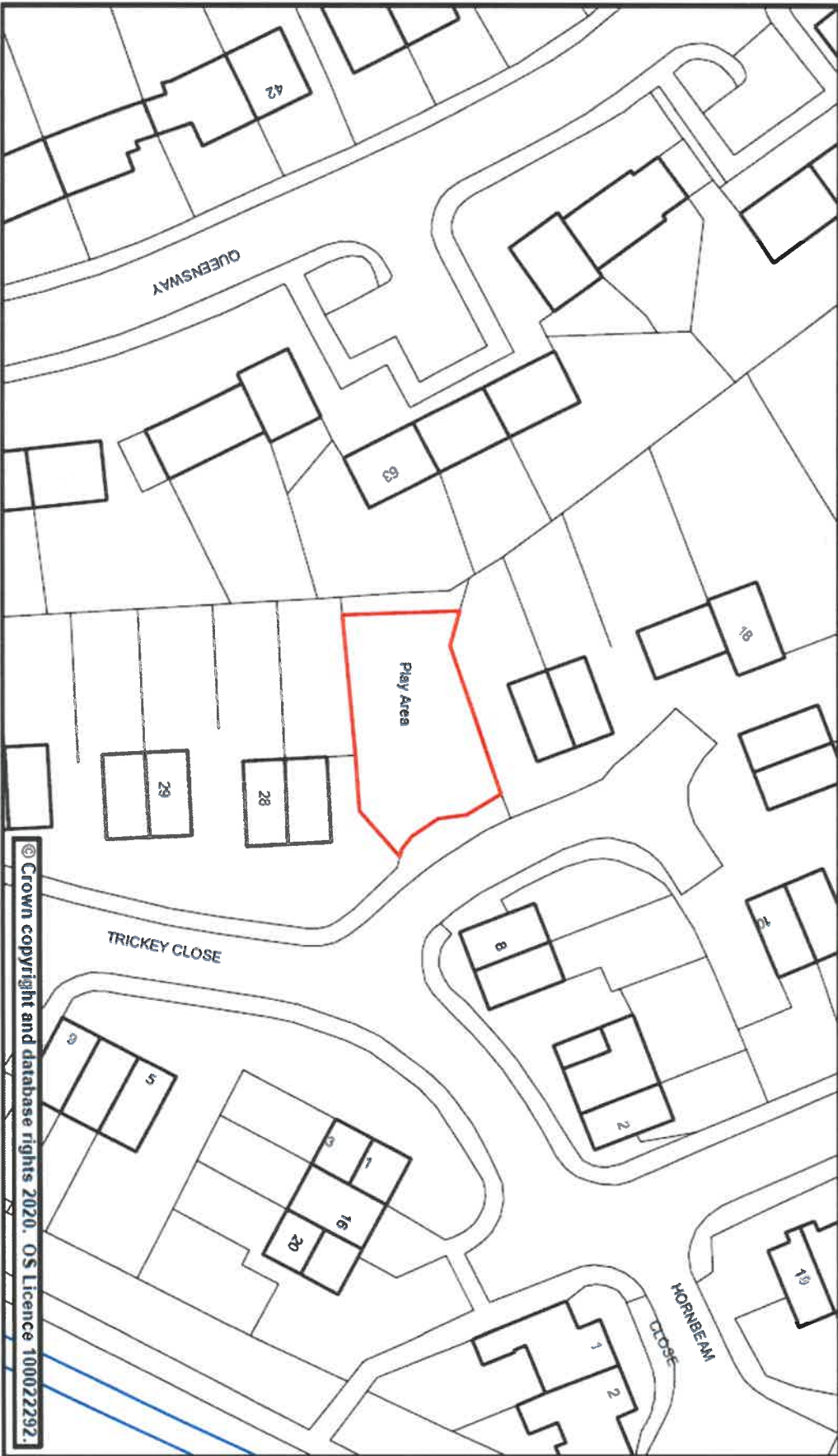
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Street Scene Plan 138

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	Trickey Close, Tiverton	Produced by	GMS Unit

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Tel: 01884 255255
Website: www.middevon.gov.uk



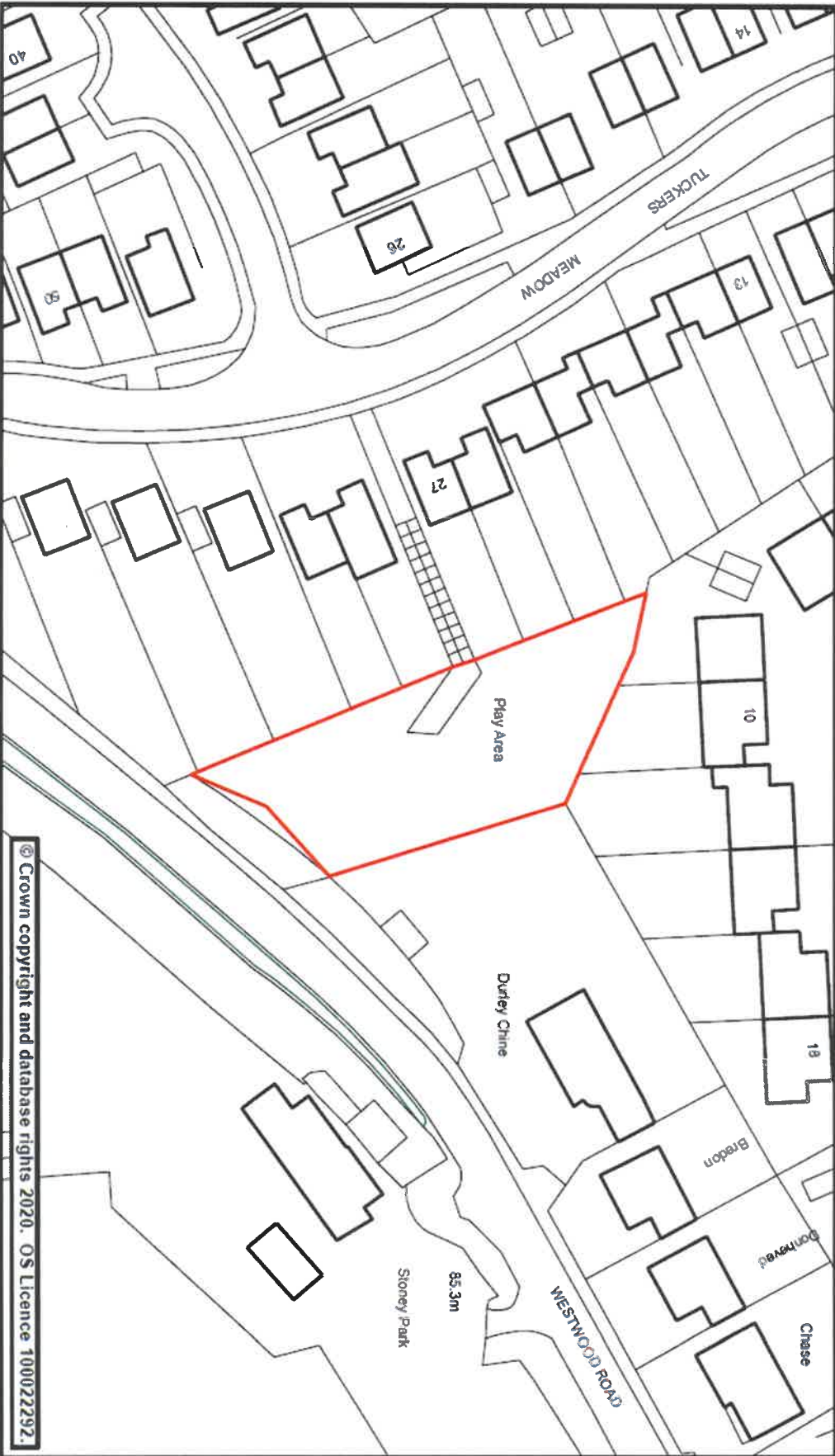
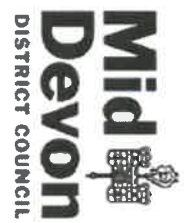
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Street Scene Plan /39

Scale	1:750 @ A4	Date	23 January 2020
Dwg. No.	Tuckers Meadow, Credition	Produced by	GMS Unit

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Website: www.middevon.gov.uk



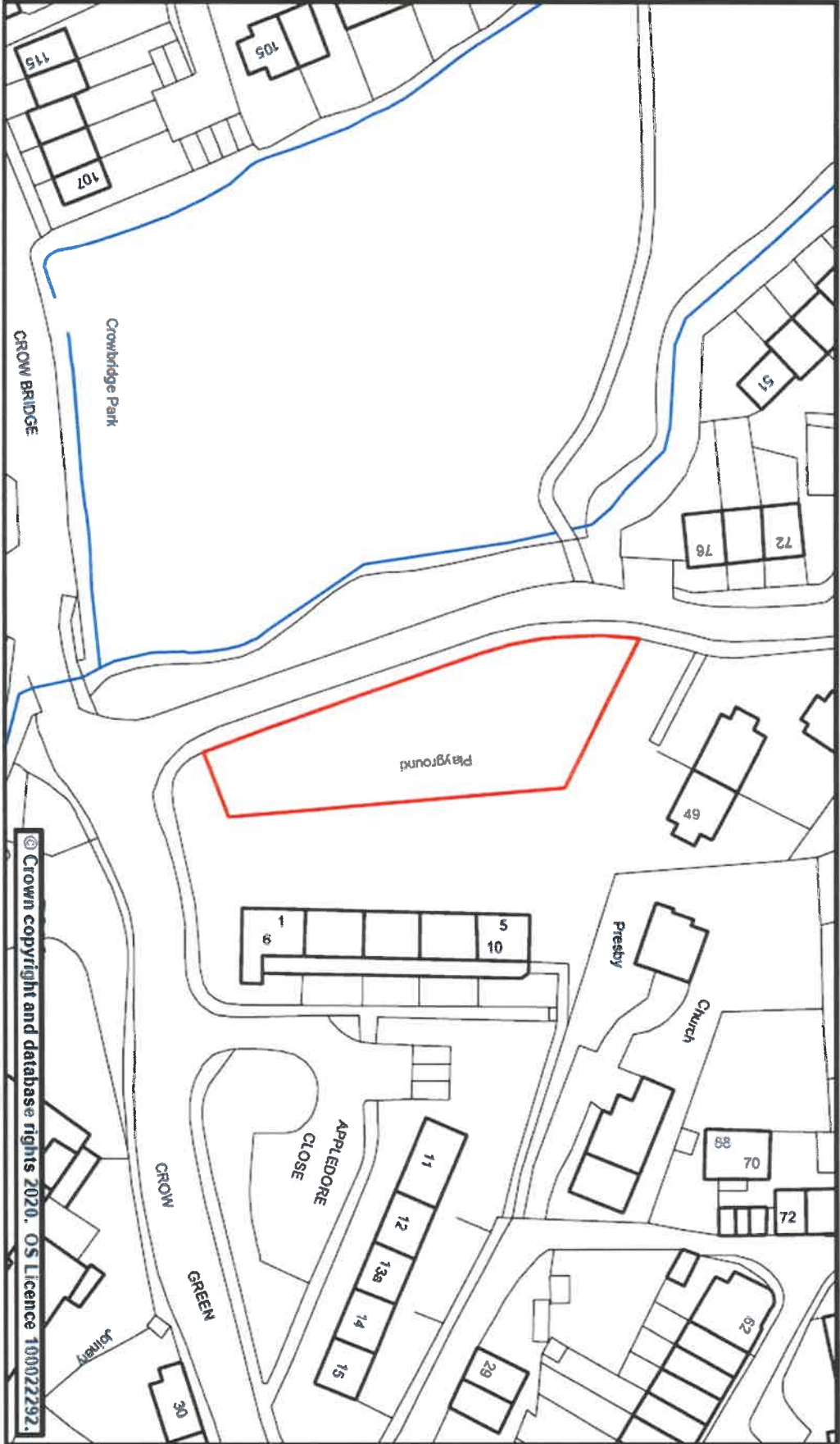
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Street Scene Plan 140

Scale	1:750 @ A4	Date	23 January 2020
Dwg. No.	Tuffy Park, Cullompton	Produced by	GMS Unit

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Tel: 01884 255255
Website: www.middevon.gov.uk



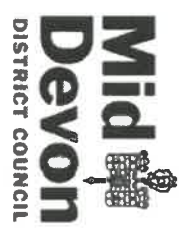
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Street Scene Plan 1/41

Scale	1:750 @ A4	Date	23 January 2020
Dwg. No.	Victoria Close, Willand	Produced by	GMS Unit

Phoenix House
Phoenix Lane, Tiverton EX16 6PP
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Street Scene Plan 142

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	Walnut Drive, Crediton	Produced by	GMS Unit

Phoenix House
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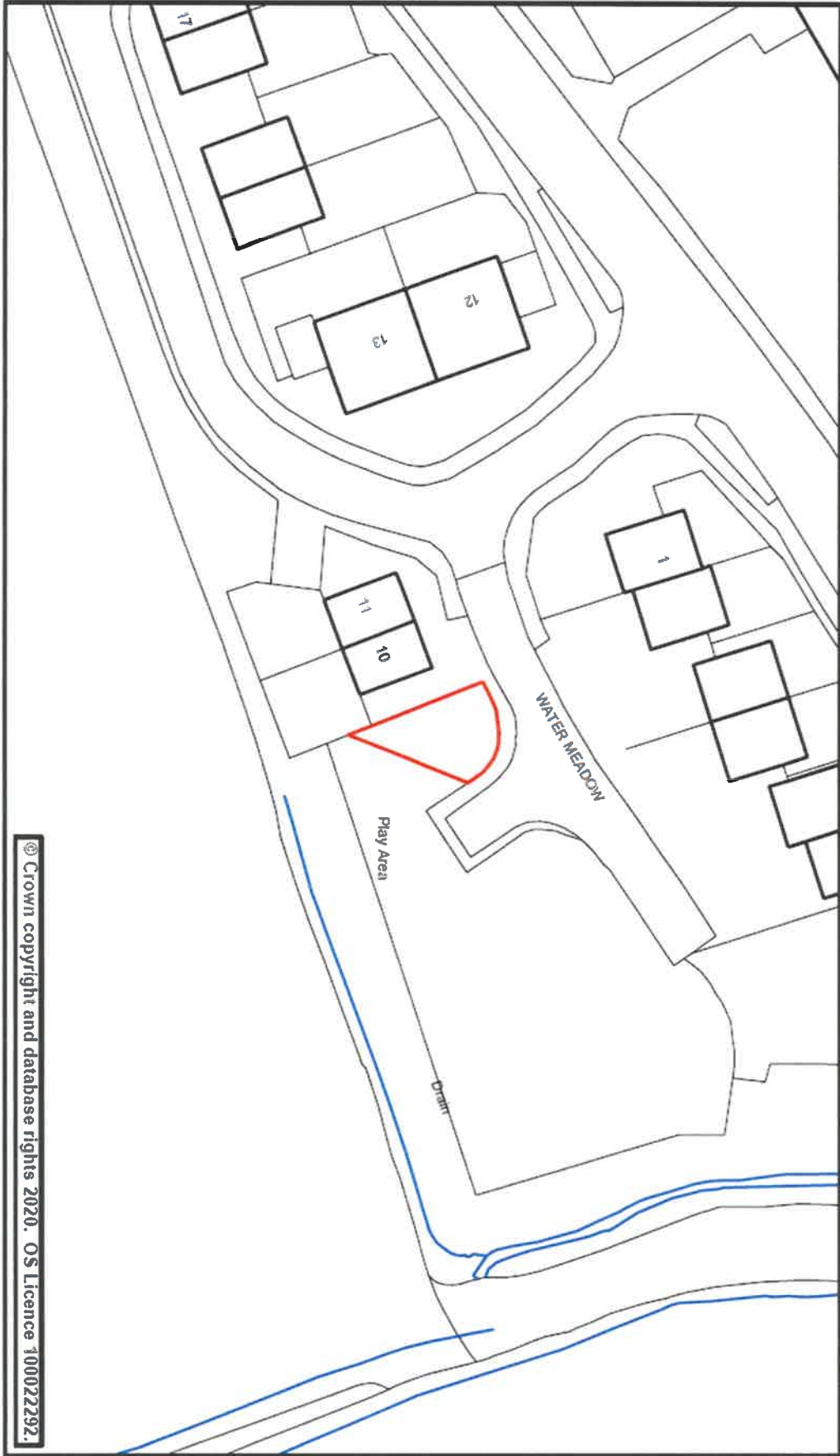
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Street Scene Plan 143

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	Water Meadow, Cullompton	Produced by	GMS Unit

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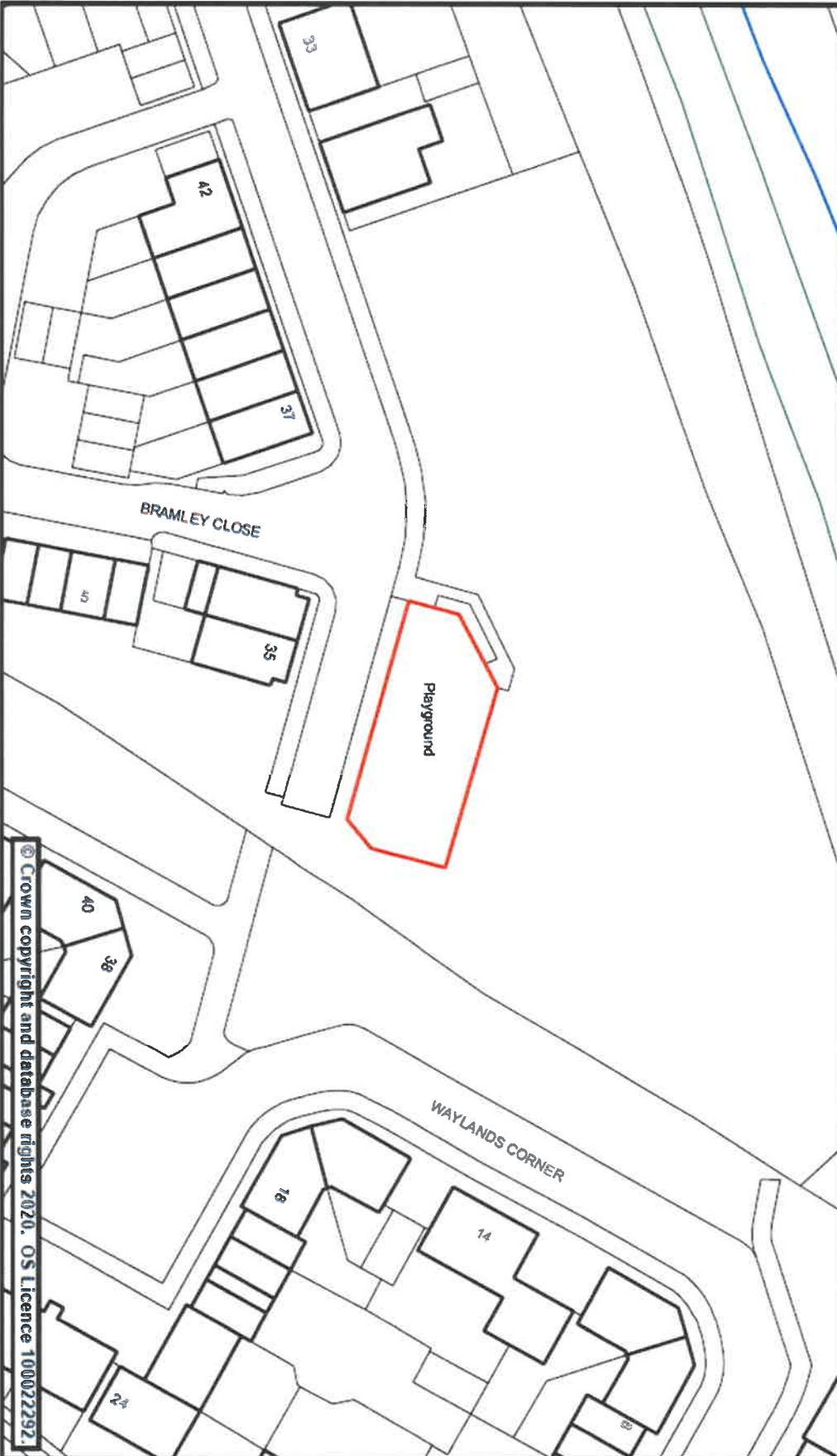
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Street Scene Plan 144

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	Waylands Road, Tiverton	Produced by	GMS Unit

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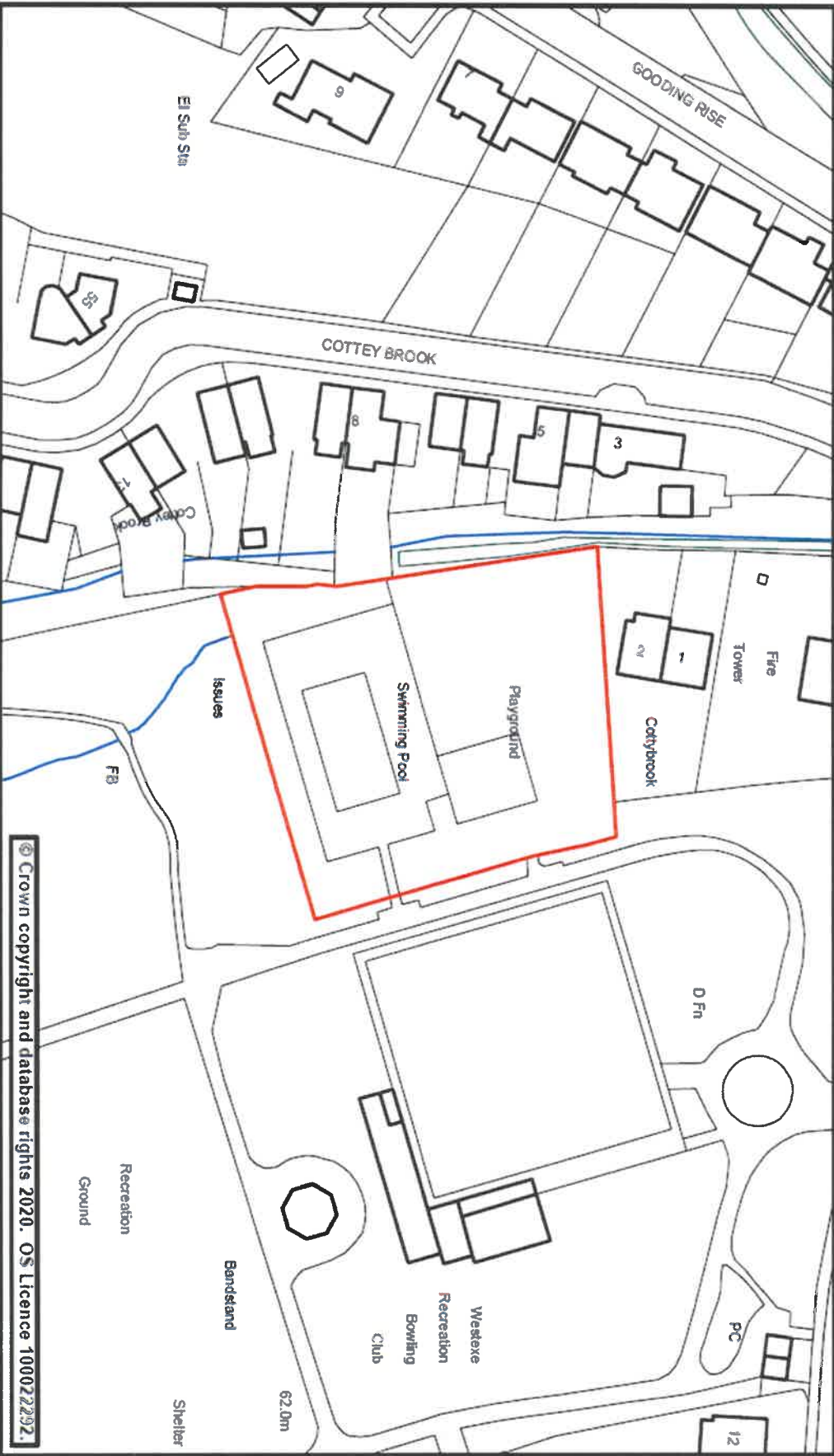




Street Scene Plan 145

Scale	1:750 @ A4	Date	23 January 2020
Dwg. No.	West-Exe Recreation Ground & Pool, Tiverton	Produced by	GMS Unit

Phoenix House
Phoenix Lane, Tiverton EX16 6PP
Tel: 01884 255255
Website: www.middevon.gov.uk





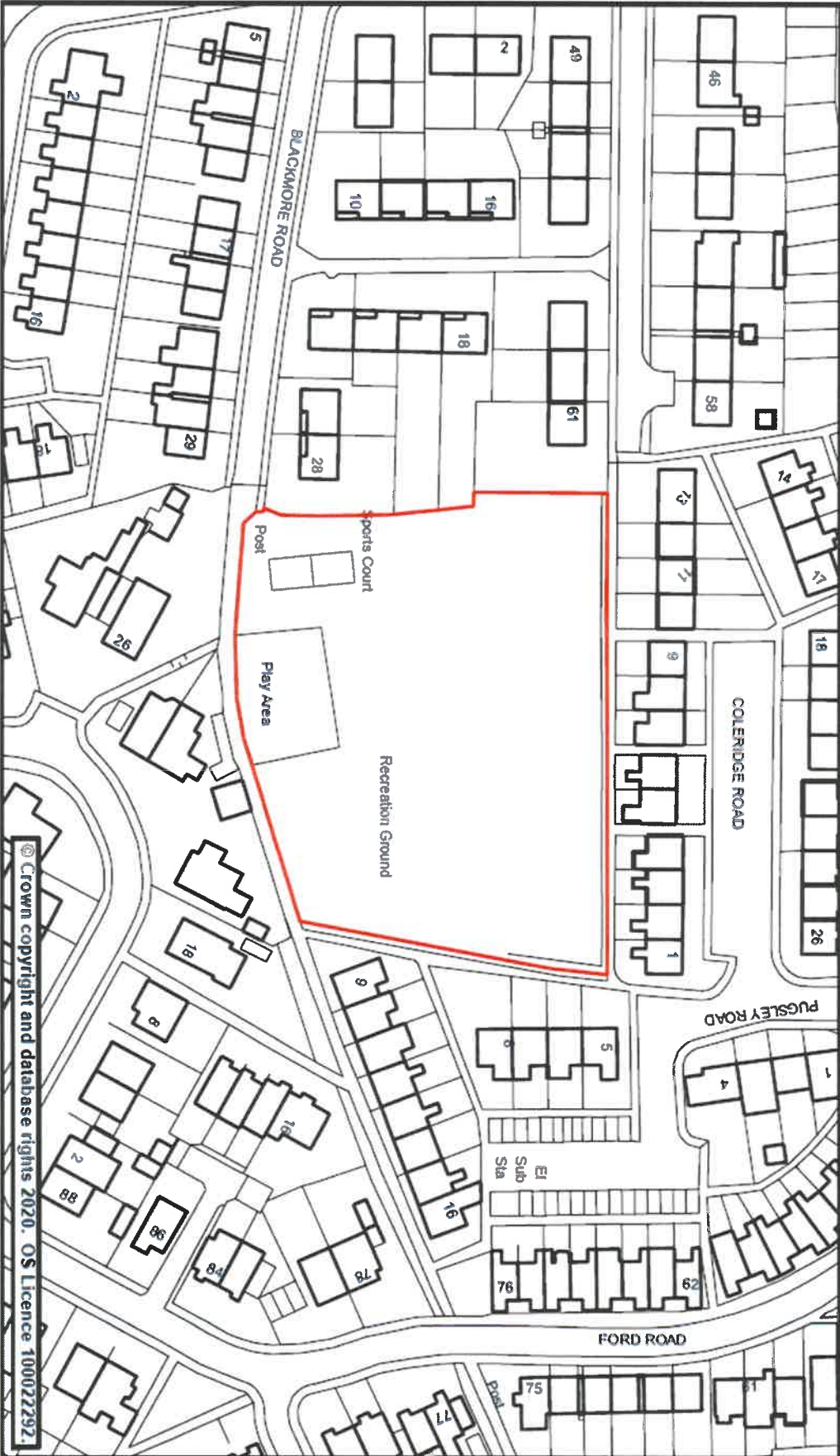
Street Scene Plan 146

Scale	1:1,000 @ A4	Date	23 January 2020
Dwg. No.	Wilcombe, Tiverton	Produced by	GMS Unit

Phoenix House
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255

Website: www.middevon.gov.uk



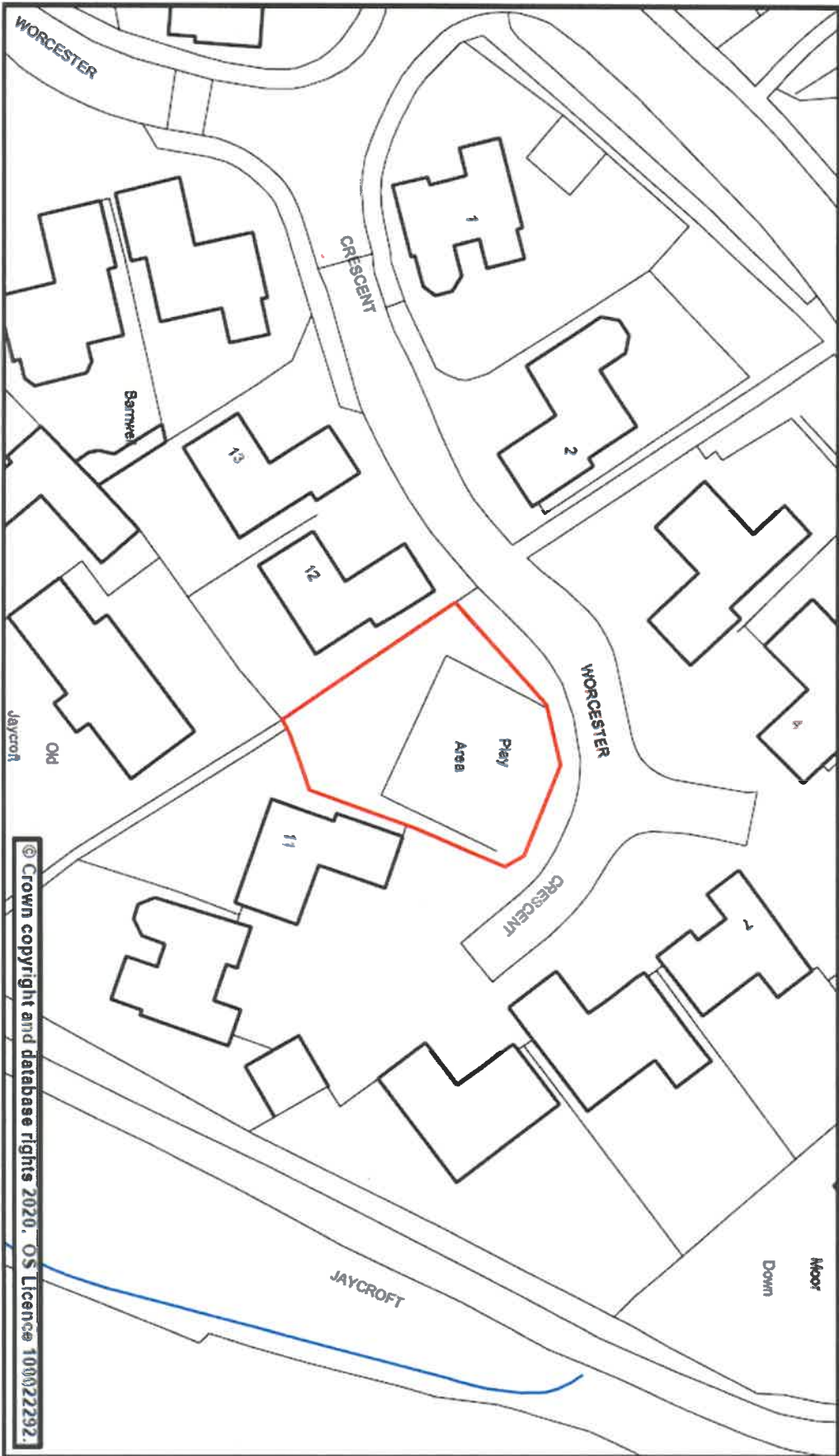
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Street Scene Plan 147

Scale	1:500 @ A4	Date	23 January 2020
Dwg. No.	Worcester Crescent, Willand	Produced by	GMS Unit

Phoenix House
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Website: www.middevon.gov.uk



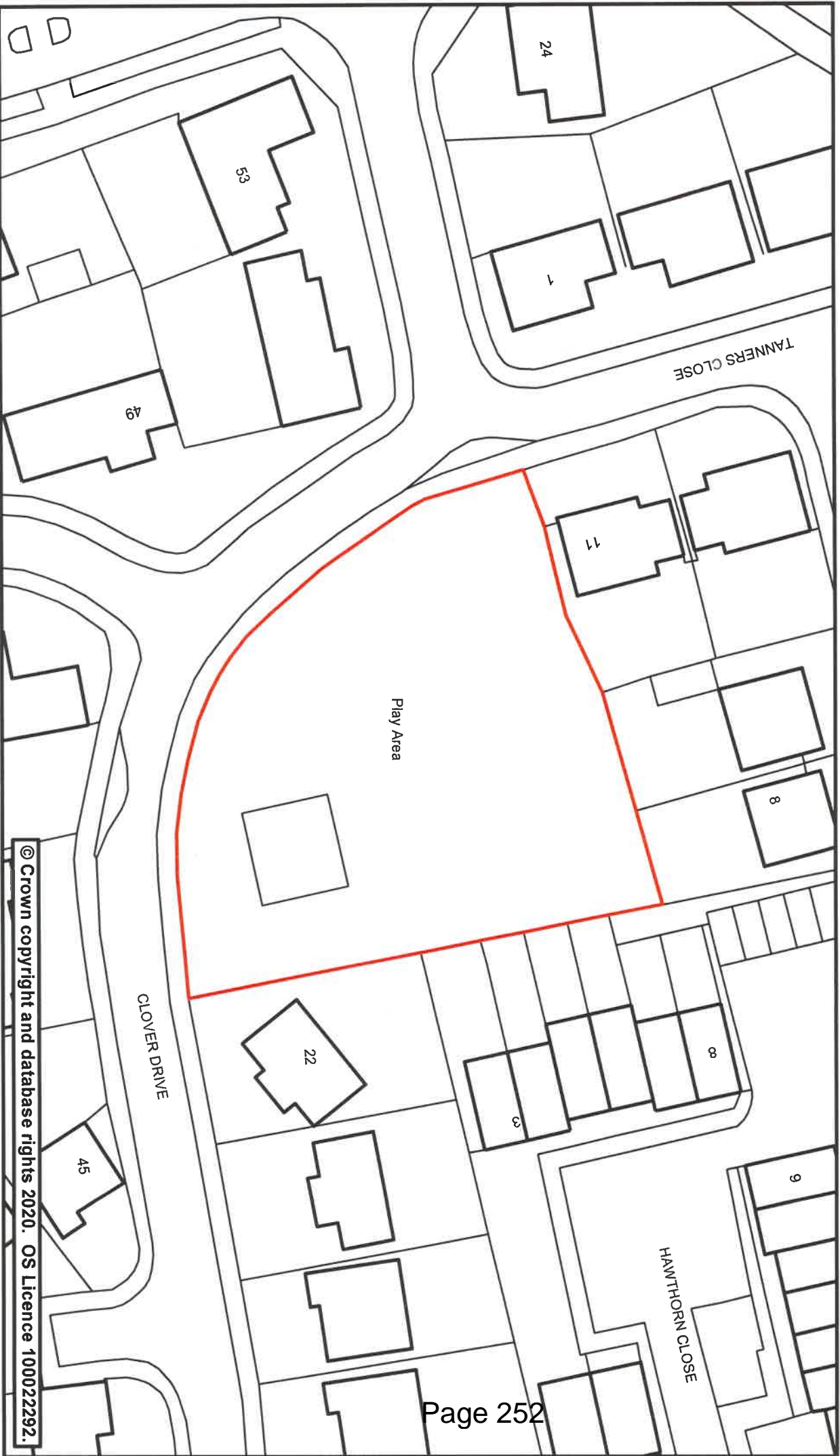
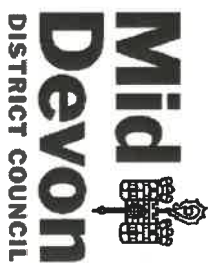
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Street Scene Plans 148

Scale	1:500 @ A4	Date	23 January 2020
Drg. No. Tanners Close/Clover Drive, Culliompton		Produced by GMS Unit	

Phoenix House
Phoenix Lane, Tiverton EX16 6PP
Tel: 01884 255255
Website: www.middevon.gov.uk

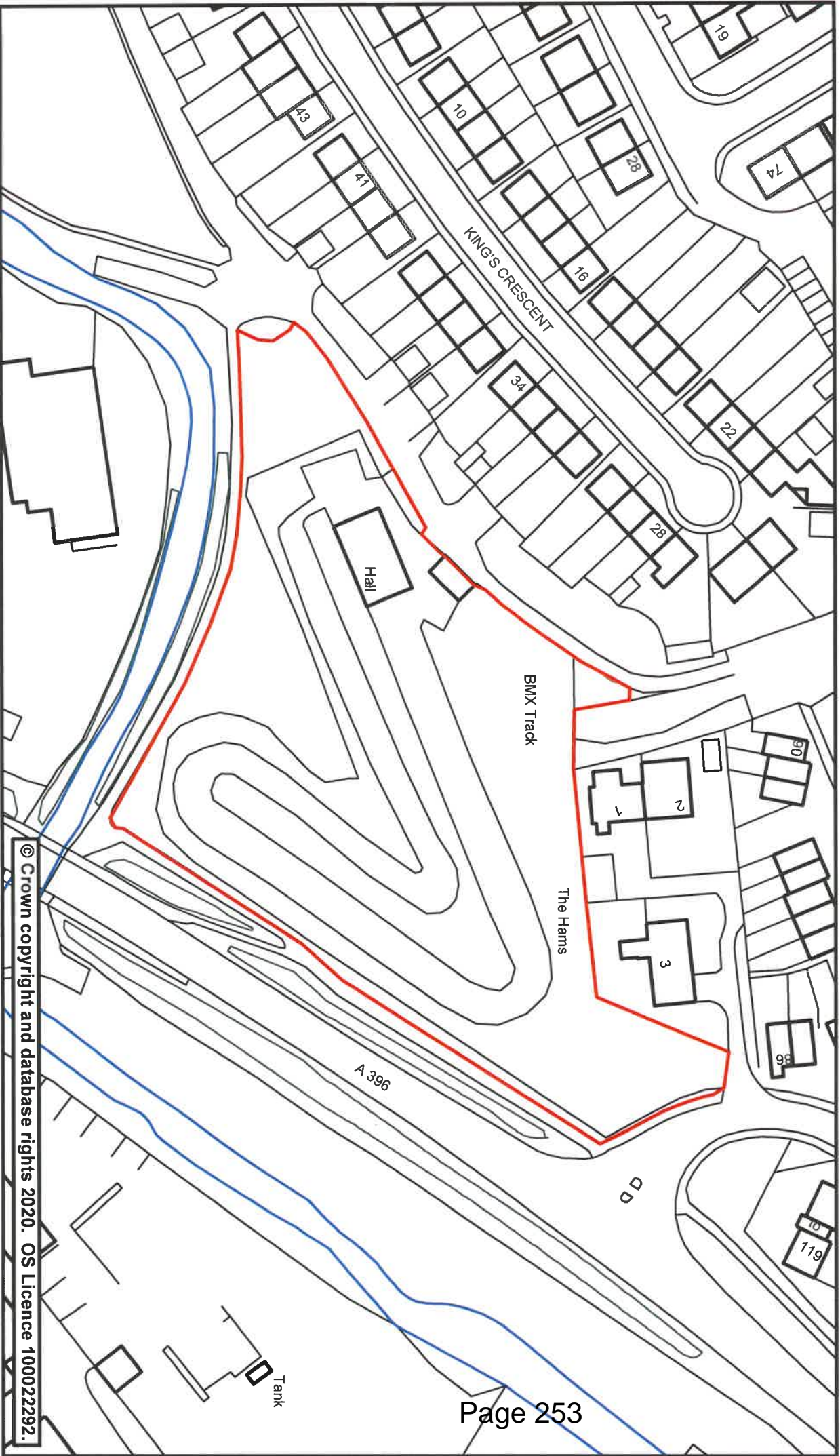
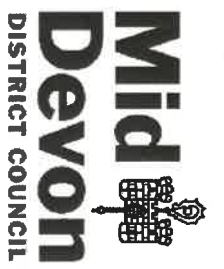




Street Scene Plan 149

Scale	1:1,000 @ A4	Date	23 January 2020
Dwg. No.	The Hams BMX Track, Tiverton	Produced by	GMS Unit

Phoenix House
 Phoenix Lane, Tiverton EX16 6PP
 Tel: 01884 255255
 Website: www.middevon.gov.uk



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ENVIRONMENT POLICY DEVELOPMENT GROUP

10TH MARCH 2020

CLIMATE CHANGE ADVISORY GROUP

Cabinet Member(s): Cllr Elizabeth Wainwright, Cabinet Member for Climate Change; Cllr Bob Deed, the Leader of the Council

Responsible Officer: Kathryn Tebbey, Head of Legal (Monitoring Officer)

Reason for Report: in light of Cllr Wainwright's appointment to the Cabinet, to consider whether to recommend to Cabinet the creation of a Climate Change Advisory Group in lieu of the Environment PDG's Net Zero Working Group.

RECOMMENDATION: that

- 1 it be Recommended to Cabinet that -**
 - (a) a Climate Change Advisory Group be established;**
 - (b) the membership of the Group comprise eight Members – 3 Conservative, 2 Liberal Democrat, 2 Independent and 1 Green (not politically balanced); and**
 - (c) the terms of reference be finalised by the Group, unless the Cabinet wishes to set the general terms in line with those in this report; and**
- 2 it be Resolved that in the event that Cabinet agrees to establish a Climate Change Advisory Group, that the Net Zero Working Group be dissolved.**

Financial Implications: there is no specific budget for discrete climate change projects at the moment. However, cabinet has indicated their intention to review the capital budget early in the next financial year with a view to establishing how the council's investment programme can better reflect the emerging Corporate Plan (2020-24) including ambitions on reducing Carbon emissions. In terms of meetings, the new CCAG would meet on a frequency as defined by the group itself.

Budget and Policy Framework: See above.

Legal Implications: As set out in this report.

Risk Assessment: A co-ordinated approach to Climate Change will greatly assist the Council to as a whole to meet corporate plan and other policy objectives. It will underpin the Council's climate emergency declaration.

Equality Impact Assessment: None directly arising. As with any work of the Council, equalities issues should be at the heart of all proposals and decision-making.

Relationship to Corporate Plan: The proposed recommendations would create an advisory group on an issue central to the emerging Corporate Plan (2020-24).

Impact on Climate Change: The proposed recommendations would create an advisory group on an issue central to the emerging Corporate Plan (2020-24). The group will be able to advise Cabinet on how best to achieve the Council's commitments with regard to the Devon Climate Declaration agreed by the Council in June 2019 – as well as helping to shape policy to go through appropriate PDGs before feeding into Cabinet.

1.0 Introduction/Background

- 1.1 Cllr Elizabeth Wainwright has been appointed to Cabinet with the portfolio for Climate Change. Consequently, she cannot continue to sit on the Environment PDG. Whilst Cllr Jo Norton has taken her place, some thought has been given to Cllr Wainwright's particular interest in and portfolio responsibility for Climate Change – and how she might continue to facilitate and enable policy development whilst being a member of the Cabinet.
- 1.2 It must also be remembered that the Environment PDG has created a Net Zero Working Group which meets informally. Again, Cllr Wainwright can no longer sit on that working group.

2.0 Options

- 2.1 Cllr Wainwright would like to continue with work on climate change beyond the day-to-day workings of a Cabinet member. Whilst this can be done informally by liaising with officers and members, it would be good to give some specific forum.
- 2.2 Whilst the current arrangements could continue unchanged and Cllr Wainwright works separately on her portfolio work, Members might consider that it would be useful to join up this work in a suitable forum. On a similar basis, the Planning Policy Advisory Group was established in 2011 to be such a forum.
- 2.3 A Climate Change Advisory Group could perform a similar role whether through advising Cabinet, gathering information or hearing evidence and ideas. It could also work with officers to develop cohesive plans to reduce the environmental impact of Council services and help devise strategies, initiatives and identify opportunities. Any policy or decision would still come up through the Environment PDG in the usual way and then on to Cabinet. Whilst it would not meet in public, the outcomes/output would, if requiring a decision, be through the PDG, Cabinet and, in some cases, the Council. This would ensure openness and transparency at the key decision points.
- 2.4 The terms of reference could be left quite loose to enable the Group to respond to the evolving climate change debate. For example, the terms could be along the following lines:
 - To gather information, ideas and evidence to inform the Council's response to climate change, including meeting, as appropriate, with various individuals, organisations, communities and stakeholders

- To work with officers in devising actions, initiatives, strategies and policies to mitigate climate change and accordingly make recommendations to Cabinet (via the PDGs where appropriate)
- To identify challenges and opportunities for the Council in meeting the terms of the Devon Climate Declaration adopted on 26th June 2019.

2.5 The Environment PDG, if minded to recommend a Climate Change Advisory Group, could leave the terms of reference and membership numbers to the Cabinet to decide. It could be subject to a schedule of meetings, but might better be left to meet on a 'need to meet' basis.

2.6 Unless the membership of the Climate Change Advisory Group is set at 12 members, applying the political balance rules would mean that no Green councillor would have a seat on the Group. A Group of 12 members seems unnecessarily large. Therefore, it is recommended that the membership be 8 councillors, but that the group is not politically-balanced. However, to ensure that all political groups have a presence, it is suggested that the 8 Members are – 3 Conservative, 2 Liberal Democrat, 2 Independent and 1 Green.

3.0 Consequences

3.1 If Members of the Environment PDG agree to recommend that a Climate Change Advisory Group is established and Cabinet agrees, it would seem sensible to re-consider the continued value of the Net Zero Working Group. With the risk of duplication of work and effort, it is suggested that the Environment PDG might choose to dissolve the Working Group and a recommendation is made for that purpose.

Contact for more Information: Kathryn Tebbey, Head of Legal (Monitoring Officer) (01884) 234210 ktebbey@middevon.gov.uk

Circulation of the Report: Cabinet Member; Chairman of Environment PDG; Leadership Team

List of Background Papers: None.

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HOMES POLICY DEVELOPMENT GROUP 17 MARCH 2020

HOUSING SERVICE CAR PARK MANAGEMENT POLICY

Cabinet Member(s): Councillor Simon Clist, Cabinet Member for Housing
Responsible Officer: Mrs Claire Fry, Group Manager for Housing Services

Reason for Report: The Housing Service Car Park Management Policy requires review by virtue of time bar

RECOMMENDATION:

- 1 That the Homes Policy Development Group (PDG) agrees to the proposed changes set out in the tracked policy**
- 2 That the PDG recommends to Cabinet that the Policy be adopted as amended**

Financial Implications: The Housing Revenue Account (HRA) is ring fenced and subject to specific financial controls.

Budget and Policy Framework: The situation relating to car parking is complicated. The Housing Service owns some car parks and others are the responsibility of the General Fund. In addition, permit parking arrangements have been introduced on some, but not all, estates.

The Neighbourhood Team manages car parking on housing estates and there is a staffing budget within the HRA to ensure that this is adequately resourced. The Neighbourhood team is currently working on a project to document all the different arrangements which exist with regard to each car park on the Housing estate, together with the rights of those who have exercised their right to buy. This policy has been in use for several years and serves to ensure consistency of approach. The review is timely because it allows for reference to virtual permits, which are now issued by Streetscene instead of paper permits.

The provision of permit parking does yield a small income but this is negligible when compared to the resources required to manage car parking issues, which may sometimes be very emotive and therefore very time consuming for Officers.

Legal Implications: The tenancy agreement defines the Council's relationship with tenants and sets out the rights and responsibilities of both parties. There is a section within the standard agreement which sets out the position with regard to vehicles and parking. Other residents may park on our estates and this can be more difficult to manage especially if the Council does not have a legal relationship with those people.

Risk Assessment: Car parking issues can be highly emotive and it is important to ensure that these are managed fairly in a consistent manner to avoid giving cause for complaint that one resident has been treated more or less favourably than any other.

Equality Impact Assessment: The Tenant Involvement and Empowerment Standard contains a specific expectation that registered providers of social housing such as the Council shall demonstrate how they respond to tenant's needs in the way they provide services and communicate with tenants. The Housing Service requests diversity data from tenants to enable compliance to be monitored and makes a note of any communication needs relating to residents living in other housing tenures if they notify Officers about this.

The use of a policy helps to ensure that service delivery is consistent and fair.

Officers will undertake home visits if someone is unable to come into the office to discuss an issue.

Relationship to Corporate Plan: The Housing estate must be managed efficiently and effectively and the new Corporate Plan also includes themes relating to community and environment which are relevant to this policy.

Impact on Climate Change: The Housing Service has actively invested in energy efficiency; extensive use of solar PV and air source heat pumps already exists. The ongoing circa £170M 30 year maintenance programme has a significant focus on ensuring energy efficiency. Where sustainable options are available they are utilised; however, it is acknowledged that where there is a significant cost differential that plays heavily in the choices made.

We recognise that the provision of sustainable communities is important. As part of our commitment to meeting the provisions of the Tenant Involvement and Empowerment Standard within the Regulatory Framework for Social Housing, the Council offers a menu of involvement, which provides opportunities for tenants to get involved in service delivery. Tenants scrutinise the work of the Service and are also involved in the development of our newsletter which is published periodically. We use this and social media to promote sustainability and therefore publish information relating to a variety of topics including fuel efficiency, recycling and healthy living.

Officers sometimes have to respond to emergencies such as those associated those arising from serious incidents of anti-social behaviour. In such cases, safeguarding concerns will take priority in order to minimise risk and it is accepted that the ability to manage such issues effectively may have an environmental impact which would not occur if work can be planned in advance and managed in a more co-ordinated way.

1.0 Introduction

1.1 The Council is committed to improving the Housing Service and having an effective car park management policy enables staff to refer to this for guidance on the best course of action under the circumstances. Reference to the policy should ensure that all cases are treated consistently although the policy does offer some discretion to enable reasonable adjustments to be made where necessary.

1.2 This policy identifies the approach of the Housing Service to managing car parks and other parking issues on our estates.

- 1.3 The existing policy has been in use since it was adopted in 2011. Following a review, a number of amendments have been suggested. These changes have been included on the policy document contained within Appendix 1 and are shown as tracked changes for ease of reference. The tracked changes have affected the formatting of the document. Once the final draft has been agreed, it will be retyped and properly formatted.
- 1.4 The Council's standard tenancy agreement contains a section which relates to the tenant's obligations relating to vehicles and parking. Any enforcement action initiated in response to a breach of relevant tenancy conditions will be taken in accordance with the provisions of the Housing Act 1985.
- 1.5 It has been suggested that the next review of the policy should take place in ten years, unless changes in legislation require an earlier review, and this amendment has been suggested as a tracked change in the updated draft of the policy.

2.0 **Changes to the Draft Policy**

- 2.1 With regard to vehicle repairs, the wording has been amended to ensure that it reflects the provisions of the tenancy agreement. The tenancy agreement states that tenants must not carry out major repairs to vehicles at their homes. It states that tenants are allowed to carry out general maintenance and repairs such as topping up windscreen washer fluid, oil or water, changing tyres, putting in a new sound system or changing windscreen wipers and so on. However, this is conditional on them not causing a nuisance.
- 2.2 In addition, an amendment has been made to ensure that it is clear that residents must not block access to dropped kerbs.
- 2.3 Section 7 of the draft policy has been updated to take account of the new arrangements relating to parking permits whereby those who have a permit are issued with a virtual permit. The requirement for the permit holder to update their vehicle details as and when necessary has been clearly stated. Responsibility for this lies with the permit holder and the policy clearly states this to avoid any confusion.
- 2.5 The policy has been amended in section 8 and this explains that the Housing Service will make any necessary enquires to find out who owns a vehicle which appears to be abandoned.
- 2.4 A new section has been added to the policy to clarify the responsibility of the Housing Service with regard to the management of any parking issues arising in areas where the Council's Off-Street Parking Places Order applies.
- 2.5 The section relating to equality and diversity has been amended to reflect what is included in other Housing Service policies.
- 2.6 The Housing Service posted an invitation to tenants on social media asking them if they wanted to be involved in the review of the car park management policy on 30 December 2019. The post noted that a focus group was planned

but also explained that tenants also had the option to request involvement by email discussion in the policy review. Unfortunately, no volunteers came forward.

3.0 **RECOMMENDATION**

- 3.1 Members are asked to consider the content and the proposed changes; and to agree a recommendation relating to the adoption of the revised policy to the Cabinet. In the meantime, the policy will be reviewed and revised to reflect any legislative requirements and/or other guidance or good practice.

Contact for more Information: Mrs Claire Fry, Group Manager for Housing Services, tel: 01884 234920 and cfry@middevon.gov.uk

Circulation of the Report: Councillor Simon Clist, Cabinet Member for Housing [yes/no – name of Cabinet Member], Cabinet, Leadership Team seen and approved [yes/no]

List of Background Papers:

Mid Devon District Council

Car Park Management Policy

| Policy Number: HSG v3.87

| ~~January~~ ~~March~~ 202016

Version Control Sheet

Title: Car Park Management Policy

Purpose: To review the Car Park Management Policy in accordance with good practice and relevant legislative requirements.

Owner: ~~Group Manager~~~~Housing Services Manager~~ [for Housing Services](#)
cfry@middevon.gov.uk
Telephone number 01884 234920

Date: ~~January~~~~March~~ 20~~20~~~~16~~

Version Number: v3.~~8~~~~7~~

Status: Review Policy

Review Frequency: Every ~~104~~ years or sooner if required and in accordance with changes in good practice and legislation

Next review date: ~~January~~~~March~~ 20~~30~~~~20~~

Consultation This document was sent out for consultation to the following:

Cabinet Member

Staff

~~Tenants Together~~

~~Leadership~~~~Management~~ Team

~~PDG Decent & Affordable Homes~~ [Policy Development Group](#)

Document History

This document obtained the following approvals.

Title	Date	Version Approved
Cabinet Member	28.9.15 13/02/2020	
Tenants Together	40.12.15	
Management Team Leadership Team	12.1.16 03/03/2020	
Homes Policy Development Group PDG Decent & Affordable Homes	26.1.16 17/03/2020	
Cabinet	11.2.16	3.7

1. Introduction

This policy statement outlines Mid Devon District Council's (MDDC), Housing Services approach to dealing with car parking in and around neighbourhoods. This includes housing amenity, residential and permit holder car parks. We recognise that tenants and residents in some areas have no or limited means of transport and rely on a car. Many of our estates were built when levels of car ownership were not so high. Tenants and residents are encouraged to use Council car parks to reduce congestion on roads, to reduce parking issues and to promote safer communities.

2. Scope

This policy explains how the Housing Service will manage car parking on Council land which [belongs to the Housing Revenue Account and which](#) is utilised by a range of users, such as Council tenants, leaseholders, owner occupiers, tenants of Registered Providers and private landlords. This policy covers the following points and should be read in conjunction with the related documents highlighted below.

- Parking responsibilities
- Amenity/residential/permit holder car parking
- Inconsiderate parking
- Liability for theft, damage and vandalism to vehicles
- Maintenance of housing estate car parks

3. Related Documents

- a. Tenancy Agreement
- b. Property Deeds or Lease
- c. Policy relating to tenancy changes
- d. Anti-social behaviour Policy and Procedures
- e. Recharge Policy

4. Definitions

The following definitions apply to this policy:

- **Resident** – any Council tenant, registered provider or private tenant, lodger, leaseholder, owner-occupier or business user
- **Tenant** – means anyone who holds a Council tenancy or is a leaseholder with MDDC
- **Vehicle** – any car, motorcycle, caravan, trailer, trailer tent, motorhome, van, lorry, horsebox, boat, motor scooter or similar
- **Council owned land** – is land owned by MDDC, including all estates or amenity, residential and permit holder car parks
- **Council property** – a MDDC home including gardens or shared communal areas
- **Abandoned vehicle** - any vehicle which the owner no longer wants that has been left on Council land. The vehicle may be in poor condition, unmoved for some time or have no valid insurance or tax

- **Non-roadworthy vehicle** - any vehicle that is not fit to be driven on the open road, vandalised or parked on Council land and could potentially be a danger to others.

5. Our parking responsibilities

5.1 Increased car ownership can lead to congestion on our [housing estates](#) and escalate parking issues. As part of our day to day car park management we [will be responsible for the following](#):-

- Implementing car parking controls;
- Taking appropriate action to manage car parks efficiently and effectively;
- Reserving the right to charge for unauthorised parking or withdraw a permit;
- Taking appropriate action to resolve issues, for example unauthorised and inconsiderate parking or nuisance;
- Removing offensive graffiti within one working day of being notified;
- Acting swiftly to contact the owner of a vehicle where an unauthorised or abandoned vehicle is parked on Council land before arranging the vehicle's removal and disposal. However where this has failed, we may give due notice to remove the vehicle before arranging for its removal and disposal;
- Taking other appropriate enforcement action, where required;
- Enforcing vehicle repair activity. This will be in accordance with the Tenancy Agreement; [and](#)
- [Reporting any untaxed vehicles to the Drivers and Vehicle Licensing Agency \(DVLA\), where applicable.](#)

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6. Resident parking responsibilities

6.1 We manage parking using the resources available and ask that tenants and residents take responsibility for parking. In order to do this we ask those who park on Council land or live on our estates including members of their household or visitors to their home, to:-

- Only park in the designated parking space that has been allocated, where applicable;
- Ask visitors not to park in designated parking spaces which do not belong to the tenant or resident;
- Not leave untaxed, SORN, non-roadworthy or abandoned vehicles on Council land;
- Not park commercial lorries, trailers, horseboxes, camper vans or caravans on Council land except with prior written consent from us;
- Not park any vehicle that exceeds two tonnes unladen weight on any Council land;
- Not park or leave any vehicle on Council land other than in areas set aside for parking;
- Park vehicles considerately for neighbours;
- Avoid obstructing access to other properties, vehicles or access points;
- Allow accessibility for Emergency Services and Council vehicles;

- Avoid causing noise nuisance to neighbours or driving at an inappropriate speed around Council land;
- ~~Only carry out vehicle repairs in accordance with the Tenancy Agreement; Not carry out repairs to vehicles on Council land, except for, topping up windscreen washer fluid, oil or water, changing one tyre, putting in a new sound system or changing windscreen wipers. It is not acceptable to change the oil;~~
- Precautions must be taken to minimise the possibility of an outbreak of fire, and any vehicle materials must be disposed of correctly;
- Not use power tools to undertake car maintenance. Cordless vacuum cleaners may be used;
- Avoid playing loud music from vehicles parked on Council land;
- Not park any vehicle where it will churn up the grass verge;
- Display permits prominently in vehicles, either on the dashboard or windscreen;
- Not sell or exchange a permit with another person;
- Not use Council land for the purpose of accommodation, such as camping;
- Avoid rigging up any cables from a property to a vehicle parked on Council land;
- Not chain or tie any animal to a vehicle to graze on Council land or property;
- Avoid leaving any person or animal in a vehicle on Council land or property for a prolonged period which will have a detrimental effect on their wellbeing;
- Prevent doing anything which interferes with or is likely to interfere with the security or safety of any Council land or cause damage, deface, or apply graffiti to any property or structure we own;
- Not use any Council land for criminal activity or immoral purposes;
- ~~Not use Council land for the purpose of running a business without prior consent;~~
- ~~Not block access to drop kerbs; and~~
- Prevent doing anything that may put someone at risk. Any health and safety issues should be reported to us immediately.

7. Amenity/residential/permit holder car parking

- 7.1 Tenants and residents are responsible for the actions of members of their household and visitors to their home. Where a tenant or resident abuses the use of Council land, we will take enforcement action.
- 7.2 All tenants and residents are expected to follow the terms of parking conditions as stated on their parking permits (if applicable), displayed on boards at designated car parks or conditions attached to written consent issued by us.
- 7.3 Tenants and leaseholders of this Council or owner occupiers of ex MDDC Council properties have to comply with the parking conditions set in their tenancy agreement, lease or deeds.
- 7.4 The parking of any vehicle other than a car, a motorcycle or light van, is not allowed on Council land or property unless prior written consent from us has been granted.

- 7.5 We do not permit vehicles with a Statutory Off Road Notification (SORN) to park on Council land. However, we may grant consent to park a SORN vehicle at a Council property with an approved hard standing or garage.
- 7.6 Parking is on a first come, first served basis at amenity and residential car parks.
- 7.7 Anyone can use Council amenity car parks or park on our estates, regardless of their tenure status or whether they are resident on that estate or not.
- 7.8 We will issue one virtual permit free of charge to each leaseholder (where this is a condition of their lease) and tenant household. This will be for residential and permit holder only car parks, where applicable.
- 7.9 At residential car parks, only vehicles ~~issued with a virtual permit for displaying a permit for~~ that specific car park will be allowed to use the non-designated spaces. If there is ample parking for tenants or residents, we may decide to allocate spaces for visitors.
- 7.10 Virtual pPermits issued for permit holder car parks are allocated for designated spaces. Where we have more spaces than households or a tenant/resident requests an additional parking space, a permit will be offered for an annual fee (at the current rate for the financial year as determined by Councillors). Vehicles must not be parked in any space other than where the permit allows.
- 7.11 In permit holder car parks, where demand outstrips the supply of parking spaces, an applicant can be added to a waiting list. If a space becomes available, priority will be given to a tenant who lives on the estate followed by a tenant who lives elsewhere. If there are still spaces available, a non-Council tenant will then be offered the permit.
- 7.12 We will not offer an additional virtual or replacement permit where the tenant or resident has an outstanding debt with the Council. Once the debt is cleared, we will consider the request.
~~There will be a charge for this service except where the permit has been stolen and a valid crime reference has been supplied to us.~~
- 7.13 ~~_____ In the event that the permit is lost or stolen and a new permit is required, it is the responsibility of the tenant or resident to request a replacement. It is the responsibility of the permit holder to change their vehicle details on their virtual permit if they change their vehicle details.~~
- 7.14 Permits are allocated to households, not vehicles and they are transferable to individual users within that household. Visitors including carers may also use a resident's permit, ~~however the permit owner must update the vehicle details on their virtual permit by displaying it in their vehicle.~~ Any vehicle parked where a virtual

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permit is required -not displaying a permit (where applicable) is liable to enforcement action.

7.15 Duplicate permits can be requested, however, only one vehicle with a virtual permit displaying that permit is allowed to park at any one given time. There will be a charge for non-Council tenants for this service.

7.16 A tenant or resident can terminate their permit in writing to us at any time. If a tenant has a permit and they move to another property which is not on the current estate, they are no longer eligible to hold that permit. They will be required to surrender the permit when they vacate their property.

7.17 Disabled spaces are for use by drivers and/or passengers with mobility difficulties. These spaces are not for specific users and can be used by any vehicle displaying a blue badge on a first come, first served basis. We expect tenants and residents not to abuse the use of a space.

7.18 We reserve the right to recharge the tenant or resident for any costs incurred from the misuse of Council land caused by them, members of their household or visitors to their home. All recharges will be dealt with in accordance with the Housing Services Recharge Policy.

8. Inconsiderate parking

8.1 We will work with tenants and residents to find reasonable solutions to parking problems. However, we are unable to take any enforcement action where the problem occurs on the highway or private land.

8.2 Where the Council does not own the land, our powers to manage parking problems are limited; this will include parking on pavements, or in front of dropped kerbs. We will offer advice to a tenant or resident when they raise concerns.

8.3 We are unable to limit the number of vehicles a household owns. However, we may offer solutions to resolve parking issues, for example, grant permission for a hard standing or offer a garage to rent, where the relevant criteria is met.

8.4 The Housing Service will make any necessary enquiries to ascertain who owns any vehicles which appear to have been abandoned on our land. In some cases, this may involve checking on the DVLA database to see if vehicles are taxed and have the appropriate MOT certificate.

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8.5 In addition, our Officers may investigate further in order to ascertain the name and address of the registered keeper.

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9. ~~Traffic Regulations Order (TRO)~~Off-Street Parking

9.1 Where a parking space is included within the Council's Off-Street Parking Places Order. ~~Traffic Regulation Order is in place, we will comply with the restrictions~~

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~~within the order and take the relevant action for any breaches.~~

~~9.2 The Housing Service will liaise with district officers in the Street seScene team to ensure that appropriate enforcement activity takes place. where any breaches of the TRO have been brought to attention.~~

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109. Liability for theft, damage and vandalism to vehicles

109.1 We are not responsible for vehicles parked on Council land or property including liability for damage, theft or vandalism.

110. Maintenance of housing estate car parks

110.1 Neighbourhood Officers carry out six monthly neighbourhood walkabouts and monthly communal inspections, which include inspecting our car parks. They will inspect car parks routinely, report any repairs and address any health and safety risks.

~~12. Demolition of plots and development~~

~~12.1 The demolition of car parks will only be carried out where there is a requirement due to the health and safety risk or a business case is in place to demolish and redevelop the site.~~

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134. References

- The Road tTraffic Act 1991

142. Equality and Diversity

~~142.1 The Housing Service will tailor its services to meet the diverse needs of individuals. The aim will be to foster good relations with people when providing services to eliminate discrimination and to promote opportunity of equality. All action taken by us will be in accordance with the requirements of current legislation. The Housing Service will tailor its services to meet the diverse needs of individuals. We foster good relations with people when providing services to eliminate discrimination and to promote opportunity of equality.~~

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153. Review

153.11 This Policy has been written in line with current relevant legislation. The policy will be reviewed and revised to reflect any legislation requirements and/or other guidance or good practice. The next review of this Policy is due January 20320 and every ten four years thereafter.

HOMES POLICY DEVELOPMENT GROUP 17 MARCH 2020

HOUSING SERVICE GARAGE MANAGEMENT POLICY

Cabinet Member(s): Councillor Simon Clist, Cabinet Member for Housing
Responsible Officer: Mrs Claire Fry, Group Manager for Housing Services

Reason for Report: The Housing Service Garage Management Policy requires review by virtue of time bar

RECOMMENDATION:

1. That the Homes Policy Development Group (PDG) agrees to the proposed changes set out in the tracked policy
2. That the PDG recommends to Cabinet that the Policy be adopted as amended

Financial Implications: The Housing Revenue Account (HRA) is ring fenced and subject to specific financial controls. The Housing Service is funded through the HRA and therefore maintaining the revenue stream is a key priority. Income arising from the rental of garages is accounted for within the HRA.

Budget and Policy Framework: The HRA contains a budget for garage income and there is also provision for repairs and maintenance. Some garages are not fit for purpose and others are located on sites where there is no demand for the amenity. For this reason there is an ongoing reviewing of these assets.

The Neighbourhood Team manages garages and there is a staffing budget within the HRA to ensure that this is adequately resourced

Legal Implications: Those individuals who rent garages and garage ground rent plots from the Housing Service are obliged to sign a tenancy agreement which sets out the relationship between both parties and their respective obligations.

Risk Assessment: The garages and garage ground rent plots located on the Housing estate are a valuable asset and it is important that they are managed well to maximise the income which can be derived from it.

Equality Impact Assessment: The Tenant Involvement and Empowerment Standard contains a specific expectation that registered providers of social housing such as the Council shall demonstrate how they respond to tenant's needs in the way they provide services and communicate with tenants. The Housing Service requests diversity data from tenants to enable compliance to be monitored and makes a note of any communication needs relating to residents living in other housing tenures if they notify Officers about this.

Reference to relevant policy helps to ensure that service delivery is consistent and fair.

Officers will undertake home visits if someone is unable to come into the office to discuss any issue.

Relationship to Corporate Plan: The Housing estate must be managed efficiently and effectively and the new Corporate Plan also includes themes relating to community and environment which are relevant to this policy.

Impact on Climate Change: The Housing Service has actively invested in energy efficiency; extensive use of solar PV and air source heat pumps already exists. The ongoing circa £170M 30 year maintenance programme has a significant focus on ensuring energy efficiency. Where sustainable options are available they are utilised; however, it is acknowledged that where there is a significant cost differential that plays heavily in the choices made.

We recognise that the provision of sustainable communities is important. As part of our commitment to meeting the provisions of the Tenant Involvement and Empowerment Standard within the Regulatory Framework for Social Housing, the Council offers a menu of involvement, which provides opportunities for tenants to get involved in service delivery. Tenants scrutinise the work of the Service and are also involved in the development of our newsletter which is published periodically. We use this and social media to promote sustainability and therefore publish information relating to a variety of topics including fuel efficiency, recycling and healthy living.

Officers sometimes have to respond to emergencies such as those associated those arising from serious incidents of anti-social behaviour. In such cases, safeguarding concerns will take priority in order to minimise risk and it is accepted that the ability to manage such issues effectively may have an environmental impact which would not occur if work can be planned in advance and managed in a more co-ordinated way.

1.0 Introduction

- 1.1 The Council is committed to improving the Housing Service and having an effective garage management policy enables staff to refer to this for guidance on the best course of action under the circumstances. Reference to the policy should ensure that all cases are treated consistently although the policy does offer some discretion to enable reasonable adjustments to be made where necessary.
- 1.2 This policy identifies the approach of the Housing Service to managing garages and garage ground rent plots on our estates.
- 1.3 The existing policy has been in use since it was adopted in 2011. Following a review, a number of amendments have been suggested. These changes have been included on the policy document contained within Appendix 1 and are shown as tracked changes for ease of reference. The tracked changes have affected the formatting of the document. Once the final draft has been agreed, it will be retyped and properly formatted.
- 1.4 The Housing Service uses rental agreements when letting garages and garage ground rent plots which define the contractual relationship between

each party.

- 1.5 It has been suggested that the next review of the policy should take place in ten years, unless changes in legislation require an earlier review, and this amendment has been suggested as a tracked change in the updated draft of the policy.

2.0 **Changes to the Draft Policy**

- 2.1 Currently, the Housing Service differentiates between those people who rent a home from the Council and non-tenants, with regard to the rental of garages. Council tenants are charged less if they rent a garage. The draft policy has been amended to facilitate any future changes to this policy if a decision was made to align the two rental charges.
- 2.2 The clause relating to vehicle maintenance has been amended to bring it into line with the relevant clause within the Council's standard tenancy agreement relating to homes in management and the revised draft car park management agreement. The tenancy agreement states that tenants must not carry out major repairs to vehicles. It states that tenants are allowed to carry out general maintenance and repairs such as topping up windscreen washer fluid, oil or water, changing tyres, putting in a new sound system or changing windscreen wipers and so on. However, this is conditional on them not causing a nuisance. The garage management agreement also states that tenants are expected to take precautions to minimise the possibility of an outbreak of fire, and that materials are disposed of correctly.
- 2.3 A further amendment makes those who rent garage ground rent plots from the Council responsible for disposing of them before the tenancy ends. It new clause also makes it clear that Housing Service will recharge the former tenant if any structure requires removing and the resulting debris requires disposal. This is particularly important because many existing structures on garage ground rent plots were made of materials containing asbestos.
- 2.4 Reference to rent free weeks has been removed to take account of any changes to rent debit frequency. The relevant clause has been amended to state that garage rent is due weekly as specified in the tenancy agreement.
- 2.5 It is not uncommon for the Housing Service to find belongings in a garage or on a garage ground rent plot once the tenancy has ended. In such circumstances, a charge will be raised until such time as the articles are removed. This reflects the fact that the garage or garage ground rent plot cannot be re-let until such time as the items have been removed. The draft policy has been amended because the charge made can no longer be described as rent.
- 2.6 The section relating to equality and diversity has been amended to reflect what is included in other Housing Service policies.
- 2.7 The Housing Service posted an invitation to tenants on social media asking them if they wanted to be involved in the review of the garage management policy on 30 December 2019. The post noted that a focus group was planned

but also explained that tenants also had the option to request involvement by email discussion in the policy review. Unfortunately, no volunteers came forward.

3.0 **RECOMMENDATION**

3.1 Members are asked to consider the content and the proposed changes; and to agree a recommendation relating to the adoption of the revised policy to the Cabinet. In the meantime, the policy will be reviewed and revised to reflect any legislative requirements and/or other guidance or good practice.

Contact for more Information: Mrs Claire Fry, Group Manager for Housing Services, tel: 01884 234290, email: cfry@middevon.gov.uk

Circulation of the Report: Councillor Simon Clist, Cabinet Member for Housing, [yes/no – name of Cabinet Member], Cabinet, Leadership Team seen and approved [yes/no]

List of Background Papers:

Mid Devon District Council

Garage Management Policy

| Policy Number: HSG v4.~~43~~

| **January 20~~20~~16**

Version Control Sheet

Title: Garage Management Policy

Purpose: To review the Garage Management Policy in accordance with good practice and relevant legislative requirements.

Owner: ~~GroupHousing Services~~ Manager
cfry@middevon.gov.uk
Telephone number 01884 234920

Date: January 20~~16~~²⁰

Version Number: v4.~~43~~³

Status: Review of policy

Review Frequency: Every ~~104~~ years or sooner if required and in accordance with good practice and changes in legislation

Next review date: January 20~~320~~³²

Consultation This document was sent out for consultation to the following:

Cabinet Member

Staff

~~Tenants Together~~

~~LeadershipManagement~~ Team

~~Homes Policy Development Group~~

~~PDG Decent & Affordable Homes~~

Document History

This document obtained the following approvals.

Title	Date	Version Approved
Cabinet Member	22/6/15 13/02/2020	
Tenants Together	9/7/15	
LeadershipManagement Team	12/1/16	
Homes Policy Development Group PDG	26/4/16 17/03/2020	
Cabinet	11/2/16	4.3

1. Introduction

This policy statement outlines Mid Devon District Council's (MDDC), Housing Service approach to letting and managing garage and garage ground rent plots (GGRP's). Residents are encouraged to take on garage and GGRP tenancies to free up congestion on roads, promote safer communities and prevent access problems on estates due to overcrowding of vehicles.

2. Scope

This policy applies to how we manage garage and GGRP's allocations and terminations. This policy covers the following points and should be read in conjunction with the related documents as stated below:-

- Allocation of garages and GGRP's
- General use
- Repairs
- Rent
- Termination of tenancies
- Insurance
- Demolition of plots and development
- Bereavement and succession rights

3. Related Documents

- a. Garage Agreement
- b. GGRP Agreement
- c. Income Management Policy
- d. Recharge Policy
- e. Policy relating to tenancy changes

4. Definitions

The following definitions apply to this policy:

- **Garage** includes the structural building and the garage forecourt area
- **Garage Ground Rent Plots (GGRP)** are plots of land purposely let for parking a vehicle. They are let as a hard standing and are suitable for erecting a prefabricated garage by the tenant, if required, subject to approval
- **Resident** includes MDDC tenants, freeholders, leaseholders and private tenants
- **Tenant** means anyone who holds a Council tenancy with Mid Devon District Council
- **Vehicle** any car, motorcycle, caravan, trailer, trailer tent, motorhome, van, lorry, horsebox, boat, motor scooter or similar

5. Allocations and lettings

5.1 Waiting lists are open to all residents aged eighteen or over regardless of their

tenure status, subject to meeting the relevant criteria.

- 5.2 Businesses may apply for a garage to store a vehicle for business purposes. They may also store other items but not use the garage as a retail outlet or for advertising purposes.
 - 5.3 Garage rent will be charged at a higher rate for businesses, private tenants, home owners, leaseholders and former tenants, compared to current tenants of a Council dwelling. However, the Council reserves the right to vary the rent by giving the tenant of a garage one week's written notice or one month's written notice for a GGRP before any changes take place.
 - 5.4 It is the responsibility of the tenant to notify us of any changes.
 - 5.5 Registered charitable organisations are charged rent at a discounted rate as long as proof of charitable registration is provided.
 - 5.6 GGRP rent is charged at the same rate for all residents.
 - 5.7 Waiting lists will be established and maintained in date order, however, priority will be given to Council tenants who rent a dwelling from us over a non-Council tenant when being allocated.
 - 5.8 A Council tenant who is in rent arrears or has other housing related debts will not be eligible for a garage or GGRP.
 - 5.9 In all cases the applicant will be required to enter into a garage or GGRP agreement. Garage tenancies are weekly agreements and GGRP tenancies are yearly agreements. Joint tenancies are not offered.
 - 5.10 If a former tenancy was breached, we have discretion over whether to grant a new tenancy over the next two years.
 - 5.11 A tenancy will be revoked if it is found that applicant knowingly gives false or misleading information to obtain a tenancy.
 - 5.12 A prospective tenant may view the garage or GGRP prior to signing up for the tenancy. However, they will be responsible for returning the keys that they signed for. If they do not return the keys or lose them, they will be recharged for the replacement of any locks or keys.
- 6. General use of garage/GGRP**
- 6.1 We will not be responsible for any loss, deterioration or damage to a vehicle or any items stored in a garage or GGRP.
 - 6.2 Tenants must not keep an untaxed vehicle in the garage or GGRP unless a valid Statutory Off Road Vehicle Notification (SORN) has been made to the Driver and Vehicle licensing Agency (DVLA).

- 6.3 Tenants must not park a vehicle that exceeds two tonnes unladen weight on any Council land.
- 6.4 Tenants are not permitted to re-let, assign or sublet all or part of the garage or GGRP or accept rent from another party for the use of it.
- 6.5 Garages or GGRP's are not permitted to be used for the purpose of accommodation.
- 6.6 Tenants are expected not to continuously run the engine of vehicles whilst in the garage or on GGRP, except when entering and leaving. They must not cause annoyance or nuisance to neighbouring properties including garages or GGRP's.

6.7 Vehicle repairs are only permitted in accordance with the Tenancy Agreement; Tenants are not permitted to carry out repairs to vehicles on Council land, except for, topping up windscreen washer fluid, oil or water, changing one tyre, putting in a new sound system or changing windscreen wipers. It is not acceptable to change the oil. Precautions must be taken to minimise the possibility of an outbreak of fire, and materials must be disposed of correctly.

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- 6.8 Tenants are not permitted to use power tools to undertake car maintenance. Cordless vacuum cleaners may be used.
- 6.9 Tenants must be able to close doors on any structure that has been erected on a GGRP or garage doors. They are to avoid causing obstruction to access routes to any other garage, GGRP, roadways, footpaths, forecourts, premises or site.
- 6.10 Tenants must not make any structural alterations or additions to the garage.
- 6.11 It is a condition of the tenancy agreement that tenants must comply with all relevant planning permission and building control consent for erecting any structures on a GGRP. Permission should be sought from us prior to works commencing.

6.12 Tenants are responsible for disposing of any structures on a GGRP prior to the tenancy ending. Any structures in place, we will charge the tenant for its removal and disposal.

6.132 The cost of any repairs, maintenance or replacement of a garage or GGRP as a result of misuse or wilful damage by the tenant, or any other person connected with them, will be dealt with in line with the Housing Services Recharge Policy.

7. Repairs

7.1 Tenants are required to give employees or contractors working for the Council reasonable access in order to carry out repairs to the garage, GGRP or neighbouring properties.

- 7.2** We will not be responsible for repairing or maintaining any structure that has been erected on a GGRP. Any structures are to be kept in good repair and condition throughout. This will be the responsibility of the tenant.
- 7.3** If a tenant is unable to use a garage whilst repairs are being carried out and a suitable neighbouring garage is void. This will be offered to the tenant temporary at the same rent as the existing garage tenancy. If there is either no suitable neighbouring void garage or the tenant declines the offer of one, the existing tenancy will be temporarily terminated. In this case rent will not be charged for the garage requiring repairs providing the keys are returned to us. The tenancy will resume when the repairs to the garage have been completed.
- 7.4** In the event that a garage or GGRP tenancy is terminated because the whole or a substantial part of the site needs to be redeveloped, we will try to offer the tenant a suitable alternative garage or GGRP but cannot guarantee the location.
- 8. Rent**
- 8.1** The rent may be varied by giving the tenant of a garage one week's written notice or one month's written notice for a GGRP before any changes take place. These charges may increase or decrease from time to time – usually once a year.
- 8.2** Garage rent is due weekly as specified in the tenancy agreement. ~~The charges are currently worked out over a 52/53 week period~~ 48 week period. ~~No rent will arise for the remaining weeks and these are called "rent free" weeks. If an account is in arrears, during a rent free period the tenant must continue to pay during this time. As from April 2017, rent will be payable over a 52/53 week rent period.~~
- 8.3** GGRP rent is due yearly. If a tenant is unable to pay the full amount in advance they are advised to make an arrangement to clear the arrears.
- 8.4** Garage and GGRP arrears will be dealt with in line with the Housing Services, Income Management Policy.
- 9. Terminations**
- 9.1** We will not normally end a garage or GGRP tenancy without the tenant's agreement unless there is a breach of tenancy conditions (or the tenant is deceased and there is no succession). As the tenancy is not for a dwelling the tenant has no security of tenure. The tenancy can be ended by serving one week's notice to quit on the tenant with a garage and one month's notice to quit on the tenant with a GGRP.
- 9.2** A tenant holding a garage tenancy may terminate their tenancy with one week's written notice ending on a Sunday.

- 9.3** A tenant holding a GGRP tenancy may terminate their tenancy with one month's written notice.
- 9.4** Where items have been left in a garage or on a GGRP the former tenant will be given every opportunity to remove the items. **A charge Rent** will continue to be **raisedcharged** until the former tenant either removes the items or they give us written permission to dispose of them. In the event that items are not removed within one calendar month, we will remove and dispose of any items and the former tenant will be recharged for any costs incurred.
- 9.5** If there is any outstanding rent or recharges when the garage or GGRP tenancy is terminated then the former tenant must make arrangements to pay any outstanding debts.
- 9.6** A tenant holding a GGRP tenancy is renting land on which a garage can be built. In some cases, the plot may have an existing structure on it when let. The tenant will be required to remove any structures from the GGRP when the tenancy ends unless we have agreed that it can remain or the tenant has negotiated a sale with the new tenant. In this instance, the tenant will be responsible for the negotiation and exchange of finances with the other party prior to the tenancy ending. Failure to remove the structure, if required, may result in us arranging removal of it and recharging the cost of the work to the former tenant.
- 9.7** When a garage or GGRP tenancy is terminated, vacant possession is required, with all rent paid up to date, any items removed and the property left in a clean and tidy condition. Keys are to be returned by 12 noon on the Monday following the tenancy end date.
- 9.8** If the keys are not returned or they have been lost we will recharge the tenant for the replacement of any locks or keys.
- 10. Insurance**
- 10.1** We will insure the structure of the garage; this does not include structures that have been erected on a GGRP by a tenant or previous tenant. The tenant is responsible for insuring their own vehicle and personal possessions together with any property stored in the garage or GGRP.
- 11. Demolition of plots and development**
- 11.1** The demolition of individual garages, blocks of garages and GGRP's will only be carried out where there is a requirement due to a health & safety risk or a business case is in place to demolish and redevelop the site.
- 12. Bereavement**
- 12.1** Where a tenancy has ended due to the tenant passing away, the tenancy may be offered to a surviving member of the tenant's household. Proof of residency will be required before re-letting the garage/GGRP.

12.2 If the surviving member of the tenant's household is not a tenant of a Council dwelling then the rent will revert back to the charge that non-Council tenants receive if they decide to take on the tenancy. If the tenancy is declined or after 28 working days has not been accepted it will be treated as a normal void. This will be dealt with in line with the Housing Services policy relating to tenancy changes.

13. Equality and Diversity

13.1 The Housing Service will tailor its services to meet the diverse needs of individuals. The aim will be to foster good relations with people when providing services to eliminate discrimination and to promote opportunity of equality. All action taken by us will be in accordance with the requirements of current legislation. ~~tailors its services to meet the diverse needs of individuals. We foster good relations with people when providing services to eliminate discrimination and to promote opportunity of equality.~~

14. Review

14.1 This Policy has been written in line with current relevant legislation. The policy will be reviewed and revised to reflect any legislation requirements and/or other guidance or good practice. The next review of this Policy is due January 20320 and every tenfour years thereafter.

CABINET
26 MARCH 2020

REPORT OF THE HEAD OF PLANNING, ECONOMY AND REGENERATION

CULLOMPTON AND WELLINGTON NEW RAILWAY STATIONS PROJECT – GOVERNANCE, PROCESS, PROJECT FUNDING AND NEXT STEPS

Cabinet Member(s): Councillor Graeme Barnell, Cabinet Member for Planning & Regeneration
Responsible Officer: Mrs Jenny Clifford, Head of Planning, Economy and Regeneration

Reason for Report:

1. To set out proposed governance arrangements in order to seek to establish clear lines of decision making for the project going forward; and
2. To identify the next steps for taking forward the project.

RECOMMENDATION:

1. **That the governance arrangements set out in Appendix 1 be agreed; and**
2. **That the overview of the process be noted.**

Financial Implications: In 2016 Mid Devon District Council, Taunton Deane Borough Council (now Somerset West & Taunton Council), Cullompton Town Council and Wellington Town Council agreed to contribute £100k towards feasibility work; the District Councils contributing £40k each and the Town Councils £10k each. To date £31,281 has been spent on timetabling and initial feasibility work.

It is estimated that to complete the first formal stage of the project, production of a Strategic Outline Business Case is needed. This will cost approximately £200-250k. The project has monies unspent from previous committed contributions towards the project amounting to £68,719, but there is clearly a shortfall which will still need to be funded. A government funding bid has been submitted and we await the outcome of that process. The financial implications will need to be reassessed once a decision on the government funding has been received.

Servicing the governance arrangements (set out in section 3 below) can be met from existing budgets.

It is too early to know how much it will cost to complete delivery of the two railway stations; however the Strategic Outline Business Case will establish an indicative cost. It will also provide a basis for exploring further funding opportunities. Importantly once a scheme has completed a Strategic Outline Business Case and satisfactorily progressed to the 'Decision to Develop' stage it is much more likely to benefit from government funding.

Budget and Policy Framework: As explained above there are existing funds available from partners totalling £68,719. Additional funding would be needed to complete the Strategic Outline Business Case (SOBC) in its entirety. Once the partners know whether the government funding bid is successful a decision would need to be made as to whether to continue with the full Strategic Outline Business Case, undertake first stage of SOBC only or discontinue the project.

The Local Plan Review includes a site allocation for a Cullompton Railway Station.

Legal Implications: No significant legal implications anticipated at this time as a result of the governance structure proposed. Legal implications could arise throughout the project development process. Should these arise they will be reported to Cabinet through future update reports.

Risk Assessment:

Robust, suitable and appropriate governance arrangements for the new stations project are necessary to drive the project progress, allow it to operate efficiently and to build relationships with stakeholders. Effective governance arrangements will also ensure that best use is made of funding opportunities. The governance arrangements provide a structure within which the project will develop and be accountable.

Risks will be constantly reviewed as the project develops. Decisions whether to continue with the project will be made at each significant gateway milestone as explained later in the report. This will allow the opportunity to withdraw from the project should the risks outweigh the likelihood of satisfactory delivery.

Equality Impact Assessment: No equality issues are identified for this report at this stage. As the project goes forward it will need to consider the views from representatives from protected groups that the project has the potential to impact upon.

Relationship to Corporate Plan: The proposal for a new railway station contributes to all four corporate priorities of economy, homes, community and environment and is central to the delivery of many of aims identified within the Corporate Plan. It is a significant strategic project which could have a national profile.

Impact on Climate Change: The strategic outline business case for the new railway station proposal would need to part of a multimodal approach to catering for the demands from new development in the area. Sustainable transport is an important part of that assessment. The project would also need to consider pedestrian and cycle access.

1.0 INTRODUCTION/BACKGROUND

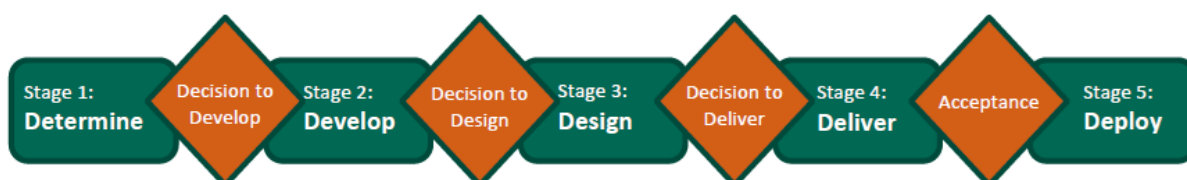
1.1 There have been long established aspirations to reinstate stations at Cullompton and Wellington. A key driver for delivering these projects is that both areas are proximate to significant planned growth. It is considered that this can be part of a more general enhancement to the rail service between Bristol and Exeter.

1.2 A site for a new railway station, north of Station road in Cullompton, is allocated within the emerging Local Plan. Network Rail carried out a timetable study in 2017 to explore whether a service could be provided calling at Cullompton and Wellington. In January 2019 an initial feasibility study has been undertaken by WSP Consulting to check station arrangements fit within the allocated footprint and to assess if there are any signal issues. It concluded that subject to topographical, structural and ground investigation surveys, a new station at Cullompton could be accommodated. Signal D181 would however need to be relocated. Similarly Wellington was also assessed favourably.

2.0 OVERVIEW OF THE PROCESS

Rail Network Enhancement Pipeline

2.1 In March 2018 the Government published the Rail Network Enhancement Pipeline 'A New Approach for Rail Enhancements' (RNEP). This process sets out the key stages that rail enhancement projects (including the provision of new stations) will need to undertake to be successful. There are five stages of activity separated by formal investment decision gateways. The first three stages, "Determine", "Develop" and "Design" relate to project development. The last two stages "Deliver" and "Deploy" focus on construction and at this stage all investment decisions would have been taken. Each of these key stages is separated by decision gateways to determine whether or not to proceed with the enhancement. The first three stages will all require a suitable and government compliant business case.



Rail Network Enhancements Pipeline, A New Approach for Rail Enhancements, Department for Transport, March 2018

2.2 The Cullompton and Wellington Railway Stations Re-instatement project is currently at stage 1. The project will need to have a Strategic Outline Business Case (SOBC) before it can progress to the next stage. The SOBC will need to be agreed by Government before it will engage in "Decision to Develop" discussions. The following information will also be required to move through the "Decision to Develop" gateway:

- A description of a clear, benefit for rail users, which should be in line with the government's priorities for rail;
- A clear plan of action for the "Develop" stage, with anticipated costs for that stage;
- An indicative cost for the enhancement, were it to progress to completion;
- Assurance that other transport solutions and interventions have been considered;

- Demonstration that rail demand has been considered in the proposed enhancement; and
- An indication of whether the project might be suitable for private investment or alternative delivery models.

Continuous Modular Strategic Planning (CMSP)

- 2.3 In April 2020 Network Rail is set to embark on a Continuous Modular Strategic Planning (CMSP) study for the Bristol to Exeter rail corridor as part of its long term planning process. This will replace the route studies that have been undertaken in the past. It is envisaged that this work will take approximately one year to complete. If the Cullompton & Wellington Station re-opening project Strategic Outline Business Case could be developed during 2020 it would provide an opportunity to inform Network Rail's CMSP work and raise its profile nationally.

Financial Implications of Developing an SOBC

- 2.4 Estimating the cost of an SOBC is not always straightforward given that every scheme is different. However officers have undertaken discussions with industry experts and considered the cost of SOBCs for station re-opening projects elsewhere and have arrived at a broad estimate of costs. It is estimated that, building on the existing work done to date, to complete an SOBC would cost approximately £200-250k. As explained in the financial implications section above the District Council, along with Somerset West and Taunton Council, have assisted the local MPs in submitting an expression of interest to the Department for Transport's (DfT's) 'Restoring your Railway Fund' under the ideas programme. Cabinet will be updated once a decision has been made as to whether the scheme has been successful in receiving government funding. At this stage a decision will need to be taken as to whether the full strategic outline business case is pursued.

3.0 PROJECT GOVERNANCE

- 3.1 Governance arrangements are important so as to establish a structure for the project, identify decision making, reporting lines, linkages to wider activities and how stakeholders will interact and participate. It is also important to establish a clear governance structure to drive momentum, achieve progress against milestones and manage work streams.
- 3.2 Agreed governance arrangements would also assist in establishing a consensus over the approach to the project in terms of: respective roles and responsibilities for key aspects of the project, general project management, together with stakeholder engagement.
- 3.3 Work on this project has to date been based on meetings held by the Devon and Somerset Metro Officer meeting with the occasional meeting with MPs. At the last Devon and Somerset Metro meeting it was decided, in recognition of the respective County Council's (i.e. Devon County Council & Somerset County Council) being unable to commit sufficient time/resource to be the project sponsor, that the two District Councils (Somerset West & Taunton Council & Mid Devon District Council) would undertake this role for the initial

stages of this project. Also at this meeting it was considered that to move this project forward the establishment of clear governance arrangements were needed. Proposed governance arrangements are set out in Appendix 1.

4.0 NEXT STEPS

4.1 Subject to approval of the above recommendations, the next steps to advance to the 'Decision to Develop' gateway of the Rail Network Enhancement Pipeline would be as follows:

- If invited as part of government funding assessment, present scheme to the DfT 'Restoring your Railway' team in late March 2020;
- Assess level of funding available and consider the scale of additional District Council and partner funds needed to progress the project;
- Set up a working group to further refine the scope of the Strategic Outline Business Case requirements and initiate the procurement process;
- Establish contact with senior officials within the rail industry and the DfT to continue to raise the profile of the project;
- Ensure that there is engagement with Network Rail through the Continuous Modular Strategic Planning (CMSP) process;
- Continue to seek funding opportunities,
- On competition of the SOBC, and it being approved by Government, undertake discussions with DfT as to whether the project should proceed; and
- If decision made to continue a review of governance arrangements would be needed.

Contact for more Information: Adrian Welsh, Group Manager – Growth, Economy and Delivery 01884 234398 awelsh@middevon.gov.uk

Circulation of the Report: Cabinet Member, Cabinet, Leadership Team

List of Background Papers: Rail Network Enhancement Pipeline 'A New Approach for Rail Enhancements'. DCLG prospectus locally led garden villages, towns and cities <https://www.gov.uk/government/publications/rail-network-enhancements-pipeline>
Restoring Your Railway Fund Guidance (Department for Transport) January 2020 <https://www.gov.uk/government/publications/re-opening-beeching-era-lines-and-stations>

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Proposed Project Governance Arrangements Cullompton and Wellington Railway Station Project: Phase 1 (SOBC)

January 2020

Background

This paper proposes potential governance arrangements for the first phase of the Cullompton and Wellington Railway Station Project, for which the end product will be a Strategic Outline Business Case (SOBC). Governance arrangements are important so as to establish a structure for the project, identify decision making, reporting lines, linkages to wider activities and how stakeholders will interact and participate. It is also important to establish a clear governance structure to drive momentum, achieve progress against milestones and manage work streams.

Agreed governance arrangements would also assist in establishing a consensus over the approach to the project in terms of: respective roles and responsibilities for key aspects of the project, general project management, together with stakeholder engagement.

Work on this project has to date been based on meetings held by the Devon and Somerset Metro Officer meeting with the occasional meeting with MPs. At the last D&S Metro meeting it was decided, in recognition of the respective County Council's (i.e. Devon County Council & Somerset County Council) being unable to commit sufficient time/resource to be the project sponsor, that the two District Councils (Somerset West & Taunton Council & Mid Devon District Council) would undertake this role.

It is considered that the next step in moving this project forward is to establish clear governance arrangements for the first phase of the project; acknowledging that as the project progresses further, the governance arrangements may need to change too. This paper sets out a governance proposal for consideration by the group.

Governance Proposal

The proposed Governance structure, shown in Appendix A, is set up to oversee the development of the Strategic Outline Business Case (SOBC) and initial feasibility. The structure may need to change if the role turns to overseeing delivery of the project.

In some respects the proposed governance structure simply formalises aspects of the current arrangements whilst supplementing them with other elements necessary for taking the project forward. This proposal is considered to provide an appropriate basis for robust decision-making and project co-ordination to take the project through the next stages of its development. These governance arrangements are consistent with established project management good practice.

The various elements are explained in more detail below.

The Project Board

Roles and Responsibilities

The Project Board will have the overall initial responsibility for overseeing the development of the Strategic Outline Business Case (SOBC) for the project. It will be accountable for the success of the SOBC and has responsibility and authority for the project delivery, subject to necessary District Council Cabinet/Executive approvals as project sponsors. It is likely that the Project Board will be required to meet at least three times a year to enable it to be well informed of progress and issues. Key roles and responsibilities are listed below:

- Champion the new stations initiative, its delivery and reporting to respective corporate management teams and elected members to ensure corporate support and buy in;
- Facilitate and promote joined up delivery and to engage with and secure support at a strategic level from key stakeholders and partners;
- Set the overall direction of the project;
- Monitor overall progress & risks;
- Ensure appropriate resources are in place;
- Make decisions on strategic issues and resolve showstoppers; and
- Provide 'upwards' high level liaison into Government bodies.

Composition/Membership of the Project Board

The composition of the Board would largely resemble the membership of the meetings previously held with the MPs. It is proposed that the Membership would include the following representatives:

- SWT Leader/Portfolio Holder
- MDDC Leader/Portfolio Holder
- SWT/MDDC Senior Officers
- SCC Senior Officer/Portfolio Holder
- DCC Senior Officer/Portfolio Holder
- Heart of the South West LEP representative
- Rail Operators

- Passenger Representative
- Network Rail
- Local MPs
- Representative from Wellington TC
- Representative from Cullompton TC

Steering Group

Roles and Responsibilities

The Steering Group will focus on the day to day project management of the SOBC and will manage and implement the project plan. It will identify and oversee the project working groups and to do so effectively is likely to need to meet at least once every 6 weeks to generate and maintain momentum in the project. The group focuses on driving the SOBC forward, including implementing the Project Plan.

The Steering Group will report to the Project Board.

Key roles and responsibilities are listed below:

- Preparation of tender documentation to commission a Strategic Outline Business Case;
- Day to day project management and implementation of the project plan;
- Co-ordination of input from partner organisations and drawing in technical expertise as required;
- Liaison with DfT and potential funding partners;
- Preparation of risk management assessments;

Composition/Membership of the Steering Group

The composition of the Steering Group would be very similar to the current officer group. It is proposed that the Membership would include the following representatives:

- SWT Officers
- MDDC Officers
- Heart of the South West LEP transport representative
- Rail Operators
- Network Rail
- DCC and SCC Officers (as required)

Working Groups

To ensure the project delivers its ambitions, it is anticipated that working groups would be set up, as required, to take forward task and finish technical projects. These working groups would include members of the steering group and would call in assistance from other technical experts as required.

Stakeholder Engagement

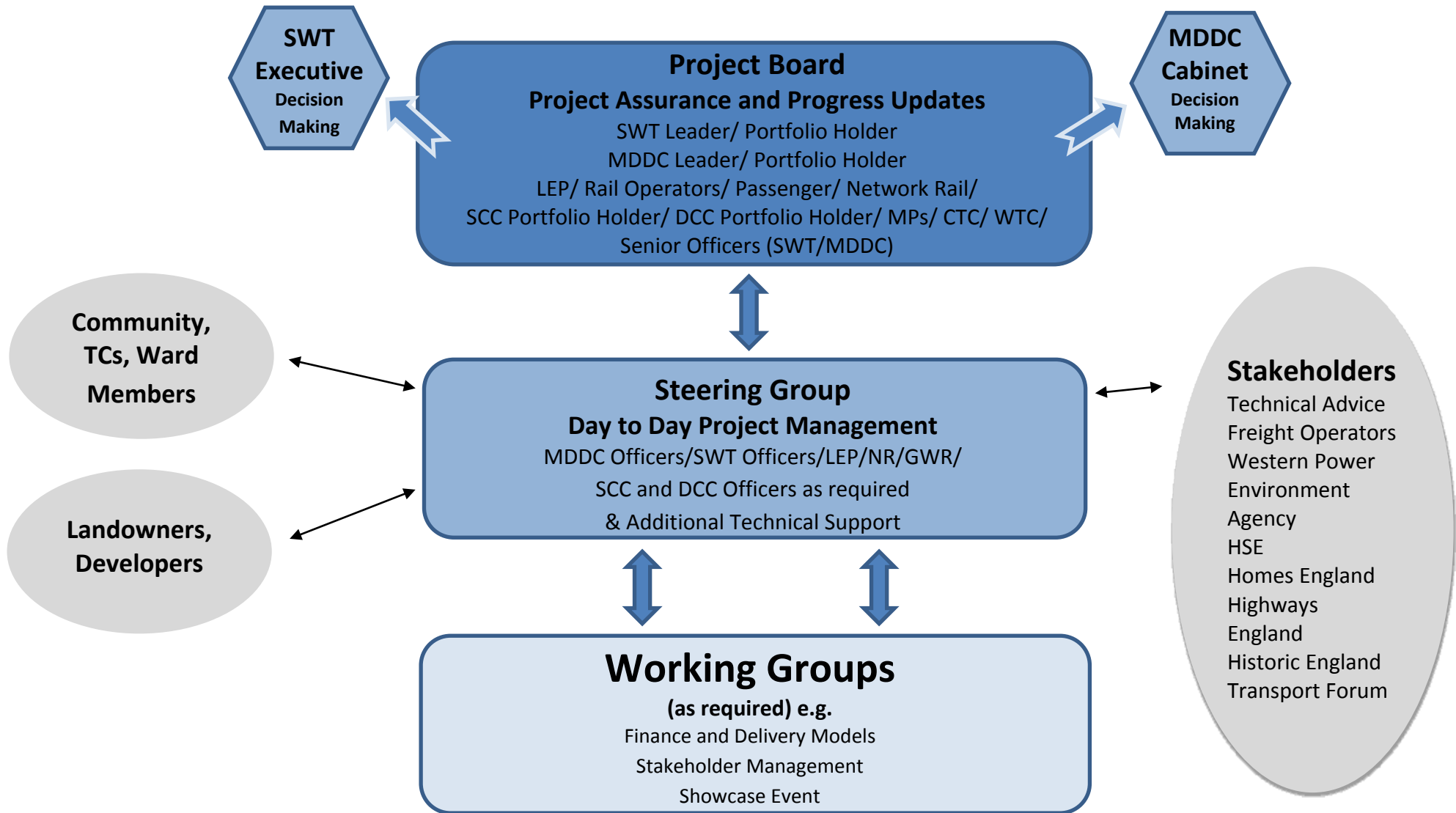
The steering group will need to call on others to help develop the project. This will include a range of technical experts and stakeholders. Likely stakeholders would include:

- Technical Rail/Transport Advisors
- Freight Operators
- Western Power
- Environment Agency
- Health & Safety Executive
- Homes England
- Highways England
- Historic England
- Transport Forum (including representatives from business, transport, Sustrans and passenger/road user representatives)

The nature of this engagement will evolve as the projects develop.

Project Sign Off

The lead authorities will need to seek approval on key decisions from their respective Cabinet/Executive.



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CABINET

DATE 26 MARCH 2020.

ASBESTOS POLICY FOR CORPORATE PROPERTY AND COMMERCIAL ASSETS INCLUDING HOUSING STOCK.

Cabinet Member(s): Cllr Simon Clist, Cabinet Member for Housing and Property Services, Cllr Nikki Woollatt, Cabinet Member for working environment and support services.

Responsible Officer: Andrew Busby, Group Manager Corporate Property and Commercial Assets.

Reason for Report: To provide Members with an updated policy on Asbestos Management.

RECOMMENDATION: For Cabinet to adopt the updated Asbestos policy and procedures on our Corporate Property and Housing Stock (Only common areas of domestic properties would be covered under this legislation).

Financial Implications: The management for asbestos for Corporate and Housing stock is met by existing operational budgets for planned maintenance.

Budget and Policy Framework: The budget for this Asbestos Policy has been accounted in the 20-21 budget and the policy supports the overarching Health and Safety Policy.

Legal Implications: The legislation relating to the management of asbestos in the work place can primarily be found in:

- Health and Safety at Work etc. Act 1974 (general duties on employers and management of premises);

The general provisions of the 1974 Act are applicable to the management of asbestos in the workplace, particularly s 2 (duty towards employees), s 3 (duty to non-employees) and s 4 (duty of person having control of premises).

Further relevant legislation can be found within the policy.

Risk Assessment: The 2012 regulations prohibit anyone from carrying out work with high risk asbestos e.g. insulation, asbestos coating or asbestos insulating board unless they hold a licence granted by the HSE (Health & Safety Executive). Therefore the Council's own services can only carry out work on non-licensed asbestos. Further detail can be found within the policy.

Equality Impact Assessment: There is no negative impact as a result of this policy.

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 budget. To maximise the value derived from all Council property for its stakeholders, by delivering an efficient and fit for purpose corporate property solutions service.

Impact on Climate Change: The supply chain will be challenged to confirm that they operate an energy efficient fleet to control our Scope 3 emissions. Routine inspections are being undertaken by our in house Public Health team and is combined with water sampling.

1.0 Introduction

1.1 This policy document refers to the Council's arrangements for managing the risks of exposure to asbestos by employees and non-employees within its activities on our corporate portfolio and Housing stock. Under the new structure, responsibility for Housing Stock is now with the Group Manager for Corporate Properties and Commercial Assets. The two previous Asbestos Policies have been amalgamated under this one policy.

1.2 Asbestos was widely used as a building material for many years, particularly between the periods 1950–1980 and can be found in a wide variety of forms, being used in all aspects of the construction process. The use of asbestos products for construction materials is severely restricted today, due to the long-term legacy of illness associated with exposure to the product.

There are six types of asbestos, the main types being:

- white asbestos (chrysotile);
- brown asbestos (amosite);
- blue asbestos (crocidolite).

All types of asbestos are considered dangerous and stringent control limits are set for personal exposure (0.1 fibres per cubic centimetre averaged over a continuous period of 4 hours).

There are a number of problems associated with exposure to asbestos namely:

- asbestos fibres are not detectable to the naked eye;
- the health effects of exposure can be fatal;
- the onset of symptoms is often delayed for decades after exposure;
- there is widespread public concern over exposure;
- asbestos was widely used in the construction industry and will be found in many pre-2000 buildings;
- it is not possible to determine that a material contains asbestos by visual examination;
- by law – exposure has to be rigorously controlled and monitored

It is not possible to identify asbestos by its colour as the age of the product and its combination with other products can alter the appearance.

- 1.3 Approximately 5,000 people die each year from asbestos-related diseases and this number is increasing year on year. Many of these deaths are from working in high risk industries many years ago with the emphasis now being on the maintenance trade. There are now much more stringent controls over the management of asbestos in the workplace to ensure that its presence is identified and an appropriate management plan put into place to prevent exposure.
- 1.4 The legislation relating to the control of asbestos in the workplace is extensive and is supported by Approved Codes of Practice and HSE Guidance Notes. This chapter provides a general overview of how to manage asbestos in the workplace but does not provide guidance as to the safe treatment or removal of asbestos due to the specialist nature of the work and its applicability to a minority of employers, who by the very nature of their business have to be fully aware of the legislative requirements. These employers must be licensed by the Health and Safety Executive to work with asbestos. The Council is not licensed and must therefore employ external properly licensed contractors where required by law.
- 1.5 Asbestos only cause's problems when fibres are released into the atmosphere, such as when it is being worked on, disturbed by nearby maintenance work, or where the material is friable and may suffer abrasion or there are strong air currents. If the asbestos is in a good condition and protected against damage, the danger will be negligible unless the material is being worked on. It should be noted that potentially more problems can be caused by removing sound and protected asbestos than by leaving it in place so, if depending on risk assessment the risk is considered to be low, it is best left undisturbed.
- 1.6 The supply and use of asbestos and asbestos-containing products is prohibited (except for a limited number of specified uses). Asbestos-containing products in use before 1 January 1986 (blue and brown asbestos), 1 January 1993 (other forms of asbestos except white asbestos) and 24 November 1999 (white asbestos) were permitted to be used, but their replacement must be of an asbestos-free material. Once an asbestos material has been removed arrangements must be made for its safe disposal.
- 1.7 The Council is the employer with legal responsibility for health and safety and is the duty holder. Through delegation the Chief Executive has overall responsibility for health and safety including the duty to manage Asbestos. Both must support this policy to manage Asbestos by ensuring the allocation of resources including an adequate budget, suitable and sufficient equipment, personnel, time and training. Ultimately it is the Council with legal responsibility.
- 1.8 The Responsible Person for Asbestos management within our assets is the Group Manager for Corporate Property and Commercial Assets and shall :-

- Maintain an Asbestos Register identifying the locations and types of asbestos that are within the Council's control.
- Make a point of checking the relevant Asbestos Register at the point where works are planned.
- Ensure that adequate resources are made available to enable the arrangements to be implemented. Arrangements include management surveys by competent persons, analysis and removal by a specialist licensed contractors.
- Carry out a risk assessment for all non-license work to confirm if the work is notifiable to the HSE using form ASBNNLW1 form Prepare and revise as necessary the arrangements for managing work involving non licenced asbestos and appoint competent contractors to carry out said work.
- Ensure licensed works involving asbestos are carried out by competent contractors who are licensed with the HSE Asbestos Licencing Unit and that the work is notified to the HSE using the FODASB5 notification form.
- Ensure that where specialist technical expertise in relation to asbestos is not available within the Service, suitable arrangements are made to obtain this information as required.
- Ensure that employees or relevant contractors are provided with all the appropriate information, instruction and training on work being undertaken in areas containing anything suspected of containing asbestos.

2.0 Health Effects of Asbestos:

2.1 There are three main types of serious health risks associated with exposure to asbestos fibres:

- **Asbestosis** – chronic obstructive lung disease
- **Lung cancer** – a fatal lung disease
- **Mesothelioma** – a fatal cancer of the outer lining of the lung and the peritoneum specific to asbestos exposure.

2.2 It is recognised that the largest group of workers at risk from asbestos exposure are workers involved in the repair and maintenance, refurbishment and demolition of buildings, including electricians, plumbers, joiners, and computer and telecommunication engineers – people who may encounter asbestos during their normal day to day work activities.

3.0 The Policy- Annex A

- 3.1 The updated policy for Asbestos management can be found attached to this report as Annex A.
- 3.2 For ease of use we have extracted a flow chart from the policy as Annex B that is necessary to ensure our staff are aware and can follow our Asbestos procedures.

4.0 Conclusion

- 4.1 This policy and the related guidance will be reviewed ahead of the stated date if there is a change in the related legislation or if an emerging risk is identified, this is to ensure the Council meets its requirements to protect the wellbeing of the public, and to have the appropriate procedures in place.
- 4.2 Future reporting of this Asbestos policy in the event of no legal change will be reviewed and reported directly via the Health and Safety Committee.

Contact for more Information: Andrew Busby Group Manager Corporate Property and Commercial Assets – (01884 234948)

Circulation of the Report: Cllr Simon Clist, Cllr Nikki Woollatt, Leadership Team.

List of Background Papers:

Annex A: Asbestos Policy for Corporate Property and Commercial Assets including Housing Stock.

Annex B: Flow Chart 1.

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Asbestos Policy for Corporate Property and Commercial Assets including Housing Stock

Version Control

Title: Asbestos Management Policy

Purpose: Compliance with health and safety legislation

Owner: Andrew Jarrett

Date: March 2020

Version Number: 5.1

Status: Draft

Review Frequency: at least every 3 years

Next review date: March 2023

Consultation:

This document has obtained the necessary approvals:

Who	Date	Version Approved
Leadership Team		5.1
Health and Safety Committee		5.1
Cabinet	260320	5.1

Asbestos Policy

1. Introduction

This policy document refers to the Council's arrangements for managing the risks of exposure to asbestos by employees and non-employees within its activities.

Staff involved with maintenance and survey of buildings, supervising such work, or issuing contracts should fully familiarise themselves with the contents of this document.

Asbestos was widely used as a building material for many years, particularly between the periods 1950–1980 and can be found in a wide variety of forms, being used in all aspects of the construction process. The use of asbestos products for construction materials is severely restricted today, due to the long-term legacy of illness associated with exposure to the product.

There are six types of asbestos, the main types being:

- white asbestos (chrysotile);
- brown asbestos (amosite);
- blue asbestos (crocidolite).

All types of asbestos are considered dangerous and stringent control limits are set for personal exposure (0.1 fibres per cubic centimetre averaged over a continuous period of 4 hours).

There are a number of problems associated with exposure to asbestos namely:

- asbestos fibres are not detectable to the naked eye;
- the health effects of exposure can be fatal;
- the onset of symptoms is often delayed for decades after exposure;
- there is widespread public concern over exposure;
- asbestos was widely used in the construction industry and will be found in many pre-2000 buildings;
- it is not possible to determine that a material contains asbestos by visual examination;
- by law - exposure has to be rigorously controlled and monitored.

It is not possible to identify asbestos by its colour as the age of the product and its combination with other products can alter the appearance.

Approximately 5,000 people die each year from asbestos-related diseases and this number is increasing year on year. Many of these deaths are from working in high risk industries many years ago with the emphasis now being on the maintenance trade. There are now much more stringent controls over the management of asbestos in the workplace to ensure that its presence is identified and an appropriate management plan put into place to prevent exposure.

The legislation relating to the control of asbestos in the workplace is extensive and is supported by Approved Codes of Practice and HSE Guidance Notes. This policy provides a general overview of how to manage asbestos in the workplace but does not provide guidance as to the safe treatment or removal of asbestos due to the specialist nature of the work and its applicability to a minority of employers, who by

the very nature of their business have to be fully aware of the legislative requirements. There are two types of contractor, licenced and unlicensed. We have operatives who are task trained to carry out unlicensed works and often ask external contractors to do the same, even if they are unlicensed. We would not ask an unlicensed contractor to carry out licenced work. These employers must be licensed by the Health and Safety Executive to work with asbestos. Mid Devon District Council is not licensed and must therefore employ external properly licensed contractors where required by law (see section 7).

Asbestos only cause's problems when fibres are released into the atmosphere, such as when it is being worked on, disturbed by nearby maintenance work, or where the material is friable and may suffer abrasion or there are strong air currents. If the asbestos is in a good condition and protected against damage, the danger will be negligible unless the material is being worked on. It should be noted that potentially more problems can be caused by removing sound and protected asbestos than by leaving it in place so, if depending on risk assessment the risk is considered to be low, it is best left undisturbed.

The supply and use of asbestos and asbestos-containing products is prohibited (except for a limited number of specified uses). Asbestos-containing products in use before 1 January 1986 (blue and brown asbestos), 1 January 1993 (other forms of asbestos except white asbestos) and 24 November 1999 (white asbestos) were permitted to be used, but their replacement must be of an asbestos-free material. Once an asbestos material has been removed arrangements must be made for its safe disposal.

2. Responsibilities

Mid Devon District Council's policy on asbestos must ensure that type, condition and identified locations of asbestos are recorded and that this information is given to those persons who require it to protect not only themselves but others around them. The 'duty to manage non-domestic premises' requirement under Regulation 4 of the Control of Asbestos Regulations 2012 will apply.

The structure for delivering the "Duty to Manage" requirement is as follows;

The Council and the Chief Executive

The Council is the employer with legal responsibility for health and safety and is the duty holder. Through delegation the Chief Executive has overall responsibility for health and safety including the duty to manage Asbestos. Both must support this policy to manage Asbestos by ensuring the allocation of resources including an adequate budget, suitable and sufficient equipment, personnel, time and training. Ultimately it is the Council fixed with legal responsibility.

Director of Finances, Assets and Resources – Strategic Lead

The Strategic Lead has a responsibility to support this policy by ensuring the allocation of resources including an adequate budget, suitable and sufficient equipment, personnel, time and training.

The safe management and operation of Sites and Properties activities, including consideration of asbestos issues and compliance with the Asbestos Management Plan within the operational and investment estate.

Devolving the principal functions of Asbestos management to the Responsible Person for maintenance, projects and estates management.

Group Manager for Corporate Property and Commercial – Responsible Person

Maintain an Asbestos Register identifying the locations and types of asbestos that are within the Council's control.

Make a point of checking the relevant Asbestos Register at the point where works are planned.

Ensure that adequate resources are made available to enable the arrangements to be implemented. Arrangements include management surveys by competent persons, analysis and removal by a specialist licensed contractors.

Carry out a risk assessment for all non-license work to confirm if the work is notifiable to the HSE using form ASBNNLW1 form Prepare and revise as necessary the arrangements for managing work involving non licenced asbestos and appoint competent contractors to carry out said work. (see section 5)

Ensure licensed works involving asbestos are carried out by competent contractors who are licensed with the HSE Asbestos Licencing Unit and that the work is notified to the HSE using the FODASB5 notification form (see www.hse.gov.uk).

Ensure that where specialist technical expertise in relation to asbestos is not available within the Service, suitable arrangements are made to obtain this information as required.

Ensure that employees or relevant contractors are provided with all the appropriate information, instruction and training on work being undertaken in areas containing anything suspected of containing asbestos.

3. Health Effects of Asbestos

There are three main types of serious health risks associated with exposure to asbestos fibres:

Asbestosis – chronic obstructive lung disease.

Lung cancer – a fatal lung disease.

Mesothelioma – a fatal cancer of the outer lining of the lung and the peritoneum specific to asbestos exposure.

It is recognised that the largest group of workers at risk from asbestos exposure are workers involved in the repair and maintenance, refurbishment and demolition of buildings, including electricians, plumbers, joiners, and computer and telecommunication engineers – people who may encounter asbestos during their normal day to day work activities.

4. Legislation

The legislation relating to the management of asbestos in the workplace can primarily be found in:

- Health and Safety at Work etc. Act 1974 (general duties on employers and management of premises);
The general provisions of the 1974 Act are applicable to the management of asbestos in the workplace, particularly s 2 (duty towards employees), s 3 (duty to non-employees) and s 4 (duty of person having control of premises).
- Management of Health and Safety at Work Regulations 1999;
The Management Regulations require employers to undertake risk assessments of the risks to health and safety arising out of, or in connection with, their business.
Duties are also placed in respect of co-operation and co-ordination where persons are sharing a workplace.
- Workplace (Health, Safety and Welfare) Regulations 1992;
These Regulations place requirements on employers to maintain their buildings so as not to cause a risk to health and safety.
- Construction (Design and Management) Regulations 2015;
These Regulations require clients to provide pre-construction information to persons carrying out construction work. Such information would include the results of any asbestos surveys undertaken in the premises. There is also a requirement to ensure that the 'health and safety file' is prepared and maintained for future reference.
- Defective Premises Act 1972;
The Act places a duty on landlords to ensure that tenants and other persons are safe (so far as is reasonable) from personal injury or disease that results from the defective state of the premises.
- Control of Asbestos Regulations 2012.
The Regulations set out the duties relating to exposure to asbestos and its correct management. The Regulations include:
 - management in non-domestic premises (Reg 4);
 - identification of the presence of asbestos (Reg 5);
 - assessment of work that exposes employees to asbestos (Reg 6);
 - plans of work (Reg 7);
 - licensing of work with asbestos (Reg 8);
 - notification of work with asbestos (Reg 9);
 - information, instruction and training (Reg 10);
 - prevention or reduction of exposure to asbestos (Reg 11);
 - use of control measures (Reg 12);
 - maintenance of control measures (Reg 13);
 - provision and cleaning of protective clothing (Reg 14);
 - arrangements to deal with accidents, incidents and emergencies (Reg 15);
 - duty to prevent or reduce the spread of asbestos

- (Reg 16);
- cleanliness of premises and plant (Reg 17);
- designated area (Reg 18);
- air monitoring (Reg 19);
- standards for air testing and site clearance certification (Reg 20);
- standards for analysis (Reg 21);
- health records and medical surveillance (Reg 22);
- washing and changing facilities (Reg 23);
- storage, distribution and labelling of raw asbestos and asbestos waste (Reg 24);
- labelling of products containing asbestos (Reg 27);

There are no specific laws or regulations regarding asbestos in domestic properties other than in respect of the common parts which are covered under the same legislation as commercial properties. The Council has a responsibility as Landlord in respect of the state of repair of its housing stock although the presence of asbestos in a property does not in itself constitute disrepair. There may be a need for repair or removal if the asbestos containing material is damaged or deteriorates. A Landlord's obligations in respect of asbestos in residential properties arise under the following legislation:-

- Housing Act 2004
- Environmental Protection Act 1990
- Landlord and Tenant Act `1985
- Defective Premises act 1972

5. Asbestos Licensing

The 2012 regulations prohibit anyone from carrying out work with high risk asbestos e.g. insulation, asbestos coating or asbestos insulating board unless they hold a licence granted by the HSE (Health & Safety Executive). Therefore the Council's own services can only carry out work on non-licensed asbestos.

To be exempt from needing a licence the work must be:

- Sporadic and low intensity - to be considered sporadic and low intensity the concentration of asbestos in the air should not exceed 0.6f/cm³ measured over 10 minutes; and
- Carried out in such a way that the exposure of workers to asbestos will not exceed the legal control limit of 0.1 asbestos fibres per cubic centimetre of air (0.1 f/cm³); and
- Meet at least one of four other conditions:
 - It is a short non-continuous maintenance task, with only non-friable materials (friability describes how likely asbestos containing material is to release asbestos fibres when worked on, so non-friable materials will only release a small number of fibres during work); or if it is a removal

task, where the asbestos containing material is in reasonable condition and are not being deliberately broken up, and the asbestos fibres are firmly contained within a matrix, e.g. the asbestos is coated, covered or contained within another material, such as cement, paint or plastic; or

- It is a task where the asbestos containing material(s) are in good condition and are being sealed or encapsulated to ensure they are not easily damaged in the future; or
- It is an air monitoring and control task to check fibre concentrations in the air, or it's the collection and analysis of asbestos samples to confirm the presence of asbestos in a material.

6. Notification of Non-licensed asbestos work (NNLW)

The Control of Asbestos Regulations 2012 introduced the following requirements:

- Notification of certain types of relatively low-risk work on that does asbestos containing material not require the use of a licensed contractor. This notification is on-line here <https://extranet.hse.gov.uk/lfserver/external/asbnnlw1>
- Medical examination of those persons carrying out the work every 3 years (or shorter if advised by a doctor) while the employee continues to do NNLW
- Maintaining registers of work (health records)

Whether a type of asbestos work is either licensable, NNLW or non-licensed work has to be determined in each case and will depend on the type of work that is going to be carried out, the type of material being worked on, and its condition. The identification of the type of asbestos-containing material to be worked on and an assessment of its condition are important parts of the risk assessment that must be carried out before the work commences.

Work which does not usually require a licence includes:

- Small, short duration maintenance tasks where the control limits will not be exceeded
- Removing textured decorative coatings by any suitable dust-reducing method
- Cleaning up small quantities of loose/fine debris containing asbestos containing material dust (where the work is sporadic and of low intensity, the control limit will not be exceeded and it is short duration work)
- Work on asbestos cement products or other materials containing asbestos (such as paints, bitumen, resins, rubber, etc.) where the fibres are bound in a matrix which prevents most of them being released (this includes, typically, aged/weathered AC)
- Work associated with collecting and analysing samples to identify the presence of asbestos

See decision flow chart below.

7. Policy Application

The following arrangements consist of a series of procedures which are intended to safeguard persons who may encounter the possibility of discovering asbestos in the course of their work and to ensure the safety of any premises occupants who may be

affected by any associated works which may involve the disturbance of asbestos containing materials.

The Council will follow the same arrangements in respect of its housing stock as its commercial properties in order to protect its tenants and will ensure that it complies with its legal responsibilities as a Landlord of all Council assets including leisure centres and residential properties.

All reasonable practicable steps will be taken to ensure that Council employees, tenants, customers/visitors (e.g. leisure centre users) and contractors working on behalf of the Council will not be exposed to hazards associated with materials containing asbestos.

8. Asbestos Surveys

The Health and Safety Executive (HSE) publication HSG264 Asbestos: The Survey Guide sets out how to survey workplace premises for asbestos containing materials and how to record the results in a usable form. A decision needs to be taken at an early stage as to whether to carry out a management or refurbishment/demolition survey – or a mixture of the two.

Management Survey:

Seen as a standard survey (previously known as Type 1 and 2 asbestos surveys, type 3 was the demolition survey) – these are concerned with the risk management of asbestos in normal occupation and will be less expensive, intrusive and disruptive than the alternative. The emphasis is on identifying asbestos containing material as far as is reasonably practicable and assessing the potential for fibre release during normal occupancy of the building and the activities carried out there – including during routine maintenance and repair e.g. redecoration.

Refurbishment and Demolition Survey:

Where major refurbishment or demolition is planned, this is an intrusive examination of the building including sampling to identify and control the risks of asbestos release. Refurbishment can include projects where plant is removed from a building.

A systematic programme of surveying all Council owned domestic and corporate properties has been undertaken and as these are reviewed they will be brought into line with the current guidance HSG264.

9. Asbestos Register

Data collected on site has been inputted onto the corporate Asbestos Register. The register will be updated as and when required

The information includes:

- Property information;
- Inspection method;
- Surveyor's detail;
- Site plans;
- Material detail;
- Sample analysis results;

- Material assessment;
- Priority assessment;
- Risk rating;
- Management recommendations

10. Material Assessment

The condition of each asbestos element identified on site is assessed using the material assessment algorithm as defined in the HSE publication HSG264.

The assessment will depend on four different parameters:

- Product type
- Extent of damage
- Surface treatment
- Asbestos type

11. Assessment Score and Register

The total score of material assessment and priority assessment gives the risk rating which is high, medium, low, or very low.

This is used to determine the management actions necessary for ensuring safety.

- High - urgent action required
- Medium - remedial works required
- Low/very low - manage/maintain

All the information collected during the asbestos surveys will be recorded in the Asbestos Register.

The Asbestos Register of Council owned by the Group Manager Corporate Properties and Commercial and will be maintained in the Integrator software system.

Access to the Register will also be made available to property managers, Building Maintenance staff and contractors working on the property.

The public utility services, the fire brigade and others whose presence may expose them to possible risk from asbestos will have access to the council asbestos register as appropriate.

12. Information for Contractors

All officers with the responsibility for issuing works orders will ensure that prior to the works commencing the asbestos register is consulted and the existence of asbestos is brought to the attention of the contractors in writing, clearly identifying areas which are known/presumed to have asbestos containing materials. In addition a **“Permit to Work”** will be issued to all contractors prior to commencement of both licensed and non-licensed work activities.

Where contractors arrive on site, they must be under instruction to report their presence and identify the tasks that they are to carry out to the responsible property officer. At this point the Asbestos Register located at the Old Road or Phoenix House

must be accessed and the premises must be checked to confirm either way the information previously issued by the ordering officer.

Should the contractors discover any variances to the information contained in the asbestos register, this must be reported to the Manager responsible for Asbestos management to enable him to update the Register.

13. Asbestos Licensed Contractors

A system of vetting and appointing suitable applicants for inclusion on the Council's standing list of asbestos contractors is operated. Contractors carrying out work on behalf of the Council are subject to performance monitoring and recording.

Only contractors who have been vetted and approved by the Group Manager Corporate Properties and Commercial shall be eligible to tender for asbestos work. These contractors will be reviewed every five years.

The Group Manager Corporate Properties and Commercial shall ensure that prior to any asbestos removal works being undertaken, the appointed contractors provide all relevant documentation required for works with asbestos.

This shall include:

- ASB5 notification form and plan of work
- Copy of their Asbestos Licence
- Company insurance document
- Company Health and Safety policy
- CDM Health and Safety plan as notified to the HSE
- Training records
- Medical Certificates
- RPE face fit test certificates
- Plant examination and test certificates
- Permit to work
- COSHH data
- Waste disposal arrangements

Documentation required on completion of the removal works shall include:

- Site diary
- Site induction records
- Daily enclosure and air lock inspection records
- Daily negative pressure units and vacuum inspection records
- Respirator inspection records
- Daily decontamination unit inspection records
- Operative showering records
- Working platform inspections
- Air monitoring and clearance certificates
- Personal air monitoring records
- Asbestos exposure records
- Waste consignment notes

14. Disposal of Asbestos Waste

The contractor used for the disposal of asbestos must be licensed for this by the Environment Agency.

All asbestos containing material shall be disposed of by double wrapping in labelled 1000 gauge polythene sheeting or bags, and transported by a licensed carrier to a landfill site correctly licensed to receive asbestos waste.

The disposal of asbestos material shall be the responsibility of the appointed contractor. As such, evidence of appropriate documentation for the consignment and disposal of asbestos waste shall be required prior to payment.

15. Disposal of Fly-Tipped waste containing Asbestos

The Council (Group Manager Open Spaces and Waste Services) will be responsible for arranging for the removal of fly-tipped waste, which is suspected of containing asbestos. Where large amounts of fly-tipped waste (which is suspected of containing asbestos) are reported, the Environment Agency should be consulted on the collection and disposal methods to be used. A contractor appropriately licensed for the collection of this waste will be used and the costs of this re-claimed from the offender where possible.

16. Training

All staff who may encounter asbestos during the course of their work shall be given the necessary training to be able to identify the situations in which asbestos may be present, to be able to recognise asbestos or similar suspect materials and to set out safe working practice to minimise risks to health and safety.

Persons in charge of buildings will be provided with appropriate training and information regarding accessing information from the Asbestos Register.

Surveyors will hold the BOHS Proficiency Module P402: 'Building surveys and bulk sampling for asbestos' qualification.

Induction training will be provided to all new staff falling into these groups.

17. Advice

The Group Manager for Corporate Property and Commercial is responsible for Asbestos management, Group Manager for Public Health and Regulatory Services can be contacted for advice relating to management of materials suspected of containing Asbestos. If in doubt the rule is to leave it alone until risk assessed by a competent person.

If during the course of normal work practices suspected asbestos-containing material is encountered, the following procedures should be followed:

18. Contractors / Employees

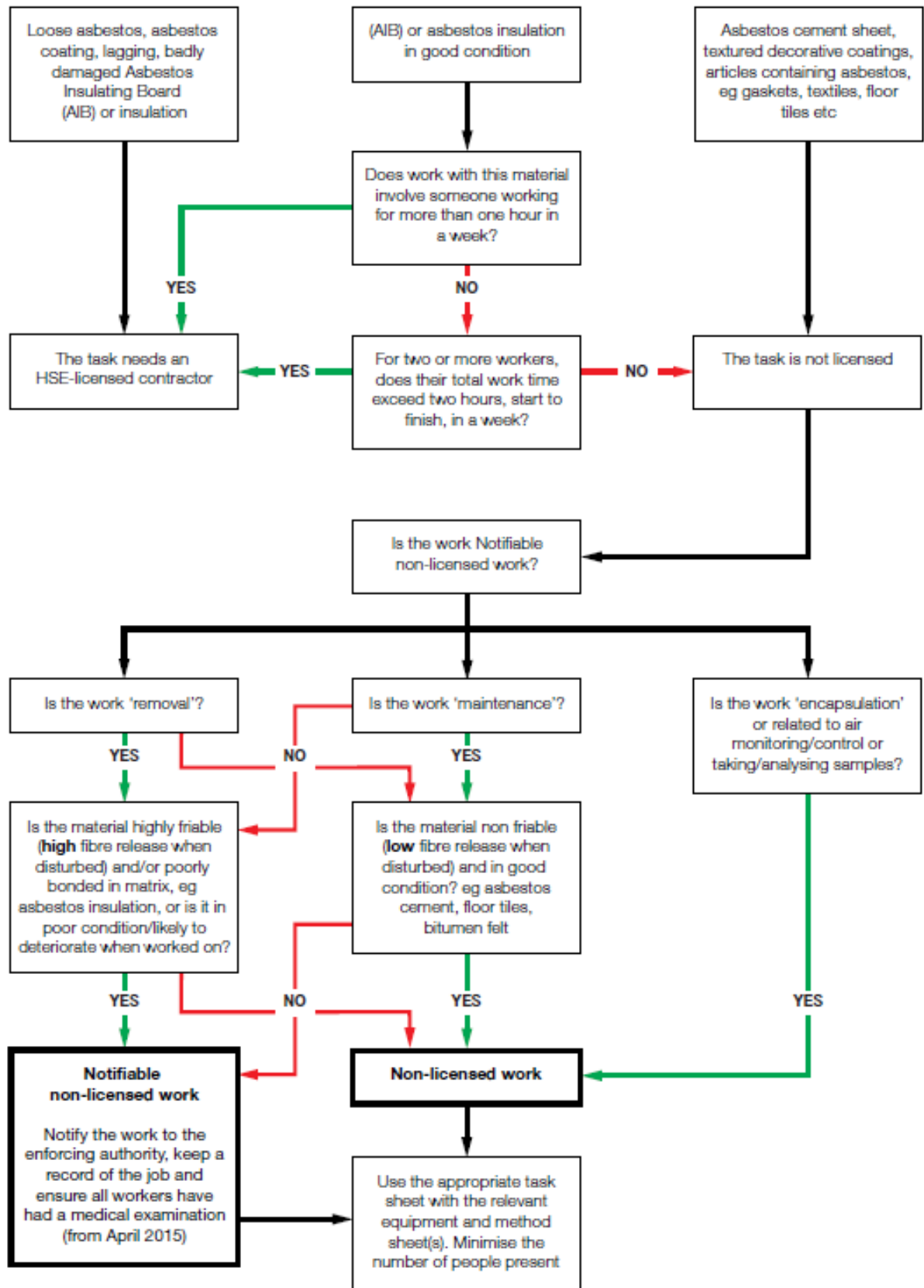
Action to take on the disturbance of asbestos containing materials:

1. **STOP ANY WORK**, remove and keep all persons out of the area. Where practicable close or seal or lock off the area. Do not remove any equipment or material.
2. Stop other people entering the area e.g. prepare and display a 'potential Asbestos hazard keep out' sign.
3. In the event of possible contamination with asbestos –do not panic; move to a safe area; wet affected clothing/footwear if possible; put on disposable RPE, coveralls and overshoes if available Seek advice from the Corporate H&S Officer.
4. Inform the line manager who will report the discovery to the Group Manager for Corporate Properties and Commercial who will inform the Corporate Health and Safety Officer.
5. The Group Manager for Corporate Properties and Commercial will arrange for the property to be inspected and for any samples or air tests to be taken if required and will keep the premises management and the Corporate Health and Safety Officer informed. Depending on the type and extent of the asbestos contamination - a specialist licensed asbestos contractor will be required to carry out the clean-up.
6. Following laboratory analysis the responsible Group Manager for Corporate Property and Commercial will advise the premises management and the Corporate Health and Safety Officer of the outcome and the proposed action.
7. On completion of any repair or removal work the Group Manager for Corporate Property and Commercial will advise the premises management and the Corporate Health and Safety Officer when the area has been made safe.
8. The Group Manager for Corporate Property and Commercial will ensure that all actions including areas where asbestos has been removed and analytical reports are included in the Asbestos register and advise the premises management and the Corporate Health and Safety Officer. In relation to the accidental exposure to asbestos, the employees' health records health records should be kept by Human Resources for 40 years after the date of any exposure or until the employee reaches the age of 80

For more information on asbestos go to www.hse.gov.uk/asbestos

Decision flow chart

Use this simple flow chart to help you decide who needs to do the work:

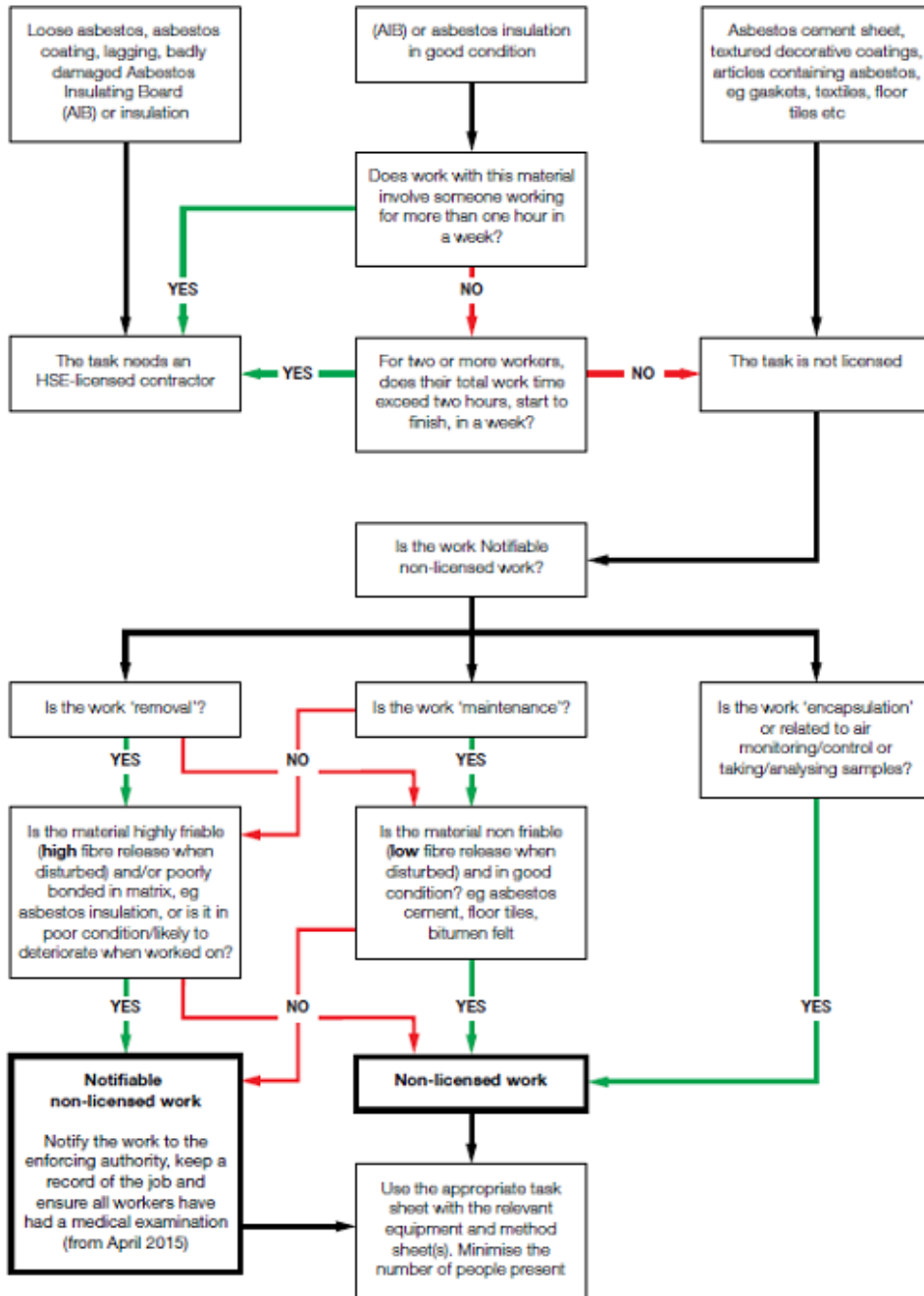


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ANNEX B: TABLE FLOW CHART 1.

Decision flow chart

Use this simple flow chart to help you decide who needs to do the work:



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CABINET
26 MARCH 2020

MANAGEMENT OF LEGIONELLA

Cabinet Member(s): Cllr Nikki Woollatt, Cabinet Member for Working Environment and Support Services
Cllr Simon Clist, Cabinet Member for Housing and Property Services

Responsible Officer: Andrew Busby Group Manager for Corporate property and Commercial assets.

Reason for Report: To provide Members with an update on the procedures for ensuring compliance with managing the risk of Legionella.

RECOMMENDATION: For Cabinet to adopt the updated policy for the management of Legionella for both our Corporate and Housing Assets.

Financial Implications: The costs for Legionella management including any cost of repair have been included in the 2020/21 financial year budget for both the General Fund and the Housing Revenue Account.

Budget and Policy Framework: Remedial works for Legionella have been budgeted for in the general fund for both corporate Assets and Housing. This policy supports the overarching Health and Safety policy.

Legal Implications: The Management of Health and Safety at Work Regulations 1999 requires employers to make a suitable and sufficient assessment of the risks to the health and safety of their employees while at work. Where this general assessment indicates the possibility of risks to employees and others from Legionnaires disease the Control of Substances Hazardous to Health Regulations 2002 is taken into account.

Risk Assessment: If the Council does not implement procedures and policy, further enforcement action could be undertaken by the HSE in the event of legionella failure.

Equality impact assessment: There is no negative impact as a result of this policy

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 Council's budget. To maximise the value derived from all Council property for its stakeholders, by delivering an efficient and fit for purpose corporate property solutions service.

Impact on Climate Change: The supply chain will be challenged to confirm that they operate an energy efficient fleet to control our scope 3 emissions. Routine

inspections are being undertaken by our Public Health team and is combined with asbestos testing.

1.0 Introduction/Background

- 1.1 Following the internal audit, this policy has been updated and shared with the Health and Safety committee. Improvements were recommended and have been actioned working with colleagues in Environmental Health and Building Services. As part of that audit, it was recommended that this policy is reviewed by committee.
- 1.2 The Council will, as far as is reasonably practicable, take appropriate precautions to reduce the risk of ill health caused by exposure to Legionella. This will be achieved through providing a framework of actions designed to assess, prevent or control the risk from the Legionella bacteria. To achieve this it will use the practical guidance contained in the Approved Code of Practice and guidance documents outlining assessing sources of risk, preparing a scheme to prevent or control risk, implementing, managing and monitoring precautions, keeping records of precautions and appointing a manager to be responsible.
- 1.3 The Council as a landlord also has legal responsibilities to ensure the health and safety of tenants (including housing stock tenants) by keeping the properties let safe and free from health hazards including Legionnaires disease. Section 3(2) of the Health and Safety at Work Act 1974 (HSWA) makes provision for relevant health and safety legislation to apply to landlords to ensure a duty of care is shown to their tenants' with regard to their health and safety including managing Legionnaires disease.

2.0 Definition

- 2.1 Legionella bacteria are widespread in natural water systems, e.g. rivers and ponds. However, the conditions are rarely right for people to catch the disease from these sources. Outbreaks of the illness occur from exposure to legionella growing in purpose-built systems where water is maintained at a temperature high enough to encourage growth, e.g. cooling towers, evaporative condensers, hot and cold water systems and spa pools used in all sorts of premises (work and domestic). People contract Legionnaires' disease by inhaling small droplets of water (aerosols), suspended in the air, containing the bacteria. However, some people are at higher risk, including:
 - people over 45 years of age;
 - smokers and heavy drinkers;
 - people suffering from chronic respiratory or kidney disease;
 - anyone with an impaired immune system;
- 2.2 Please refer to **Annex A** for the Legionella Management policy.

3.0 Responsibilities

The Council's policy on Legionnaires Disease must ensure the duty of care under the **HASWA** is met in respect of assessing and controlling the risk from exposure to legionella bacteria from work activities in relation to its Corporate

and Commercial properties. The Council achieves this through the following management structure:

3.1 The Council is the employer with legal responsibility for health and safety and is the duty holder. Through delegation the Chief Executive has overall responsibility for health and safety including the duty to manage Legionella. Both must support this policy to manage Legionella by ensuring the allocation of resources including an adequate budget, suitable and sufficient equipment, personnel, time and training. Ultimately it is the Council fixed with legal responsibility.

3.2 Deputy Chief Executive (S151).

The Strategic Lead has a responsibility to support this policy by ensuring the allocation of resources including an adequate budget, suitable and sufficient equipment, personnel, time and training. The safe management and operation of Sites and Properties activities, including consideration of Legionnaires Disease issues and compliance with the Legionella Management Plan within the operational and investment estate. Devolving the principal functions of Legionella management to the Responsible Person for maintenance, projects and estates management

3.3 Group Manager for Corporate Property and Commercial – Responsible Person

The Responsible Person ensures:

1. Risks assessment are carried out for all Council properties by a competent person
2. To record the significant findings of the risk assessment.
3. A written scheme for controlling the risk from exposure to the legionella bacteria is implemented and monitored.
4. There is a “responsible competent person” to implement and monitor the control scheme.
5. That where appropriate general microbiological sampling procedures are implemented.
6. Ensure a cleaning and disinfection process is implemented where required.
7. A record of all inspections, tests and sampling is maintained.

4.0 Hierarchy of Control

4.1 The Legionnaires’ disease Approved Code of Practise L8 states that;

Where the assessment shows that there is a reasonably foreseeable risk of exposure to legionella bacteria, the use of water systems, parts of water systems or systems of work that lead to exposure must be avoided so far as is reasonably practicable, where this is not reasonably practicable, there should be a written scheme for controlling the risk from exposure that should be properly implemented and managed. The written scheme should specify measures to take to ensure that it remains effective.

4.2 The risk from exposure will be controlled by measures which do not allow the growth of legionella bacteria in the system and which reduce exposure to

water droplets and aerosols. Precautions, where appropriate, include the following:

- Avoiding water temperatures between 20°C and 45°C and conditions that favour the growth of legionella bacteria and other microorganisms;
- Avoiding water stagnation which may encourage the growth of biofilm;
- Avoiding the use of materials that harbour bacteria and other microorganisms, or provide nutrients for microbial growth. The *Water Fittings and Materials Directory* 10 references fittings, materials, and appliances approved for their compliance with the UK legal requirements for plumbing fittings and water using appliances;
- Controlling the release of water spray;
- Maintaining the cleanliness of the system and water in it;
- Using water treatment techniques;
- Taking action to ensure the correct, safe operation, maintenance of the water system and monitoring of any control measures applied

4.3 The written scheme includes, where appropriate, and with reference to the risk assessment:

- An up-to-date plan showing the layout of the plant or water system, including parts temporarily out of use (a schematic diagram is sufficient);
- A description of the correct and safe operation of the system;
- The precautions to take;
- Checks to carry out to ensure the written scheme is effective and the frequency of such checks;
- The remedial action to take if the written scheme is shown to be not effective
- Action to be taken in response to microbiological results greater than 100 colony forming units per litre

4.4 Records will be maintained that include details about:

- The appointed responsible person(s) for conducting the risk assessment, managing, and implementing the written scheme;
- Any significant findings of the risk assessment;
- The written scheme and its implementation;
- Details about the state of operation of the water system, i.e. in use/not in use;
- The results of any monitoring inspection, test or audit carried out, and the dates.

4.5 These records will be retained throughout the period they are current and for at least two years afterwards. Records of any monitoring inspection, test or check carried out, and the dates, will be retained for at least five years.

5.0 Incident Reporting

5.1 All staff have a duty to report and complete an incident report form where an incident occurs that may lead to the possibility of exposure to Legionella i.e.

incorrect water temperatures, elevated counts of legionella bacteria in any samples taken.

5.2 Any case of Legionellosis in an employee linked to a work activity must be reported under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013.

5.3 Sickness absence will be monitored for any signs of symptoms that may be related to Legionnaires' disease.

6.0 Policy Monitoring & Review

6.1 The responsible person will audit the arrangements in place to control legionella in hot and cold water systems

6.2 A joint approach to reviewing the effectiveness of the policy will be undertaken involving, the Group Managers for Public Health and Regulatory and Corporate Property and Commercial, the Health and Safety Officer, Staff safety representatives, HR and, if required, Occupational Health. Monitoring will include:

- Analysing incident, accident and sickness statistics
- Observing the staff at work
- Consulting with staff
- Changes in legislation

7.0 Conclusion

7.1 This policy and the related guidance will be reviewed ahead of the stated date if there is a change in the related legislation or if an emerging risk is identified. This is to ensure the Council meets its requirements to protect the wellbeing of the public, and to have the appropriate procedures in place.

7.2 Future reporting of this Legionella policy in the event of no legal change will be reported via our Health and Safety policy.

Contact for more Information: Andrew Busby Group Manager Corporate Property and Commercial Assets – 01884 234948 abusby@middevon.gov.uk

Circulation of the Report: Cabinet, Leadership Team.

List of Background Papers: None

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Corporate Property and Commercial Policy

Version Control

Title: Management of Legionella

Purpose: Compliance with health and safety legislation

Owner: Andrew Jarrett

Date: March 2020

Version Number: 3.0

Status: Draft

Review Frequency: 3 years

Next review date: March 2023

Consultation

This document obtained the following approvals:

Who	Date	Version Approved
Leadership Team		
H&S Committee		
Cabinet	260320	

1. Introduction

The Management of Health and Safety at Work Regulations 1999 requires employers to make a suitable and sufficient assessment of the risks to the health and safety of their employees while at work. Where this general assessment indicates the possibility of risks to employees and others from Legionnaires disease the Control of Substances Hazardous to Health Regulations 2002 is taken into account

The Council as a landlord also has legal responsibilities to ensure the health and safety of tenants (including housing stock tenants) by keeping the properties let safe and free from health hazards including Legionnaires disease. Section 3(2) of the Health and Safety at Work Act 1974 (HSWA) makes provision for relevant health and safety legislation to apply to landlords to ensure a duty of care is shown to their tenants' with regard to their health and safety including managing Legionnaires disease.

The Council will (as an employer and as a landlord), as far as is reasonably practicable, take appropriate precautions to reduce the risk of ill health caused by exposure to Legionella. This will be achieved through providing a framework of actions designed to assess, prevent or control the risk from the Legionella bacteria. To achieve this it will use the practical guidance contained in the Approved Code of Practice and guidance documents outlined under 3 below aimed at identifying and assessing sources of risk, preparing a scheme to prevent or control risk, implementing, managing and monitoring precautions, keeping records of precautions and appointing a manager to be responsible for others.

2 Legislation

- Health and Safety at Work etc. Act 1974 (HASWA)
- Management of Health and Safety at Work Regulations 1999 (MHSWR)
- Control of Substances Hazardous to Health 2002 (COSHH)

3 Guidance

- Approved Code of Practise "Legionnaires' disease: The control of Legionella bacteria in water systems" L8
- HSG274 Part 1: The control of legionella bacteria in evaporative cooling systems
- HSG274 Part2: The control of legionella bacteria in hot and cold water systems
- HSG274 Part 3: The control of legionella bacteria in other risk systems
- Audit checklists: Control of legionella bacteria in water systems

4 Definition

Legionella bacteria are widespread in natural water systems, e.g. rivers and ponds. However, the conditions are rarely right for people to catch the disease from these sources. Outbreaks of the illness occur from exposure to legionella growing in purpose-built systems where water is maintained at a temperature high enough to encourage growth, e.g. cooling towers, evaporative condensers, hot and cold water systems and spa pools used in all sorts of premises (work and domestic). People contract Legionnaires' disease by inhaling small droplets of water (aerosols),

suspended in the air, containing the bacteria. However, some people are at higher risk, including:

- people over 45 years of age;
- smokers and heavy drinkers;
- people suffering from chronic respiratory or kidney disease;
- anyone with an impaired immune system;

4. Responsibilities

Mid Devon District Council's (MDDC) policy on Legionnaires Disease must ensure the duty of care under the HASWA is met in respect of assessing and controlling the risk from exposure to legionella bacteria from work activities in relation to its Corporate and Commercial properties. MDDC achieves this through the following management structure;

The Council and the Chief Executive

The Council is the employer with legal responsibility for health and safety and is the duty holder. Through delegation the Chief Executive has overall responsibility for health and safety including the duty to manage Legionella. Both must support this policy to manage Legionella by ensuring the allocation of resources including an adequate budget, suitable and sufficient equipment, personnel, time and training. Ultimately it is the Council fixed with legal responsibility.

Director of Finances, Assets and Resources – Strategic Lead

The Strategic Lead has a responsibility to support this policy by ensuring the allocation of resources including an adequate budget, suitable and sufficient equipment, personnel, time and training.

The safe management and operation of Sites and Properties activities, including consideration of Legionnaires Disease issues and compliance with the Legionella Management Plan within the operational and investment estate

Devolving the principal functions of Legionella management to the Responsible Person for maintenance, projects and estates management

Group Manager for Corporate Property and Commercial – Responsible Person

The Responsible Person ensures

1. risks assessment are carried out for all MDDC properties by a competent person
2. to record the significant findings of the risk assessment
3. a written scheme for controlling the risk from exposure to the legionella bacteria is implemented and monitored
4. there is a "responsible competent person" to implement and monitor the control scheme
5. that where appropriate general microbiological sampling procedures are implemented
6. ensure a cleaning and disinfection process is implemented where required

7. a record of all inspections, tests and sampling is maintained
8. that the control measures are regularly reviewed and updated

5 Hierarchy of Control

The Legionnaires' disease Approved Code of Practice L8 states that;

a) Where the assessment shows that there is a reasonably foreseeable risk of exposure to legionella bacteria, the use of water systems, parts of water systems or systems of work that lead to exposure must be avoided so far as is reasonably practicable. Where this is not reasonably practicable, there should be a written scheme for controlling the risk from exposure that should be properly implemented and managed. The written scheme should specify measures to take to ensure that it remains effective.

b) the risk from exposure will be controlled by measures which do not allow the growth of legionella bacteria in the system and which reduce exposure to water droplets and aerosols. Precautions, where appropriate, include the following:

- avoiding water temperatures between 20 °C and 45 °C and conditions that favour the growth of legionella bacteria and other microorganisms;
- avoiding water stagnation which may encourage the growth of biofilm;
- avoiding the use of materials that harbour bacteria and other microorganisms, or provide nutrients for microbial growth. The *Water Fittings and Materials Directory* 10 references fittings, materials, and appliances approved for their compliance with the UK legal requirements for plumbing fittings and water using appliances;
- controlling the release of water spray;
- maintaining the cleanliness of the system and water in it;
- using water treatment techniques;
- taking action to ensure the correct, safe operation, maintenance of the water system and monitoring of any control measures applied

c) The written scheme includes, where appropriate, and with reference to the risk assessment:

- an up-to-date plan showing the layout of the plant or water system, including parts temporarily out of use (a schematic diagram is sufficient);
- a description of the correct and safe operation of the system;
- the precautions to take;
- checks to carry out to ensure the written scheme is effective and the frequency of such checks;
- the remedial action to take if the written scheme is shown to be not effective
- action to be taken in response to microbiological results greater than 100 colony forming units per litre

d) Records will be maintained that include details about:

- the appointed responsible person(s) for conducting the risk assessment, managing, and implementing the written scheme;
- any significant findings of the risk assessment;
- the written scheme and its implementation;
- details about the state of operation of the water system, i.e. in use/not in use;

- the results of any monitoring inspection, test or audit carried out, and the dates.

e) These records will be retained throughout the period they are current and for at least two years afterwards. Records of any monitoring inspection, test or check carried out, and the dates, will be retained for at least five years.

7 III Health & Incident Reporting

All staff have a duty to report and complete an incident report form where an incident occurs that may lead to the possibility of exposure to Legionella i.e. incorrect water temperatures, elevated counts of legionella bacteria in any samples taken.

Any case of Legionellosis in an employee linked to a work activity must be reported under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013.

Sickness absence will be monitored for any signs of symptoms that may be related to Legionnaires' disease.

8 Policy Monitoring & Review

The responsible person will audit the arrangements in place to control legionella in hot and cold water systems

A joint approach to reviewing the effectiveness of the policy will be undertaken involving, the Group Managers for Public Health and Regulatory and Corporate Property and Commercial, the Health and Safety Officer, Staff safety representatives, HR and, if required, Occupational Health. Monitoring will include:

- Analysing incident, accident and sickness statistics
- Observing the staff at work
- Consulting with staff
- Changes in legislation

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CABINET
26 MARCH 2020:

PERFORMANCE AND RISK REPORT

Cabinet Member Cllr Bob Deed
Responsible Officer Director of Corporate Affairs & Business Transformation,
Jill May

Reason for Report: To provide Members with an update on performance against the corporate plan and local service targets for 2019-20 as well as providing an update on the key business risks.

RECOMMENDATION: That the Committee reviews the Performance Indicators and Risks that are outlined in this report and feeds back any areas of concern.

Relationship to Corporate Plan: Corporate Plan priorities and targets are effectively maintained through the use of appropriate performance indicators and regular monitoring.

Financial Implications: None identified

Legal Implications: None

Risk Assessment: If performance is not monitored we may fail to meet our corporate and local service plan targets or to take appropriate corrective action where necessary. If key business risks are not identified and monitored they cannot be mitigated effectively.

Equality Impact Assessment: No equality issues identified for this report.

Impact on Climate Change: No impacts identified for this report.

1.0 Introduction

- 1.1 Appendices 1-5 provide Members with details of performance against the Corporate Plan and local service targets for the 2019-20 financial year. The Committee is invited to suggest measures they would like to see included in the future for consideration.
- 1.2 Appendix 6 shows the higher impact risks from the Corporate Risk Register. See 3.0 below.
- 1.3 Appendix 7 shows the risk matrix for the Council.
- 1.4 All appendices are produced from the Corporate Service Performance And Risk Management system (SPAR).
- 1.5 When benchmarking information is available it is included.

2.0 Performance

Environment Portfolio - Appendix 1

- 2.1 Regarding the Corporate Plan Aim: Increase recycling and reduce the amount of waste: % of household waste reused, recycled and composted; all the waste KPIs on Appendix 1 are better than target now and for the same period last year. These are yet to be verified by DCC as is usual.
- 2.2 Regarding the Corporate Plan Aim: Reduce our carbon footprint: The Carbon Emissions Baseline figure has been calculated and was reported to Cabinet at its meeting on 19 December, a recommendation has been made for the Environmental PDG working group to prioritise actions as the next stage. Comparison with other districts has been considered and discounted at this stage as direct comparisons are not useful where in-house services are different, which is generally the case. MDDC is the only district council with all services in-house in Devon so would tend to have a higher intrinsic footprint regardless of measures taken.
- 2.3 Other: As at 31 December, Waste Services were also performing well financially with increased income from trade waste and recycling and the shared saving scheme for waste with DCC showing a surplus. Public Health had an income reduction of £30k.

Homes Portfolio - Appendix 2

- 2.4 Regarding the Corporate Plan Aim: **Build more council houses:** Whilst no additional houses have reached the planning stage at present, work continues on the feasibility of further development within our own estates and elsewhere.
- 2.5 Regarding the Corporate Plan Aim: **Facilitate the housing growth that Mid Devon needs, including affordable housing: Bringing Empty homes into use** has already well exceeded the annual target and the number of affordable homes delivered was well above target @ 31 December.
- 2.6 Regarding the Corporate Plan Aim: **Planning and enhancing the built environment:** the Cullompton Masterplan and Delivery Plan consultation runs from 25 February until 15 April and the Tiverton Eastern Urban Extension consultation runs from 27 February to 9 April.
- 2.7 The 6 week public consultation on the Local Plan main modifications finished on 17 February 2020. 75 representations were received, these were sent to the Inspector for his consideration on 28 February.
- 2.8 **Other:** most measures were either on or above target except for **Average days to re-let** which was just outside the target of 14 days and **Properties with a valid gas safety certificate.** For this @ 31 January there were 5 properties referred to Legal services to gain access in accordance with MDDC procedure.

- 2.9 Housing performance remains in the top quartile compared with HouseMark.

Economy Portfolio - Appendix 3

- 2.10 Regarding the Corporate Plan Aims: **Attract new businesses to the District and Focus on business retention and growth of existing businesses**; we record **Businesses supported**, this includes new and existing businesses.
- 2.11 We also report the **Number of business rate accounts** which exceeds target increasing by over 4% since this time last year.
- 2.12 Regarding the Corporate Plan Aim: **Improve and regenerate our town centres with the aim of increasing footfall, dwell-time and spend in our town centres: car parking vends** are reported as a proxy for visitor numbers.
- 2.13 **Empty Shops**; it should be noticed that the vacancy count is done at the start of each quarter. The total number of units in each town @ Q3 are as follows: Tiverton 242, Cullompton 89 and Crediton 118. This will be added to the notes for the PIs.

Community Portfolio - Appendix 4 and 8

- 2.14 Other: Public Health Officers from Mid Devon District Council attended Exeter Magistrates on Thursday, 27 February 2020 to hear the sentencing of The White Hart At Cullompton Ltd.
- 2.15 The Council's Land Charges team have won the Digital Data Award at the Land Data Local Land Charges Awards 2020. The Digital Data Award recognises the importance of high quality data and focuses on the five characteristics of high quality information; accuracy, completeness, consistency, uniqueness and timeliness.

Corporate - Appendix 5

- 2.16 **Working days lost due to sickness** is below target but still better than at this point last year. This is likely to deteriorate because of Covid 19.
- 2.17 The **Response to FOI requests** have been 100% on time since April 2019.
- 2.18 The **% total Council Tax collected** and **% total NNDR collected** are both slightly below target.

3.0 Risk

- 3.1 The Corporate risk register is regularly reviewed by Group Managers' Team (GMT) and Leadership Team (LT) and updated as required.
- 3.2 Risk reports to committees include strategic risks with a current score of 10 or more in accordance with the Risk and Opportunity Management Strategy. (Appendix 6)

- 3.3 Appendix 7 shows the risk matrix for MDDC for this quarter. If risks are not scored they are included in the matrix at their inherent score which will be higher than their current score would be.
- 3.4 Operational risk assessments are job specific and flow through to safe systems of work. These risks go to the Health and Safety Committee biannually with escalation to committees where serious concerns are raised.

4.0 Conclusion and Recommendation

- 4.1 That the Committee reviews the performance indicators and any risks that are outlined in this report and feeds back any areas of concern.

Contact for more Information: Catherine Yandle Group Manager for Performance, Governance and Data Security ext 4975

Circulation of the Report: Leadership Team and Cabinet Member

Corporate Plan PI Report Environment

Monthly report for 2019-2020
 Arranged by Aims
 Filtered by Aim: Priorities Environment
 For MDDC - Services

Key to Performance Status:

Performance Indicators: No Data Well below target Below target On target Above target Well above target

* indicates that an entity is linked to the Aim by its parent Service

Corporate Plan PI Report Environment

Priorities: Environment

Aims: Increase recycling and reduce the amount of waste

Performance Indicators

Title	Prev Year (Period)	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>Residual household waste per household (measured in Kilograms) (figures have to be verified by DCC)</u>	306.53 (10/12)	365.00	36.52	66.32	93.65	123.35	150.40	177.00	208.78	238.38	268.55	297.99			Stuart Noyce	(April - January) A decrease of 2.79% compared to January 2019. (LD)
<u>% of Household Waste Reused,</u>	53.25% (10/12)	54.00%	48.76%	52.78%	53.97%	54.09%	54.26%	54.68%	54.41%	54.04%	54.00%	54.34%			Stuart Noyce	(January) An increase of 103 tonnes of cardboard;

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Corporate Plan PI Report Environment

Priorities: Environment

Aims: Increase recycling and reduce the amount of waste

Performance Indicators

Title	Prev Year (Period)	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>Recycled and Composted (figures have to be verified by DCC)</u>																27 tonnes of plastic and an extra 240 tonnes of garden waste has been collection in comparison to the same period last year. (LD)
<u>Net annual cost of waste service per household</u>		£45.00	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a		Stuart Noyce	
<u>Number of Households on Chargeable Garden Waste</u>	9,712 (10/12)	10,000	9,921	10,102	10,109	10,195	10,266	10,241	10,155	10,072	10,188	10,184			Stuart Noyce	(January) An increase of 472 customers compared to the same period in the previous year. (LD)
<u>% of missed collections reported (refuse and</u>	0.04% (10/12)	0.03%	0.01%	0.01%	0.01%	0.01%	0.02%	0.02%	0.02%	0.02%	0.01%	0.02%			Stuart Noyce	(January) Remaining within target (LD)

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Corporate Plan PI Report Environment

Priorities: Environment

Aims: Increase recycling and reduce the amount of waste

Performance Indicators

Title	Prev Year (Period)	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>organic waste)</u>																
<u>% of Missed Collections logged (recycling)</u>	0.02% (10/12)	0.03%	0.02%	0.02%	0.02%	0.02%	0.03%	0.03%	0.02%	0.02%	0.02%	0.02%			Stuart Noyce	(January) Remaining within target (LD)

Aims: Protect the natural environment

Performance Indicators

Title	Prev Year (Period)	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>Number of Fixed Penalty Notices (FPNs) Issued (Environment)</u>	13 (10/12)		2	4	6	8	10	10	10	10	11	14			Stuart Noyce	(December) District Officer cover for the past three months has reduced from 3.8 FTE's to 2.8 FTE's. This post is due to be filled in January. (LD)

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Corporate Plan PI Report Homes

Monthly report for 2019-2020
 Arranged by Aims
 Filtered by Aim: Priorities Homes
 For MDDC - Services

Key to Performance Status:

Performance Indicators:	No Data	Well below target	Below target	On target	Above target	Well above target
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* indicates that an entity is linked to the Aim by its parent Service

Corporate Plan PI Report Homes

Priorities: Homes

Aims: Build more council houses

Performance Indicators																	
Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
Build Council Houses	6 (10/12)		26	0	0	0	0	0	26	26	26	26	26			Angela Haigh	(September) Palmerston Par

Aims: Facilitate the housing growth that Mid devon needs, including affordable housing

Performance Indicators																	
Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
Number of affordable homes delivered (gross)	37 (3/4)		100	n/a	n/a	22	n/a	n/a	68	n/a	n/a	85	n/a	n/a		Angela Haigh	(Quarter 1 - 2) Info. from I
Deliver homes by bringing Empty Houses into use	134 (10/12)		72	17	33	42	55	72	84	95	97	106	120			Simon Newcombe	

Aims: Other

Performance Indicators																	
Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
% Decent Council Homes	99.9% (10/12)		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	99.9%	100.0%				
% Properties With a Valid Gas Safety Certificate	99.96% (10/12)		100.00%	99.78%	99.82%	99.91%	99.91%	99.96%	100.00%	99.96%	99.87%	99.78%	99.78%				
Rent Collected as a Proportion of Rent Owed	99.90% (10/12)		97.00%	91.55%	99.90%	97.66%	100.93%	99.30%	98.50%	100.26%	98.37%	98.90%	99.03%				
Current Tenant Arrears as a Proportion of Annual Rent Debt	1.31% (10/12)		2.50%	1.10%	0.87%	1.11%	1.09%	0.91%	1.17%	1.14%	1.29%	1.12%	1.15%				
Dwelling rent lost due to voids	0.51% (10/12)		0.70%	0.50%	0.50%	0.48%	0.48%	0.52%	0.53%	0.55%	0.56%	0.57%	0.56%				
Average Days to Re-Let Local Authority Housing	14.4days (10/12)		14.0days	14.0days	14.5days	14.6days	13.7days	14.6days	14.4days	14.3days	14.5days	14.5days	14.9days				

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Corporate Plan PI Report Economy

Monthly report for 2019-2020
Arranged by Aims
Filtered by Aim: Priorities Economy
For MDDC - Services

Key to Performance Status:

Performance Indicators:	No Data	Well below target	Below target	On target	Above target	Well above target
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* indicates that an entity is linked to the Aim by its parent Service

Corporate Plan PI Report Economy

Priorities: Economy

Aims: Attract new businesses to the District

Performance Indicators																
Title	Prev Year (Period)	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>Number of business rate accounts</u>	3,081 (10/12)	3,150	3,104	3,112	3,123	3,137	3,149	3,155	3,180	3,186	3,205	3,218			Andrew Jarrett, Fiona Wilkinson	

Aims: Focus on business retention and growth of existing businesses

Performance Indicators																
Title	Prev Year (Period)	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>Businesses supported</u>	218 (10/12)	250	21	57	84	107	124	141	157	176	192	207			Adrian Welsh	(January) 10 Feb: 7 new businesses enquiries and 15 businesses assisted (MF), Number of businesses assisted

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Corporate Plan PI Report Economy

Priorities: Economy

Aims: Focus on business retention and growth of existing businesses

Aims: Improve and regenerate our town centres

Performance Indicators

Title	Prev Year (Period)	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
Increase in Car Parking Vends	45,893 (10/12)		51,120	51,775	48,697	50,894	51,261	50,325	53,392	52,568	52,388	48,961			Andrew Jarrett	
The Number of Empty Shops (TIVERTON)	18	18	n/a	n/a	17	n/a	n/a	21	n/a	n/a	21	n/a	n/a	21	Adrian Welsh	Number of vacant retail units, (Quarter 4) Jan 17: 21 vacant units out of 242 units representing 8.7% of the total units. (MF)
The Number of Empty Shops (CREDITON)	7	8	n/a	n/a	6	n/a	n/a	10	n/a	n/a	10	n/a	n/a	9	Adrian Welsh	Number of vacant retail units, (Quarter 4) JAN 31: 9 vacant units out of 118 units representing 7.6% of total units in Crediton (MF)

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Corporate Plan PI Report Economy

Priorities: Economy

Aims: Improve and regenerate our town centres

Performance Indicators

Title	Prev Year (Period)	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
The Number of Empty Shops (CULLOMPTON)	11	8	n/a	n/a	12	n/a	n/a	7	n/a	n/a	7	n/a	n/a	7	Adrian Welsh	The number of vacant retail units, (Quarter 4) JAN 31: 7 vacant units out of 89 units, representing 7.9% of the total units. (MF)

Aims: Other

Performance Indicators

Title	Prev Year (Period)	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
Funding awarded to support economic projects	£160,395 (3/4)	£100,000	n/a	n/a	£10,000	n/a	n/a	£10,000	n/a	n/a	£29,637	n/a	n/a		Adrian Welsh	(Quarter 3) £12,637 (euros 15,000) awarded from WiFi4EU Programme £7,000 LGA Advisors Programme (JB), Funding actively sought for corporate priorities

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Corporate Plan PI Report Community

Monthly report for 2019-2020
 Arranged by Aims
 Filtered by Aim: Priorities Community
 Filtered by Flag: Exclude: Corporate Plan Aims 2016 to 2020
 For MDDC - Services

Key to Performance Status:

Performance Indicators:

No Data	Well below target	Below target	On target	Above target	Well above target
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* indicates that an entity is linked to the Aim by its parent Service

Corporate Plan PI Report Community																	
Priorities: Community																	
Aims: Other																	
Performance Indicators																	
Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>Compliance with food safety law</u>	88% (11/12)		90%	93%	93%	92%	93%	93%	92%	92%	92%	91%	92%	92%		Simon Newcombe	

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Corporate Plan PI Report Corporate
Monthly report for 2019-2020
Arranged by Aims
Filtered by Aim: Priorities Delivering a Well-Managed Council
For MDDC - Services

Key to Performance Status:

Performance Indicators:

No Data	Well below target	Below target	On target	Above target	Well above target
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* indicates that an entity is linked to the Aim by its parent Service

Corporate Plan PI Report Corporate

Priorities: Delivering a Well-Managed Council

Aims: Put customers first

Performance Indicators

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Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>% of complaints resolved w/in timescales (10 days - 12 weeks)</u>	94% (10/12)		90%	96%	98%	95%	95%	96%	96%	95%	95%	94%	91%			Lisa Lewis	(January) report 1st run 04/02/20 (RT)
<u>Number of Complaints</u>	29 (10/12)			26	31	33	34	33	31	30	29	28	28			Lisa Lewis	
<u>New Performance Planning Guarantee determine within 26 weeks</u>	99% (3/4)		100%	n/a	n/a	99%	n/a	n/a	99%	n/a	n/a	99%	n/a	n/a		Maria Bailey, Jenny Clifford	(Quarter 1) Down by 1 FTE (RP)
<u>Major applications determined within 13 weeks (over last 2 years)</u>	86% (3/4)		60%	n/a	n/a	72%	n/a	n/a	72%	n/a	n/a	73%	n/a	n/a		Maria Bailey, Jenny Clifford	(Quarter 1) 1 FTE down (RP)

Corporate Plan PI Report Corporate

Priorities: Delivering a Well-Managed Council

Aims: Put customers first

Performance Indicators

Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>Minor applications determined within 8 weeks (over last 2 years)</u>	77% (3/4)		65%	n/a	n/a	77%	n/a	n/a	78%	n/a	n/a	78%	n/a	n/a		Maria Bailey, Jenny Clifford	
<u>Major applications overturned at appeal (over last 2 years)</u>	3% (3/4)		10%	n/a	n/a	0%	n/a	n/a	2%	n/a	n/a	2%	n/a	n/a		Maria Bailey, Jenny Clifford	(Quarter 1) down by 1 FTE (RP)
<u>Major applications overturned at appeal % of appeals</u>	n/a	n/a	% Appeals overturned in Q /No of appeals decided in quarter / 2 Appeal Decisions in Q3/ 0 Overturne	n/a	n/a		n/a	n/a	40.00%	n/a	n/a	20.00%	n/a	n/a		Jenny Clifford	(Quarter 3) % Appeals overturned appeals vs No of appeals decided in quarter 2 Appeal Decisions in Q3 0 Overturned in Quarter 3 (RP)
<u>Minor applications overturned at appeal (over last 2 years)</u>	0% (3/4)		10%	n/a	n/a	0%	n/a	n/a	0%	n/a	n/a	0%	n/a	n/a		Maria Bailey, Jenny Clifford	
<u>Minor applications overturned at appeal % of appeals</u>	n/a	n/a		n/a	n/a		n/a	n/a	42%	n/a	n/a	26%	n/a	n/a		Jenny Clifford	(Quarter 3) % Appeals overturned in Q/% Overturned

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Corporate Plan PI Report Corporate

Priorities: Delivering a Well-Managed Council

Aims: Put customers first

Performance Indicators

Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
																	in Quarter 1 Appeal Overturned 10 Appeals Decided in Quarter (RP)
Response to FOI Requests (within 20 working days)	95% (11/12)		100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%		Catherine Yandle	(February) 76 replies all on time (CY)
FOI/EIR Requests where the information was granted in full	n/a	n/a	2018 -19 Q 3 & 4 190 i.e. 59.4%	32	28	26	26	44	34	32	39	25	36	43		Catherine Yandle	(January) 36 out of 72 (HF)
ICO Decision Notices	n/a	n/a	There were 4 complaints in 2018-19 2 Withdrawn 1 Upheld 1 Not Upheld	0	0	1	2	3	3	3	3	3	3	3		Catherine Yandle	(August) Withdrawn (CY)
Working Days Lost Due to Sickness Absence	7.85days (11/12)		7.00days	0.46days	0.96days	1.55days	2.17days	2.88days	3.51days	4.18days	4.79days	5.59days	6.55days	7.17days		Matthew Page	
% total Council tax collected - monthly	97.08% (11/12)		98.50%	11.16%	20.41%	29.29%	38.20%	47.15%	56.18%	65.93%	74.94%	83.97%	92.93%	95.48%		Andrew Jarrett	(January) 0.16% down on last years target looks wrong (DE)

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Corporate Plan PI Report Corporate

Priorities: Delivering a Well-Managed Council

Aims: Put customers first

Performance Indicators

Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>% total NNDR collected - monthly</u>	97.60% (11/12)		99.20%	12.02%	24.00%	33.07%	40.40%	48.98%	57.25%	65.21%	72.43%	80.12%	89.39%	93.51%		Andrew Jarrett	(January) 1.12% UP ON LAST YEARS - Targets may need to be revisited to take into account growth and 12 monthly payers FW and DE will take some time to look. (DE)
<u>Number of visitors per month</u>	2,068 (10/12)		2,500	1,361	1,355	1,257	1,212	1,189	1,200	1,234	1,234	1,194	1,200			Lisa Lewis	

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Corporate Risk Management Report - Appendix 6

Report for 2019-2020

Filtered by Prefix: Exclude Risk Prefix: OP, PR, EV

Filtered by Flag: Include: * Corporate Risk Register

For MDDC - Services

Filtered by Performance Status: Exclude Risk Status: Low

Not Including Risk Child Projects records, Including Mitigating Action records

Key to Performance Status:

Mitigating Action:	Milestone Missed	Behind schedule	In progress	Completed and evaluated	No Data available
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Risks:	No Data (0+)	High (15+)	Medium (6+)	Low (1+)
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Corporate Risk Management Report - Appendix 6

Risk: Absence of Key Staff Loss of key staff from service (either temporary or permanent) could result in being unable to meet statutory duties and administer an election

Service: Elections and Electoral Registration

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
Completed and evaluated	Partnership working arrangements	may require experienced staff from other authorities if staff absent at key times	Jackie Stoneman	02/08/2013	11/03/2019	Fully effective (1)

Current Status: No Data	Current Risk Severity: 4 - High	Current Risk Likelihood: 3 - Medium
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Service Manager: Jill May

Corporate Risk Management Report - Appendix 6

Risk: Climate Change Declaration The implications to the Council's strategic, budget and medium term financial plans are not yet fully explored and understood. This introduces an increased level of uncertainty. Impact of climate change on the financial viability of the Council.

Service: Governance

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Cabinet Member for Climate Change	Was appointed in January 2020 with specific responsibility for the climate change agenda.	Catherine Yandle	17/02/2020	17/02/2020	Positive(2)
In progress	Consideration by the Environment PDG	This PDG has been tasked with considering the Council's own policy response (s) to the Climate Change Declaration made at Full Council on 26 June 2019.	Catherine Yandle	19/07/2019	17/02/2020	Positive(2)
Current Status: High (25)		Current Risk Severity: 5 - Very High		Current Risk Likelihood: 5 - Very High		
Service Manager: Catherine Yandle						

Corporate Risk Management Report - Appendix 6

Risk: Coronavirus Pandemic There is now a significant risk to MDDC's ability to conduct business as usual

Service: Public Health

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Business Continuity Planning (BCP)	BCPs have been reviewed. A desktop BCP exercise is taking place on 13 March. Regular updates are being obtained from Public Health England and the Local Resilience Forum	Catherine Yandle	06/03/2020	13/03/2020	Positive(2)
Current Status: High (25)		Current Risk Severity: 5 - Very High		Current Risk Likelihood: 5 - Very High		
Service Manager: Simon Newcombe						

Risk: Culm Garden Village Possible discontinuance of Government funding support

Service: Planning

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Further bids for capacity funding	To continue to secure external funding to support the project	Jenny Clifford	29/03/2019	31/01/2020	Positive(2)
Current Status: High (16)		Current Risk Severity: 4 - High		Current Risk Likelihood: 4 - High		
Service Manager: Jo Nacey						

Corporate Risk Management Report - Appendix 6

Risk: Cyber Security Inadequate Cyber Security could lead to breaches of confidential information, damaged or corrupted data and ultimately Denial of Service. If the Council fails to have an effective ICT security strategy in place.

Risk of monetary penalties and fines, and legal action by affected parties

Service: I C T

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
Completed and evaluated	Email and Protective DNS	ICT have applied the all levels of the government secure email policy, which ensures secure email exchange with government agencies operating at OFFICIAL. PSN DNS has been configured at the Internet gateway, which ensures the validity of websites and blocks known sites.	Alan Keates	06/06/2019	07/02/2020	Fully effective (1)
Completed and evaluated	Information Security Policy in place, with update training	Information Security Policy reviewed. LMS (online policy system) included in induction.	Catherine Yandle	22/10/2015	07/02/2020	Fully effective (1)
In progress	Regular user awareness training	Staff and Member updates help to reduce the risk	Alan Keates	03/01/2019	07/02/2020	Positive(2)
Completed and evaluated	Technical controls in place	Required to maintain Public Sector Network certification	Alan Keates	03/01/2019	07/02/2020	Fully effective (1)
Current Status: High (20)		Current Risk Severity: 5 - Very High		Current Risk Likelihood: 4 - High		
Service Manager: Alan Keates						

Corporate Risk Management Report - Appendix 6

Risk: Economic Strategy Failure to deliver projects/outcomes in Economic Strategy

Service: Growth, Economy and Development

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Continue to seek out existing and new funding opportunities	To assist in ensuring adequate funding for delivery.	Adrian Welsh	10/06/2019	27/02/2020	Positive(2)
In progress	partnership working	Continue to work closely with delivery partners to gain advance warning of difficulties so as to seek to mitigate	Adrian Welsh	10/06/2019	27/02/2020	Positive(2)
In progress	Project Management	Continue rigorous project management, monitoring and reporting	Adrian Welsh	10/06/2019	27/02/2020	Positive(2)
In progress	Review and re-prioritisation	Part of review of projects for Year 2 actions. This will consider maximising investment and prioritising officer time.	Adrian Welsh	31/01/2020	27/02/2020	Positive(2)
Current Status: High (16)		Current Risk Severity: 4 - High		Current Risk Likelihood: 4 - High		
Service Manager: Jenny Clifford						

Corporate Risk Management Report - Appendix 6

Risk: Funding Insufficient resources (including funding) to deliver growth aspirations of Corporate Plan.

Service: Growth, Economy and Development

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Officers have reprioritised work programmes to explore new funding opportunities	End of European funding sources	Adrian Welsh	10/06/2019	27/02/2020	Positive(2)
Current Status: High (16)		Current Risk Severity: 4 - High		Current Risk Likelihood: 4 - High		
Service Manager: Adrian Welsh						

Risk: GDPR compliance That the Council cannot demonstrate that we are compliant with GDPR requirements.

Service: Governance

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	IDOX Records Handling Plan	To utilize IDOX bulk data handling tool across the Council services using Uniform	Catherine Yandle	01/03/2019	08/03/2020	Positive(2)
In progress	Records Management Action Plan	To improve identified issues with records management	Catherine Yandle	15/06/2018	08/03/2020	Positive(2)
Current Status: Medium (10)		Current Risk Severity: 5 - Very High		Current Risk Likelihood: 2 - Low		
Service Manager: Catherine Yandle						

Corporate Risk Management Report - Appendix 6

Risk: Health and Safety Inadequate Health and Safety Policies or Risk Assessments and decision-making could lead to Mid Devon failing to mitigate serious health and safety issues

Service: Human Resources

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
Completed and evaluated	Risk Assessments	Review risk assessments and procedures to ensure that we have robust arrangements in place. In progress ready for September reports.	Michael Lowe	28/05/2013	20/11/2019	Fully effective (1)
In progress	Risk assessments	Group Managers contacted with request to update the outstanding risk reviews	Michael Lowe	20/09/2019	20/11/2019	Positive(2)
Current Status: Medium (10)		Current Risk Severity: 5 - Very High		Current Risk Likelihood: 2 - Low		
Service Manager: Michael Lowe						

Corporate Risk Management Report - Appendix 6

Risk: Homelessness Insufficient resources to support an increased homeless population could result in failure to meet statutory duty to provide advice and assistance to anyone who is homeless.

Service: Housing Services

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
Completed and evaluated	Computer System	New ICT system for recording homelessness data procured and fully functional including reporting facility.	Claire Fry	05/09/2017	31/12/2019	Fully effective (1)
Completed and evaluated	Staff Support	Officers are trained and knowledgeable and the structure of Housing Options team to be reviewed to build resilience. Homelessness strategy was reviewed Autumn 2019.	Claire Fry	22/06/2017	31/12/2019	Fully effective (1)
Current Status: Medium (12)		Current Risk Severity: 4 - High		Current Risk Likelihood: 3 - Medium		
Service Manager: Claire Fry						

Corporate Risk Management Report - Appendix 6

Risk: Information Security Inadequate data protection could lead to breaches of confidential information and ultimately enforcement action by the ICO.

Service: Governance

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Awareness and Training	Attend team meetings and other meetings such as Tenants Together to provide training and answer questions on request. Articles in the Link on an ad hoc basis.	Catherine Yandle	09/08/2019	08/03/2020	Positive(2)
Completed and evaluated	Breach notification	Security breaches are logged via the helpdesk and monitored for developing trends. Training and advice is offered in response to items logged.	Catherine Yandle	09/08/2019	08/03/2020	Fully effective (1)

Current Status: High (15)

Current Risk Severity: 5 - Very High

Current Risk Likelihood: 3 - Medium

Service Manager: Catherine Yandle

Corporate Risk Management Report - Appendix 6

Risk: Infrastructure delivery Inability to deliver, or delay in delivering, key transport infrastructure to unlock planned growth

Service: Growth, Economy and Development

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
No Data available	Partnership working with infrastructure providers and statutory bodies	Reduce risk of delays and communication.	Adrian Welsh	10/06/2019	27/02/2020	No Score(0)
No Data available	target funding opportunities	To seek to bring forward delivery	Adrian Welsh	10/06/2019	27/02/2020	No Score(0)
Current Status: Medium (12)		Current Risk Severity: 4 - High		Current Risk Likelihood: 3 - Medium		
Service Manager: Jenny Clifford						

Risk: Localism Act - Community Right to Buy / Challenge Transference of services to the community could enable the Council to identify cost savings

Service: Financial Services

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	This is an opportunity - Communication with third parties needed		Jo Nacey	02/08/2019	02/08/2019	Positive(2)
Current Status: Medium (12)		Current Risk Severity: 4 - High		Current Risk Likelihood: 3 - Medium		
Service Manager: Jo Nacey						

Corporate Risk Management Report - Appendix 6

Risk: Multi Storey Car Park Injury may result from vehicle movements

Service: Property Services

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
Completed and evaluated	Security patrols in place twice and week.	Deputy Chief Executive approved the control measure of security patrols twice a week, this has had an impact and even during the summer break the activity has reduced.	Andrew Busby	24/08/2019	24/12/2019	Positive(2)
Current Status: Medium (12)		Current Risk Severity: 4 - High		Current Risk Likelihood: 3 - Medium		
Service Manager: Andrew Busby						

Risk: Overall Funding Availability Changes to Revenue Support Grant, Business Rates, New Homes Bonus and other funding streams in order to finance ongoing expenditure needs.

Service: Financial Services

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Engaging in commercial activities		Jo Nacey	28/09/2017	06/01/2020	Positive(2)
In progress	Medium term planning		Jo Nacey	28/09/2017	06/01/2020	Positive(2)
Current Status: High (15)		Current Risk Severity: 5 - Very High		Current Risk Likelihood: 3 - Medium		
Service Manager: Jo Nacey						

Corporate Risk Management Report - Appendix 6

Risk: Reduced Funding - Budget Cuts We are subject to continuing budget reductions. If we concentrate on short term cost savings, it may increase long term impact of decisions

Service: Financial Services

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Business Plans	Service Business Plans are reviewed each financial year with suggestions for revised performance targets based on budget to be agreed by Cabinet Member and PDG.	Jo Nacey	28/05/2013	06/01/2020	Positive(2)
In progress	Identify Efficiencies	Taking proactive steps to increase income and reduce expenditure through efficiencies, vacancies that arise and delivering services in a different way.	Andrew Jarrett	28/05/2013	06/01/2020	Positive(2)
In progress	Reserves	Cabinet have taken the decision to recommend a minimum general reserve balance of 25% of Net annual budget.	Andrew Jarrett	28/05/2013	06/01/2020	Positive(2)
In progress	Set Budget	Each year as part of the budget setting process, members are consulted via PDGs in time to evaluate savings proposals, ahead of the November draft budget.	Andrew Jarrett	28/05/2013	06/01/2020	Positive(2)

Current Status: High (16)

Current Risk Severity: 4 - High

Current Risk Likelihood: 4 - High

Service Manager: Jo Nacey

Corporate Risk Management Report - Appendix 6

Risk: Reputational damage - social media impact of reputational damage through social media is a significant risk that warrants inclusion on the Authority's risk register.

Service: Communications

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Monitoring social media	Two members of the communications team monitor the main corporate social media accounts on a rota basis. Alerts are also set up so the team receives notification of comments and can respond as appropriate. This is monitored in office hours only and the team does not provide 24 hour monitoring or a call out function. The Comms Team also works with other local authorities and takes part in social media training with other local authorities as the opportunities arise budgets permitting.	Jane Lewis	05/06/2019	05/06/2019	Positive(2)
Current Status: Medium (10)		Current Risk Severity: 5 - Very High		Current Risk Likelihood: 2 - Low		
Service Manager: Jane Lewis						

Risk: S106 Agreement Inability of the legacy systems to provide a full overview of the 'trigger points' for all of the s106 agreements

Service: Planning

Mitigating Action records

No Mitigating Action records found.

Current Status: Medium (10)		Current Risk Severity: 5 - Very High		Current Risk Likelihood: 2 - Low		
Service Manager: Jenny Clifford						

Corporate Risk Management Report - Appendix 6

Risk: SPV - 3 Rivers - Failure of the Company This will depend on Economic factors and the Company's success in the marketplace commercially.

For MDDC the impacts will be:

3 Rivers are unable to service and repay the loan from MDDC

Not receiving the forecast additional income

Not supporting corporate objectives.

Service: Financial Services

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Quarterly Officer Programme Board	Will receive detailed project updates and will ensure performance correlates with existing metrics, budgets, timetable and considers any specific material project risks that have been identified. Anything materially o/s of project confines would then be reported to Cabinet	Catherine Yandle	13/06/2019	06/01/2020	Positive(2)
In progress	Regular monitoring	The Board of 3 Rivers deliver a half yearly report to the Cabinet which provides an update on their delivery against their business plan. We charge interest to them at a commercial rate in order to maintain an "arms-length" relationship and the interest provides some mitigation to the outstanding principal.	Jo Nacey	30/05/2019	06/01/2020	Positive(2)

Current Status: High (20)

Current Risk Severity: 5 - Very High

Current Risk Likelihood: 4 - High

Service Manager: Jo Nacey

Corporate Risk Management Report - Appendix 6

Risk: SPV Disclosure requirements - 3 Rivers Failing to maintain the balance between commercial sensitivity and the transparency and openness requirements of a wholly owned entity.

Service: Financial Services

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Employed services of Ichabod	We can refer technical matters regarding group accounts etc. to our retained technical advisor. This is a cost effective way of receiving technical updates.	Jo Nacey	02/01/2018	06/01/2020	Positive(2)
In progress	Liaison with External Auditors and 3 Rivers	We have regular discussions with our external auditors to ensure that we are providing the correct information for decision making purposes. We are mindful of the need to maintain commercial sensitivity but we are also aware that Members must be appraised to an appropriate level to be able to make informed decisions.	Jo Nacey	06/01/2020	06/01/2020	Positive(2)
Current Status: Medium (12)		Current Risk Severity: 4 - High		Current Risk Likelihood: 3 - Medium		
Service Manager: Jo Nacey						

Corporate Risk Management Report - Appendix 6

Risk: SPV Governance Arrangements - 3 Rivers Not being able to demonstrate robust challenge and decision-making.

Service: Governance

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Included on AGS	This issue has been included on the Annual Governance Statement Action Plan so we do not lose sight of the issue throughout the year.	Catherine Yandle	15/07/2019	08/03/2020	Positive(2)
In progress	Openness and Transparency	Regular reports to Cabinet in open session where possible. Need to balance commercial interests with Nolan principles.	Catherine Yandle	20/05/2019	08/03/2020	Positive(2)
Current Status: Medium (10)		Current Risk Severity: 5 - Very High		Current Risk Likelihood: 2 - Low		
Service Manager: Catherine Yandle						

Corporate Risk Management Report - Appendix 6

Risk: ST-Reduction in Garden Waste Customers Loss of income; reduction in recycling rate

Service: Street Scene Services

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
Completed and evaluated	Reminder to renew correspondence	To maintain the existing customer base	Lorraine Durrant	06/06/2019	05/07/2019	Fully effective (1)
Completed and evaluated	Social media compaigns & publicity	To ensure that information about the garden waste service reaches as many residents as possible	Lorraine Durrant	06/06/2019	05/07/2019	Fully effective (1)
Current Status: Medium (12)		Current Risk Severity: 4 - High		Current Risk Likelihood: 3 - Medium		
Service Manager: Stuart Noyce						

Corporate Risk Management Report - Appendix 6

Risk: Tiverton Pannier Market Failure to maximise the economic potential of Tiverton Pannier Market

Service: Growth, Economy and Development

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Continue to retain and prioritise market budget	To ensure most efficient use of resources	Adrian Welsh	10/06/2019	27/02/2020	Positive(2)
In progress	continue to work with traders on promotion	To increase footfall.	Adrian Welsh	10/06/2019	27/02/2020	Positive(2)
In progress	Implement and review market strategy	Implementation of strategy will increase market's financial success and help fulfill its function as a key driver for the town.	Adrian Welsh	10/06/2019	27/02/2020	Positive(2)
Behind schedule	Masterplan Implementation	To realise benefits from the Masterplan to increase visibility of market and increase footfall.	Adrian Welsh	10/06/2019	27/02/2020	Poor - action required(3)
Current Status: Medium (12)		Current Risk Severity: 4 - High		Current Risk Likelihood: 3 - Medium		
Service Manager: Jenny Clifford						

Corporate Risk Management Report - Appendix 6

Risk: Tiverton Town Centre Masterplan Failure to adopt and implement the Tiverton Town Centre Masterplan

Service: Planning

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
Milestone Missed	Community and political engagement	Through the masterplanning process engagement is taking place with key stakeholders over the emerging masterplan. A further period of public consultation is also yet to take place.	Adrian Welsh	07/10/2019	27/02/2020	Positive(2)
Current Status: Medium (12)		Current Risk Severity: 4 - High		Current Risk Likelihood: 3 - Medium		
Service Manager: Jenny Clifford						

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Risk Matrix

Report
 Filtered by Prefix: Exclude Risk Prefix: OP, EV
 For MDDC - Services
 Current settings

Risk Likelihood	5 - Very High	No Risks	No Risks	No Risks	No Risks	2 Risks
	4 - High	No Risks	No Risks	No Risks	4 Risks	2 Risks
	3 - Medium	No Risks	1 Risk	11 Risks	10 Risks	2 Risks
	2 - Low	No Risks	3 Risks	13 Risks	18 Risks	5 Risks
	1 - Very Low	2 Risks	3 Risks	2 Risks	3 Risks	5 Risks
	1 - Very Low	2 - Low	3 - Medium	4 - High	5 - Very High	
	Risk Severity					

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CABINET

26 MARCH 2020

CLEANING CONTRACTORS

Cabinet Member(s): Cllr Simon Clist, Cabinet Member for Housing and Property Services, Cllr Nikki Woollatt, Cabinet Member for the Working Environment and Support Services.

Responsible Officer: Andrew Busby, Group Manager for Corporate Property and Commercial Assets.

Reason for Report: For Cabinet to review the results of the tender exercise for the corporate cleaning that includes offices, leisure centres and public conveniences.

RECOMMENDATION:

- 1 To award the cleaning contract to supplier(s) for Lots 1,2,3,4 and 6 to Supplier B; and
- 2 Not to award a contract for Lot 5 at this time.

Financial Implications: The tendered Lots were established to incorporate essential cleaning requirements as detailed in this report. The financial results of the tender exercise can be met from the budget available in the 2020/21 financial year.

Budget and Policy Framework: This cleaning contract will be met from existing operational budgets. It is necessary to clean the working environment to comply with the legislation set out under the Health and Safety at Work Act 1974.

Legal Implications: This provides a robust framework for managing and controlling the service levels of our preferred provider(s) carrying out our cleaning requirements who will be managed via our standard terms and conditions, including the tender evaluation for quality. The performance of the contract shall be monitored on a monthly basis through a series of reports and formal meetings, which will have Health and Safety as a priority standing agenda item.

Risk Assessment: As part of the contract award the contractor(s) will be required to provide a suitable and sufficient risk assessment taking into consideration the dynamics of each site, mobile and lone working. The assessment will consider the risks to their employees, Mid Devon employees and customers in all of the service delivery areas to the community. All cleaning consumables used during the service provision will have been subject to a Control of Substances Hazardous to Health (COSHH) assessment. All of the outsourced services will be carried out in accordance with the Councils Code of Conduct.

Equality Impact Assessment: There is no negative impact to equality as existing staff would be protected under TUPE regulations.

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 budget. To maximise the value derived from all Council property for its stakeholders, by delivering an efficient and fit for purpose corporate property solutions service.

Impact on Climate Change: Quality questions form 60% of the tender return, bidders are required provide a quality statement on how their service delivery model makes provision for its environmental impact. Scope 3 emissions will be reduced as the service delivery model will be more efficient.

1.0 Introduction

A project team was created with the aim of completing the task of rationalising and tendering a Corporate Cleaning solution across our estate.

- 1.1 The tasks included but were not limited to, cleaning lots which grouped together activities and business unit requirements. Corporate Property & Commercial Assets (CPCA) have collated cleaning specifications and fiscal data from business units which formed the basis of the tender.
- 1.2 The lots initially include the Corporate Sites, Leisure Dry Side and HRA stock, these may need further breakdown dependant on the capability, and the Council have ensured SMEs were in a position to bid.
- 1.3 The project team considered the grouping of activities to determine the correct packages ensuring that they did not exceed the capabilities of suppliers.

2.0 Vision and Objectives

The project was a financial and service quality requirement designed to let new contract(s) or use existing framework cleaning contract(s) to deliver consistent, value for money cleaning services to the council. These contract(s) are designed to improve the working conditions and extend the life of assets and their fixtures and fittings. The new contract(s) will provide the opportunity to reduce reporting lines for the various activities and afford the responsible person for cleaning services time to monitor and manage cleaning activities across the estate.

- 2.1 This will in turn ensure the expectations of our internal customer are met and the assets receive a reliable service provision.
- 2.2 The aim of the cleaning tender was designed to future proof the cleaning services across the council, reducing costs and improving quality year on year for the life of the contract(s) let. Successful completion of the tender has provided the council with options to improve service delivery, consistency and economies of scale for both cleaning services and cleaning consumables.

2.3 Existing Cleaning Arrangements

2.31 Corporate cleaning is presently completed by a combination of directly employed staff with 7 post holders, 2.44 FTE out of the 3.62 FTE posts budgeted for from the 19-20 financial year and third party service providers. This solution does not provide an economic cleaning provision to a standard that removes the risk to employees and customers in the corporate assets of operating in an environment that is not clean. The current delivery model is disjointed and costly in repeat cleans of the same areas to cover for poor quality.

2.32 There are regular gaps in this provision which create frustration to our internal and external customers, this approach creates uncertainty which increases the risk element.

2.33 Window cleaning, gutters, roads and pathways are presently completed on an ad hoc basis which is not efficient or cost effective, and a number of service providers are used for these services which does not give an economy of scale that is commensurate with a viable and economic solution.

2.34 Voids cleaning is currently completed by a service partner, there has been more than one provider in recent years which has led to inconsistencies in the service delivery. The voids cleaning process forms part of a two week timeframe from the stock being empty to the premises being occupied again. The process requires a pre void clean price based on an inspection prior to the exit of the present occupier; this may involve needle sweeps/collection and disposal of needles, blood/faeces/body fluids/fat/grease and large amounts of filth. The number of cleans required depends on the number of voids the current average is 280 per year, this could be higher or lower.

2.35 Mid Devon Leisure operates in excess of 100 hours each week, 362 days per year, inclusive of non-participating spectators 1,023,126 visits were recorded in 2018/19. With high levels of footfall through the facilities cleaning is a significant factor and forms part of the daily duties for the front line staff; whilst Duty Officers check the standards and walk the facilities continuously throughout the operational hours. The majority of these duties are completed by the lifeguards during their rotations on and off of poolside duties.

2.36 Best practice guidelines are that rotation cycles away from the poolside environment are necessary to maintain maximum vigilance during the duty period, where observation of the bathers is the primary duty. Infection control dictates, the priority for the lifeguard team is ensuring the wetside (swimming pools, changing and toilet facilities) areas are cleaned and maintained as this is the highest risk area of infection and contamination, this work stream will be retained as a leisure activity.

2.37 Cleaning of the dryside areas (receptions, courts, halls, meeting/training areas, saunas, toilets and public walkways), including the replacement of consumables during operational hours is completed by the lifeguards.

2.38 The specific timings for duties is based on customer flow in order to minimise disruption to the consumer.

Their duties also include:

- Support to the fitness gym and class studios
- Dealing with instances of unplanned contamination
- Faecal incidents
- Spillages of food/drinks
- Litter picking
- Equipment maintenance
- Property checks
- Health & safety record keeping
- Retail stock management.

Dryside cleaning is regularly noted as being below standard by the users, and periodic cleaning can currently only be undertaken once per week due to lifeguard duty priorities.

2.39 Carlu Close offices, toilets and shower facilities are presently completed by a third party service provider. This solution has had a number of service providers who have found it a difficult environment to operate in and have not been capable of completing the required security element, ensuring the site is secure post cleaning activities.

2.40 This has produced a service delivery model that is not value for money or delivered to a standard that removes the risk to employees and customers in the corporate asset.

3.0 Scope of the Cleaning Contract

Internal Stakeholders

- Mid Devon Leisure
- Building Services (HRA)
- Waste Depot

3.1 The above business areas will be affected with changes in working practices around the delivery and procurement of consumables, cleaning services and the introduction of periodic cleaning activities. It is the aim of the project team to award contract(s) commencing in the 2020/21 fiscal year.

4.0 Project Benefits

4.1 The tangible benefits are that the Cleaning Service provision will operate in a safe and compliant manner in future years; an outsourced cleaning provision will provide innovation, an industry best practice standard of cleaning by subject matter experts, which will improve the working environment.

4.2 Outsourcing cleaning services affords the council the time to concentrate on our core competencies; the management of the cleaning and janitorial resources payroll, employee benefits, sick leave and other HR tasks are completed by the strategic service partner(s).

4.3 The service partner(s) will be able to make adjustments based on the council needs, if the business requires more cleaners during a busy time, the

company will be able to provide it, if the business requires fewer, and the company will also allow you to scale back.

5.0 Scope of Lots

The scope of the Lots that have been tendered are as follows:

- **LOT 1** - Project - Office Building Cleaning and Public Conveniences– to Include: Phoenix House - Old Road - Pannier Market - Chapels - Common Room (Westfield Road) - Amory Park
Office - Empty bins, clean desks & chairs, hoover floors, clean windowsills, clean blinds (high levels, door frames, vents, lights)
Kitchens – Empty bins, clean sides, clean white goods, hand towels, mop/hoover floors
Toilets – Clean toilets, clean sinks, replenish toilet rolls and hand towels, wipe partitions, wipe window sills, mop floor
Public Areas – Hoover floors and stairs, clean banisters, clean windowsills, lift doors, glass banisters
- **LOT 2** - Project – Window Cleaning Internal & External and Gutters – to Include: Phoenix House - Carlu Close - Old Road - Exe Valley Leisure Centre - Culm Valley Leisure Centre - Lords Meadow Leisure Centre - Pannier Market - Bus Station – Amory Park
- **LOT 3** – Specialist Voids Cleaning_– HRA Stock
Builders Clean - Hoover floors, carpet cleaning, clean windowsills, clean blinds (High Levels, door frames, vents, lights)
Kitchens - Clean sides, clean white goods, mop/hoover floors
Toilets – Clean toilets, clean sinks, wipe walls/partitions, wipe window sills, mop floor
Living Areas – Hoover floors and stairs, clean banisters, clean windowsills

Externals – Cleaning of doors, windows, rain water gutters.
- **LOT 4** – Project – Play areas, roads and pathways
- **LOT 5** – Project – Leisure Dry Side
- **LOT 6** – Project – Carlu Close – A separate lot is require due to future relocation and the operational nature/difficulties this site presents. To ensure the current SME service provider is able to compete, Lot 1 will be for office cleaning as a standard for all sites and a separate Lot for Carlu that will allow the council to have contract options upon award.

6.0 Financial Information

6.1 An indicative budget of circa £155k had been identified based on current run rates, this will have a separate cost control sheet, once the initial assessments and any consultant costs have been agreed. The cleaning contract will deliver value for money by improving efficiencies as well as the standard of cleaning across the whole portfolio.

LOT	Location	Tender Description Breakdown	Costs £
Lot 1	Phoenix House	Materials	873.86
		Library – Subcontractors	840.00
	Office Cleaning	Staffing	28,800.37
		Subcontractors	25,435.28
	Public Conveniences	Materials	4,912.42
		Staffing	17,803.78
	Cemeteries	Materials	1,084.33
		Subcontractors	55.00
	Amory Park	Subcontractors	800.00
		Common Room	Staffing
	Subcontractors		100.00
Total LOT 1			£83,118.47
Lot 2	Phoenix House Old Road	Subcontractors	1,568.33
		Subcontractors	350.00
	Total LOT 2		
Lot 3	VOIDS	Subcontractors	23,426.54
		Total LOT 3	
Lot 4	Play Areas, Roads and Pathways	Subcontractors	8,089.75
		Total LOT 4	
Lot 5	Leisure Dryside	Staffing	24,402.00
		Materials	4,950.00
		Total LOT 5	
Lot 6	Carlu Close	Subcontractors	9,315.00
		Total LOT 6	

TOTAL	155,220.09
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6.2 The tender outcome is attached to this report as Annex A in Part 2.

7.0 Procurement

7.1 The council followed procurement process timetable below for the award of the contract(s):

Publish Procurement Initiation Notice (PIN)	17 December 2019
Publish Contract Notice (contains link to contract documents)	24 January 2020
Expression of Interest	24 January to 03 February 2020
Publication of ITT	24 January 2020
Site visits encouraged	12 February to 13 February
Clarification questions to be submitted by	25 February 2020
Clarification responses to be issued by	27 February 2020
Submission of ITT	12.00 noon - 28 February 2020
Evaluation	02 March to 06 March 2020
Decision	26 March 2020
Standstill period	27 March to 08 April 2020
Contract Award	26 March 2020
Contract Award Notice	25 April 2020
Lead time for delivery	08 April to 15 April 2020

7.2 Specifications were provided for suppliers to price against and the associated business units where consulted. Annex B has been attached to this report to show the specification on a corporate building and Annex C has been attached to show the specification for cleaning housing voids.

7.3 The initial contract term is one year with an option to extend for a further 2 years at a time for a potential contract term of 5 years. The contract cost for year 1 is shown on Annex A.

8.0 Conclusion

The project was delivered under the guidance of the procurement and property services teams, both with sufficient knowledge in the field of procuring/tendering soft services. The project has adopted an agile approach to procuring the latest cleaning techniques to both save money and improve the quality of the working environment within Council property.

Contact for more Information: Andrew Busby, Group Manager for Corporate Property & Commercial Assets.

Circulation of the Report: Group Managers, Cabinet, Leadership Team.

List of Background Papers: None

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STANDARD SPECIFICATION FOR CLEANING SERVICES

SCHEME ADDRESS: PHOENIX HOUSE

AREA	TASK	PERFORMANCE STANDARD	FREQUENCY
CENTRAL FOYER STAIRS, LANDINGS AND CORRIDORS AND GENERAL OFFICE AREAS.	Vacuum all carpets	Carpets should be left free of dust, litter and debris. Areas should be left free of dirt, dust and litter.	3 x Weekly
	Skirting	Ensure skirting boards are left free of dirt and dust.	Monthly
	Glass Balustrades	Glass panes and frames should be free from grease dirt, finger marks and streaks.	Weekly
	Dust all surfaces, windows, sill's frames and ledges.	Areas should be left free of dirt, dust and litter.	Weekly
ENTRANCE HALL MATS	Vacuum – clean fixed entrance hall mats	Mats to be free of dirt, dust and litter	Daily
BACK STAIRS X 3	Vacuum all carpets	Carpets and all areas should be left free of dust, litter and debris.	Weekly
	Dust all surfaces, windows, sills frames and ledges	Areas should be left free of dirt, dust and litter	Weekly
WINDOW SILLS, LIGHT SWITCHES, HANDRAILS, AND LEDGES.	Spot clean and damp dust all internal windowsills, frames, light switches and ledges.	All surfaces free from dust.	Weekly
COMMUNAL DOORS	Clean all areas of common doors internally & externally.	All surfaces to be left clear and free of dirt, dust, grease, other deposits, water marks and smears. Windows panes and frames should be free from grease dirt, water and rubber marks, stains or streaks.	Monthly

KITCHEN AREAS (ON ALL FLOORS TO INCLUDE LIBRARY AREA)	Clean and sanitize sink, fixture, counters and tables	All surfaces should be left free of dirt, stain marks.	Daily
	Empty/remove all bin liners and caddy liners and replace liner		Daily
	Refill paper products and washing up products as necessary.		Daily
	Sweep and wash floor	All surfaces should be left free of dirt, stain marks.	3 x Weekly
	Clean Fridge.	All surfaces should be left free of dirt, stain and marks.	Monthly
MEETING ROOMS	Vacuum carpet dust all surfaces, window sills & ledges, empty bins.	Carpets and all areas should be left free of dust of litter and debris.	Daily
	Wipe all tables and work surfaces.	Tables should be cleaned with a solution of water and smear proof neutral cleaning agent. To be left dry and free of stains.	3 x Weekly
	Dust all chairs	Chairs should be free of all dust and dirt.	Monthly
TOILETS (GROUND FLOOR TO INCLUDE LIBRARY, 1 ST AND 2 ND FLOOR)	Clean and sanitize fixtures, under seats, mirrors, sinks, counters and tiled areas under hand dryers. Clean commodes and urinals inside and out including flange.	Using appropriate cleaning products all surfaces to be left clear and free of dirt, dust, grease and other deposits.	Daily
	Refill paper products and soap dispenser as necessary.		Daily
	Sweep and wash floor	All surfaces should be left free of dirt & stain marks.	Daily
COMMUNAL TOILETS & DISABLED TOILETS	Floors should be swept and washed. SINK and toilet bowl and all pipe work dust and cleaned.	Bleach & other appropriate cleaners to be used. Floors should be left dry and free all stains. An industrial toilet block should be placed in each toilet bowl, as and when previous runs out.	Daily
COMMUNAL AREAS	Doorframes, ceilings, stairwells, light fittings	High dust for cobwebs.	Monthly
COMMUNAL WINDOWS IN ALL	Clean all internal glass	Windows panes should be free from grease, dirt, water and rubber marks, stains or streaks.	Monthly
LIFT	Sweep and wash lift floor and wipe clean all mirrored surfaces and handrail.	All surfaces should be left free of dirt, stain marks.	Weekly
COMMUNAL SHOWERS	Sweep and wash floor, clean and sanitize	Using appropriate cleaning products wash all	Weekly

	fixtures and surfaces.	surfaces and leave free of all dirt, marks and stains.	
DWP AREA	Vacuum carpet dust all surfaces, window sills & ledges, empty bins.	Carpets and all areas should be left free of dust of litter and debris. Rubbish/recycling to designated area and replace liners.	Daily
	Sweep and wash entrance hard floor area	All surfaces should be left free of dirt & stain marks.	Daily
	Dust and polish all flat surfaces	To include Ann Woodman room table, public computer desks, customer information table and filing cupboards. All surfaces should be left free of dirt, stain marks.	Daily
	Wipe Down Customer Sofas	All surfaces should be left free of dirt & stain marks.	Daily
	Glass Desk Partitions	Glass panes and frames should be free from grease dirt, finger marks and streaks.	Twice Weekly
	Wipe Down White & Burgundy customer chairs	All surfaces should be left free of dirt & stain marks.	Weekly
	Wipe Down	Floor surfaces under windows (not carpeted), skirting boards, doorframes, light fittings, high cobwebs.	Monthly
LIBRARY AREA	Dust and polish all flat surfaces	To include visitor computer areas, book shelves (including tops of bookshelves) and any other flat surface	Weekly
OTHER	General cleaning tasks	To assist with the good cleansing upkeep of the building.	OTHER

Please note the following: -

- 1. The contractor shall provide, run and maintain suitable machinery & tools in accordance with the manufacturer's instructions and health and safety recommendations for safe use, for cleaning services, at no additional cost.**
- 2. The contractor shall provide appropriate cleaning materials**
- 3. The contractor will be required to submit Health and Safety monitoring sheets for each visit (see attached), which will be submitted with monthly invoices for works undertaken, each equal to 1/12th of the annual contract value (+ the cost of any additional works approved by the Property Services Team).**

4. **Appropriate protection and signage to be in place whilst works are in progress to ensure the health and safety of staff, contractor's operatives and the general public where applicable.**
5. **Fuel for machinery should be included in the quotation figure, and the contractor will ensure safe storage and transport of any fuels in accordance with health and safety guidelines.**
6. **All additional work is to be authorised in advance by the Property Services Department and the Estate Management Department, invoiced separately along with the normal monthly charge.**
7. **All chemicals used must be non-hazardous to animals and people and used according to manufacturer's instructions, COSHH documentation and control measures must be provided prior to any works being undertaken.**
8. **All work is to be carried out in accordance with the Mid Devon District Council Code of Conduct.**

STANDARD SPECIFICATION FOR CLEANING SERVICES

SCHEME ADDRESS: HOUSING VOIDS

AREA	TASK	PERFORMANCE STANDARD	FREQUENCY
THROUGHOUT PROPERTY	Remove all cobwebs	Mats to be free of dirt, dust and litter	
THROUGHOUT PROPERTY	Remove all drawing pins, cello-tape and blue-tack from walls and ceilings		
THROUGHOUT PROPERTY	Vacuum all carpets		
THROUGHOUT PROPERTY	All internal hard floors are to be thoroughly cleaned and moped over with a fragrant disinfectant.	Remove all scuff marks and paint splashes wherever possible.	
THROUGHOUT PROPERTY	Clean down all electrical sockets, light fittings and switches		
THROUGHOUT PROPERTY	Dusting all surfaces	All surfaces free from dust.	
THROUGHOUT PROPERTY	Deodorize all rooms	Air fresheners to be left in all rooms.	
THROUGHOUT PROPERTY	Wash down all Skirting Boards	All surfaces should be left free of dirt, stain marks.	
THROUGHOUT PROPERTY	Clean Radiators	Radiators will be cleaned at the front and as much as possible elsewhere without removing or stripping component parts.	
THROUGHOUT PROPERTY	New fixtures and fittings – remove labels	Remove all labels and packaging from new fittings and fixtures, including sanitary ware and kitchen units.	
THROUGHOUT PROPERTY	Clean Doors - Internal	All doors (including front door, door frames, architraves and linings) are to be thoroughly cleaned.	

DOORS - EXTERNAL	Wash down front and rear doors and frames.		
KITCHEN	All kitchen units, work surface, cupboards, drawers, sinks and taps are to be thoroughly cleaned inside and out, and wiped over with an anti-bacterial spray.	All surfaces should be left free of dirt, stain marks.	
	Internal tiled wall areas are to be thoroughly cleaned and wiped over with anti-bacterial spray	Cleaning will leave no marks. All residue will be rinsed away and cleaning will be finished streak free.	
WALK IN STORAGE CUPBOARDS/LARDERS	Sweep and mop	All surfaces should be left free of dirt.	
BATHROOM	All bathroom fittings (toilet, sink, bath, taps, etc) are to be thoroughly cleaned and wiped over with an anti-bacterial spray.	Toilet cleaning will include back, front, inside, the seat and the 'U' bend. A proprietary toilet 'duck' shall be used on the inside of the WC pan and a toilet strip left to confirm that it has been cleaned.	
	Internal tiled wall areas are to be thoroughly cleaned and wiped over with anti-bacterial spray	Cleaning will leave no marks. All residue will be rinsed away and cleaning will be finished streak free.	
STAIRWAYS & STEPS	Stairways and steps are to be swept and thoroughly cleaned.		
WINDOWS	All windows and frames to be thoroughly cleaned and washed down, both inside and out.	Windows panes should be free from grease, dirt, water and rubber marks, stains or streaks.	
EXTERNAL	Clean tiled areas	All external tiled areas are to be thoroughly cleaned	

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Please note the following: -

- 1. The contractor shall provide, run and maintain suitable machinery & tools in accordance with the manufacturer's instructions and health and safety recommendations for safe use, for cleaning services, at no additional cost.**
- 2. The contractor will be required to submit Health and Safety monitoring sheets for each visit (see attached), which will be submitted with monthly invoices for works undertaken, each equal to 1/12th of the annual contract value (+ the cost of any additional works approved by the Old Road Team).**

3. **Appropriate protection and signage to be in place whilst works are in progress to ensure the health and safety of staff, contractor's operatives and the general public where applicable.**
4. **Fuel for machinery should be included in the quotation figure, and the contractor will ensure safe storage and transport of any fuels in accordance with health and safety guidelines.**
5. **All additional work is to be authorised in advance by the Property Services Department and the Estate Management Department, invoiced separately along with the normal monthly charge.**
6. **All chemicals used must be non-hazardous to animals and people and used according to manufacturer's instructions, COSHH documentation and control measures must be provided prior to any works being undertaken.**
7. **All work is to be carried out in accordance with the Mid Devon District Council Code of Conduct.**

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MID DEVON DISTRICT COUNCIL – NOTIFICATION OF KEY DECISIONS

April 2020

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)
S106 Governance To agree governance arrangements for S106 agreements	Scrutiny Committee Cabinet	6 Apr 2020 16 Apr 2020	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Graeme Barnell)	Open
Community Safety Partnership To consider a report from the group Manager for Public Health and Regulatory Services outlining the Council's Community Safety Action Plan, and to seek Members recommendation to acknowledge and accept the priorities action plan	Community Policy Development Group Cabinet	24 Mar 2020 16 Apr 2020	Simon Newcombe, Group Manager for Public Health and Regulatory Services Tel: 01884 244615	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
Contaminated Land Cost Recovery Policy To receive the 5 yearly review of the Contaminated Land Cost Recovery Policy from the Group Manager for	Community Policy Development Group Cabinet	24 Mar 2020 16 Apr 2020	Simon Newcombe, Group Manager for Public Health and Regulatory Services Tel: 01884 244615	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open

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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)
Public Health and Regulatory Services					
Tiverton Town Centre Masterplan Stage II Consultation To request approval to go out to Stage II consultation on the masterplan documents	Cabinet	16 Apr 2020	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Graeme Barnell)	Open
Disposal Options for the Site at Harlequin Valet, Sullompton To consider the sale of this site.	Cabinet	16 Apr 2020	Andrew Busby, Group Manager for Corporate Property and Commercial Assets Tel: 01884 234948	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Fully exempt
Greater Exeter Strategic Plan To receive and note a report from the Head of Planning and Regeneration on the progress of the Greater Exeter Strategic Plan	Scrutiny Committee Cabinet	27 Apr 2020 14 May 2020	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Graeme Barnell)	Open
3 Rivers Governance Report To consider a report of the Chief Executive with regard	Cabinet	14 May 2020	Stephen Walford, Chief Executive Tel: 01884 234201	Leader of the Council (Councillor Bob Deed)	Fully exempt

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)
to 3 Rivers Developments Limited.					
Beech Road, Tiverton - Design and Build Tender To consider the award of the tender	Cabinet	14 May 2020	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Part exempt
Litter and Dog Bin Policy To receive the 3 yearly review of the Litter and Dog Bin Policy from the Group Manager for Street Scene and Open Spaces	Environment Policy Development Group Cabinet	19 May 2020 11 Jun 2020	Stuart Noyce, Group Manager for Street Scene and Open Spaces Tel: 01884 244635	Cabinet Member for the Environment (Councillor Luke Taylor)	Open
Report on DCC responsibility for HRA grass verges To receive a report on grass cutting currently carried out by the Housing Team which is the responsibility of DCC and to make a decision on whether this practice should continue.	Environment Policy Development Group Cabinet	19 May 2020 11 Jun 2020	Claire Fry, Group Manager for Housing Tel: 01884 234920	Cabinet Member for the Environment (Councillor Luke Taylor)	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)
Hydro Mills Project - Tiverton Weir To receive a report outlining the Tiverton Weir Hydro Mills project seeking approval and funding.	Economy Policy Development Group Cabinet	21 May 2020 11 Jun 2020	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Graeme Barnell)	Open
EHOD Economic Development Strategy To consider a review strategy	Economy Policy Development Group Cabinet	21 May 2020 11 Jun 2020	Adrian Welsh, Group Manager for Growth, Economy and Delivery Tel: 01884 234398	Cabinet Member for Planning and Economic Regeneration (Councillor Graeme Barnell)	Open
Allocations Policy and Resources To consider a revised policy.	Homes Policy Development Group Cabinet	26 May 2020 11 Jun 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
Leasehold Management Policy To receive a report reviewing the Leasehold Management Policy.	Homes Policy Development Group Cabinet	26 May 2020 11 Jun 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
ASB Policy and Procedures To receive a report reviewing the Housing Services' Anti-	Homes Policy Development Group	26 May 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel:	Cabinet Member for Housing and Property Services (Councillor Simon	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)
Social Behaviour Policy and Procedures.	Cabinet	11 Jun 2020	01884 234381	Clist)	
Housing Enabling SPD (S106 - Housing Need Allocation - Exception Sites) To receive a report reviewing the Housing Enabling SPD document	Homes Policy Development Group Cabinet	26 May 2020 11 Jun 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
Tenancy Changes Policy To receive a report reviewing the Tenancy Changes Policy.	Homes Policy Development Group Cabinet	26 May 2020 11 Jun 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
Statement of Community Involvement Review 2020 Report to seek authority to consult on the draft revised text.....	Scrutiny Committee Cabinet Council	1 Jun 2020 11 Jun 2020 1 Jul 2020	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Graeme Barnell)	Open
Use of CCTV Policy and Guidance To receive and approve the Use of CCTV Policy and Guidance	Community Policy Development Group Cabinet	2 Jun 2020 Not before	Andrew Busby, Group Manager for Corporate Property and Commercial Assets Tel: 01884 234948	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	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)
	Council	23rd Jul 2020 Not before 30th Jul 2020			
Grant payments to external organisations (the strategic grants review process) To receive the 4 yearly review of Grant Payments to external organisations from the Group Manager for Growth, Economy & Delivery	Community Policy Development Group Cabinet	2 Jun 2020 11 Jun 2020	Paul Tucker, Growth and Regeneration Officer	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
Revenue and Capital Outturn 2019/20 Report presenting the revenue and capital outturn figures for the financial year 2019/20.	Cabinet	11 Jun 2020	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Alex White)	Open
Options for Accelerating Affordable Housing Delivery in the District To consider additional governance arrangements for housing delivery	Cabinet	11 Jun 2020	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	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)
Annual Treasury Management Report Report providing Members with a review of activities and the actual prudential treasury indicators for 2019/20.	Cabinet Council	11 Jun 2020 1 Jul 2020	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Alex White)	Open
Capital Programme Review To review the Capital Programme taking into account the emerging Corporate Plan and the delivery of projects in Cullompton and Tiverton (as agreed by Cabinet 13 February 2020).	Cabinet Council	11 Jun 2020 1 Jul 2020	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Alex White)	Open
Climate Strategy and Action Plan To receive the 4 yearly review of the Climate Strategy and Action Plan from the Group Manager for Corporate Property and Commercial Assets.	Environment Policy Development Group Cabinet	 14 Jul 2020 6 Aug 2020	Andrew Busby, Group Manager for Corporate Property and Commercial Assets Tel: 01884 234948	Cabinet Member for Climate Change (Councillor Elizabeth Wainwright)	Open
Tenancy Inspection Policy To receive a report reviewing the Tenancy Inspection Policy	Homes Policy Development Group	21 Jul 2020 6 Aug 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel:	Cabinet Member for Housing and Property Services (Councillor Simon	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)
	Cabinet		01884 234381	Clist)	
Design Supplementary Planning Document - post consultation To consider the Supplementary Planning Document post consultation	Cabinet	3 Sep 2020	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Graeme Barnell)	Open
Joint Exeter and Heart of Devon (EHOD) Economic Development Strategy To consider a revised Strategy	Economy Policy Development Group Cabinet	10 Sep 2020 1 Oct 2020	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Graeme Barnell)	Open
Private Sector Fees and Charges To consider a revised policy.	Homes Policy Development Group Cabinet	15 Sep 2020 1 Oct 2020	Simon Newcombe, Group Manager for Public Health and Regulatory Services Tel: 01884 244615	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
Aids and Adaptations Policy To receive a report reviewing the Aids and Adaptations Policy.	Homes Policy Development Group Cabinet	15 Sep 2020 1 Oct 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	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)
Introductory Tenancies Policy To receive a report reviewing the Introductory Tenancies Policy	Homes Policy Development Group Cabinet	15 Sep 2020 1 Oct 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
Service Standards Review To receive a report reviewing Service Standards in the Housing Service.	Homes Policy Development Group Cabinet	15 Sep 2020 1 Oct 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
Severe Weather Emergency Protocol and Extended Winter Provision Protocol To receive a report reviewing the Severe Weather Emergency Protocol and Extended Winter Provision Protocol.	Homes Policy Development Group Cabinet	15 Sep 2020 1 Oct 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
Devon District Council's Joint Safeguarding Policy and MDDC Guidance and Procedures Annually or whenever there is a change in the legislation.	Community Policy Development Group Cabinet	22 Sep 2020 1 Oct 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet for the Working Environment and Support Services (Councillor Nikki Woollatt)	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)
Housing Revenue Account Asset Management Strategy To receive a report providing a review of the Housing Revenue Account Asset Management Strategy.	Homes Policy Development Group Cabinet	10 Nov 2020 3 Dec 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
Tenancy Policy review and Tenancy Strategy To receive a report reviewing the Tenancy Policy and Tenancy Strategy.	Homes Policy Development Group Cabinet	10 Nov 2020 3 Dec 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
Domestic Abuse Policy To receive a report reviewing the Domestic Abuse Policy	Homes Policy Development Group Cabinet	10 Nov 2020 3 Dec 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open