

Public Document Pack

Mid Devon District Council

Environment Policy Development Group

Tuesday, 10 March 2020 at 5.30 pm
Exe Room, Phoenix House, Tiverton

Next ordinary meeting
Tuesday, 19 May 2020 at 5.30 pm

Those attending are advised that this meeting will be recorded

Membership

Cllr B G J Warren
Cllr E J Berry
Cllr W Burke
Cllr D R Coren
Cllr B Holdman
Cllr Miss J Norton
Cllr R F Radford
Cllr R L Stanley
Cllr J Wright

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 and substitute Members**
To receive any apologies for absence and notices of appointment of substitute Members (if any).
- 2 **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.
- 3 **Public Question Time**
To receive any questions relating to items on the Agenda from members of the public and replies thereto.

Note: A maximum of 30 minutes is allowed for this item.
- 4 **Minutes of the Previous Meeting (Pages 5 - 8)**
Members to consider whether to approve the minutes of the last meeting of the Group held on 30th January 2020 as a correct record.

The Group is reminded that only those members of the Group present at the previous meeting should vote and, in doing so, should be influenced only by seeking to ensure that the minutes are an accurate record.

5 **Chairman's Announcements**

To receive any announcements that the Chairman may wish to make.

6 **Climate Change Advisory Group and Net Zero Working Group**
(Pages 9 - 12)

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.

7 **Public Spaces Protection Order** (Pages 13 - 190)

To receive the Public Spaces Protection Order from the Group Manager for Street Scene and Open Spaces.

8 **Environment Educational Enforcement Policy** (Pages 191 - 244)

To consider a report of the Group Manager for Street Scene and Open Spaces providing an update to 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.

9 **Climate Strategy and Action Plan update**

To receive a verbal update from the Group Manager for Corporate Property and Commercial Assets on actions taken to develop the Climate Change Strategy and Action Plan.

10 **Tree planting – Areas of appropriate land** (Pages 245 - 250)

To provide Members with an update on progress with implementing Council Motion 559 to plant trees as appropriate, as a responsive action to the declared climate emergency.

11 **Financial Monitoring** (Pages 251 - 272)

To consider the financial monitoring report for the income and expenditure for the nine months to 31 December 2019 and the projected outturn position previously presented to Cabinet on 13th February 2020.

12 **Performance and Risk** (Pages 273 - 282)

To provide Members with an update on performance against the corporate plan and local service targets for 2019-2020 as well as providing an update on the key business risks.

13 **Chairman's Annual Report** (Pages 283 - 286)

To receive the Chairman's draft annual report on the work of the Committee since May 2019, which will be submitted to Council on 29th April 2020.

14 **Identification of Items for Future Meetings**

Members are asked to note that the following items are included within a future agenda:

- DCC Responsibility for HRA Grass Verges
- Contracted Out Enforcement Duties
- Performance and Risk

Note: This item is limited to 10 minutes. There should be no discussion on the items raised.

Stephen Walford
Chief Executive
Monday, 2 March 2020

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

Members of the public may also use other forms of social media to report on proceedings at this meeting.

Members of the public are welcome to attend the meeting and listen to discussion. Lift access the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is time set aside at the beginning of the meeting to allow the public to ask questions.

An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, or

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

Tel: 01884 234209

E-Mail: coliphant@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **ENVIRONMENT POLICY DEVELOPMENT GROUP**
held on 30 January 2020 at 4.00 pm

Present

Councillors

B G J Warren (Chairman)
E J Berry, W Burke, D R Coren, B Holdman,
R F Radford, R L Stanley and J Wright

Also Present

Councillor(s)

D J Knowles, L D Taylor and Ms E J Wainwright

Also Present

Officer(s):

Joanne Nacey (Group Manager for Financial Services) and
Carole Oliphant (Member Services Officer)

64 **APOLOGIES AND SUBSTITUTE MEMBERS (00.00.29)**

There were no apologies

65 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00.00.34)**

No Interests were declared under this item.

66 **PUBLIC QUESTION TIME (00.01.27)**

There were no members of the public present

67 **MINUTES OF THE PREVIOUS MEETING (00.01.31)**

The minutes of the previous meeting held on 14th January 2020 were agreed as a true record and **SIGNED** by the Chairman.

68 **CHAIRMAN'S ANNOUNCEMENTS (00.04.40)**

The Chairman informed the Group that the Street Scene enforcement officers had issued a fixed penalty notice to an individual for fly tipping.

69 **DRAFT BUDGET (00.05.39)**

The Group had before it the *draft budget report from the Deputy Chief Executive S151 presented by the Group Manager for Financial Services.

She explained that the budget gap was currently calculated at £234k and that it had risen due to the changes to the car parking charges proposals made by the Cabinet which would see a £57k reduction in projected income.

Members discussed the implications of the proposed revision of the General Reserves (General Fund) limit to £2m. The Group Manager for Financial Services

explained that it was proposed that £500k was moved from the General Reserves (unallocated reserves) to Earmarked Reserves (allocated reserves).

She explained to the Group that by law the Council had to produce a balanced budget and that with a projected budget gap for 2020/2021 of £234k the default position was that the budget gap would need to be found from the reserves (either the General Fund reserve or earmarked reserves) unless significant savings could be found.

Members questioned how budget gaps had been dealt with in previous years and she explained that previously the gaps had been plugged by New Homes Bonus and underspend on the agreed budgets. She explained that the New Homes Bonus revenues had significantly reduced due to changes in Government funding with further reductions proposed which would see the Grant disappear completely. It was therefore no longer the “go to” reserve to close the budget gap

The Group Manager for Finance gave further detail on the following:

- Budget proposals for 2020/2021 and the Capital Programme
- Advance payment of the next 3 years pension deficit
- The revised Medium Term Plan
- The proposed revision of the minimum General Reserves (General Fund) limit to £2m

The Group gave consideration to the following:

- The process for agreeing the budget through the Cabinet and Full Council
- The SWEEG annual subscription of £5k
- The proposed saving to remove the budget for the weed team. It was felt that the parishes in particular made use of this service and the appearance of the district was important to a great many people. The Chairman informed the Group that some parishes paid for their own weed team. The removal of this saving would add c£53k to the budget gap.
- The proposed arrangement for emptying bins on the Canal and the change of funding to DCC
- Committed expenditure due from the Tiverton Town Centre regeneration plan being postponed. The Group Manager for Financial Services confirmed that this would be an in-year cost rather than something which would be a pressure in the 2020/21 Budget.

The Group then considered the recommendations of the report individually:

- 1) The Group considered the updated budget proposal for 2020/2021 and discussed the removal of the weed team and it was explained that the Homes PDG had made a recommendation to the Cabinet that the proposed savings identified in relation to the weed team be removed and that the budget in this area be retained. The Group **AGREED** to endorse the recommendation of the Homes PDG.

(Proposed by the Cllr R L Stanley and seconded by Cllr W Burke)

- 2) The Group considered the proposal to make a payment in advance of the next 3 years pension deficit and **AGREED** to the proposal.

(Proposed by the Chairman)

- 3) The Group **NOTED** the Medium Term Financial Plan.

(Proposed by the Chairman)

- 4) The Group considered the proposed revision of the minimum General Reserves (General Fund Limit) to £2m and **AGREED** to the proposal.

(Proposed by the Chairman)

Note:

- i) Councillors R L Stanley and E J Berry requested that their abstention from voting for the proposed revision of the minimum General Reserves (General Fund Limit) to £2m be recorded.
- ii) *draft budget previously circulated; copy attached to the minutes.

70 **NET ZERO WORKING GROUP (01.21.04)**

The Chairman explained that since Cllr Ms E J Wainwright's move onto the Cabinet the Net Zero Working Group and the PDG were down one member and he asked the Group for volunteers to sit on the working group.

The Group discussed the progress of the DCC Climate Change Taskforce and the link to the Devon wide plan. Members felt that the working group should await some outcomes from the Devon wide plan before moving forward with specific standalone plans for carbon reduction in the District.

The Group **AGREED** to postpone the next meeting of the working group and to determine the membership until after the next ordinary meeting of the Group on 10th March 2020 when the replacement of Cllr Wainwright on the PDG was known and there would be more information available on progress of the DCC taskforce.

(Proposed by the Chairman).

71 **IDENTIFICATION OF ITEMS FOR FUTURE MEETINGS (01.27.39)**

No items were identified.

(The meeting ended at 5.30 pm)

CHAIRMAN

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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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
Cottey 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 Coppleshone
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

Contents

1. Introduction
2. Scope
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10. Exemptions
11. Appeal
12. Validity (Severance)

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
- Plan 33 - Crow Bridge Cullompton
- Plan 34 - Cudmore Park Tiverton
- Plan 35 - Culm Valley Uffculme
- Plan 36 - Forcefield Road Cullompton
- Plan 37 - Gables Lea Willand
- Plan 38 - Glebelands Road Tiverton
- Plan 39 - Gornhay Lane Tiverton
- Plan 40 - Graters Copse Tiverton
- Plan 41 - Great Close Culmstock
- Plan 42 - High Bullen Silverton
- Plan 43 - Landunvez Place Bradninch
- Plan 44 - Meadow Lane Cullompton
- Plan 45 - Millhayes Meadows Hemyock
- Plan 46 - Moutbatten Road Tiverton
- Plan 47 - Newcombes Meadow Crediton
- Plan 48 - Oak Close Tiverton
- Plan 49 - Old Park Tiverton
- Plan 50 - Palmerston Park Woods Tiverton

Plan 51 - Peoples Park Crediton
Plan 52 - Peoples Park Tiverton
Plan 53 - Phoenix House Tiverton
Plan 54 - Queen Elizabeth Drive Crediton
Plan 55 - Railway Walk Tiverton
Plan 56 - River Exe Recreation Tiverton
Plan 57 - School Road Silverton
Plan 58 - Southfield Drive Crediton
Plan 59 - St Andrew Street Tiverton
Plan 60 - St Lawrence's Green Crediton
Plan 61 - Starkey Close Tiverton
Plan 62 - Stoneyford Cullompton
Plan 63 - Sycamore Close Play Area Willand
Plan 64 - The Oval Tiverton
Plan 65 - Tidcombe Railway Walk Tiverton
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 Crediton
- Plan 76 - Barns Close Bradninch
- Plan 77 - Bockland Close Cullompton
- Plan 78 - Chaffinch Drive Crediton
- 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 Copplestone
- 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
- Plan 100 - Headweir Road 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

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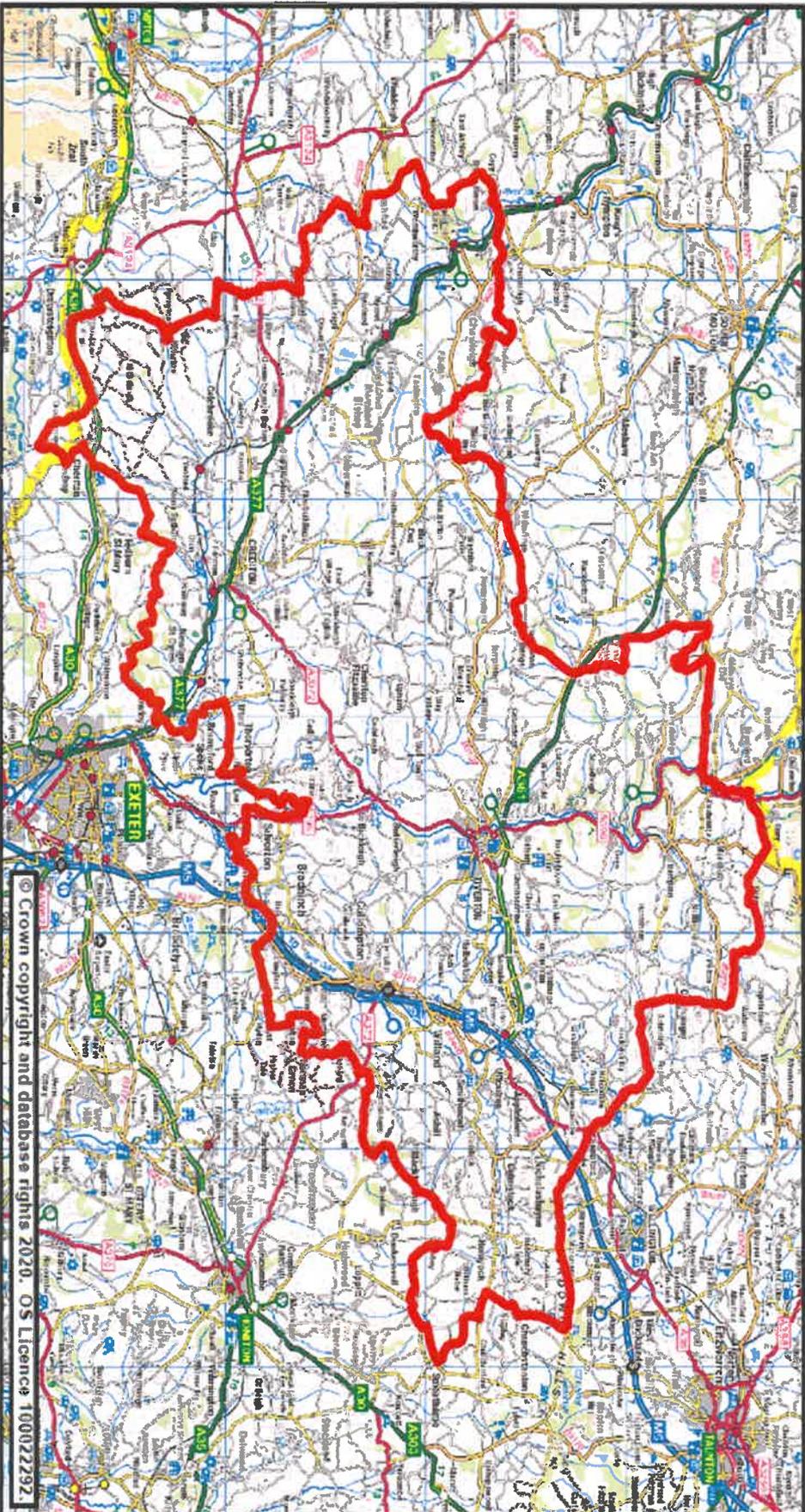
Schedule A



Street Scene Plan 1

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

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



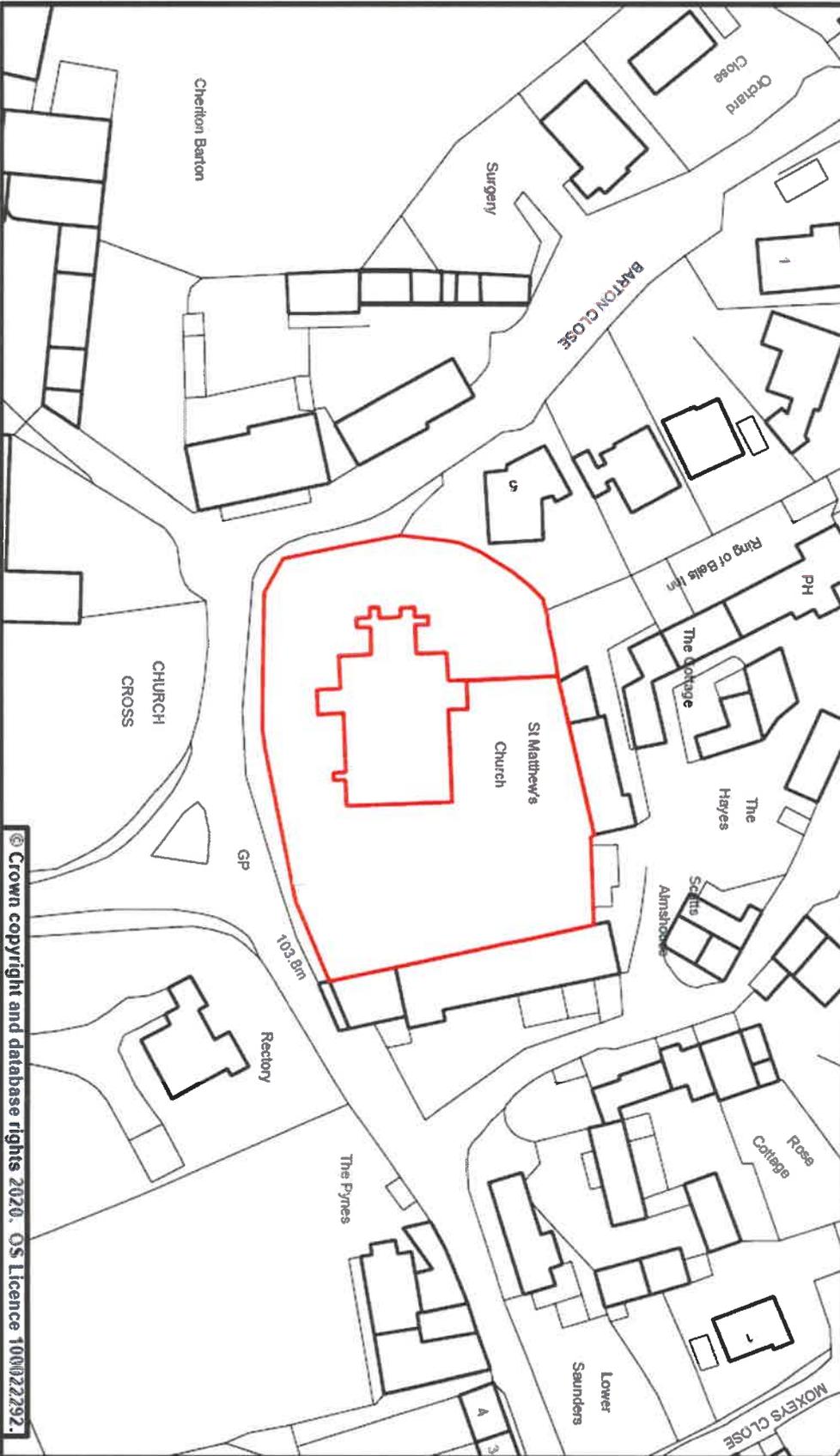
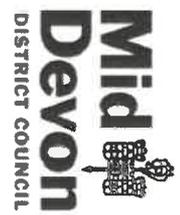
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Street Scene Plan 2

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

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



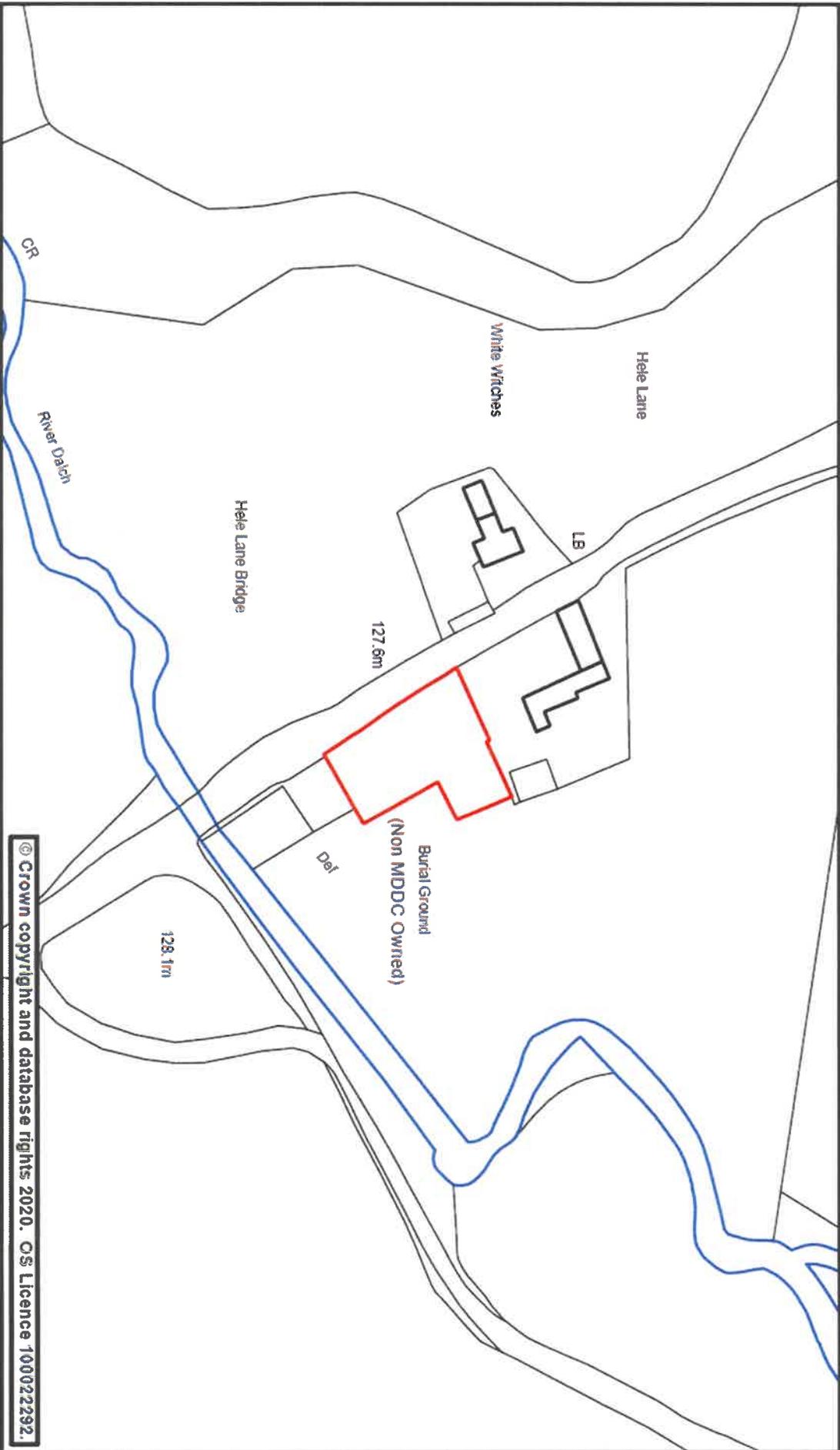
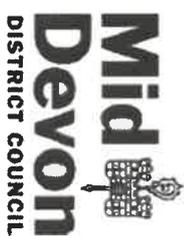
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Street Scene Plan 3

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

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



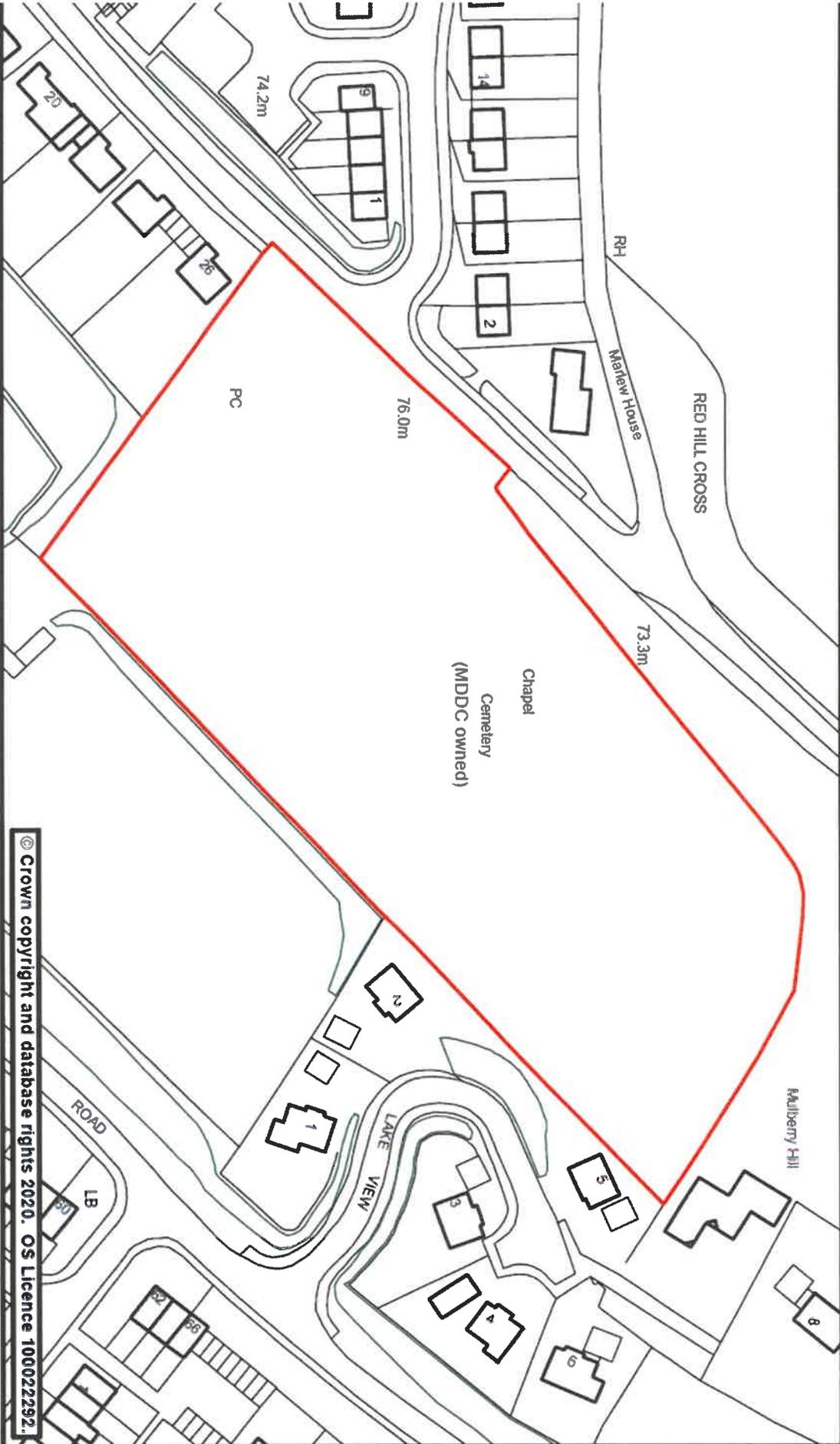


Street Scene

Plan 4

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

Phoenix House
Phoenix Lane, Tiverton EX16 6PP
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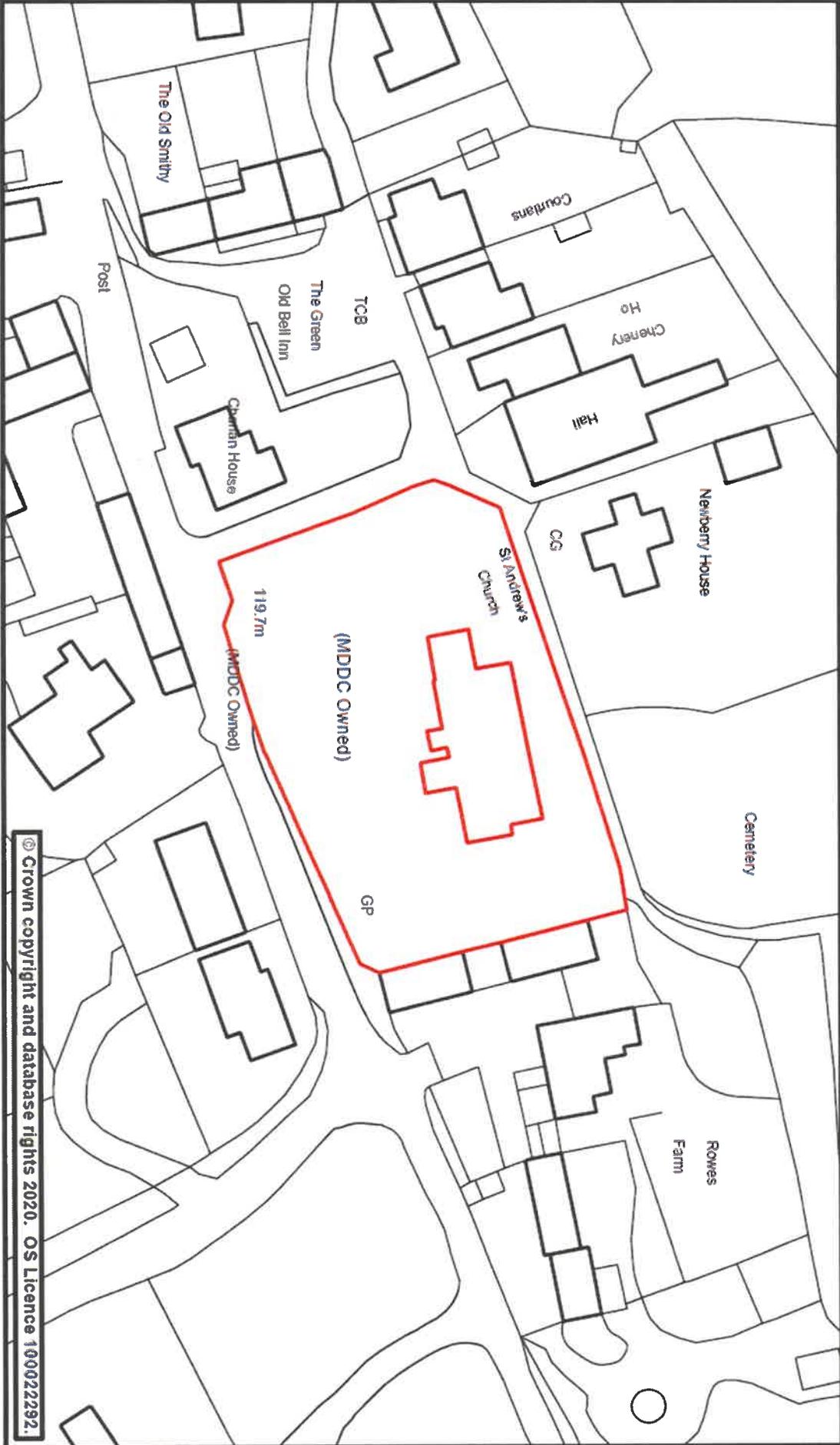


Street Scene

Plan 5

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

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



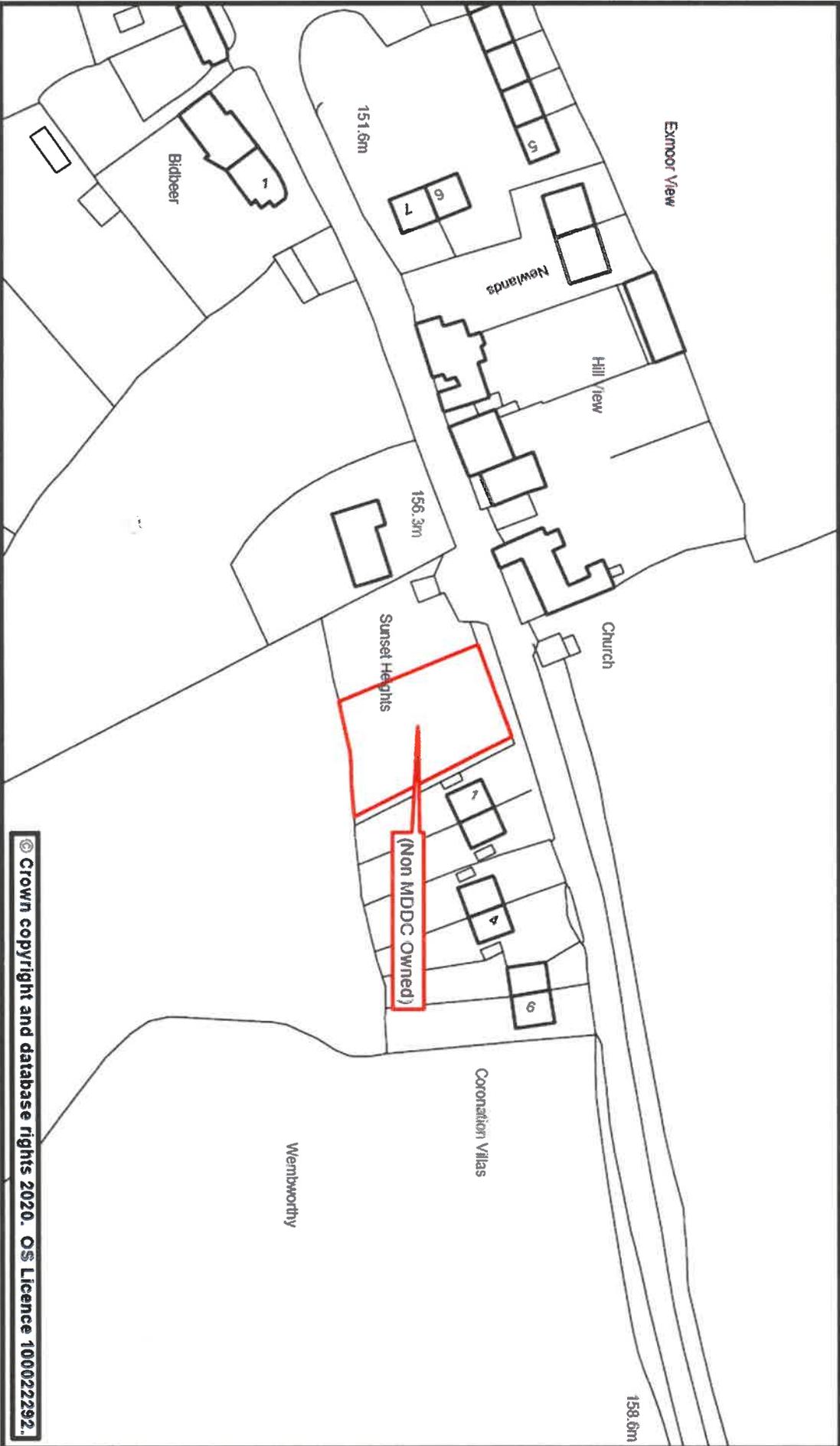
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Street Scene Plan 6

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

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





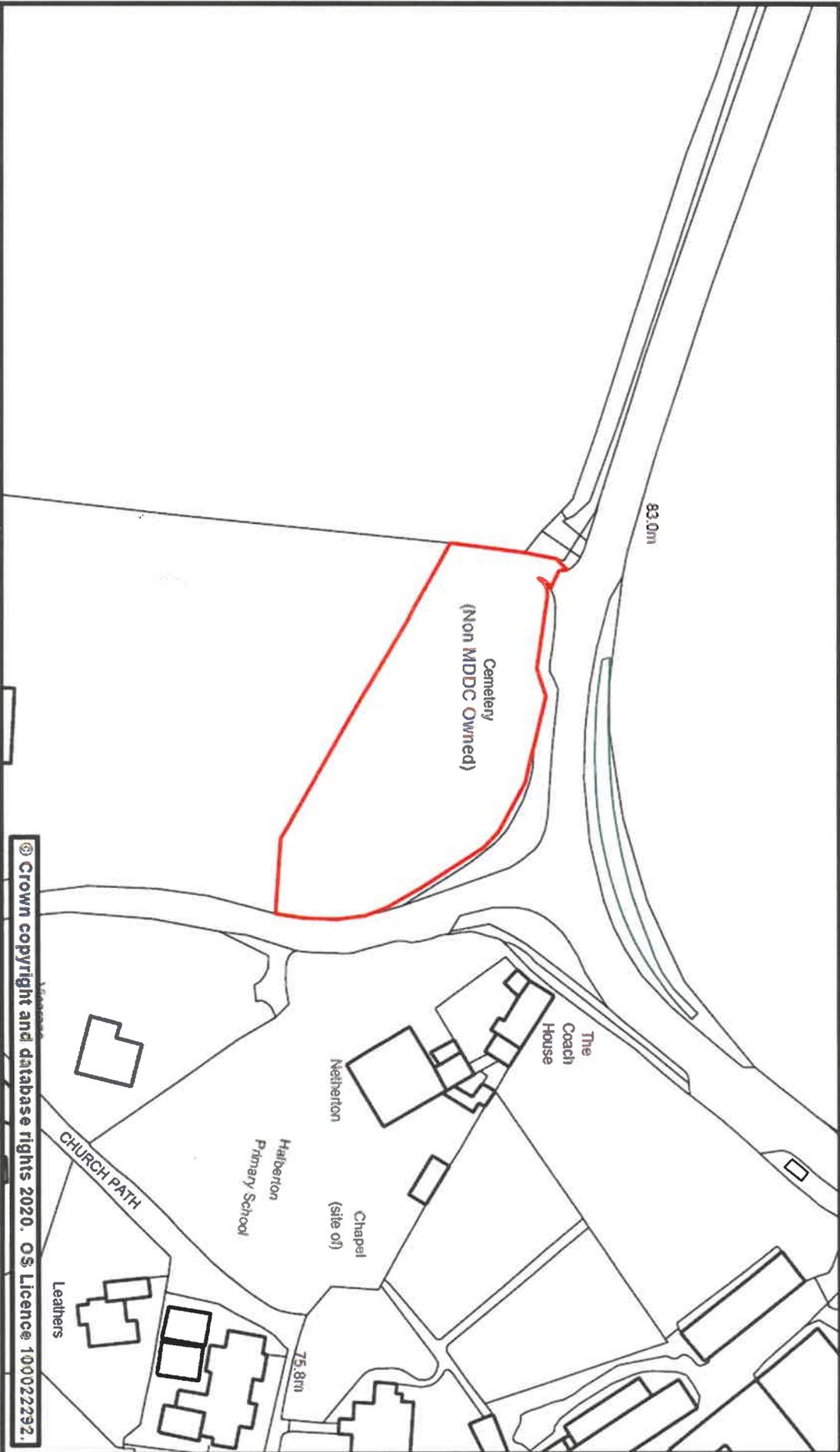
Street Scene

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

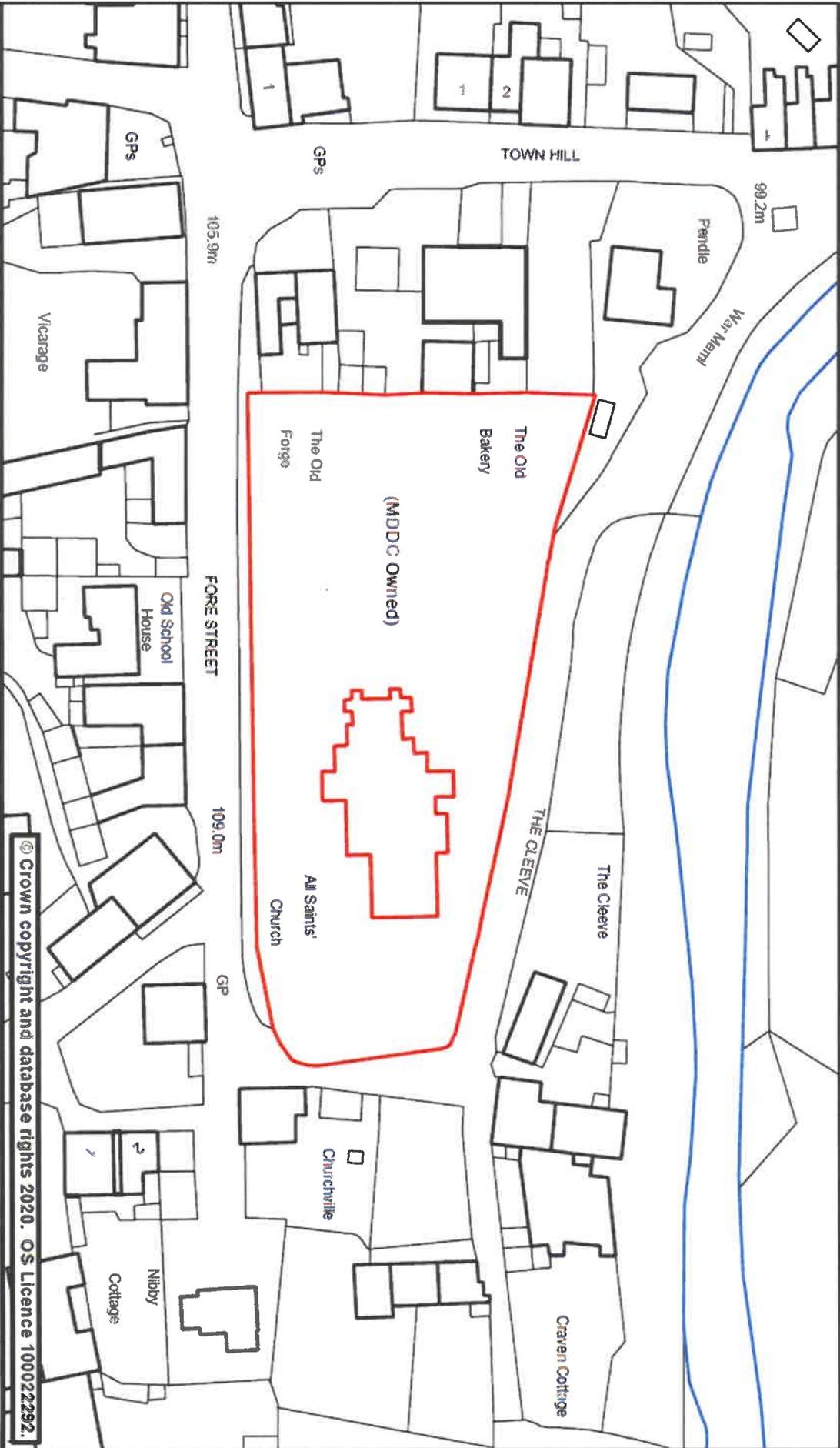




Street Scene Plan 9

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

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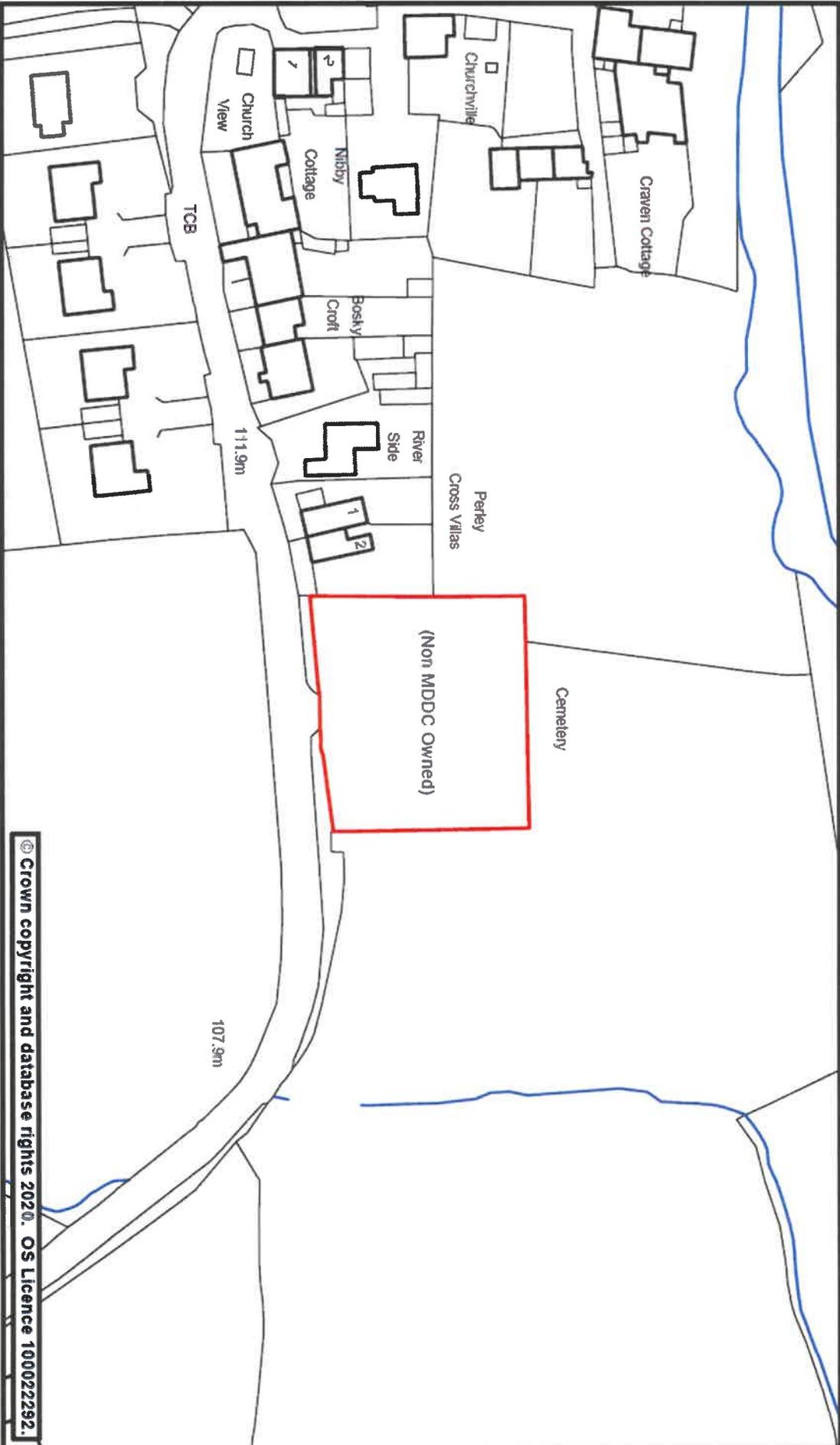


Street Scene

Plan 10

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

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Street Scene Plan 11

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

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



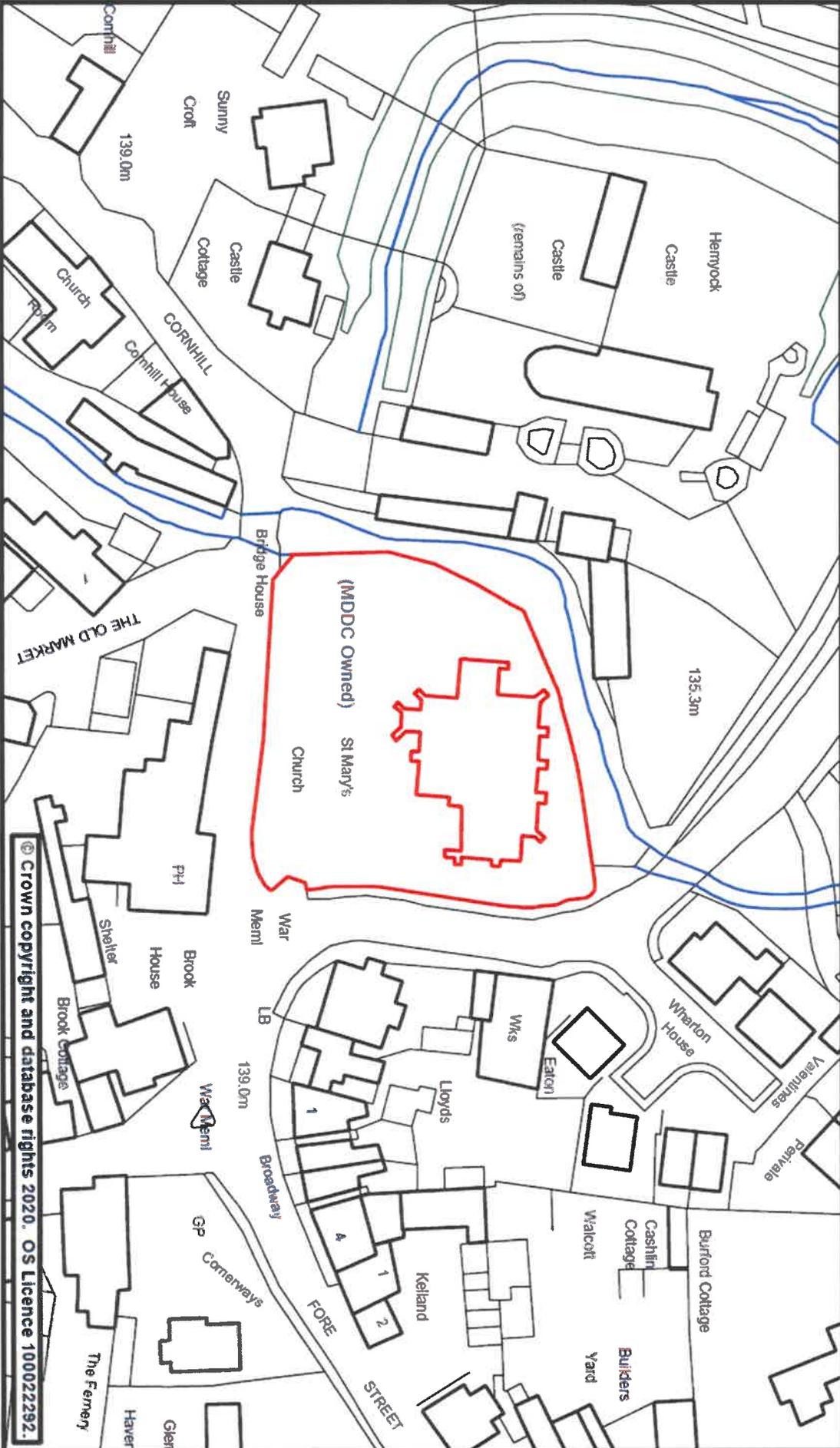
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Street Scene Plan 12

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

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

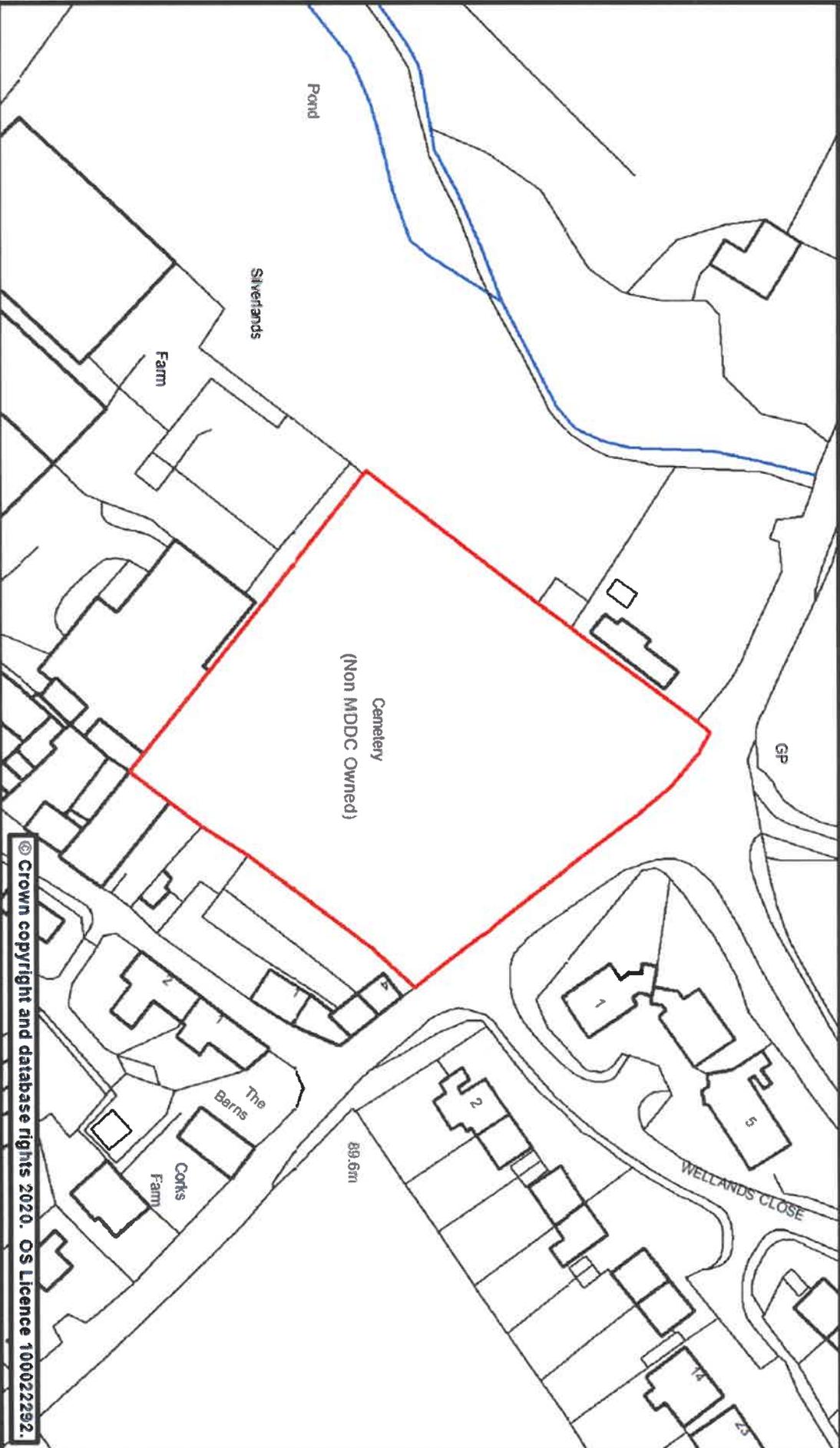




Street Scene Plan 14

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

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



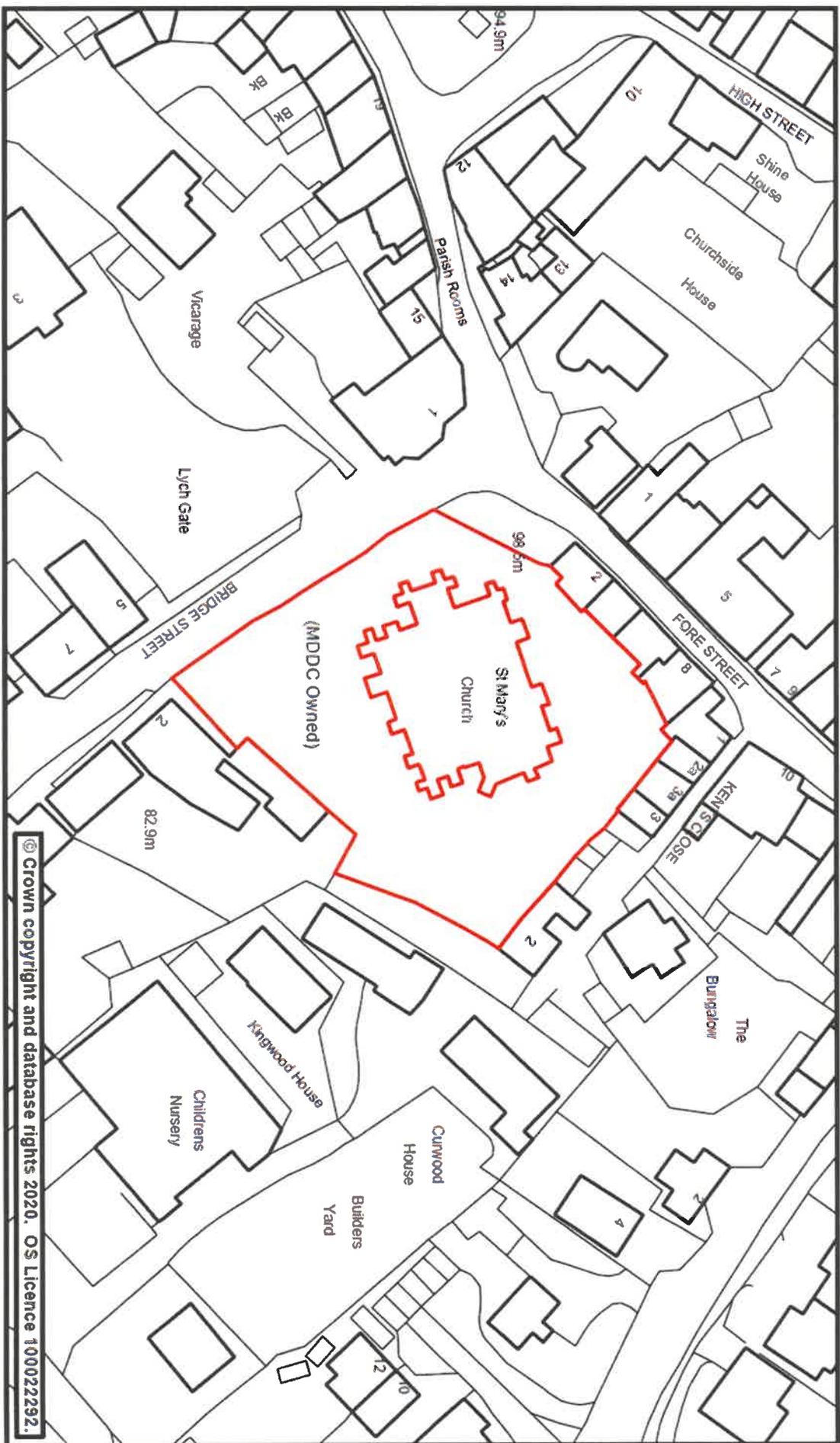
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Street Scene Plan 15

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

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

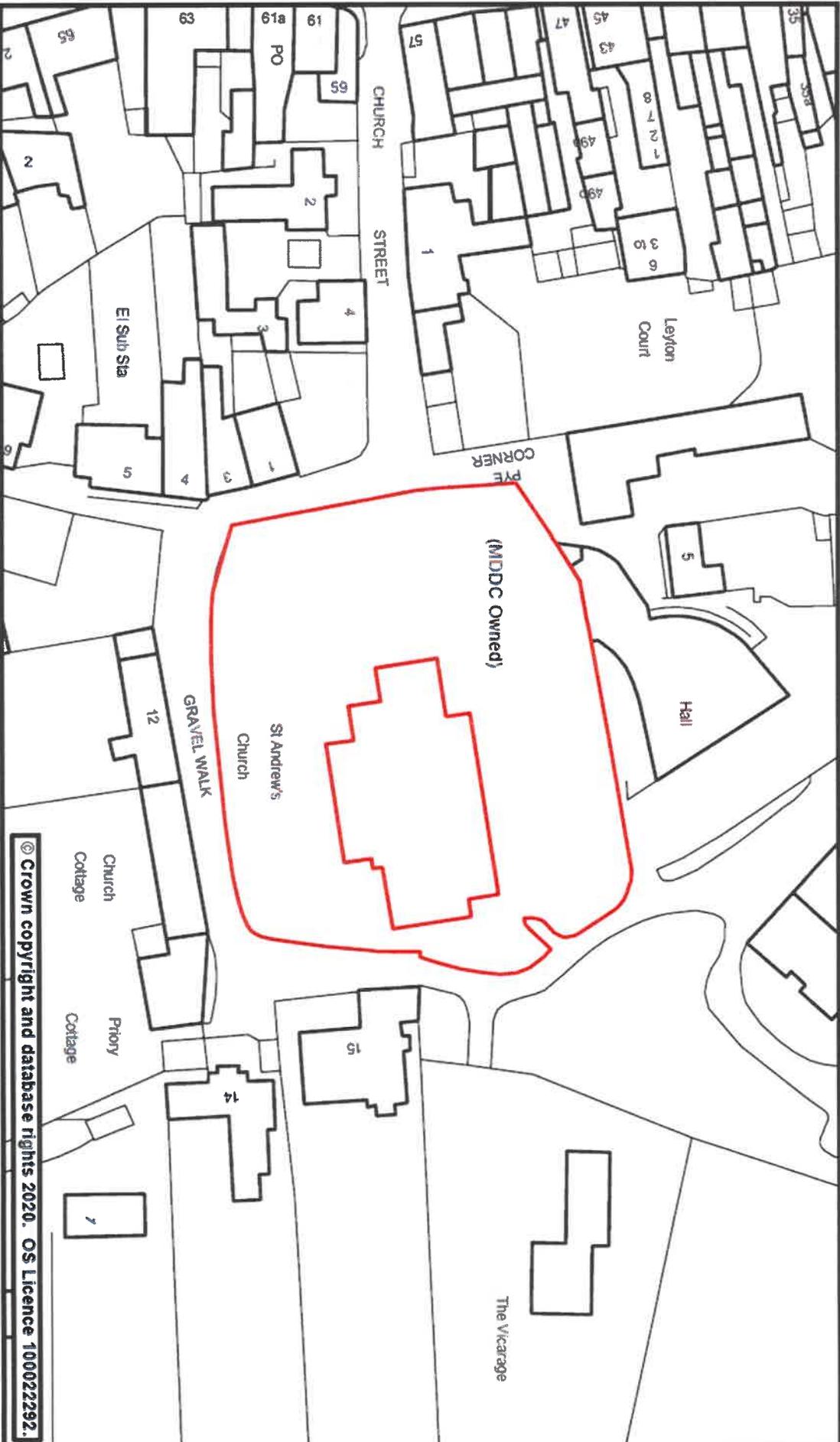




Street Scene Plan 16

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

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



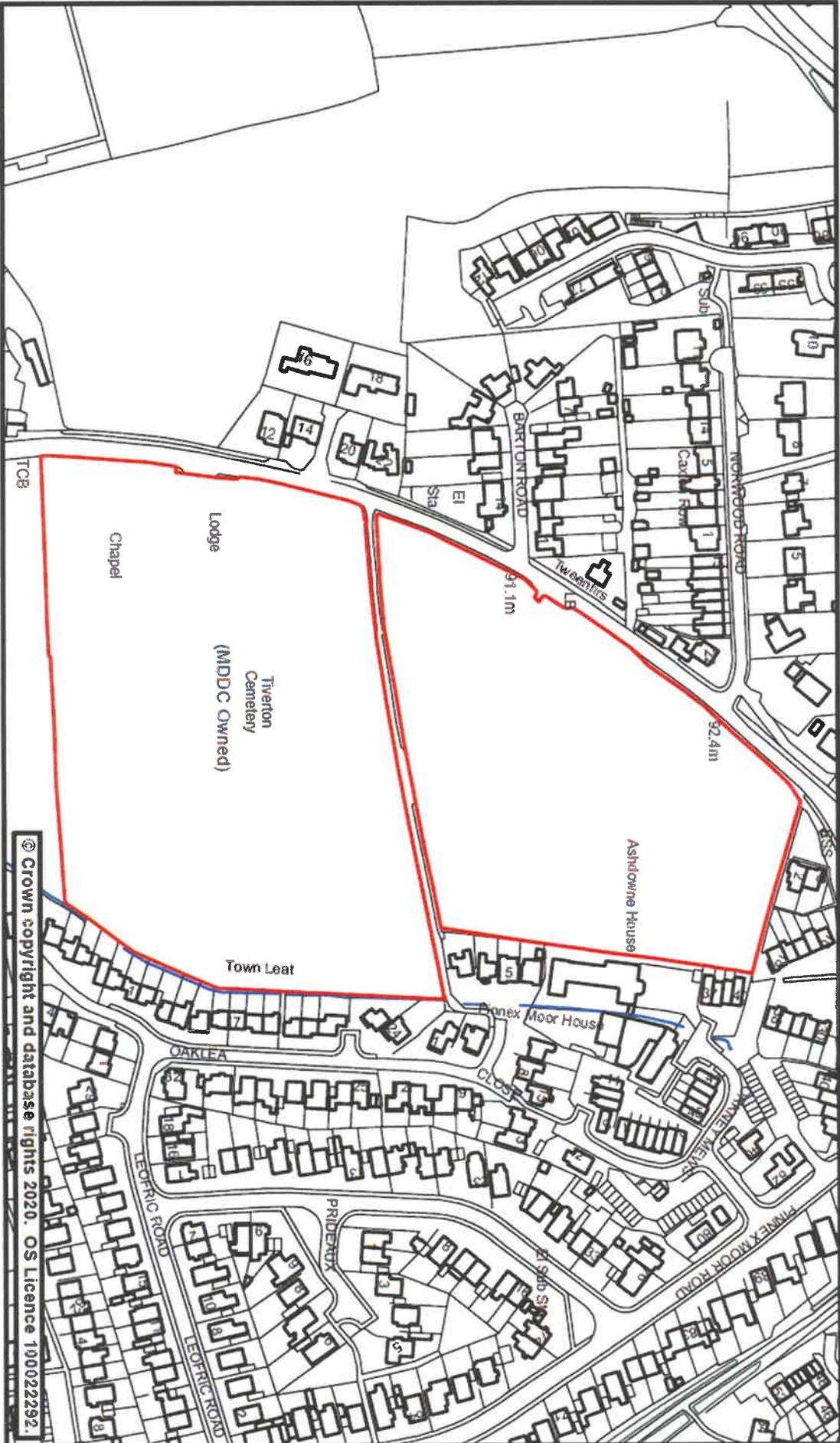


Street Scene

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





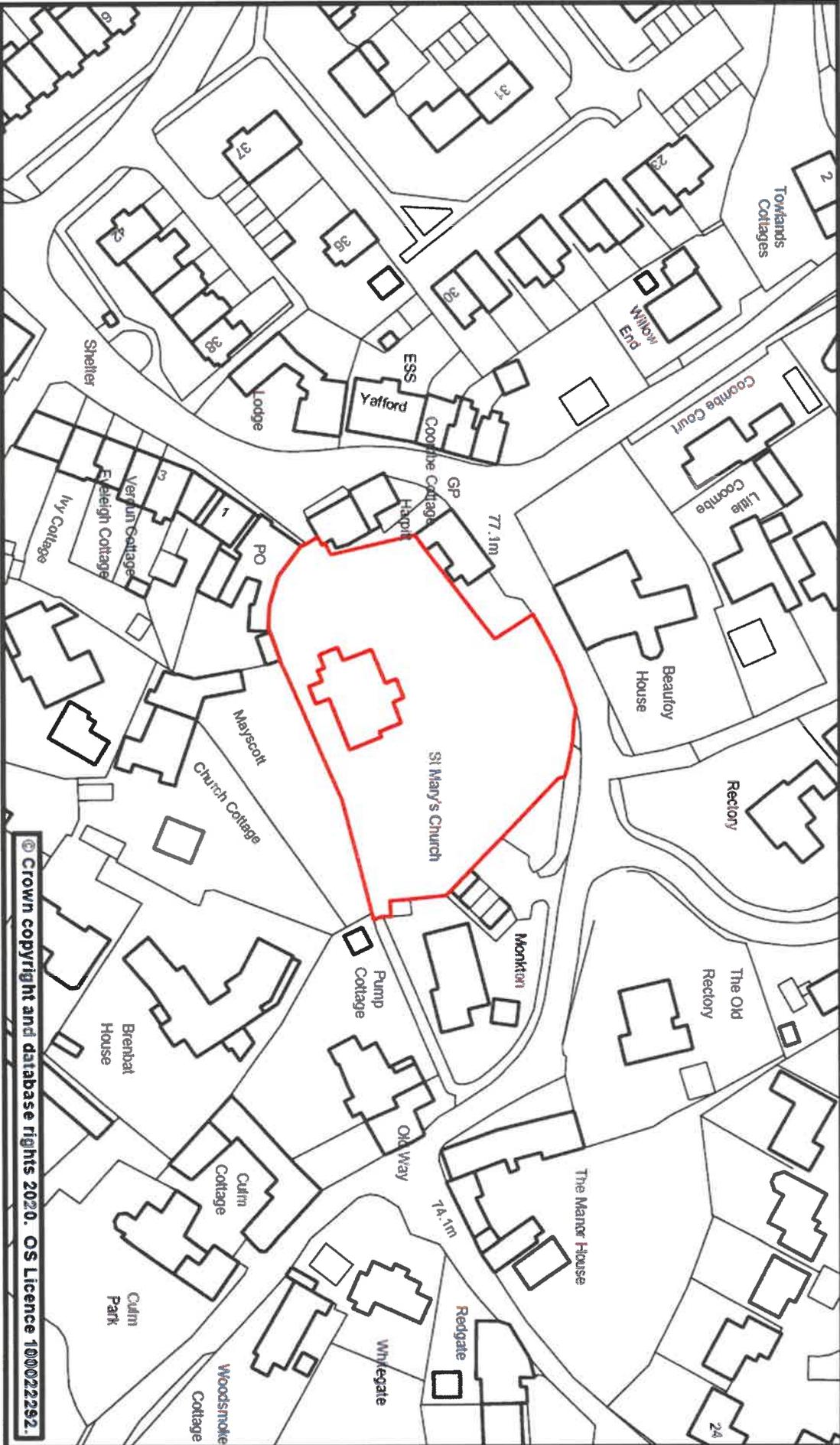
Street Scene Plan 18

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

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Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255

Website: www.middledevon.gov.uk



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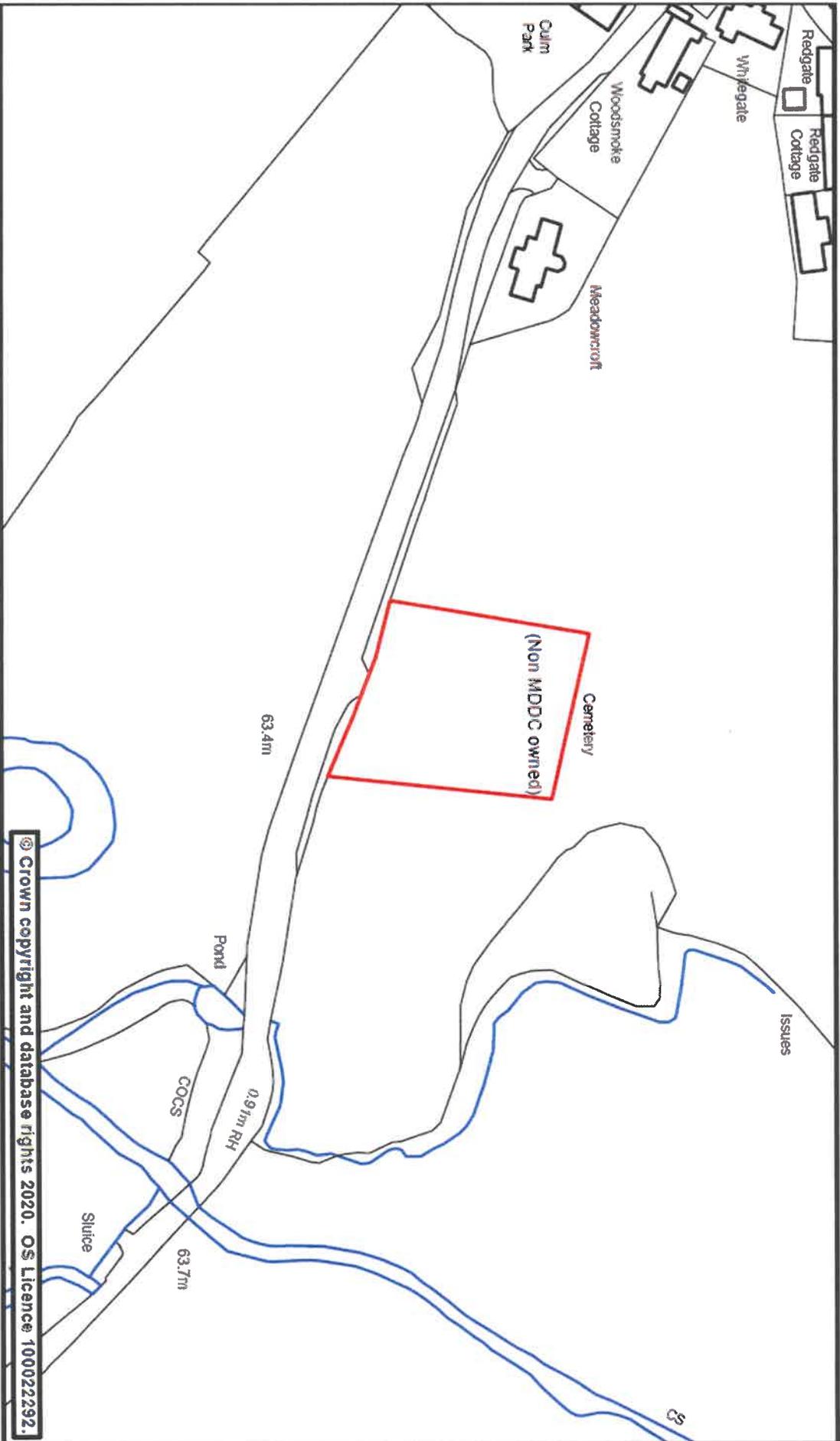


Street Scene

Plan 19

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

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



Phoenix House
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255

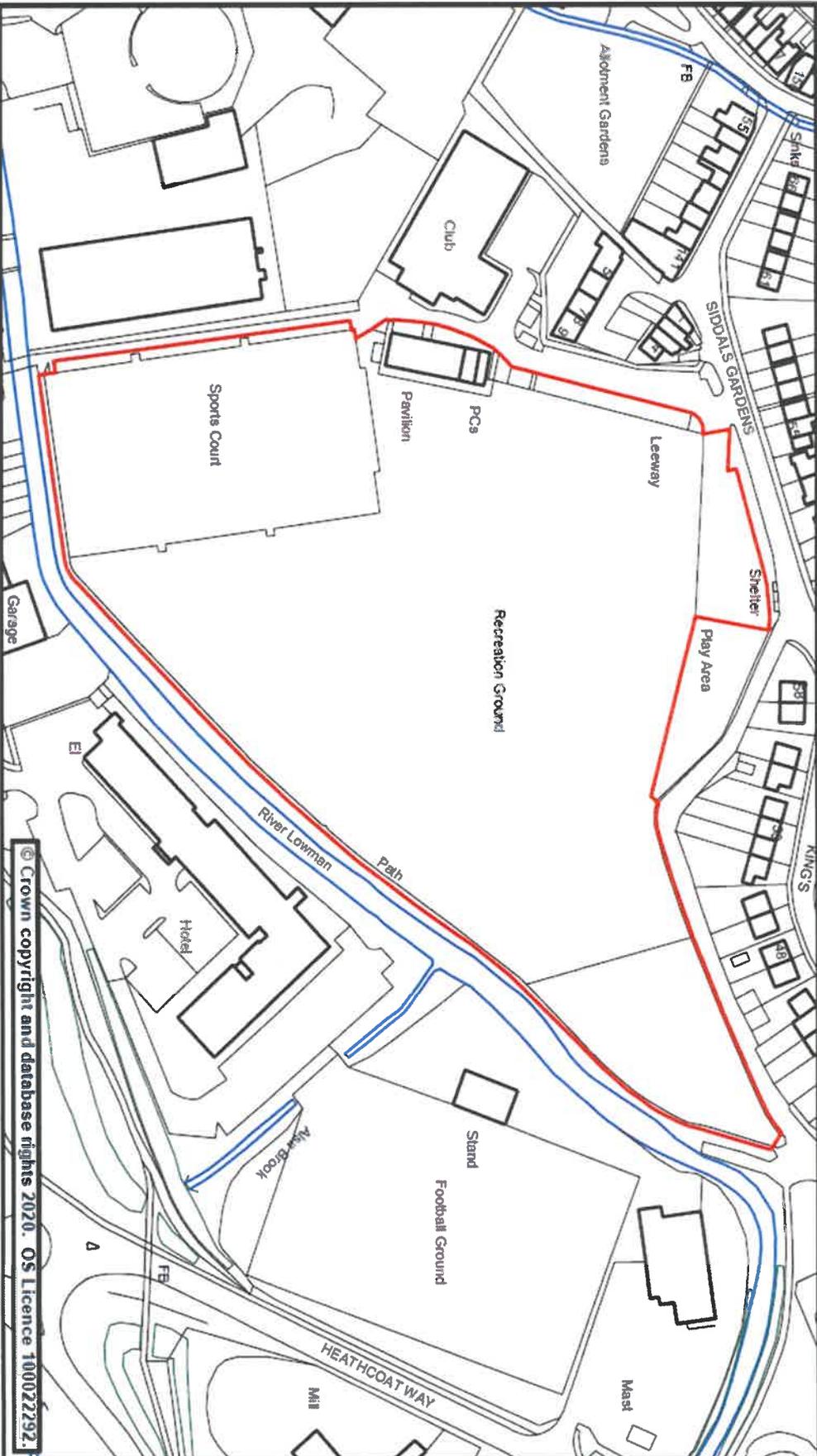
Website: www.middevon.gov.uk



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

Phoenix House
Phoenix Lane, Tiverton EX16 6PP

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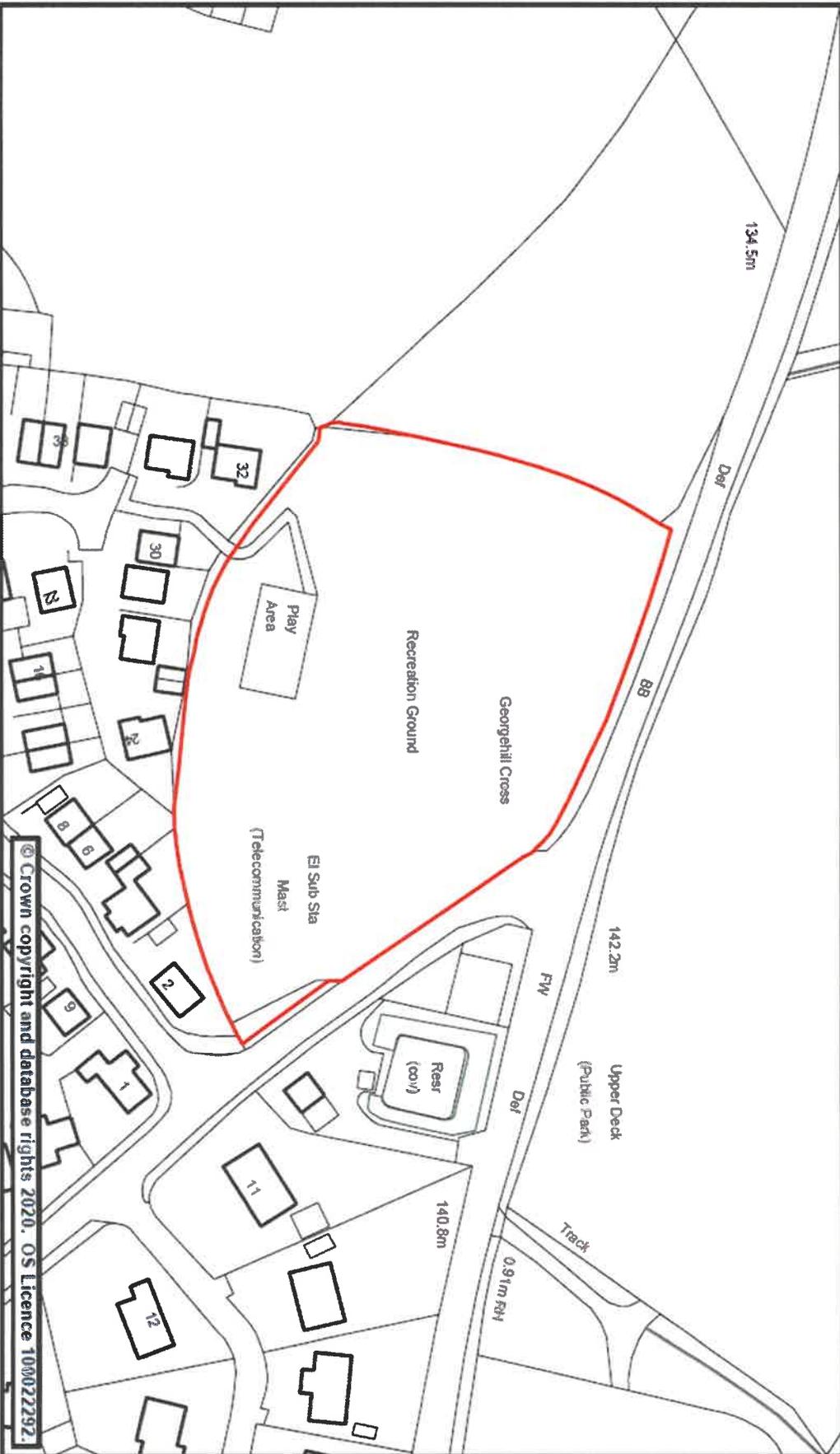


Street Scene Plan 22

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

Phoenix House
Phoenix Lane, Tiverton EX16 6PP

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



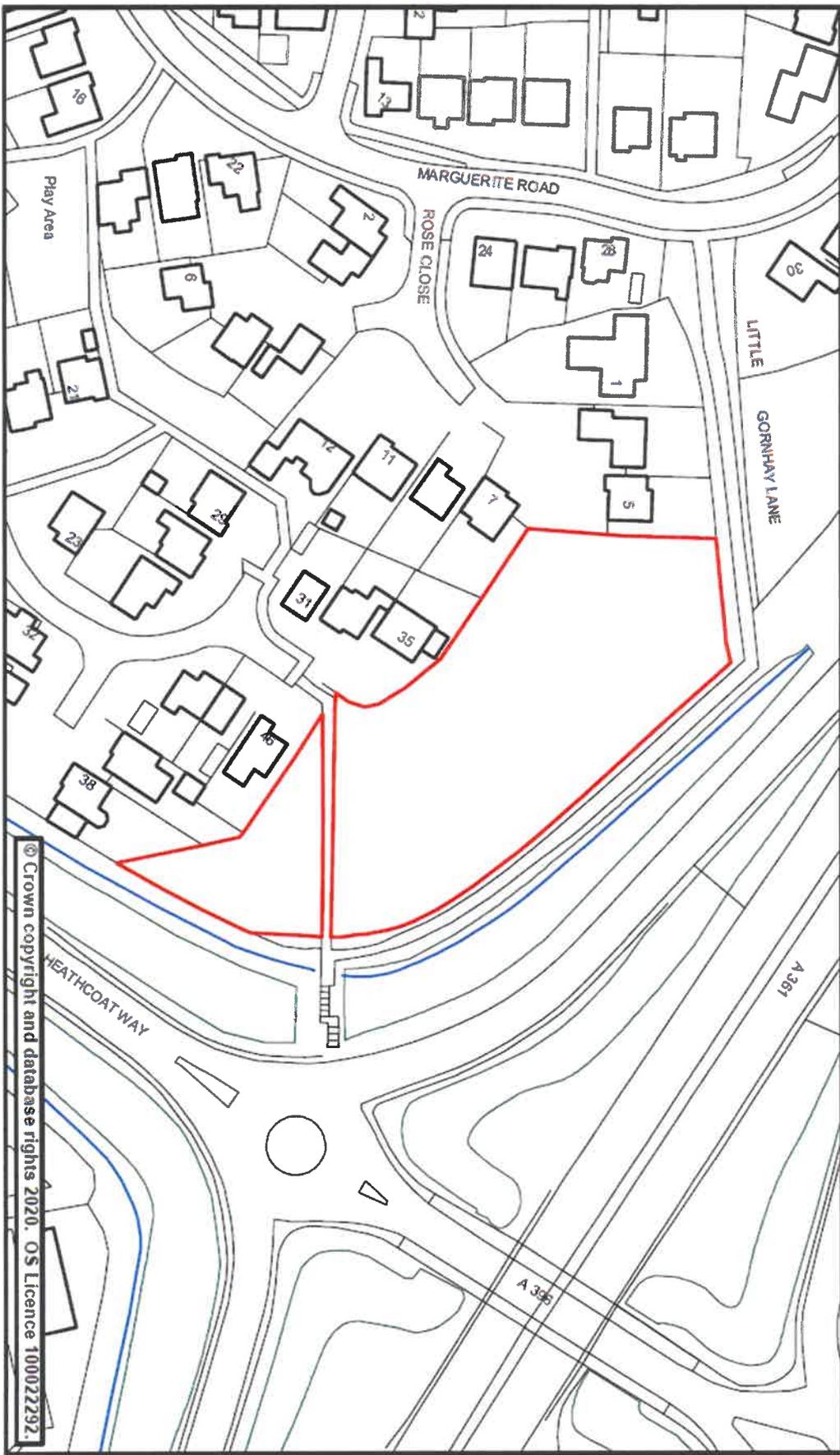
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Street Scene Plan 23

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

Tel: 01884 255255

Website: www.middevon.gov.uk

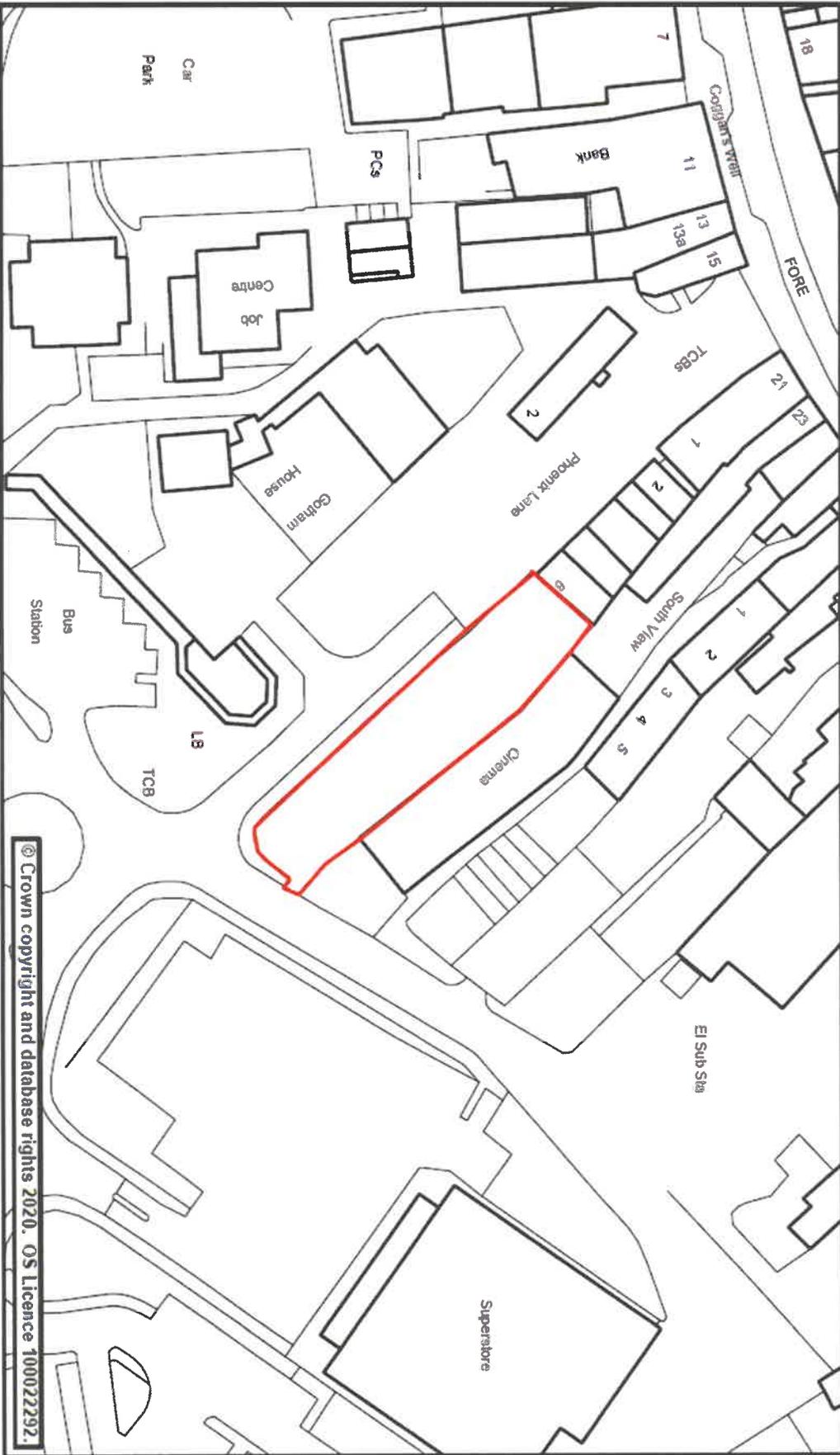




Street Scene Plan 25

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

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



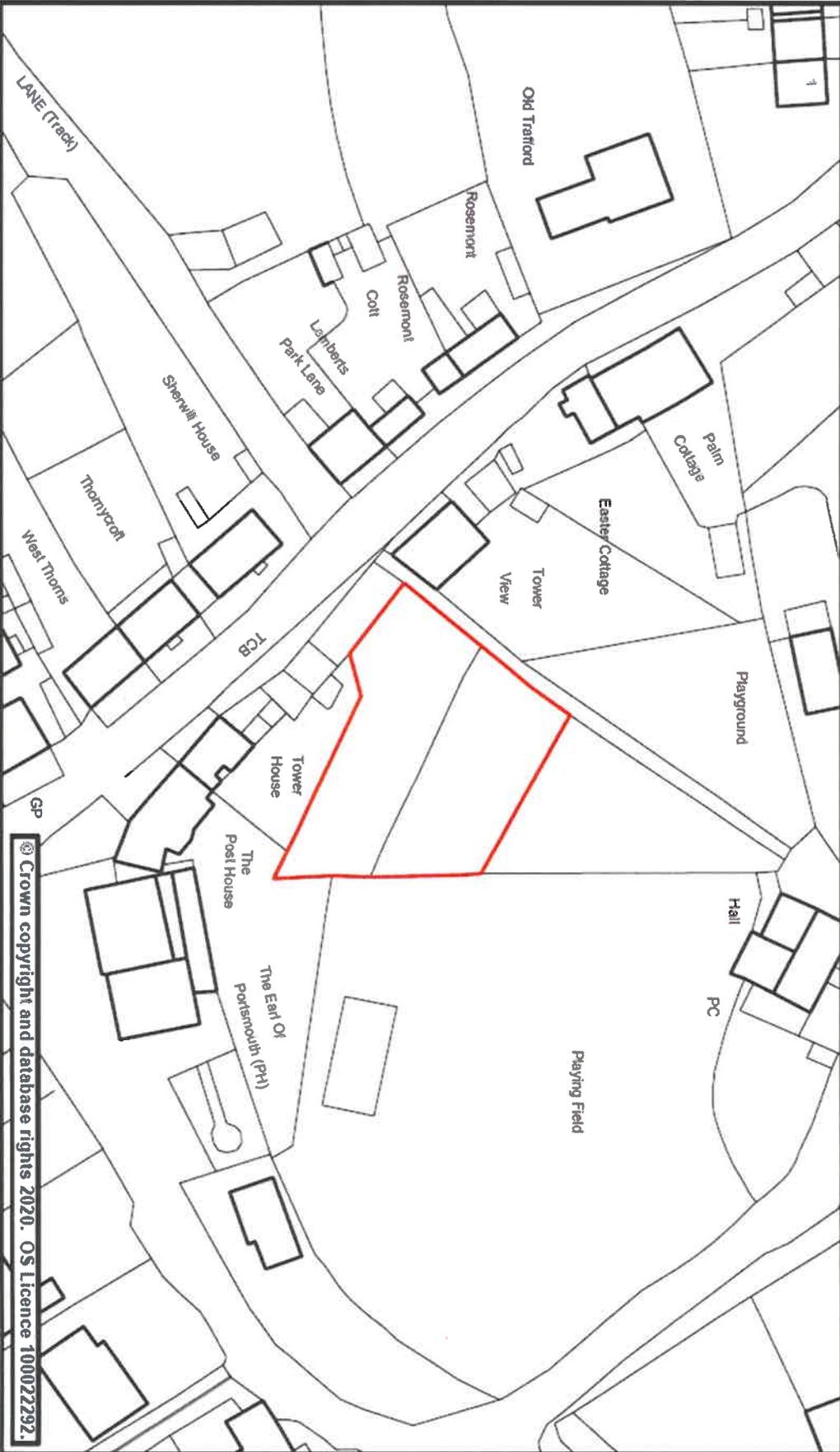
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Street Scene Plan 26

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

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



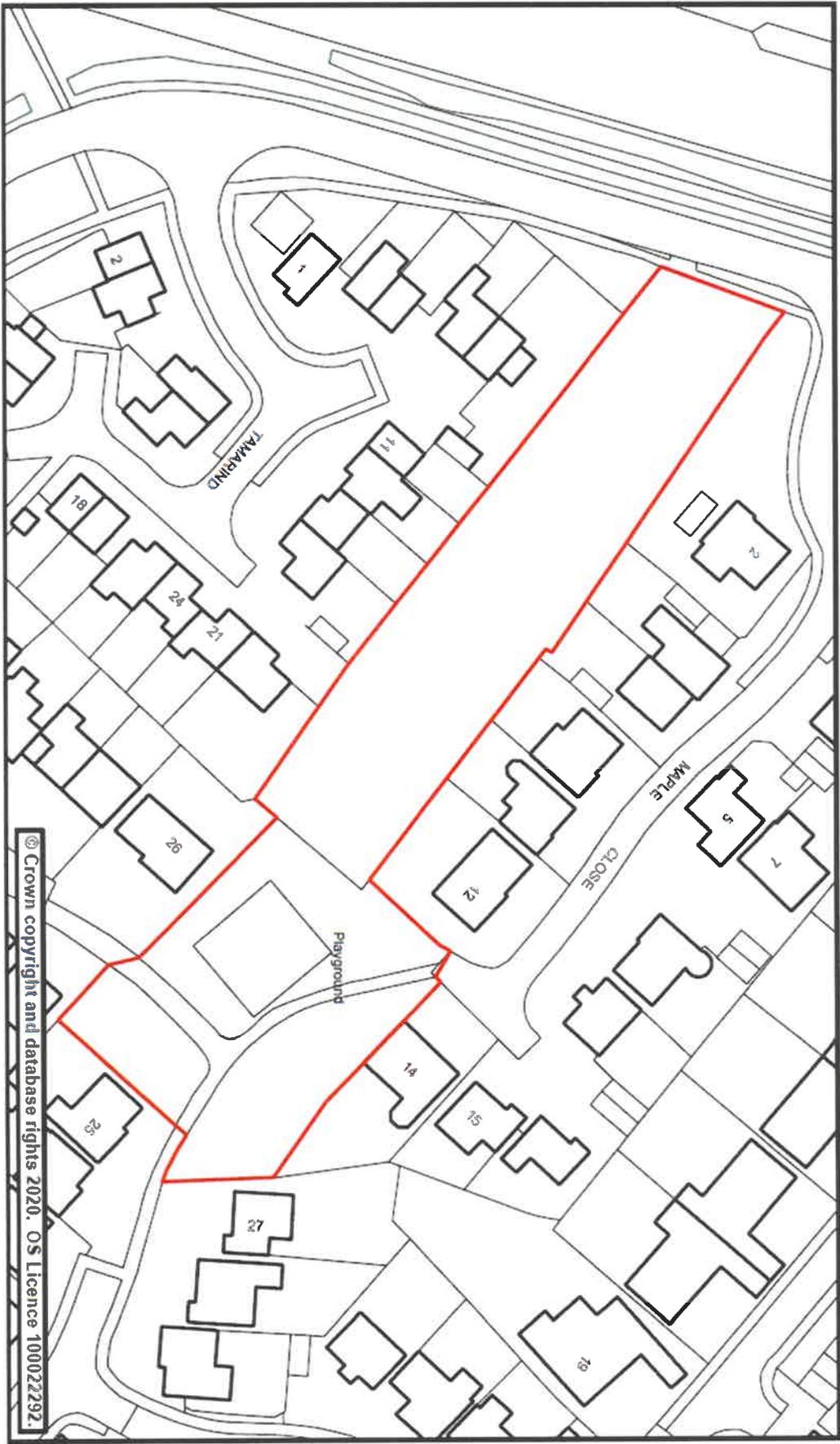
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Street Scene Plan 27

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



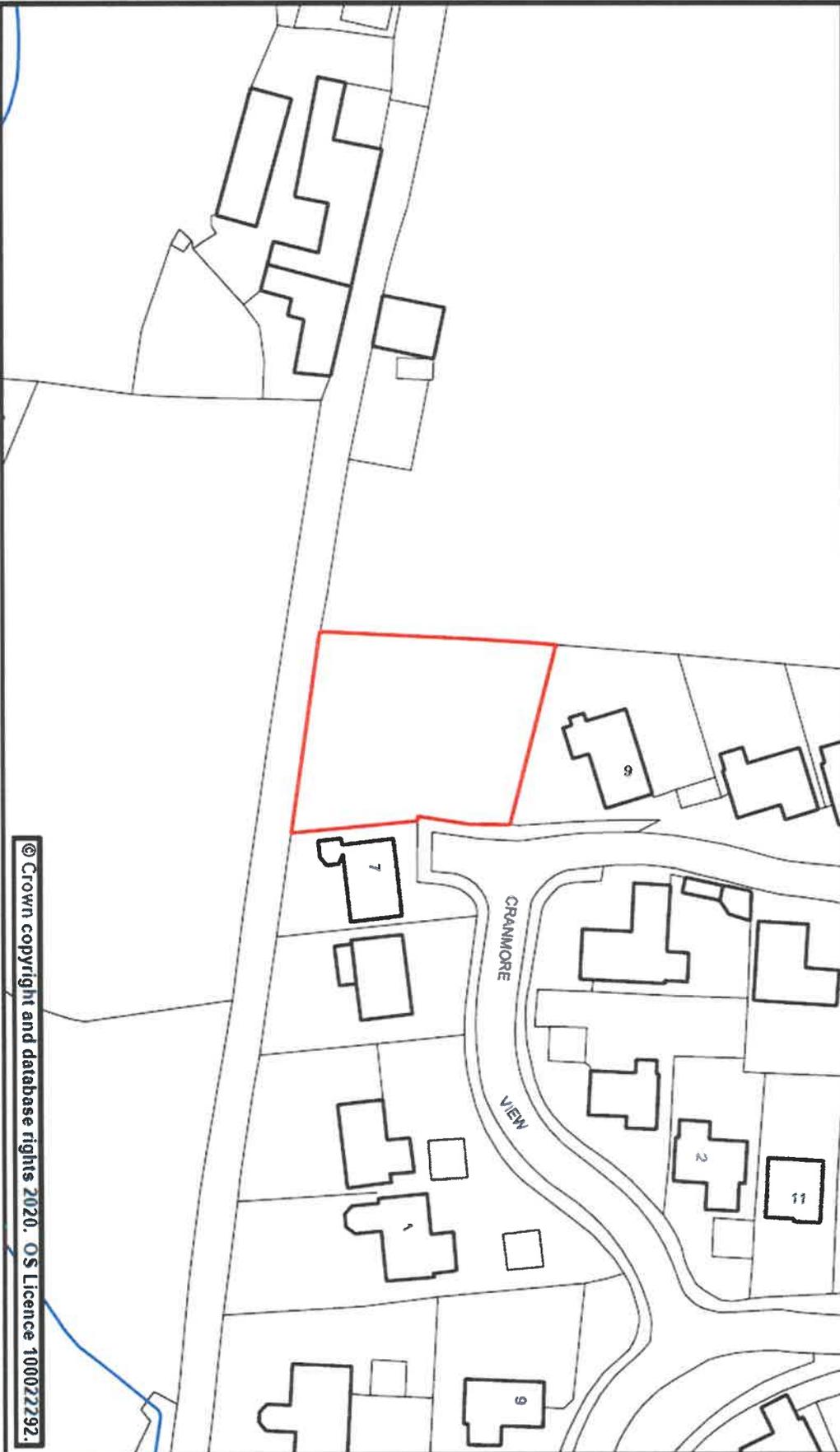
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Street Scene Plan 30

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

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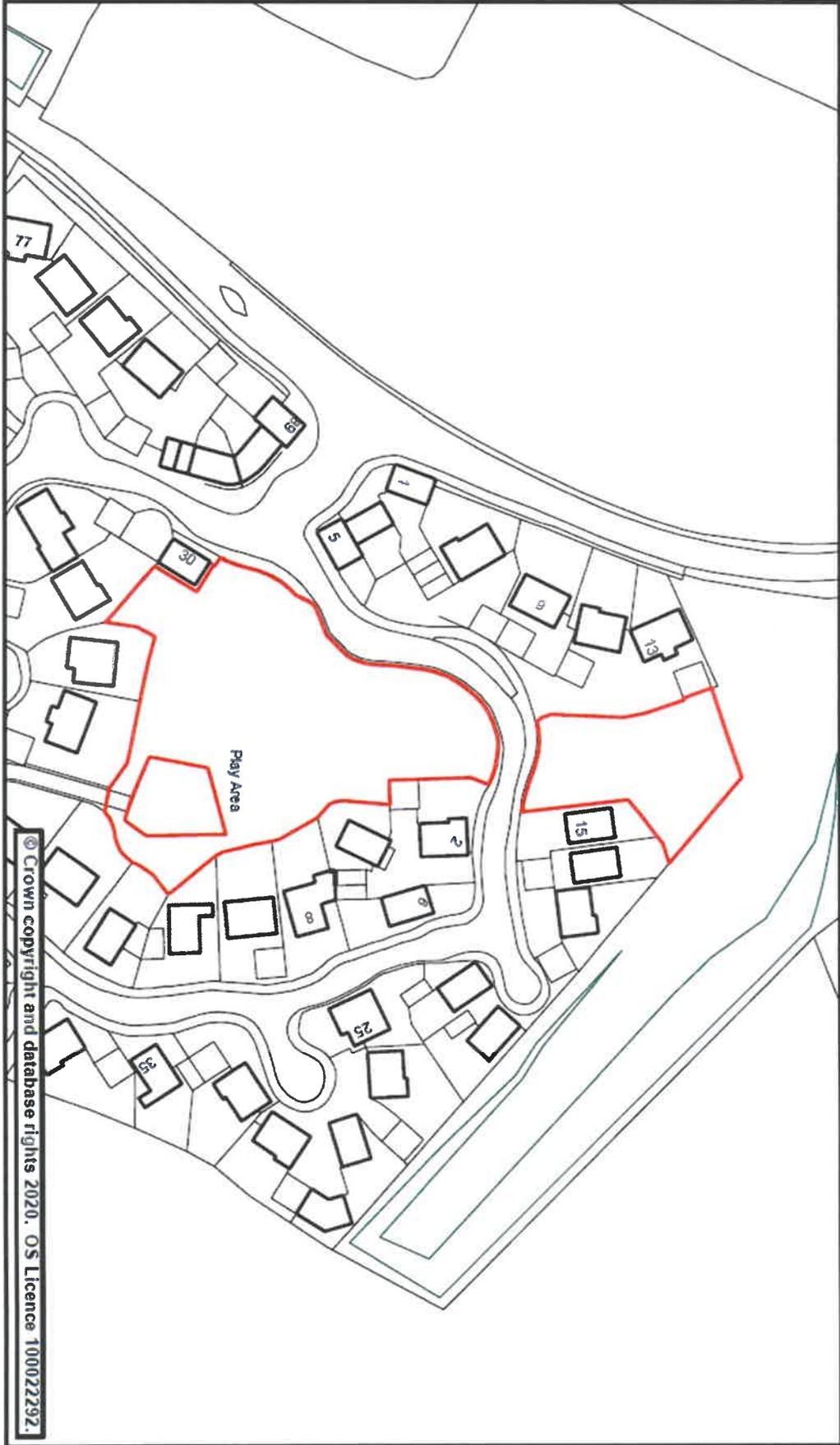
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Street Scene Plan 31

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

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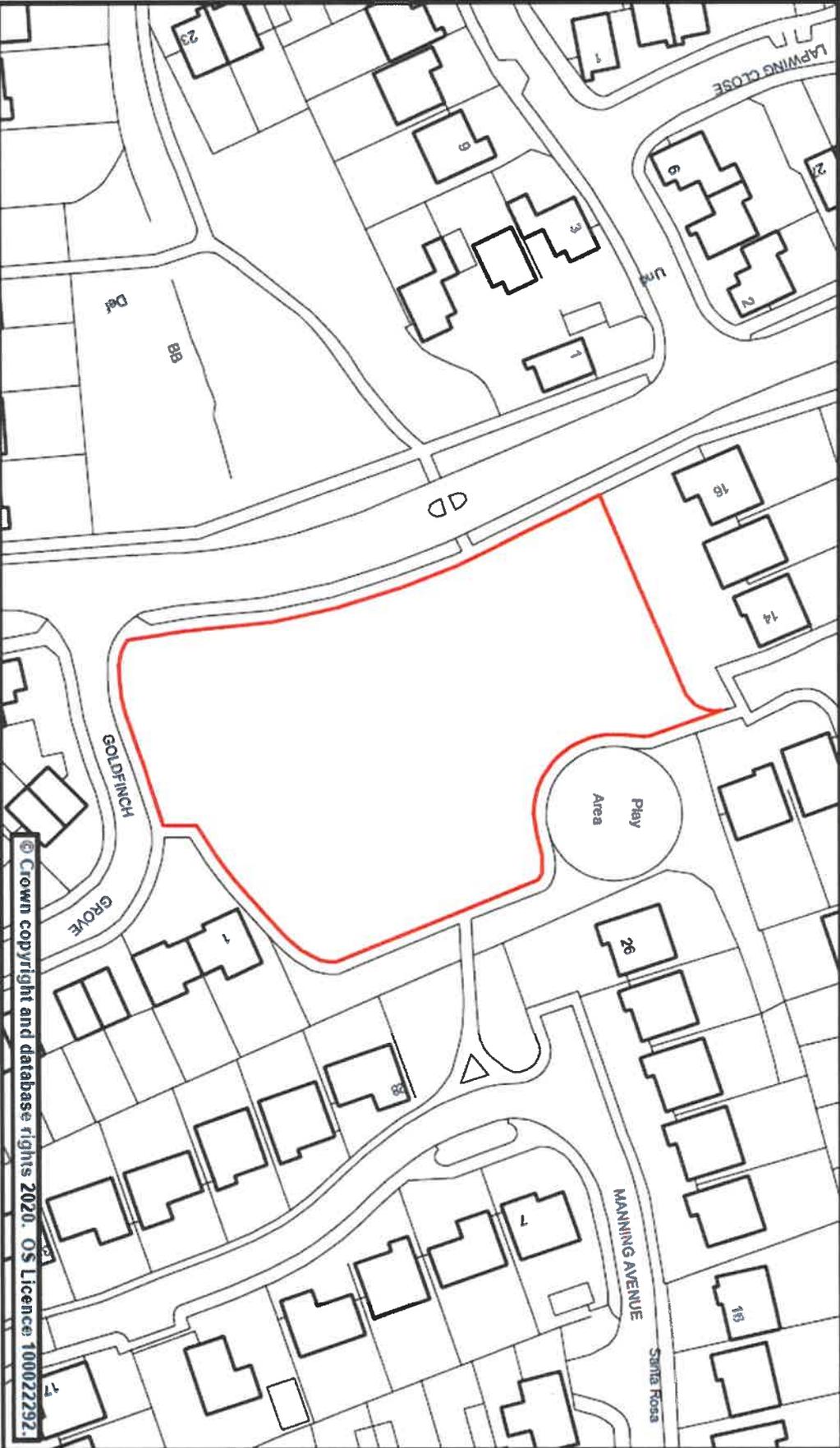
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Street Scene Plan 32

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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Website: www.middevon.gov.uk



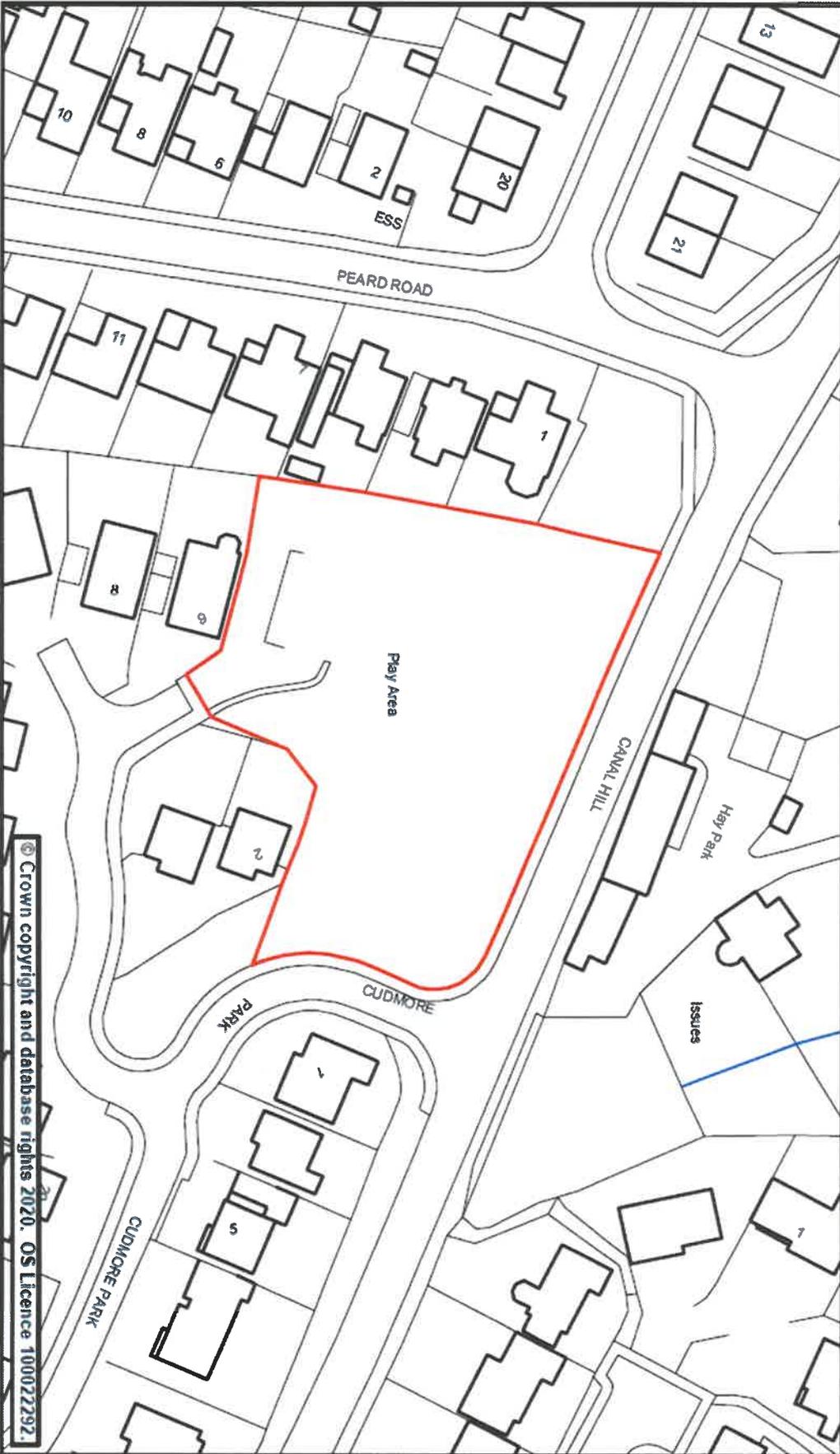


Street Scene

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.middledevon.gov.uk



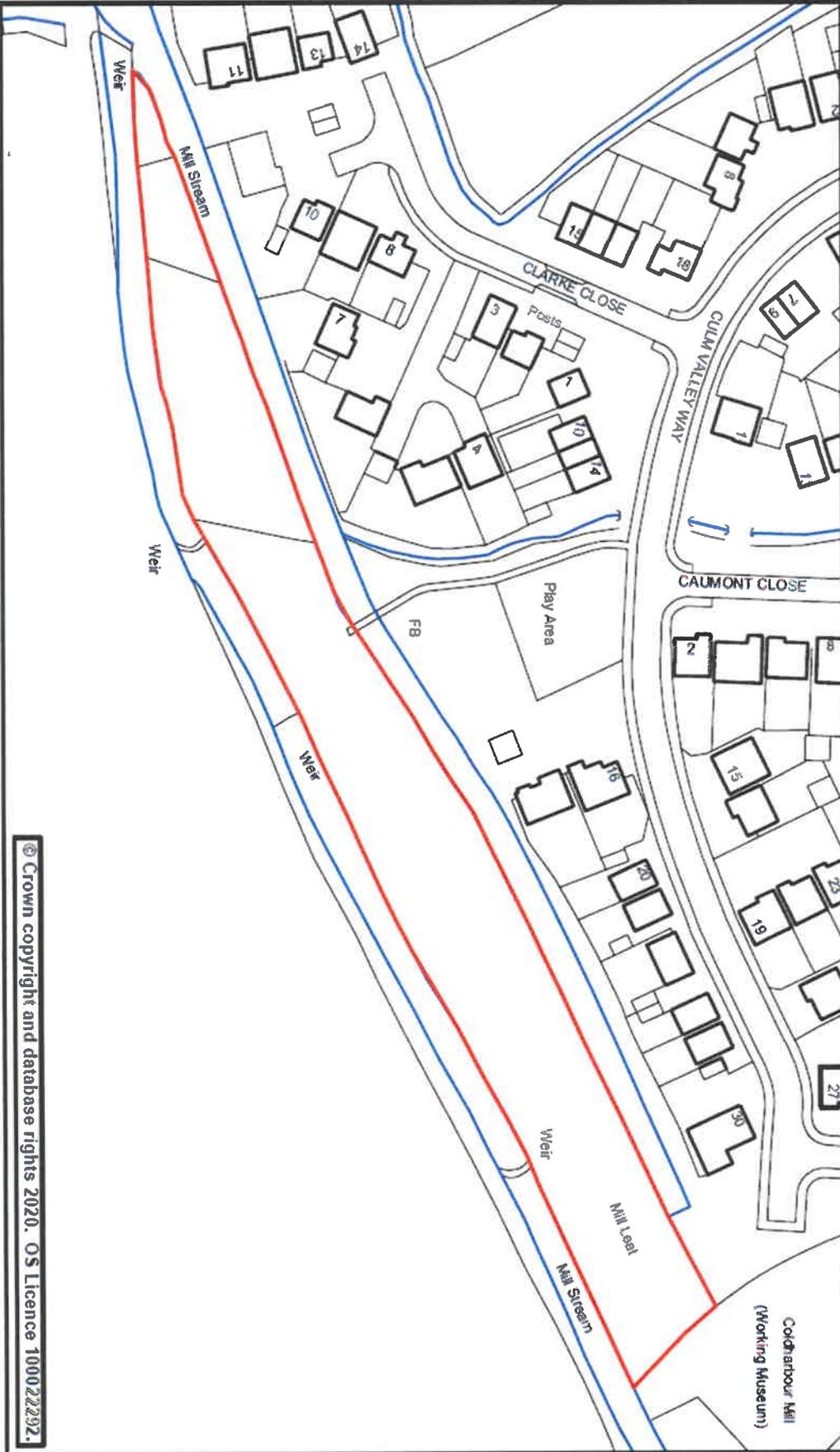
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Street Scene Plan 35

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

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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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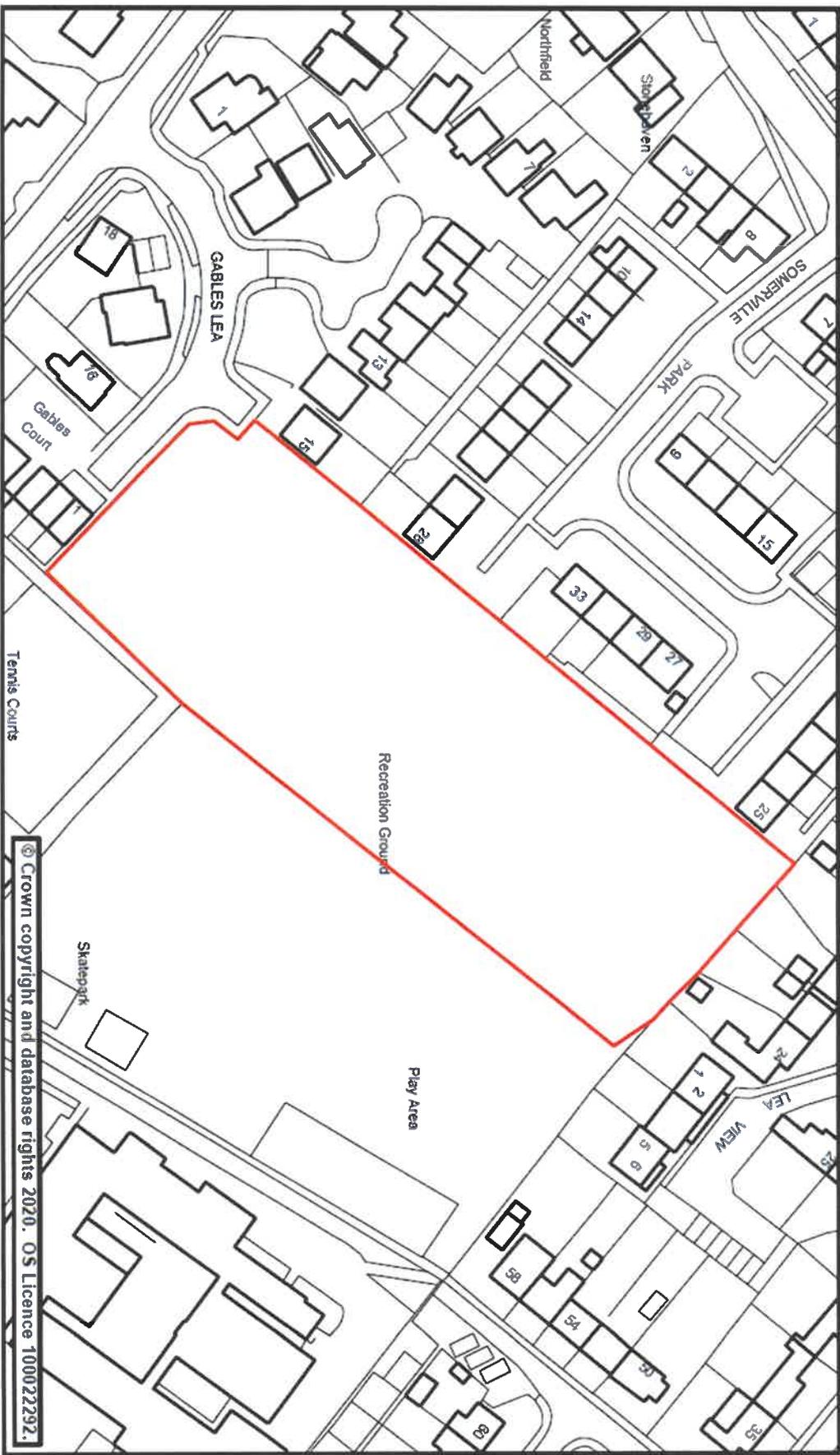
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Street Scene Plan 37

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

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



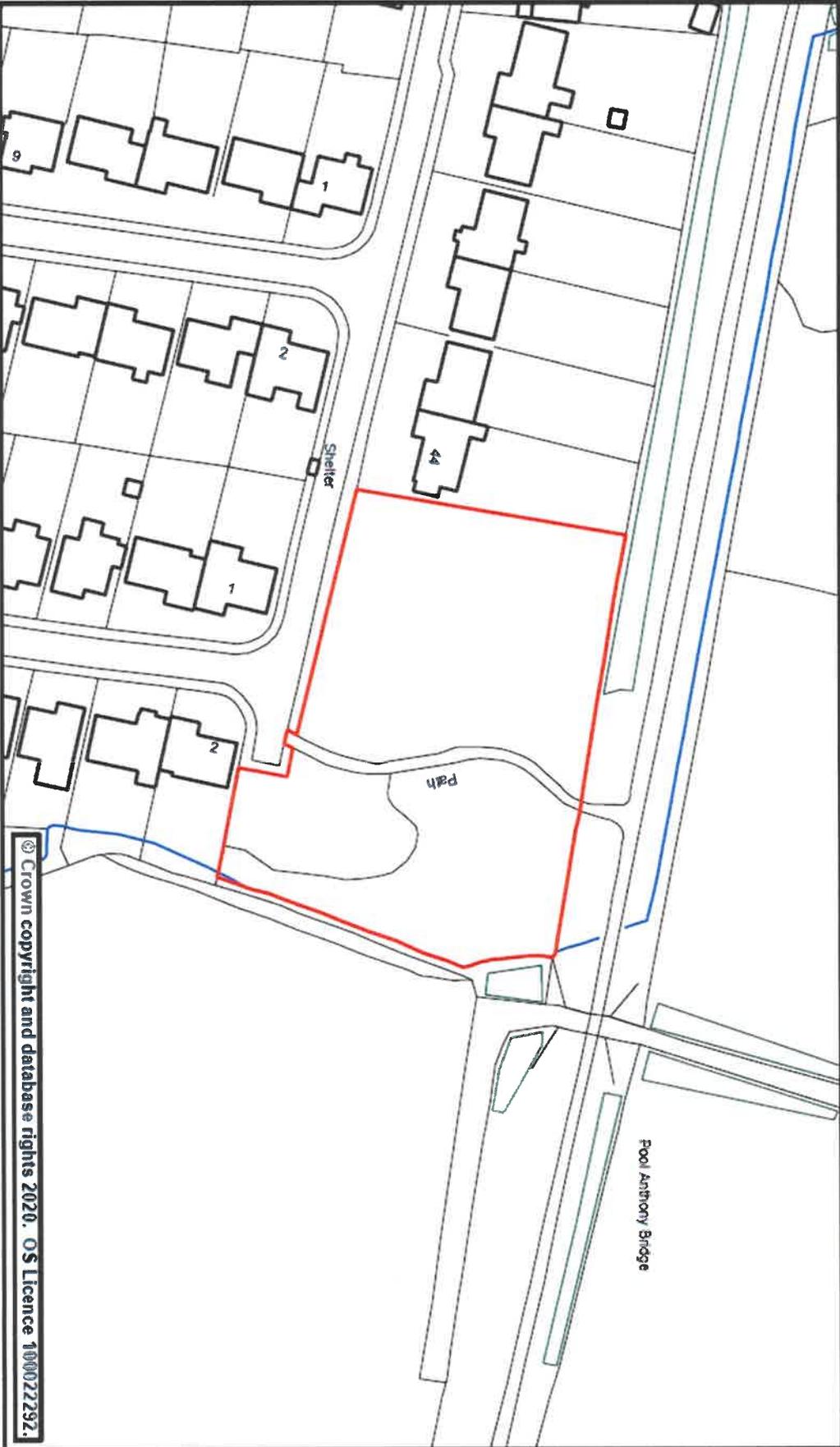
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Street Scene Plan 38

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



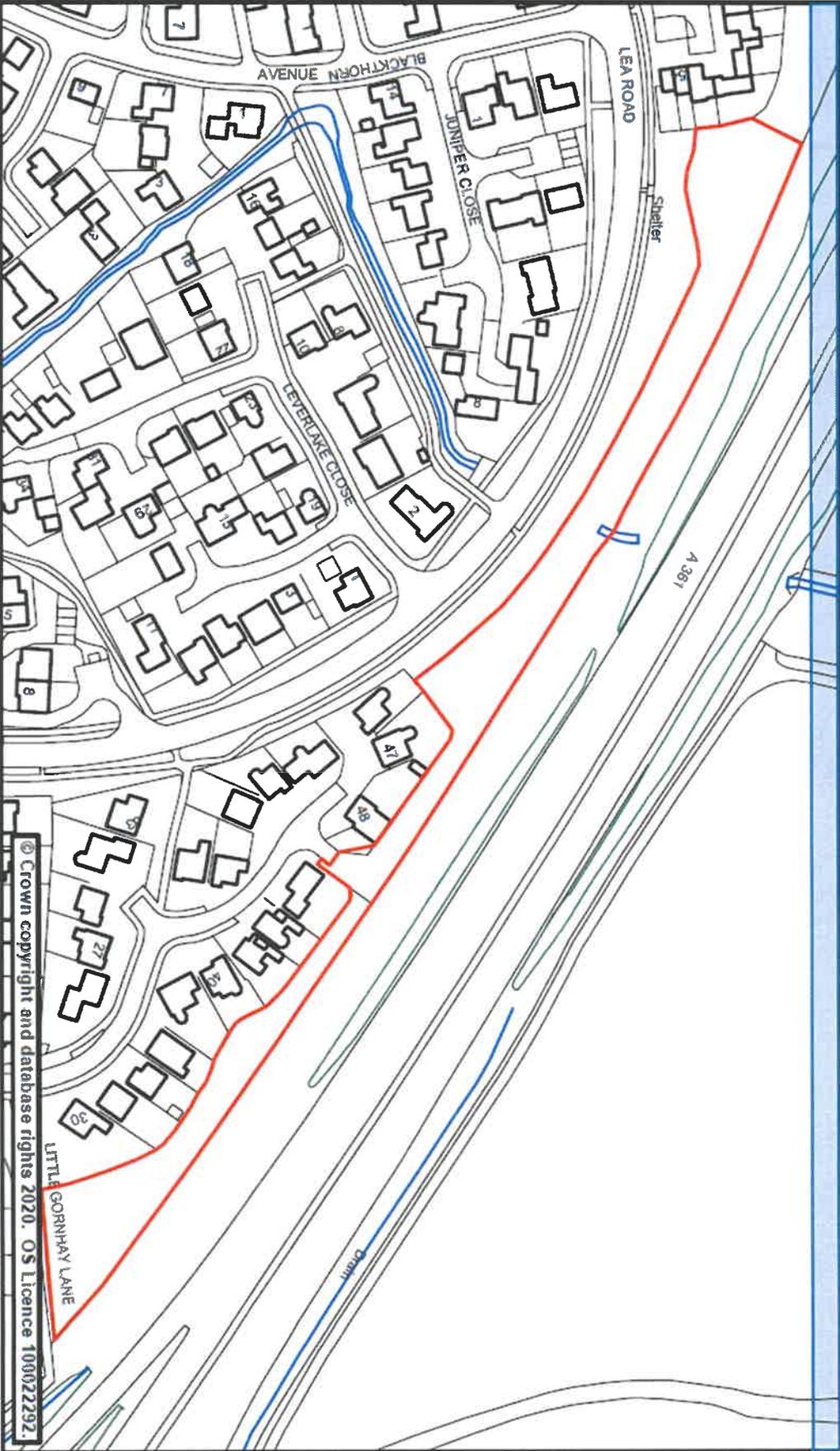
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Street Scene Plan 39

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

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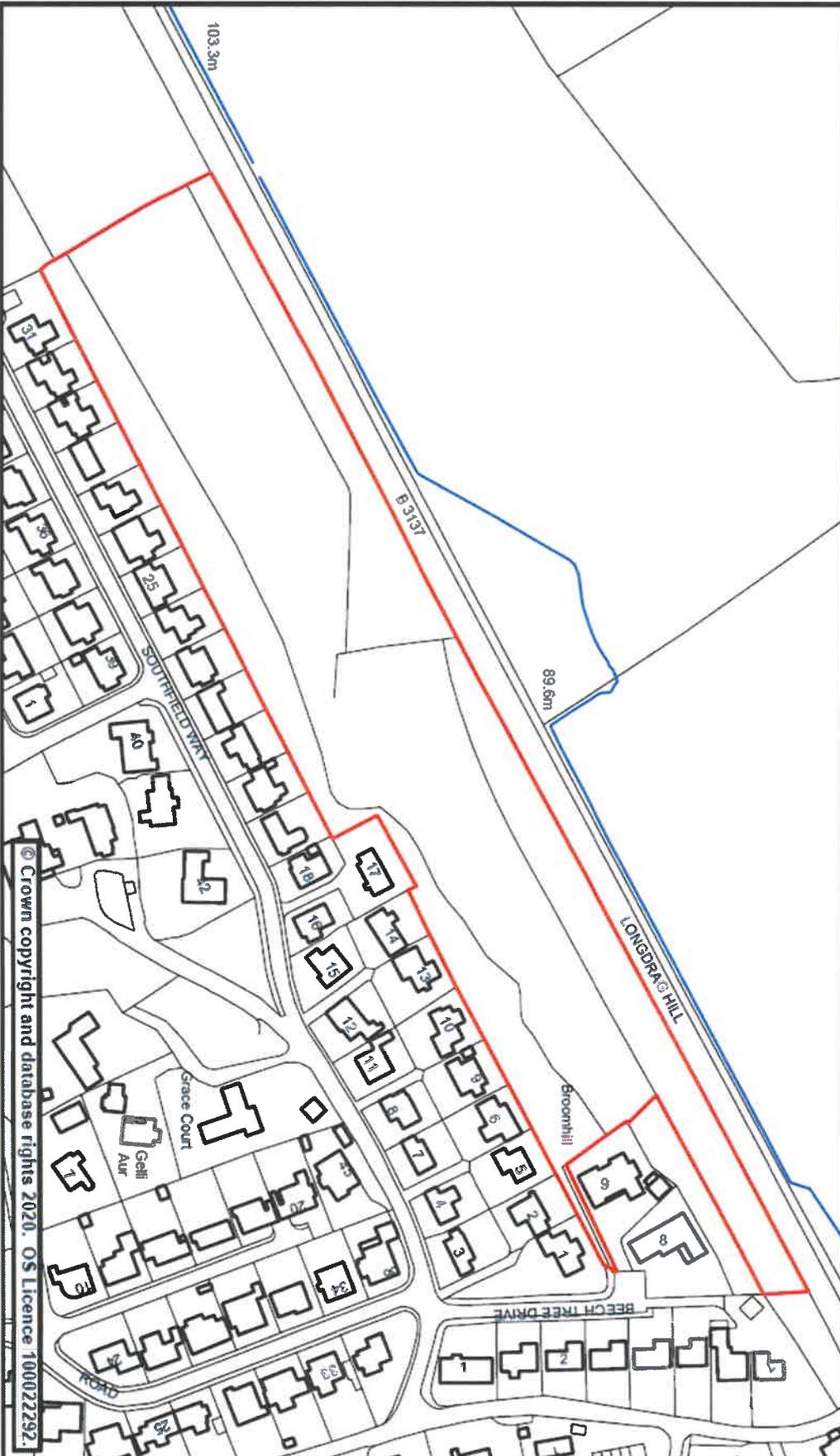
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Street Scene Plan 40

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

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Website: www.middevon.gov.uk



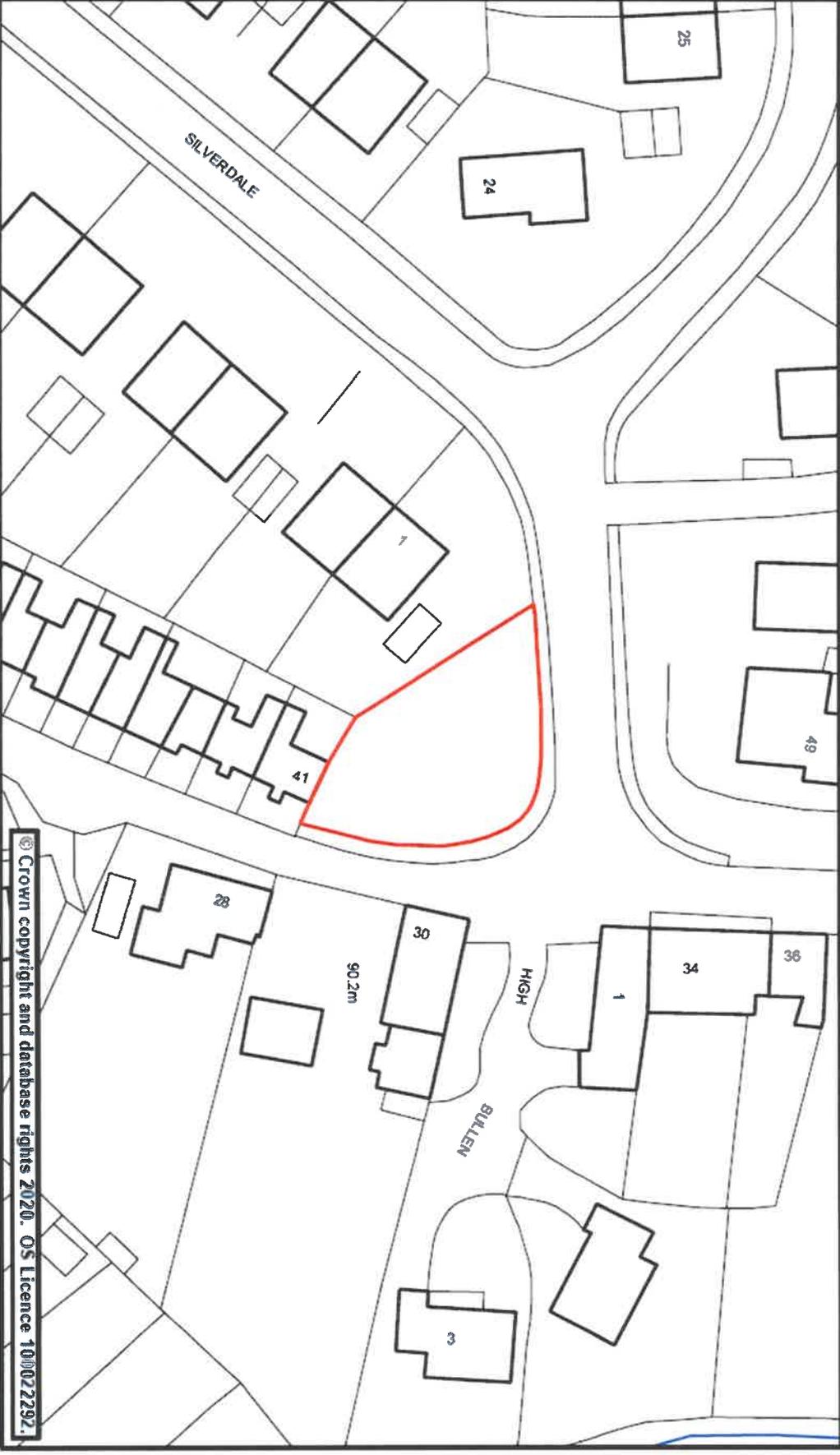
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Street Scene Plan 4-2

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

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



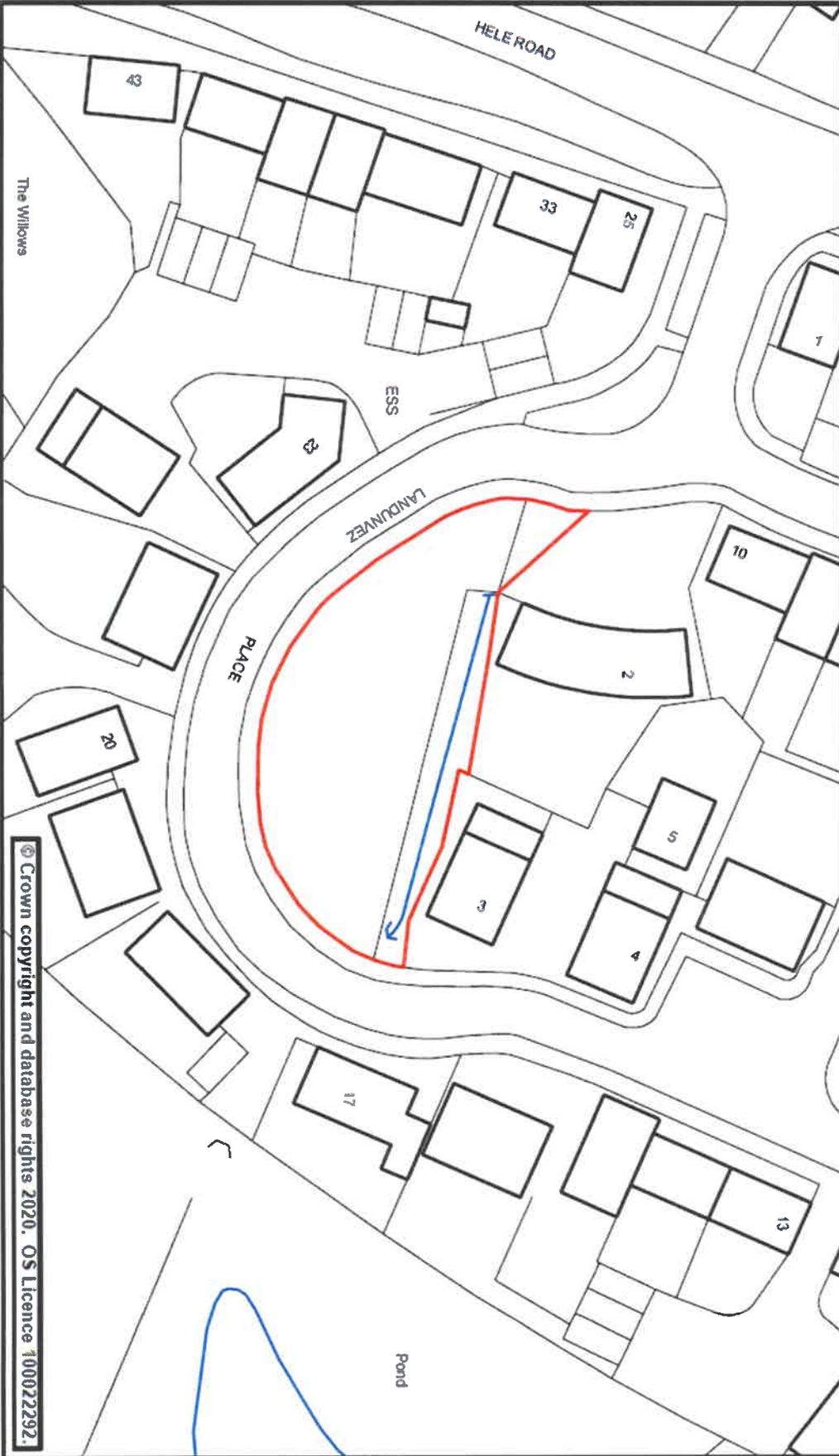
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Street Scene Plan 43

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

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Website: www.middevon.gov.uk



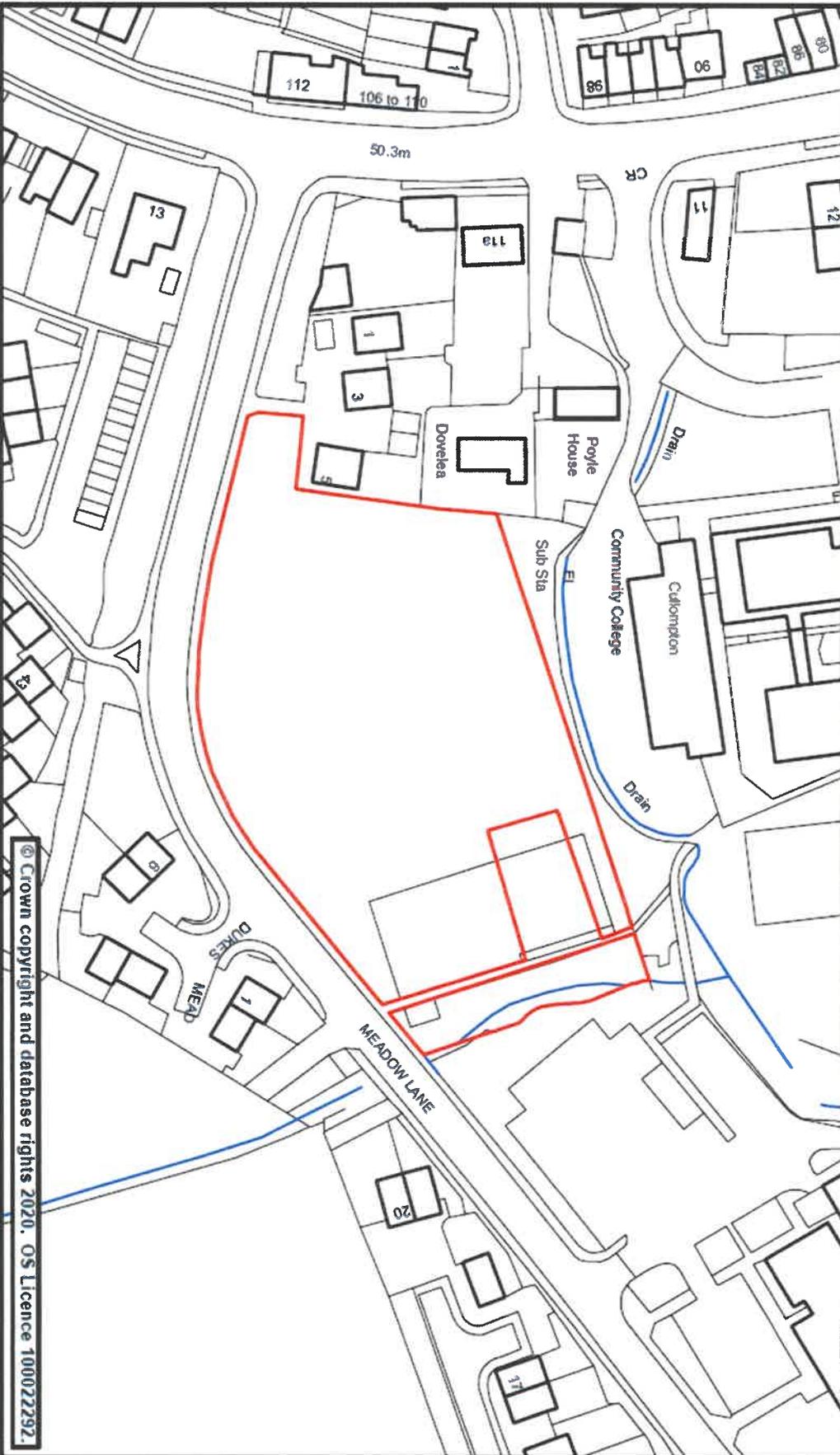
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Street Scene Plan 44

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



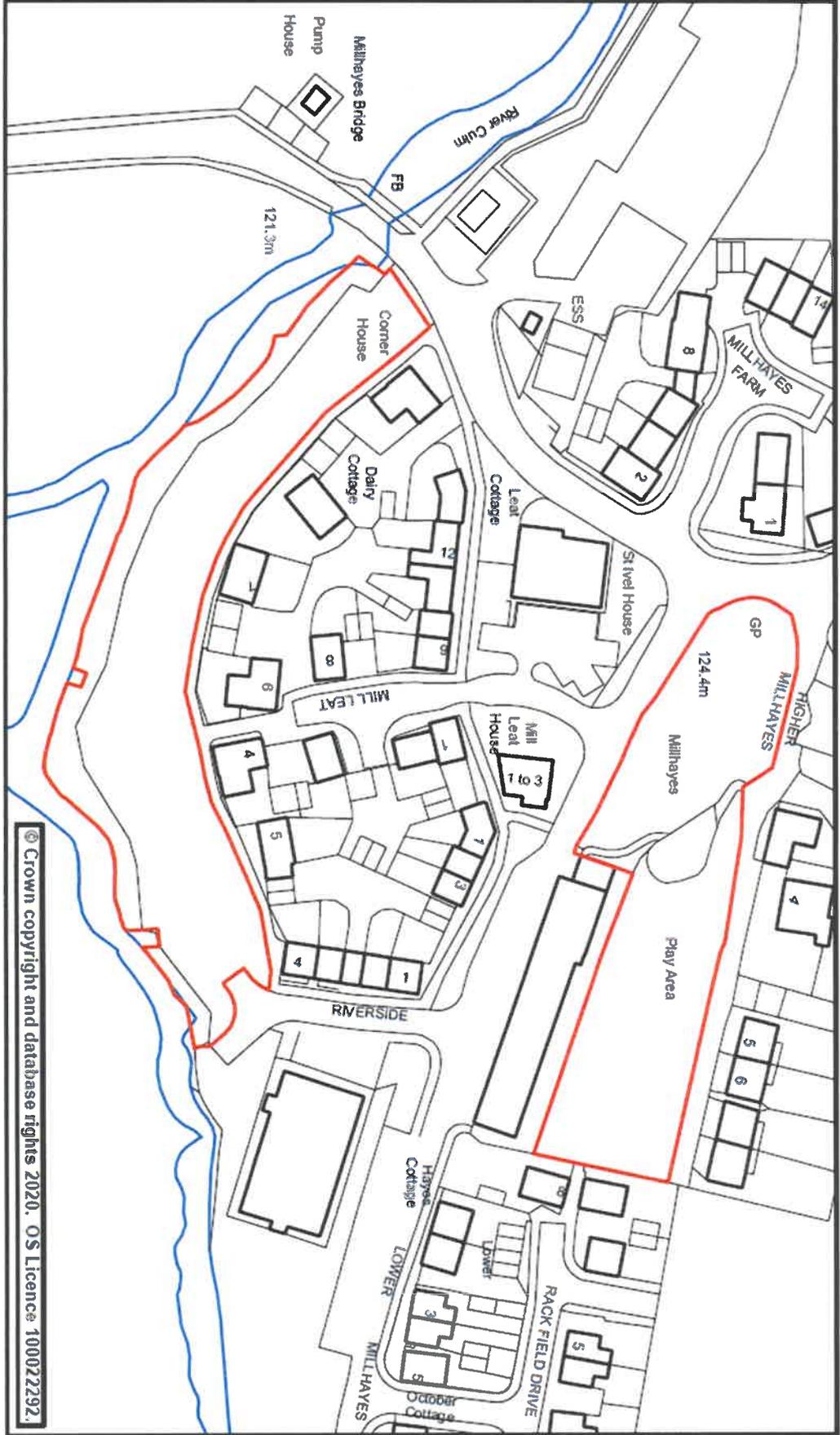
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Street Scene Plan 45

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

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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



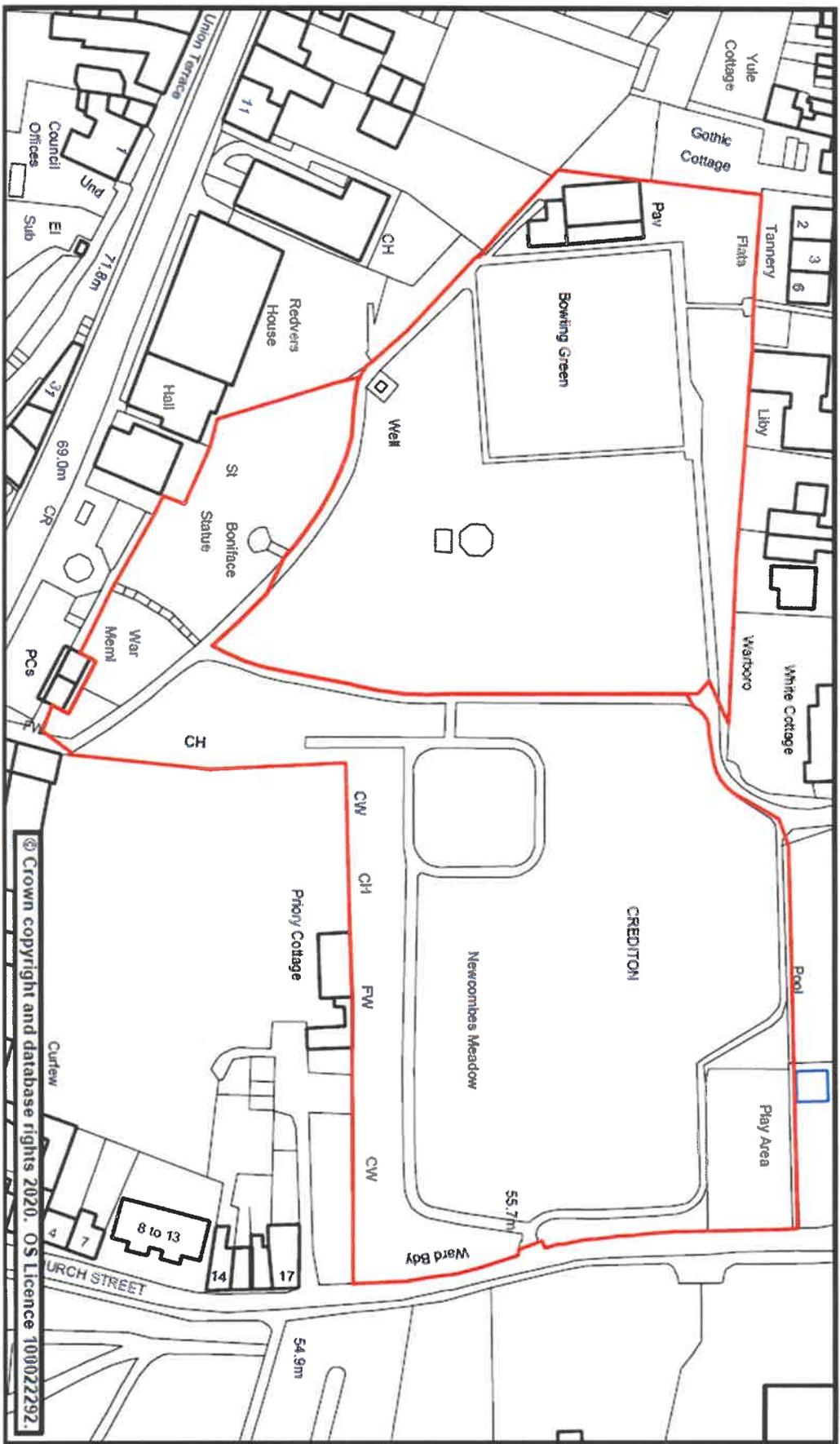
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Street Scene Plan 4-7

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

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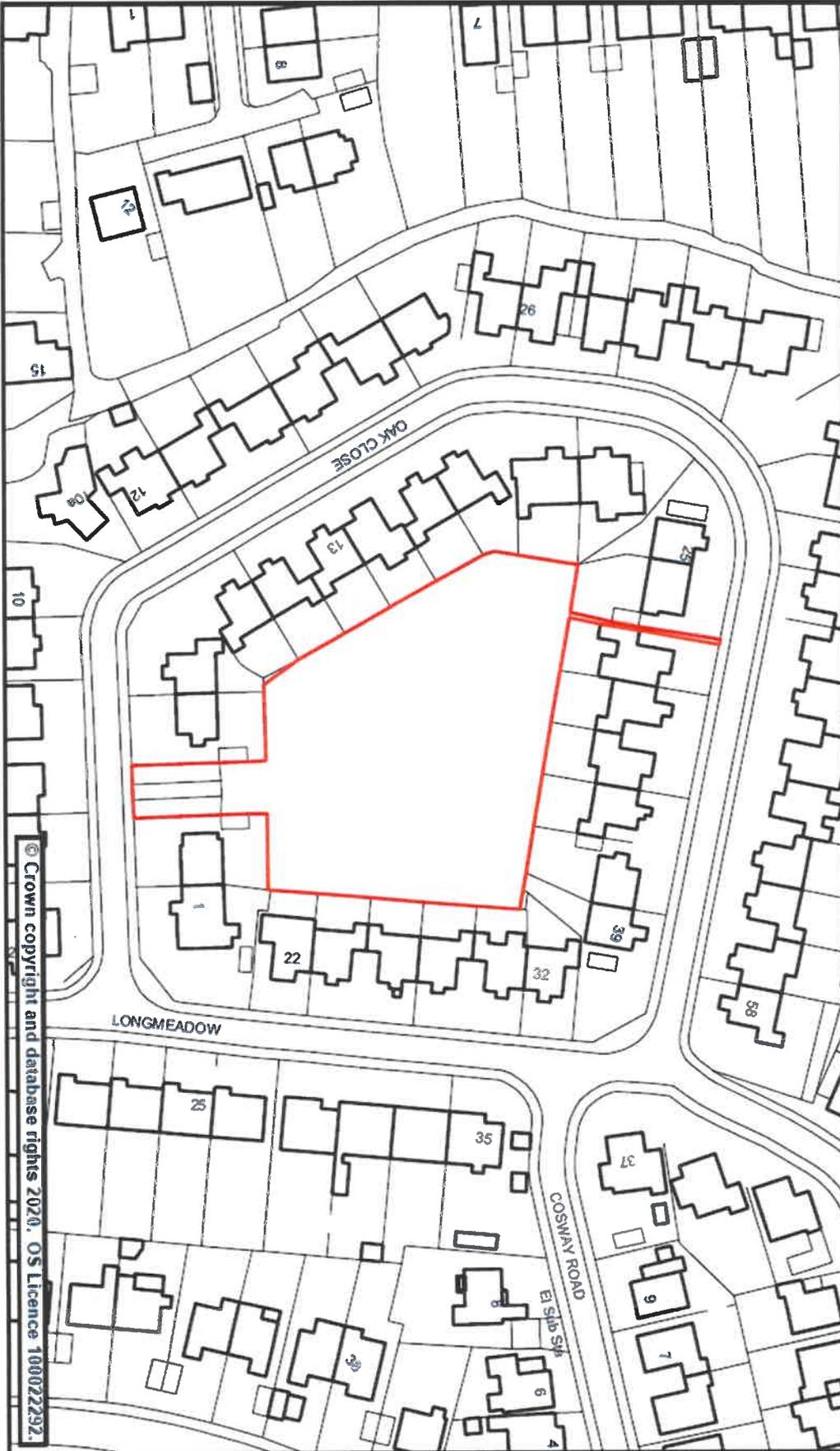


Street Scene Plan 4&8

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

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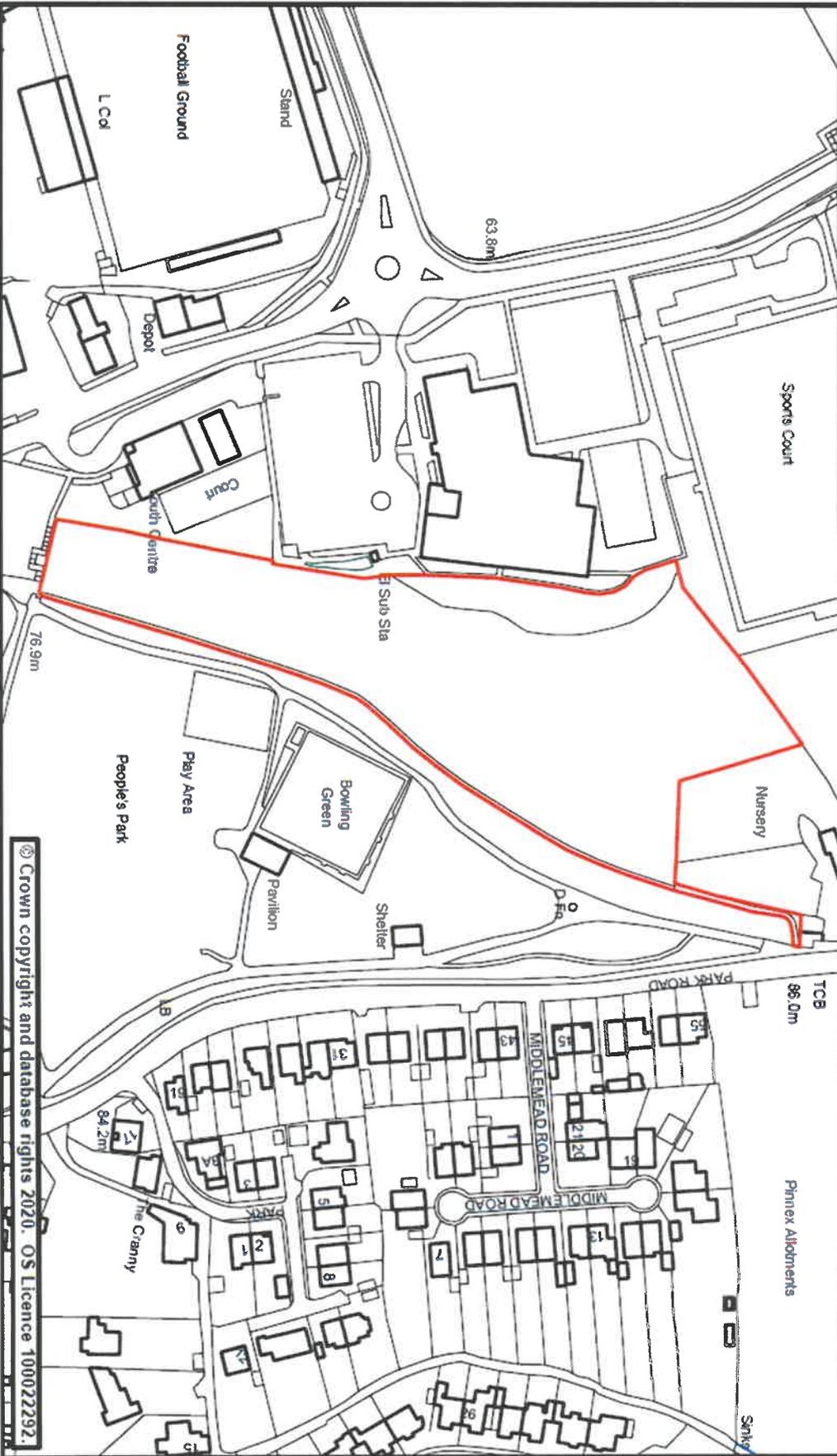
Street Scene

Plan 49

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

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Website: www.middevon.gov.uk

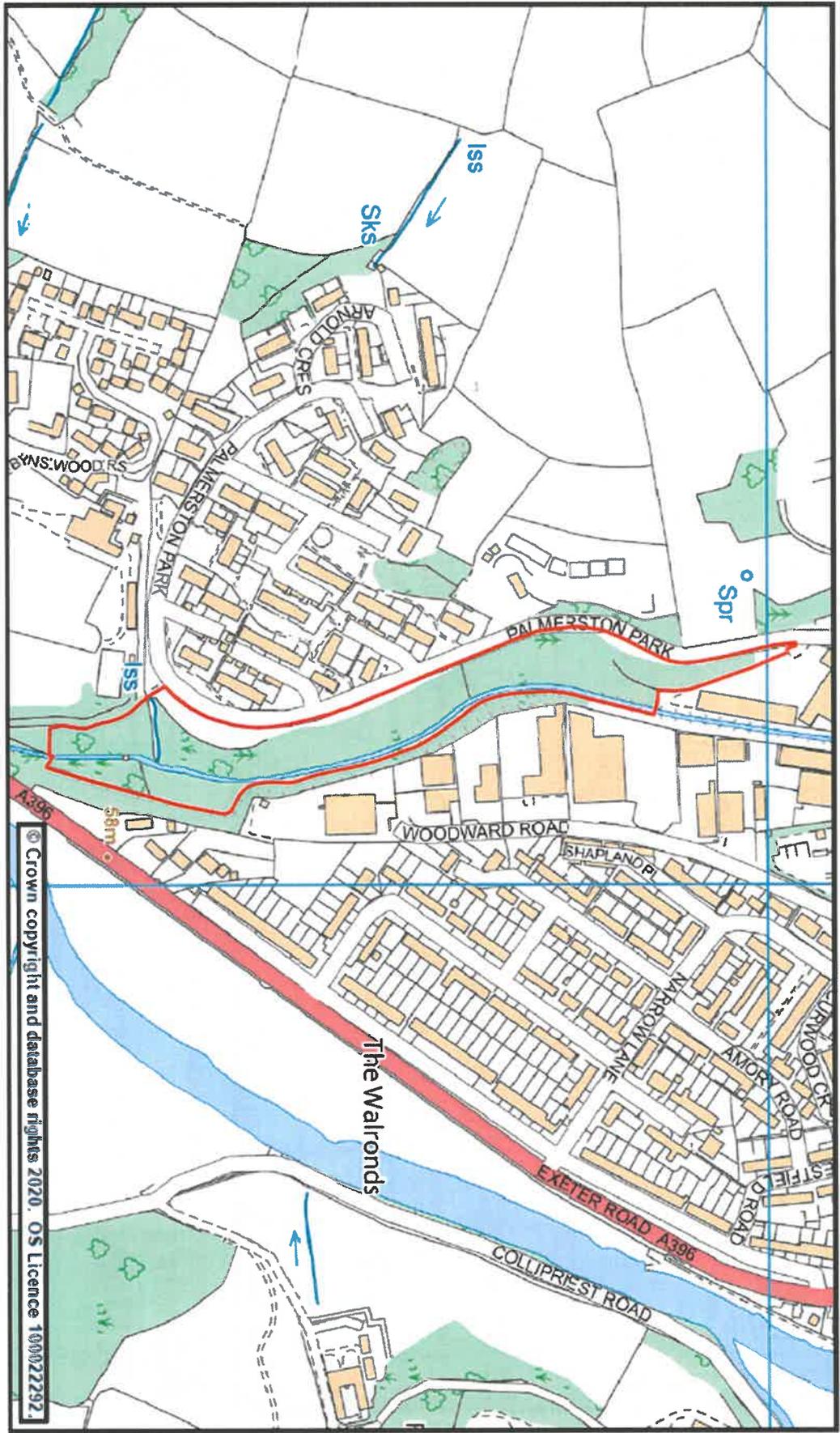




Street Scene Plan 50

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

Phoenix House
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Website: www.middevon.gov.uk



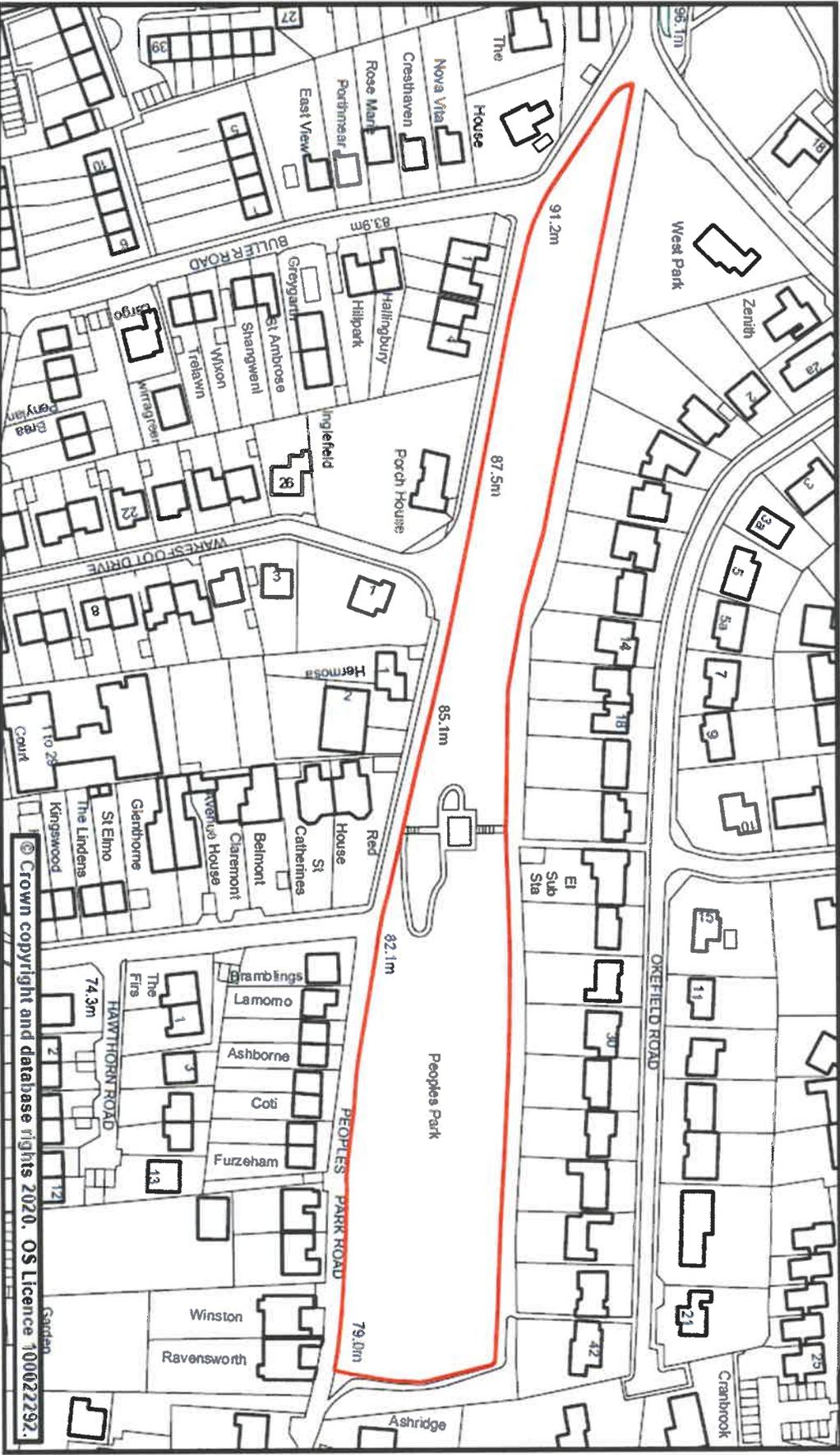
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Street Scene Plan 51

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 53

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

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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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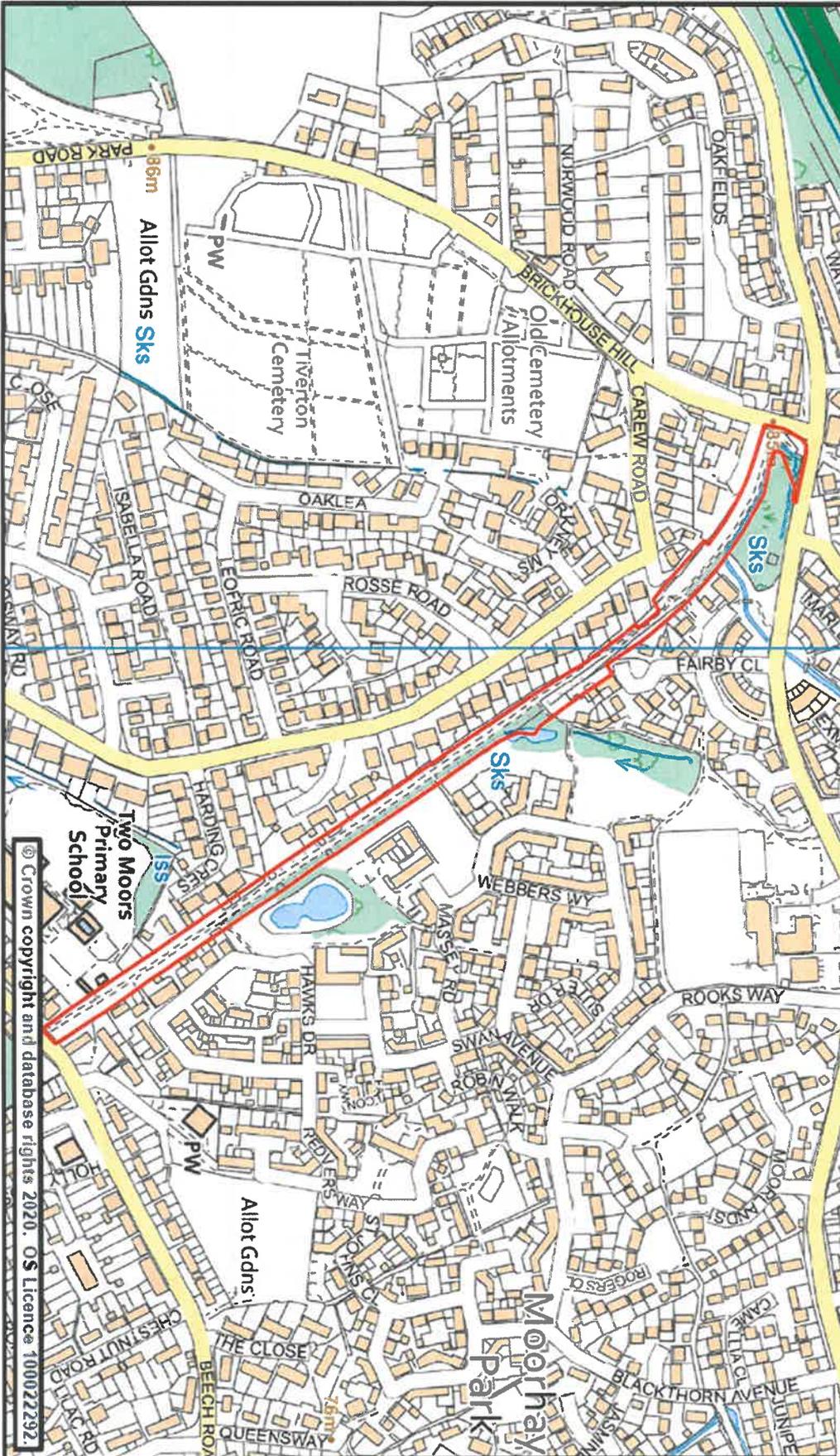
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Street Scene Plan 5.5

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

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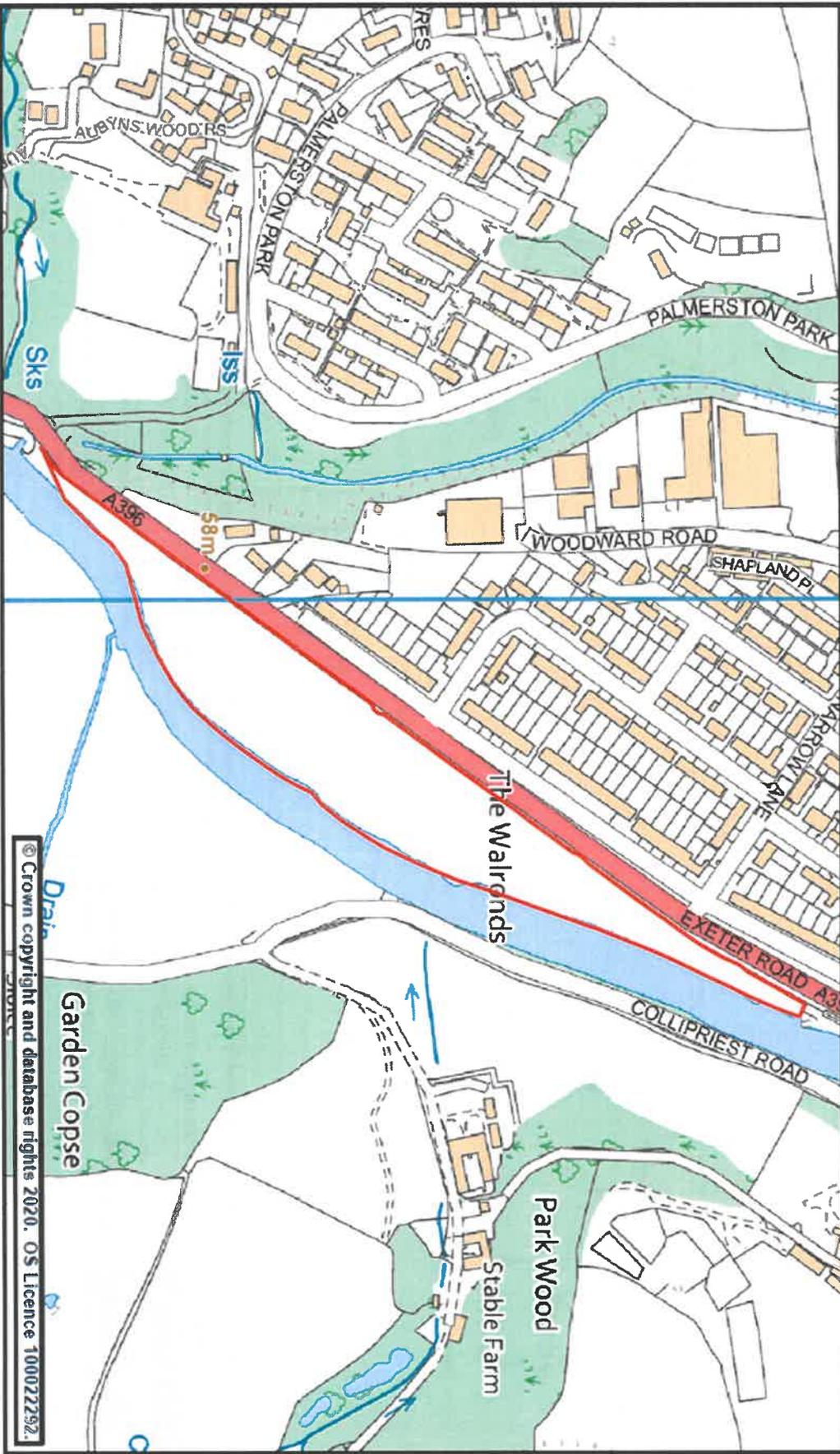
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Street Scene Plan 56

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

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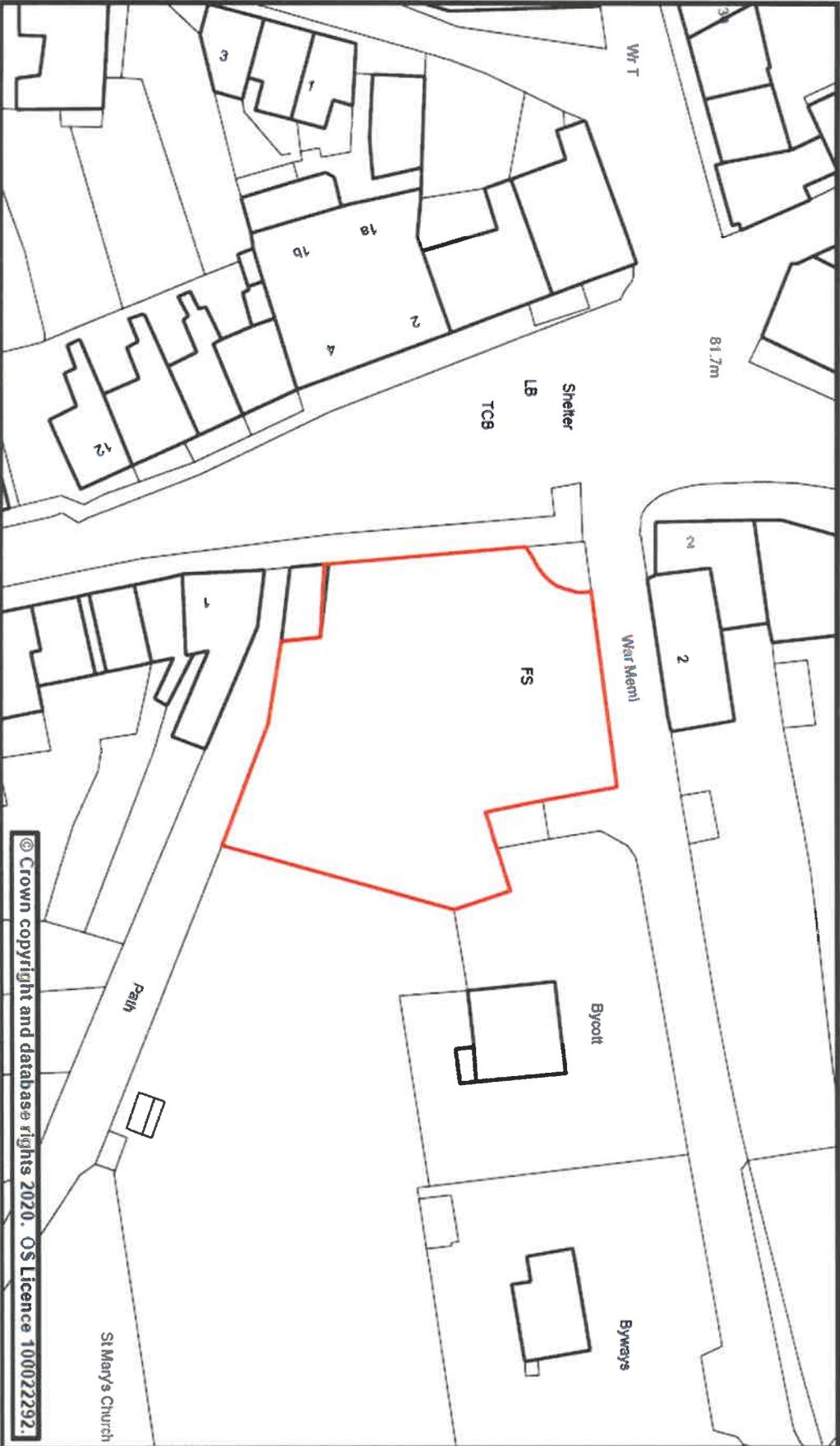




Street Scene Plan 57

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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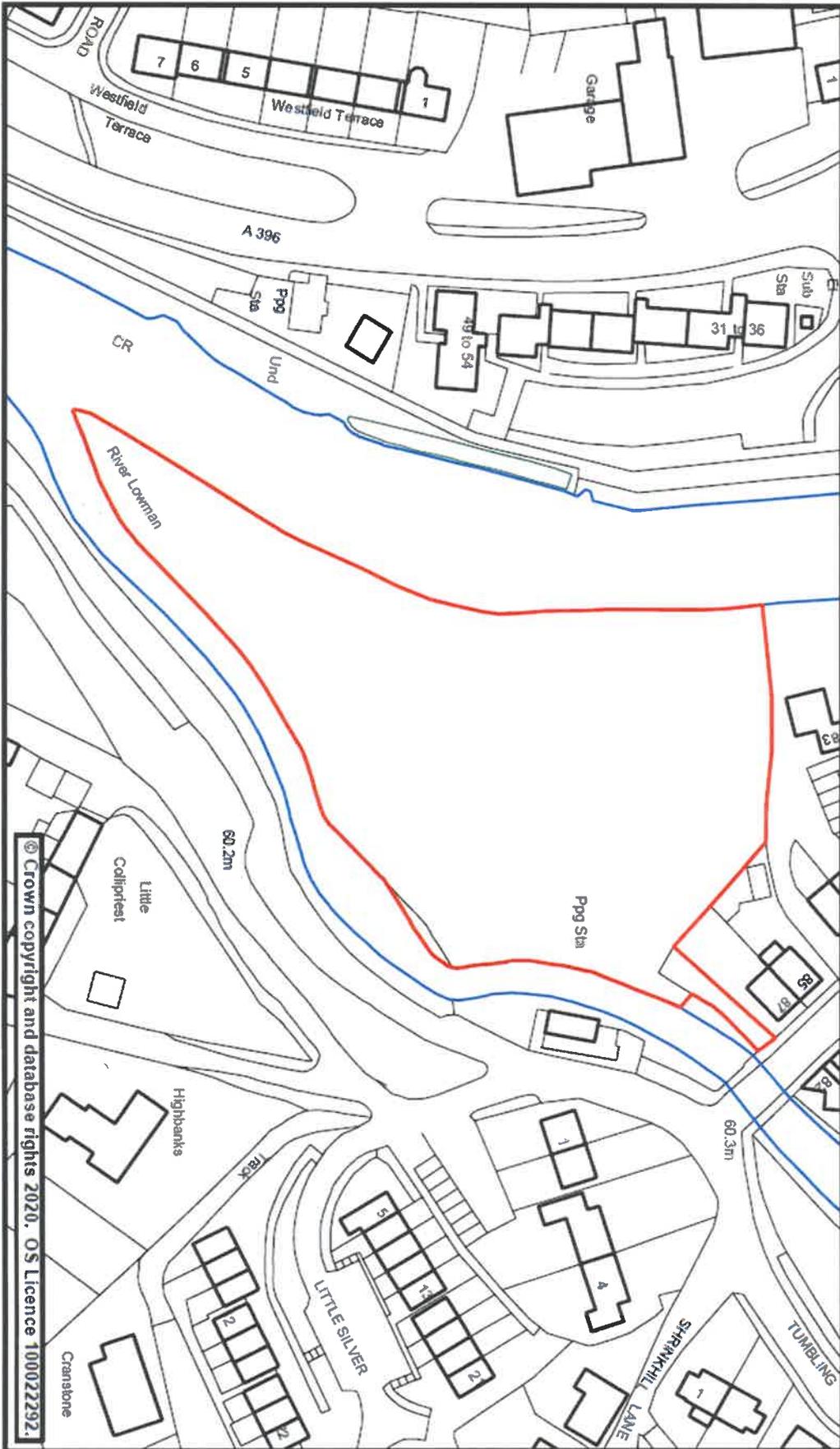




Street Scene Plan 59

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

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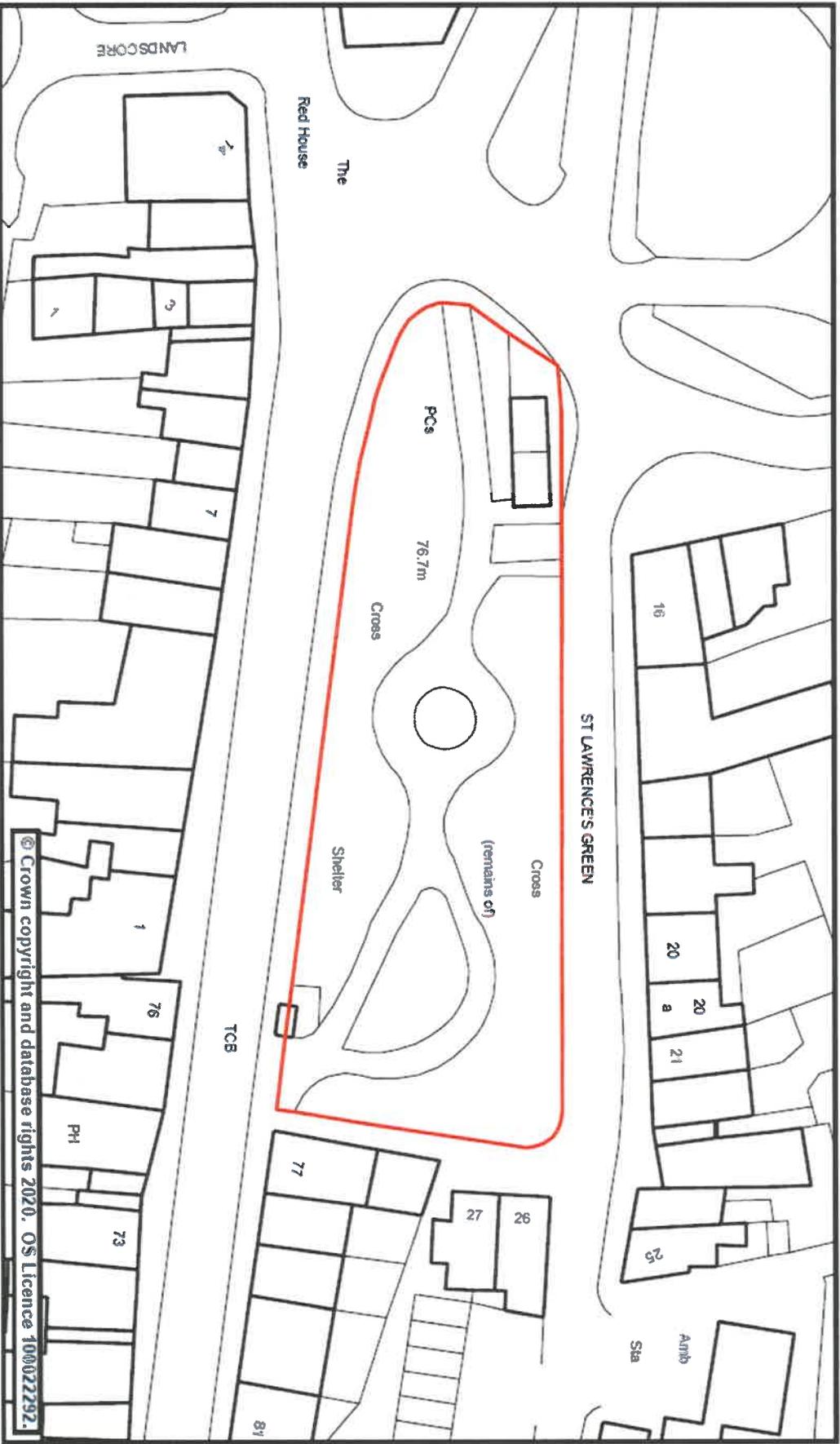




Street Scene Plan 60

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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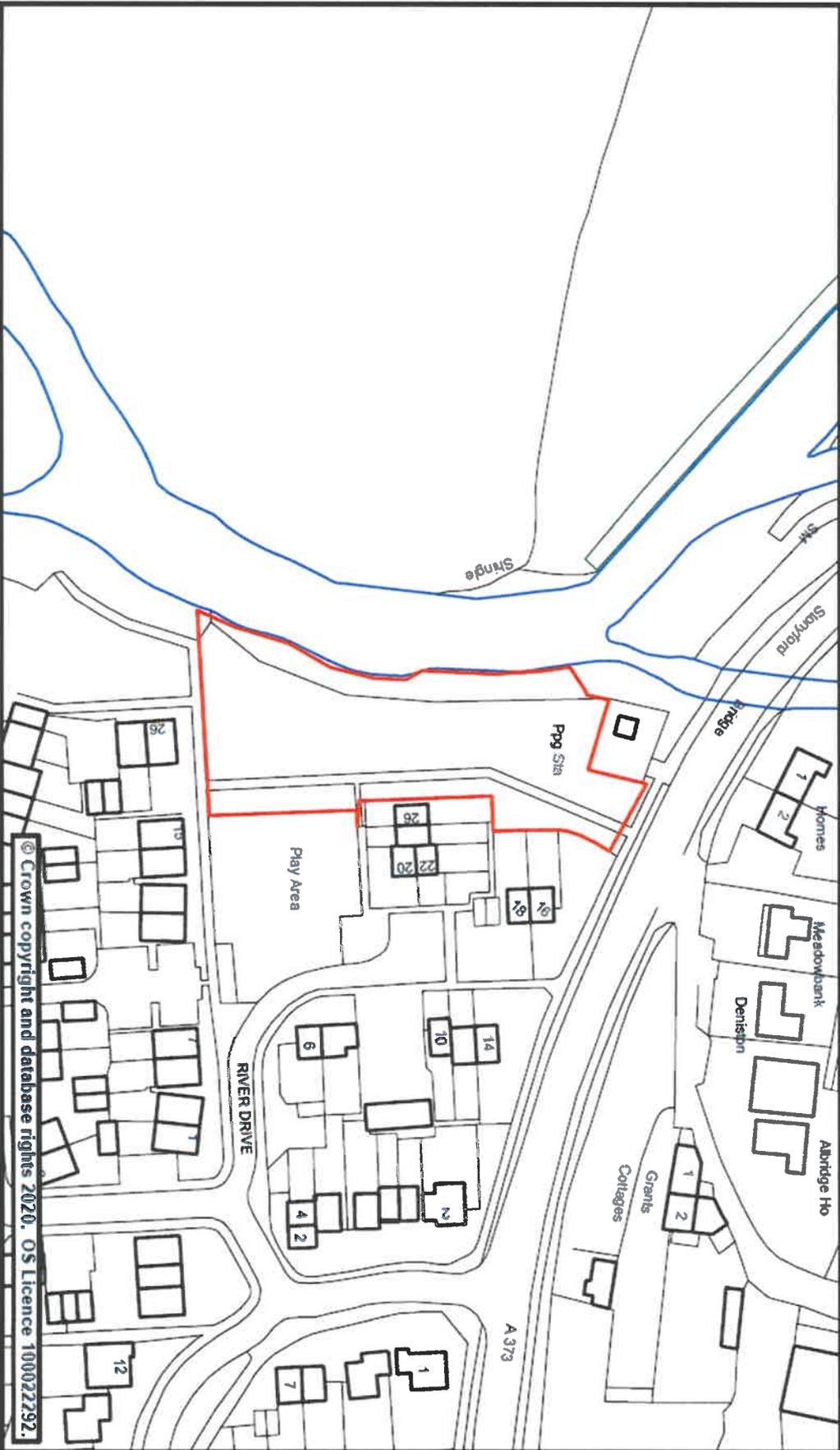
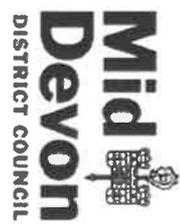
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Street Scene Plan 62

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

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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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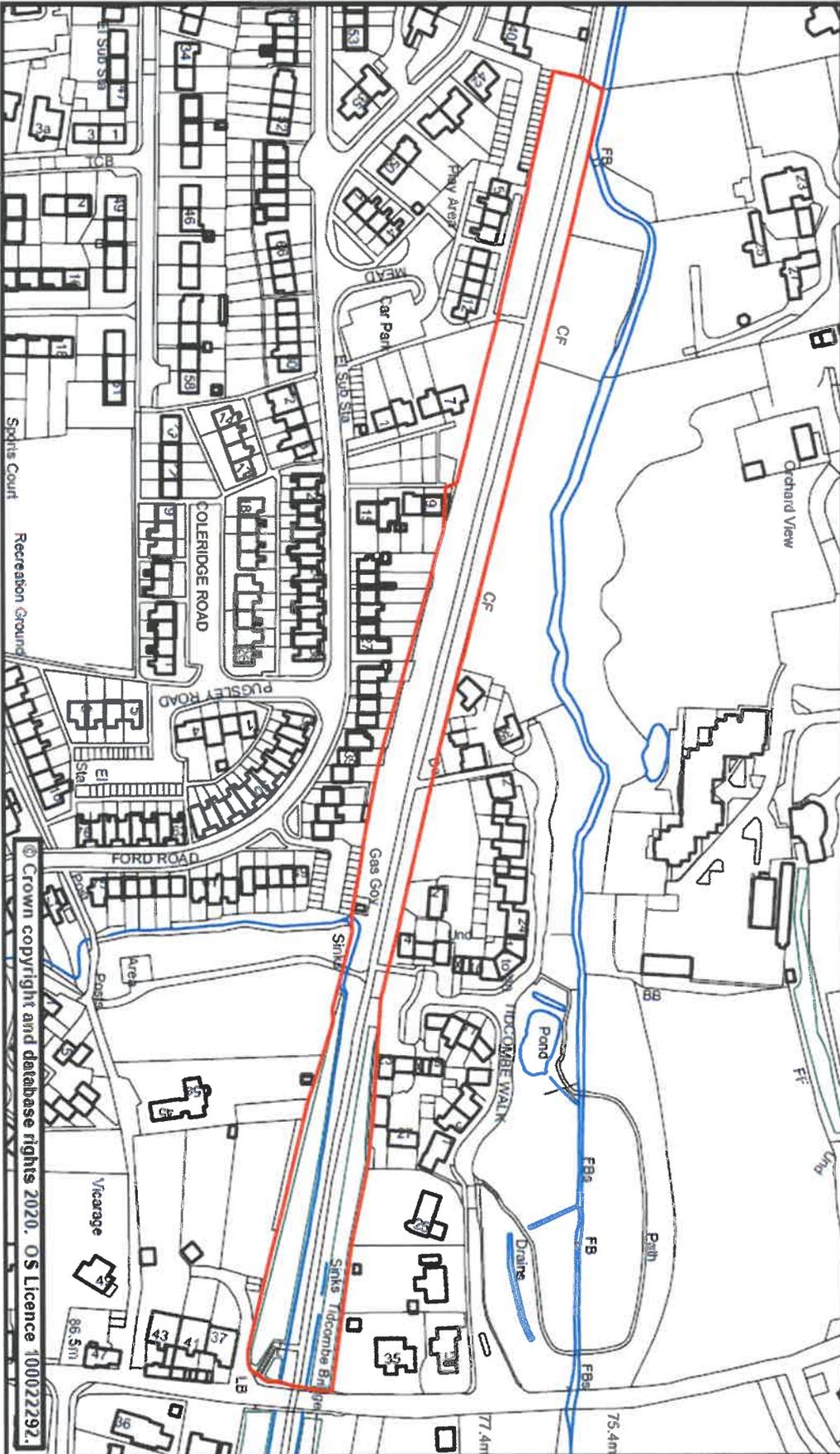
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Street Scene Plan 65

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

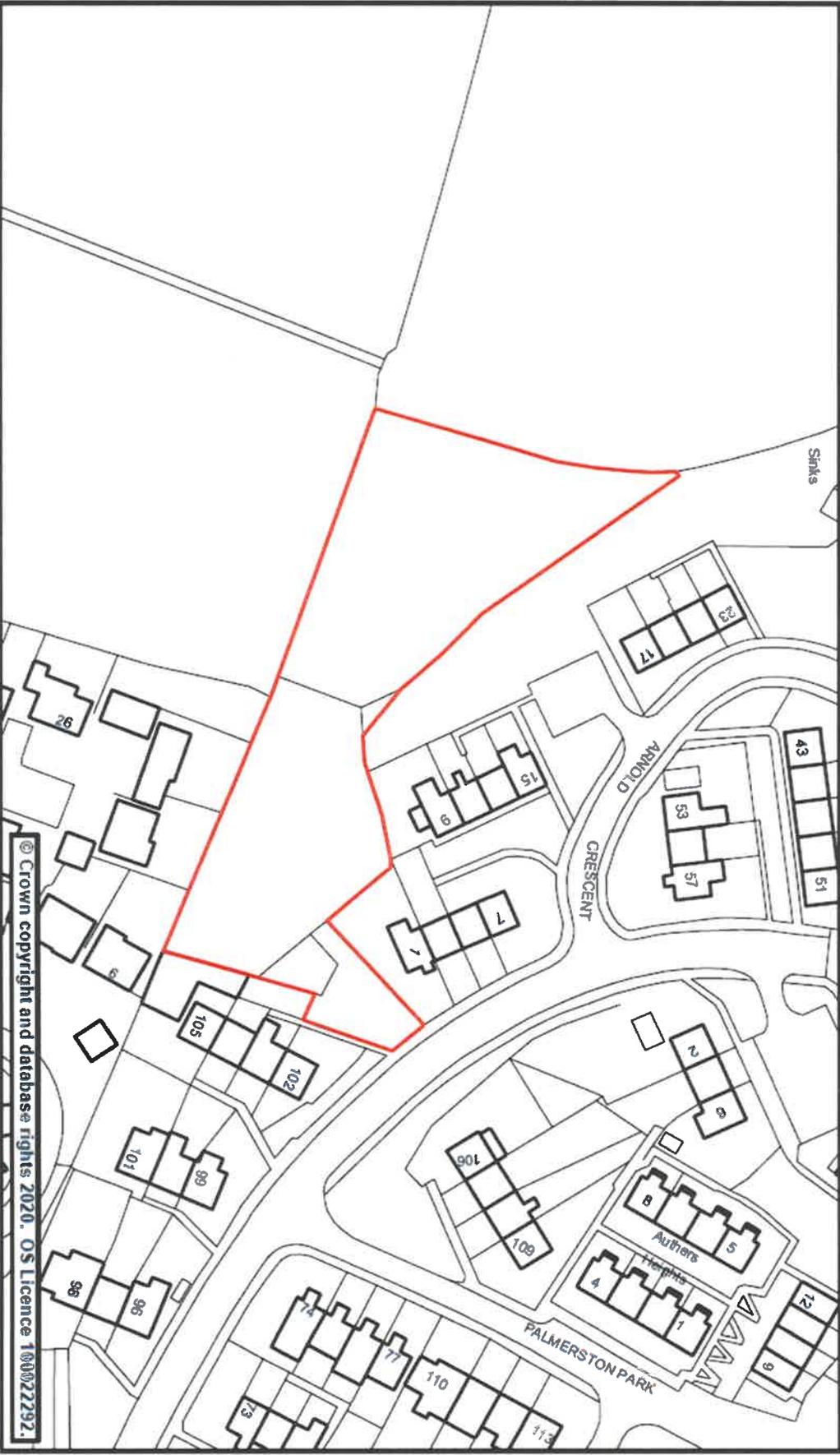




Street Scene Plan 66

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

Phoenix House
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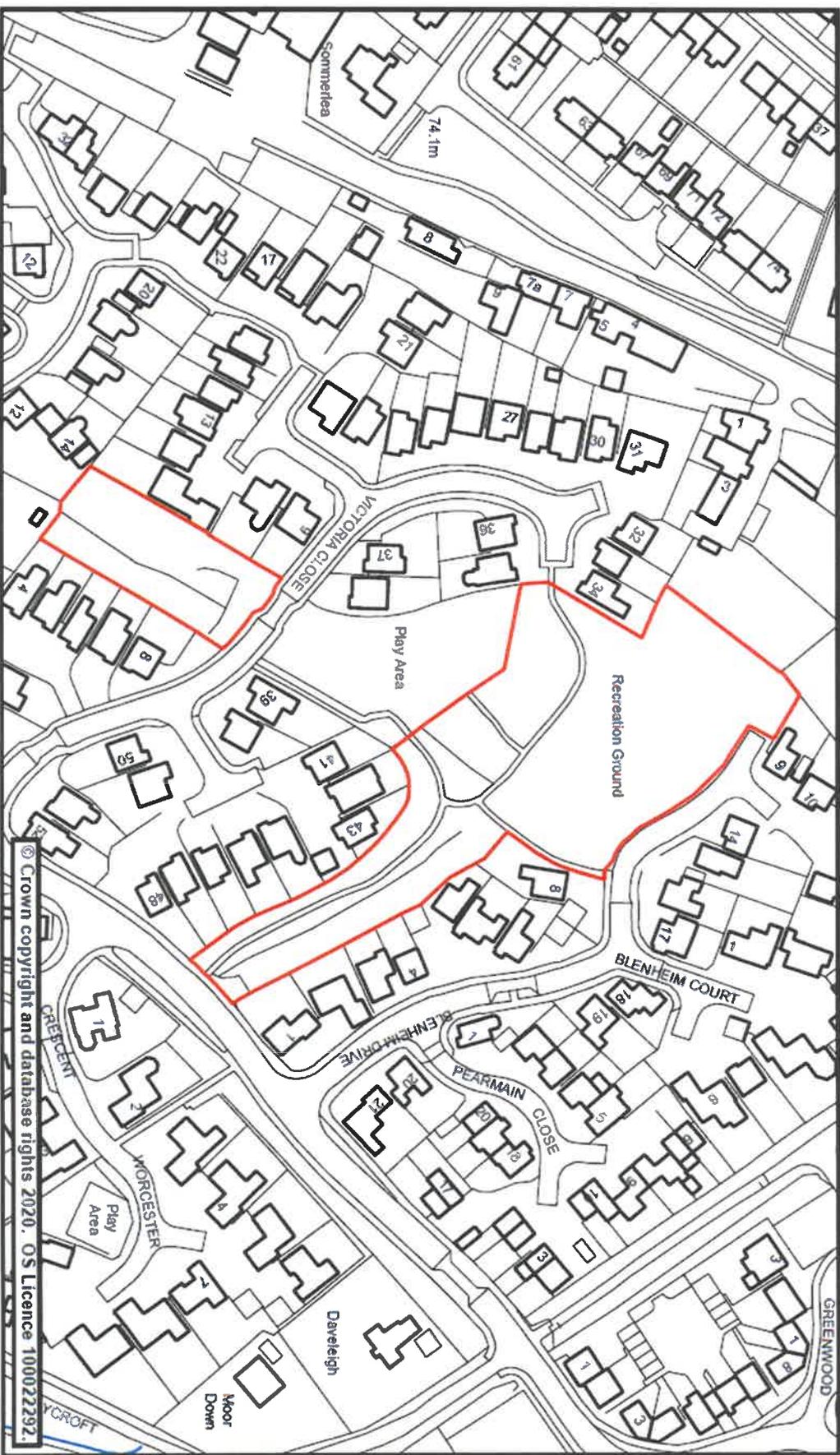
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Street Scene Plan 67

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

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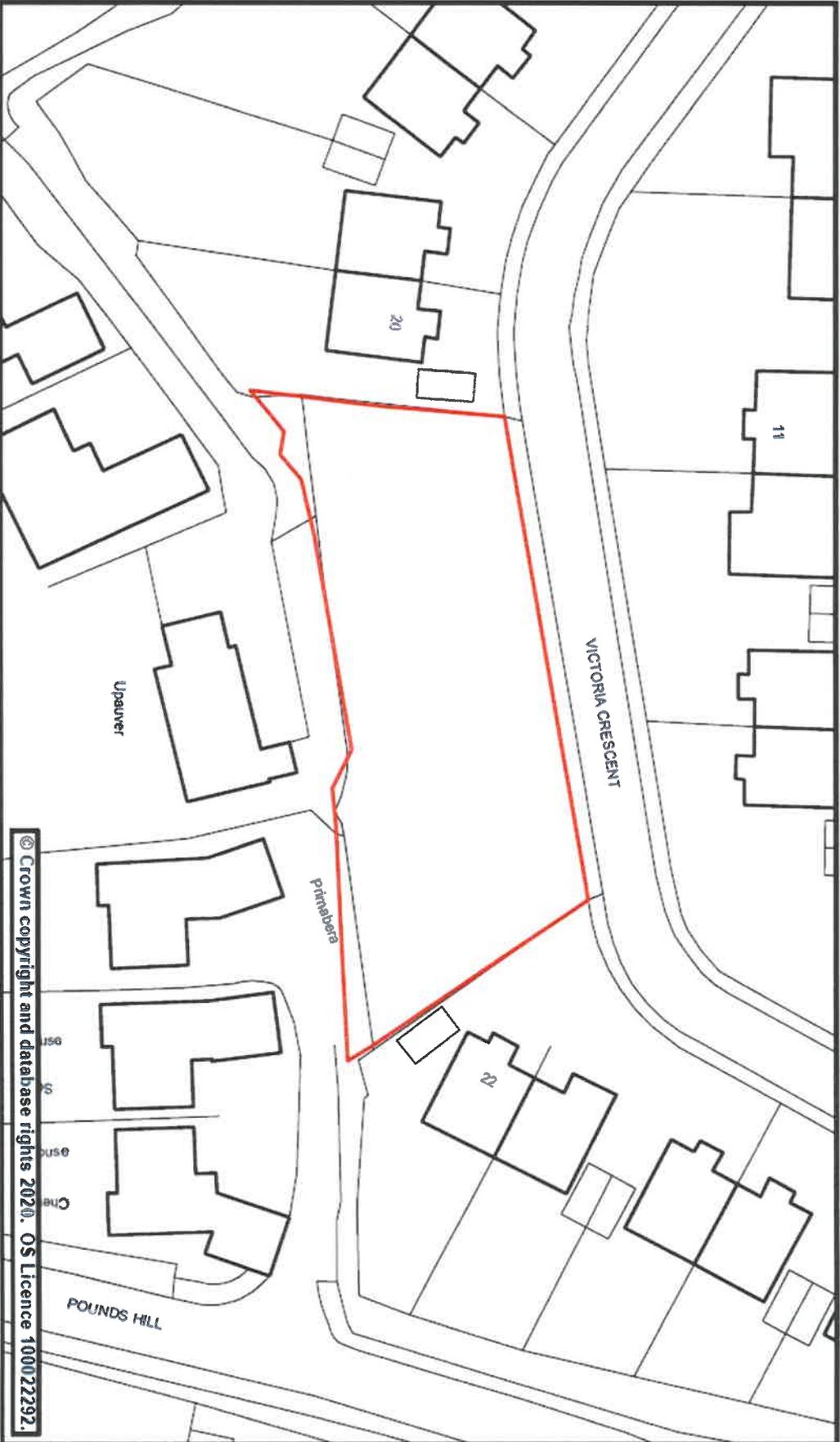




Street Scene Plan 68

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

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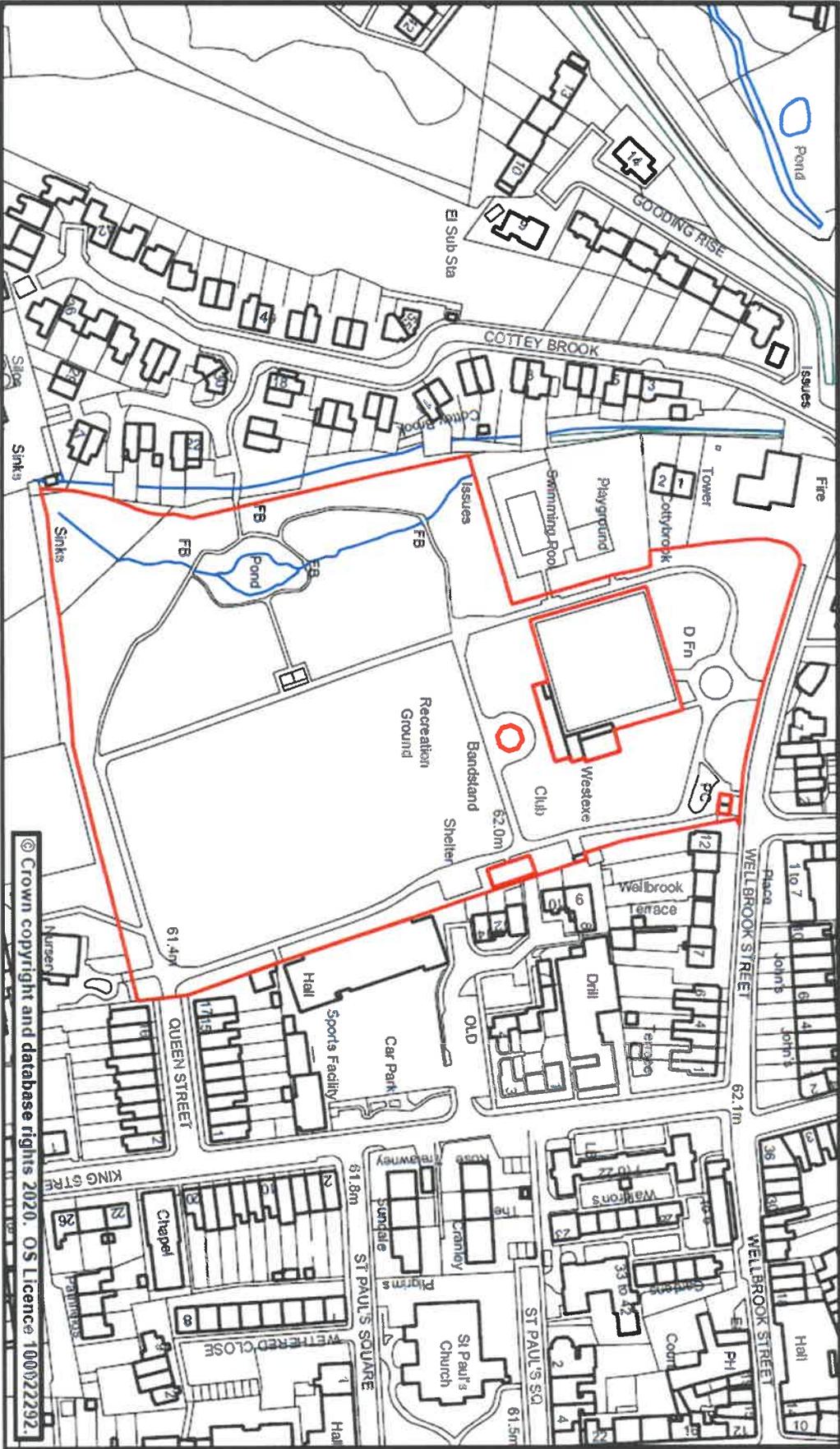
Street Scene

Plan 69

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

Phoenix House
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Website: www.middevon.gov.uk



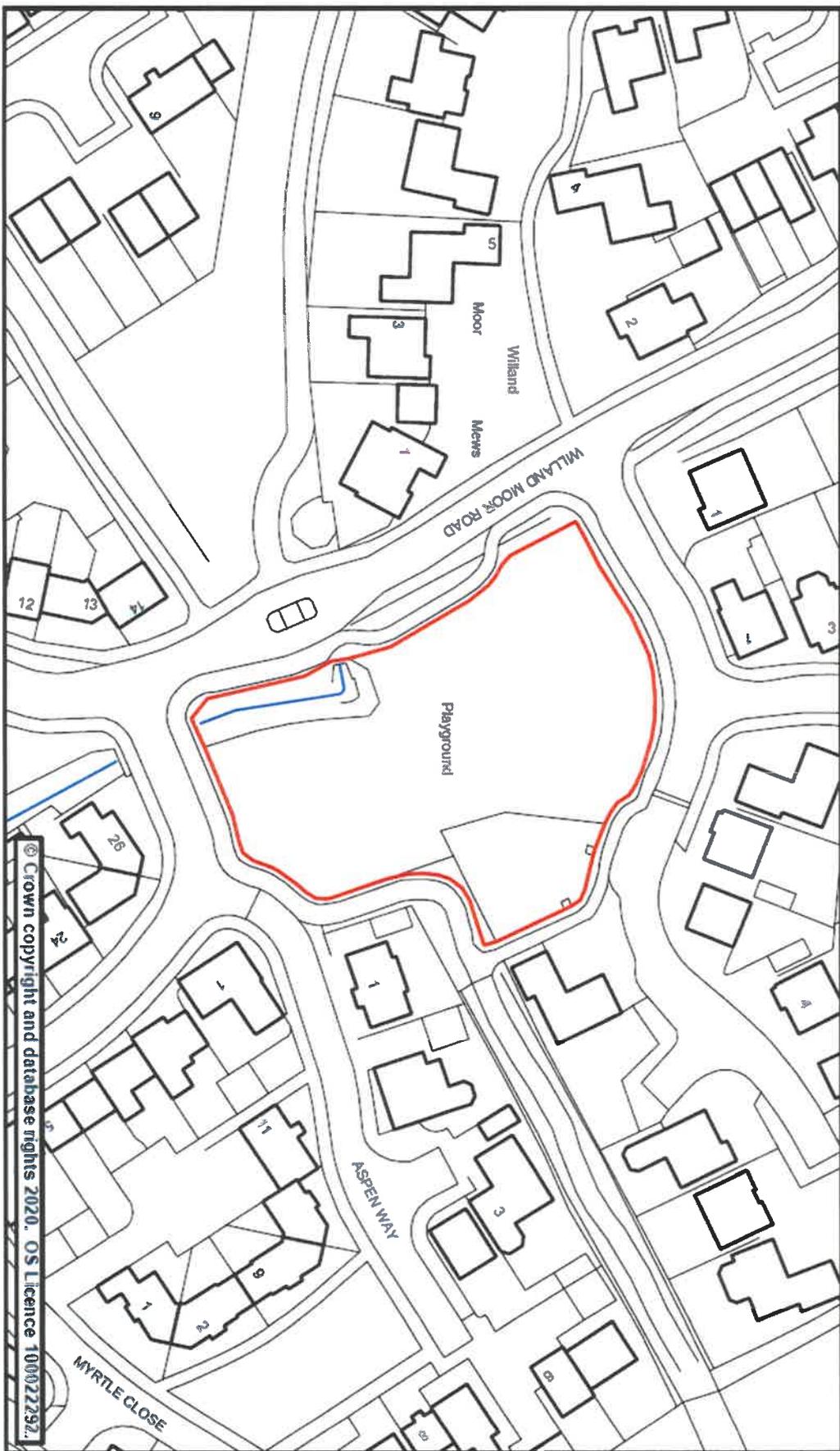
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Street Scene Plan 70

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

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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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Website: www.middevon.gov.uk



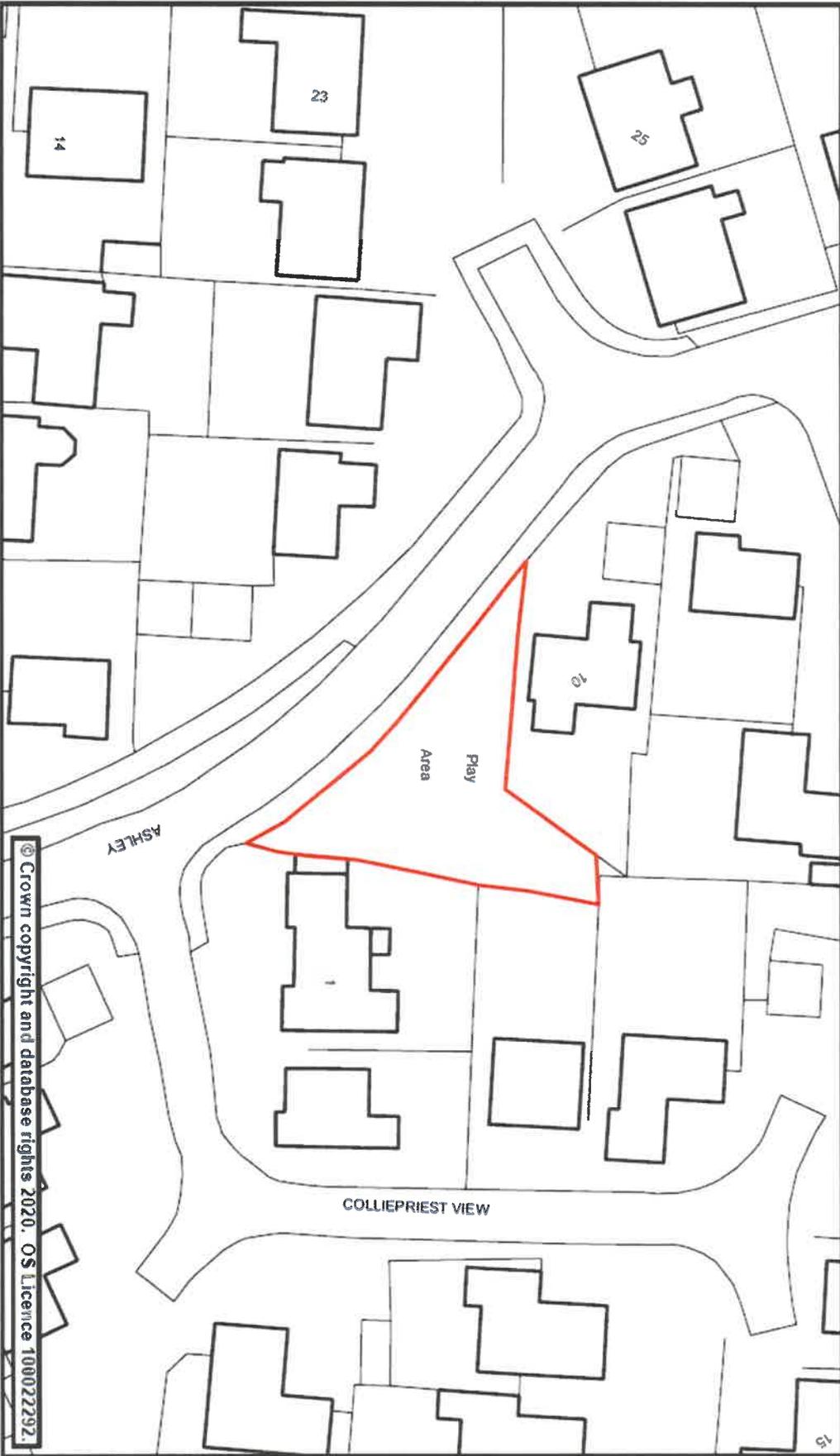
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Street Scene Plan 73

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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Website: www.milddevon.gov.uk



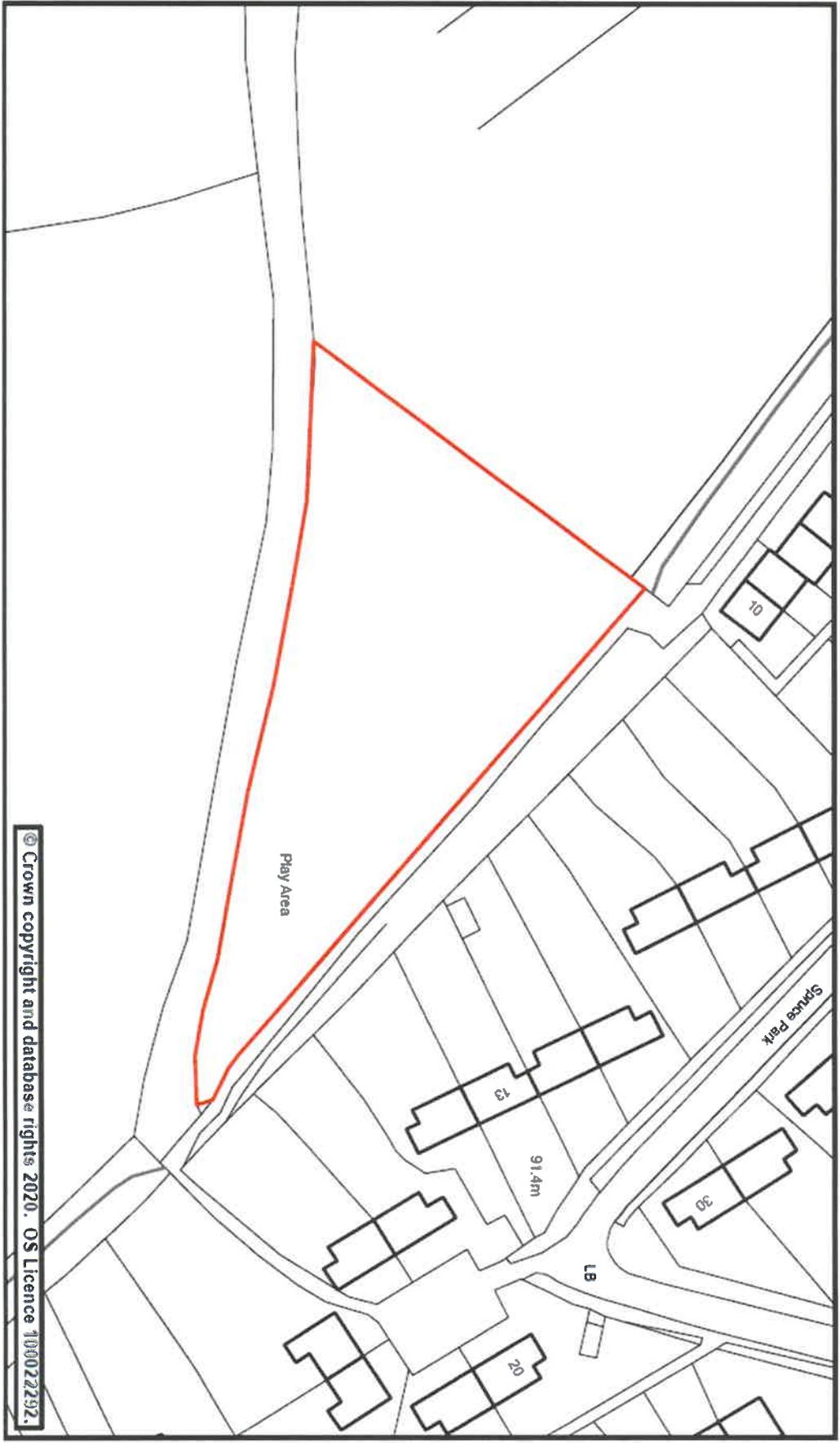
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Street Scene Plan 75

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

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Street Scene Plan 76

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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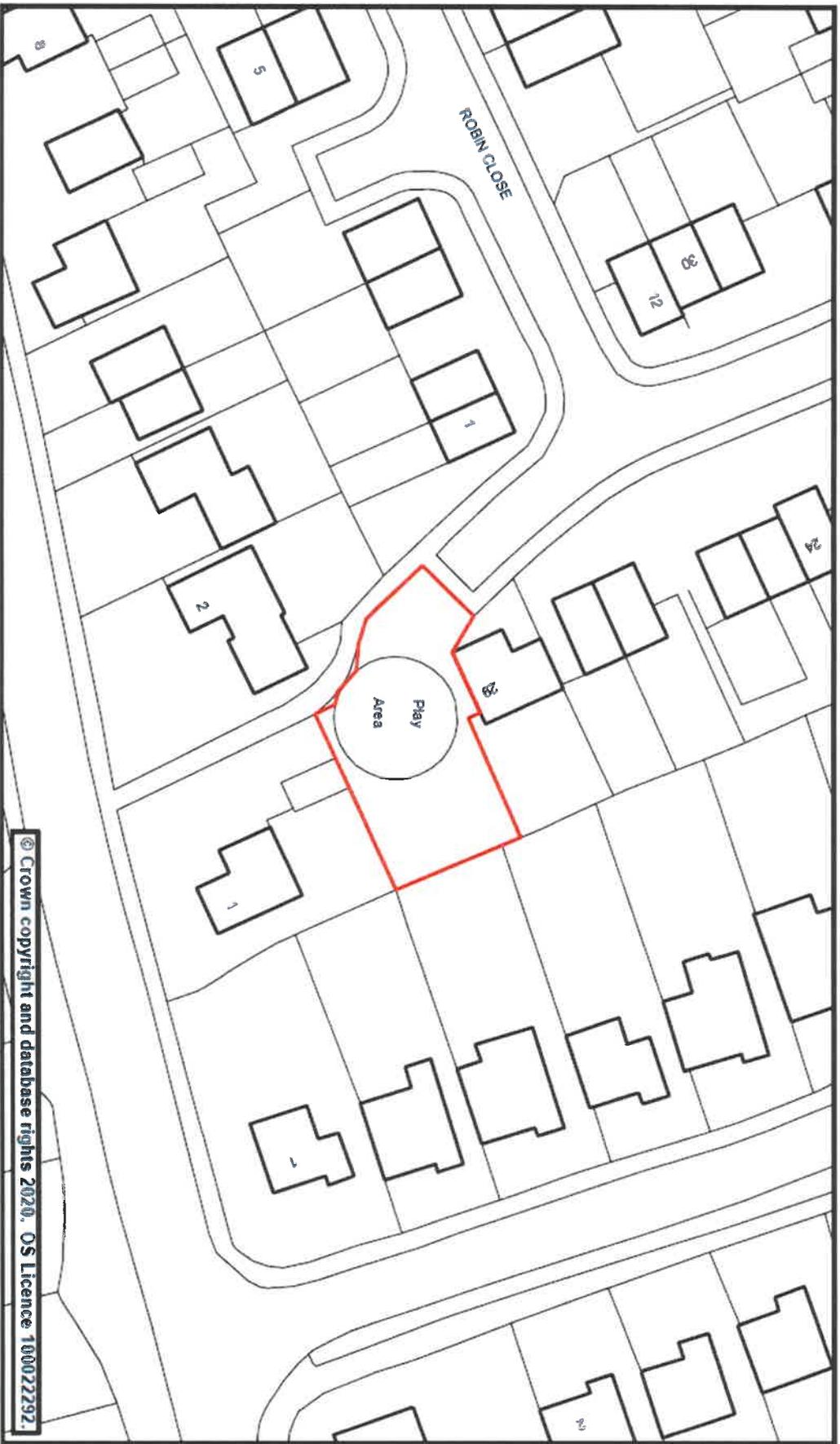




Street Scene Plan 78

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

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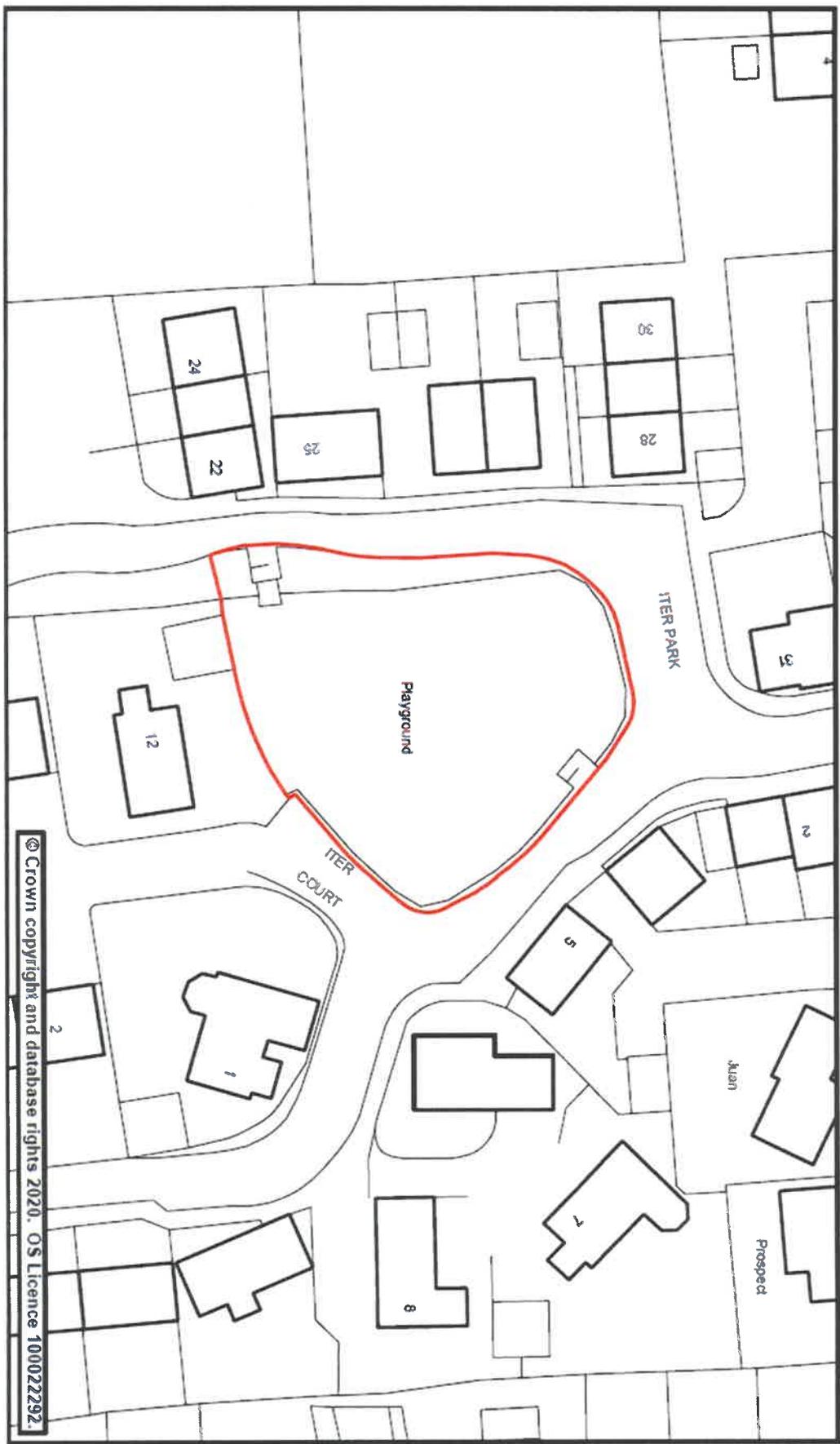
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Street Scene Plan 79

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

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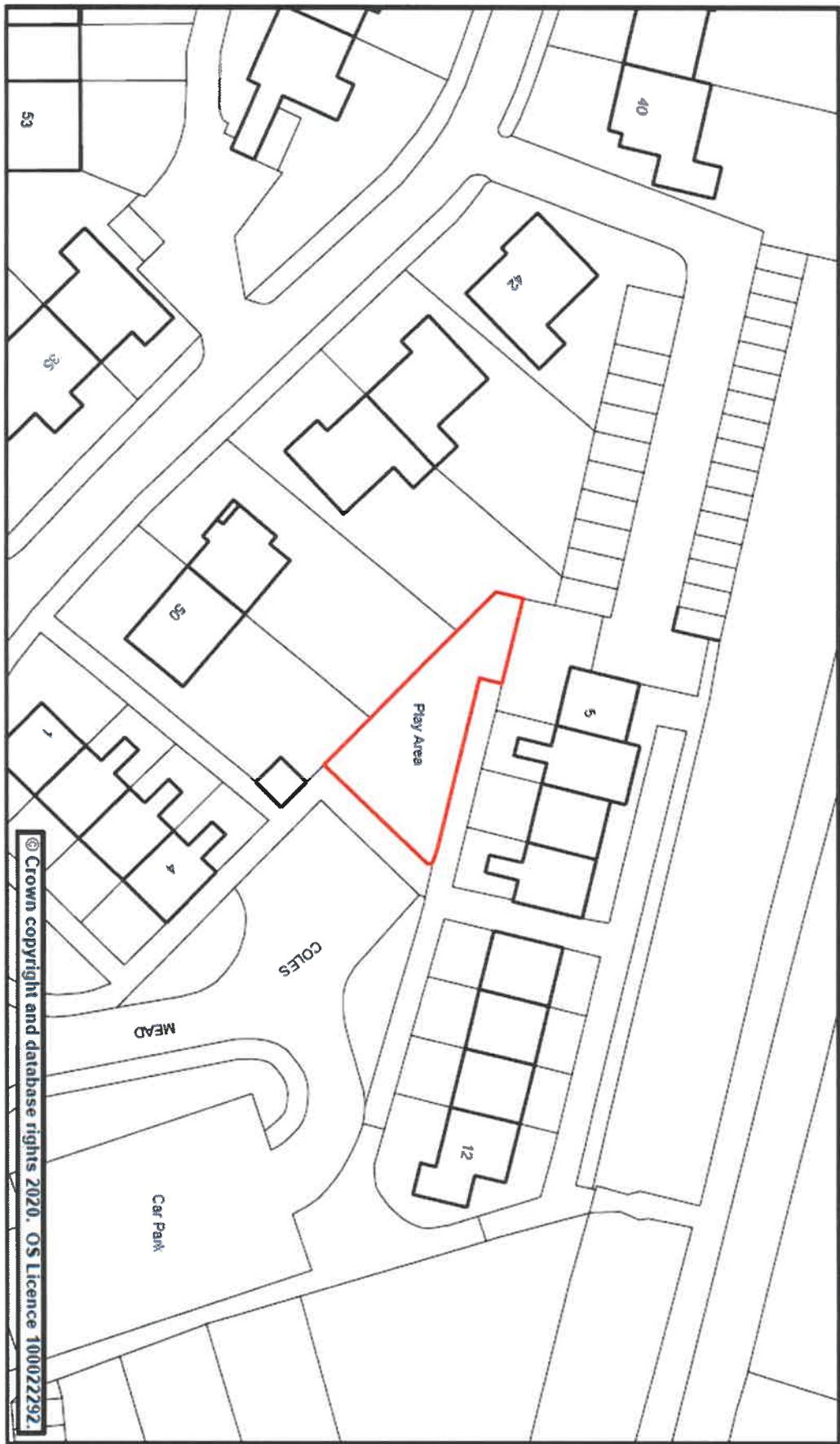
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Street Scene Plan 80

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

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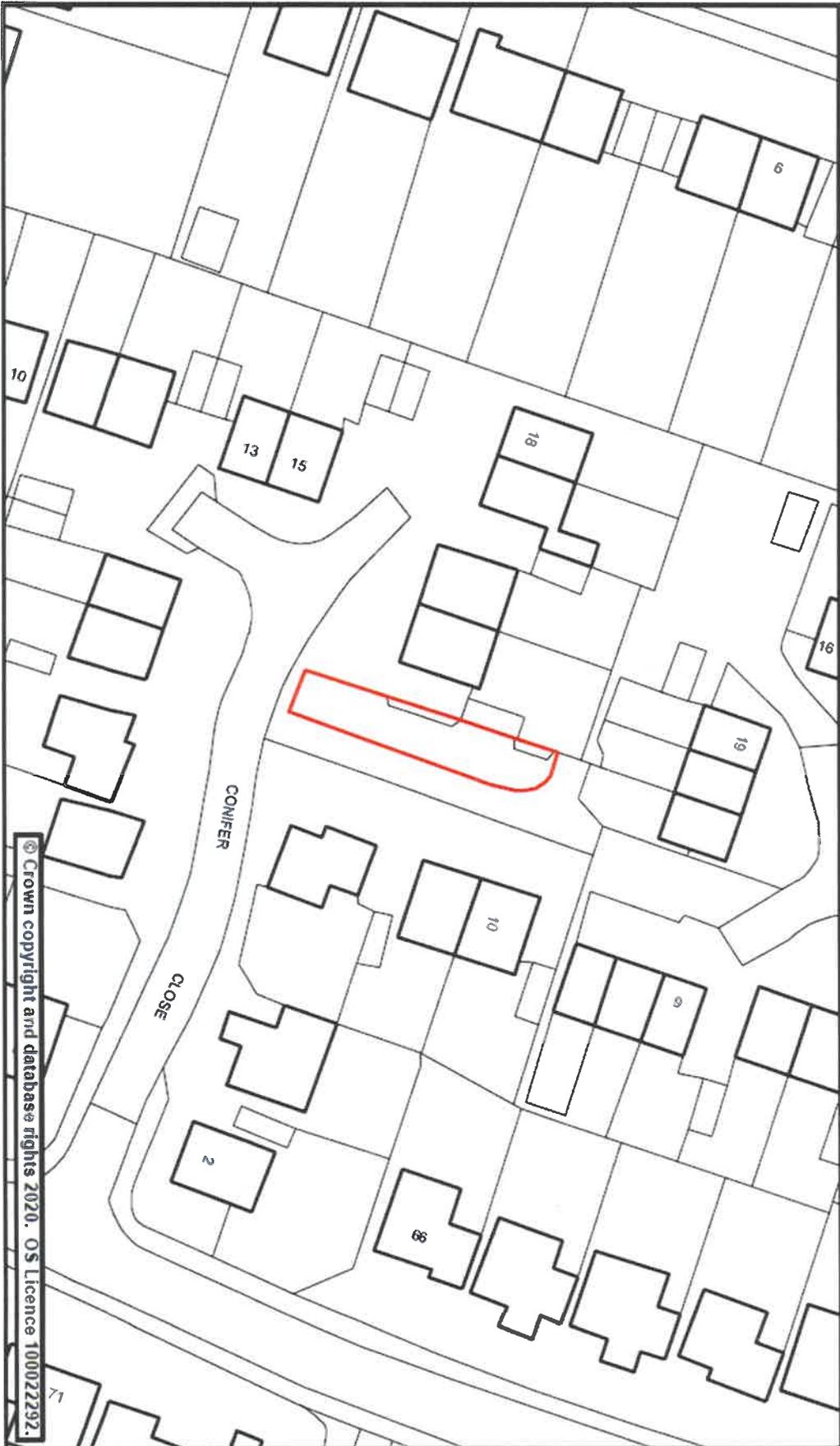
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Street Scene Plan 5/1

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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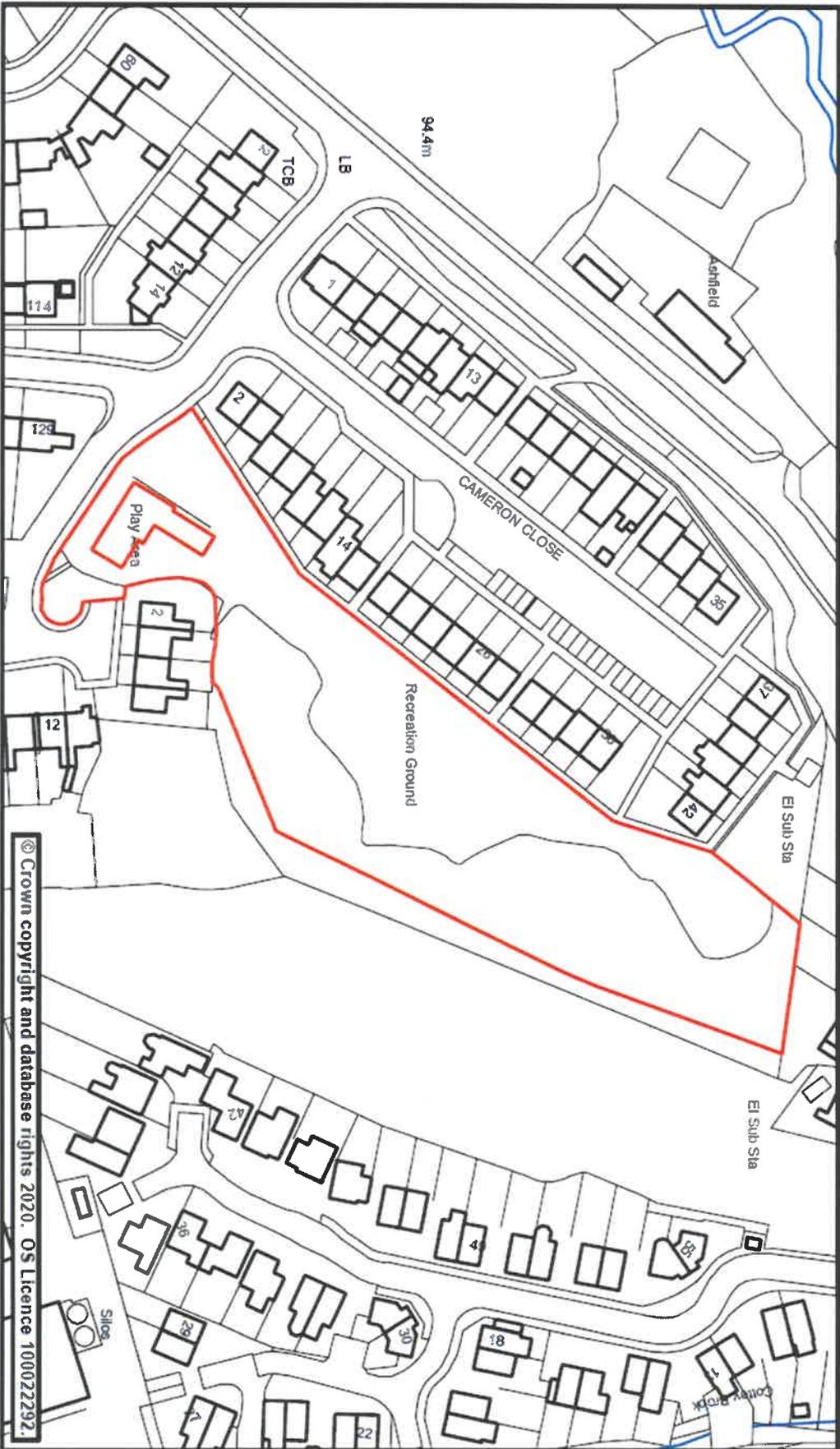
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Street Scene Plan 83

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

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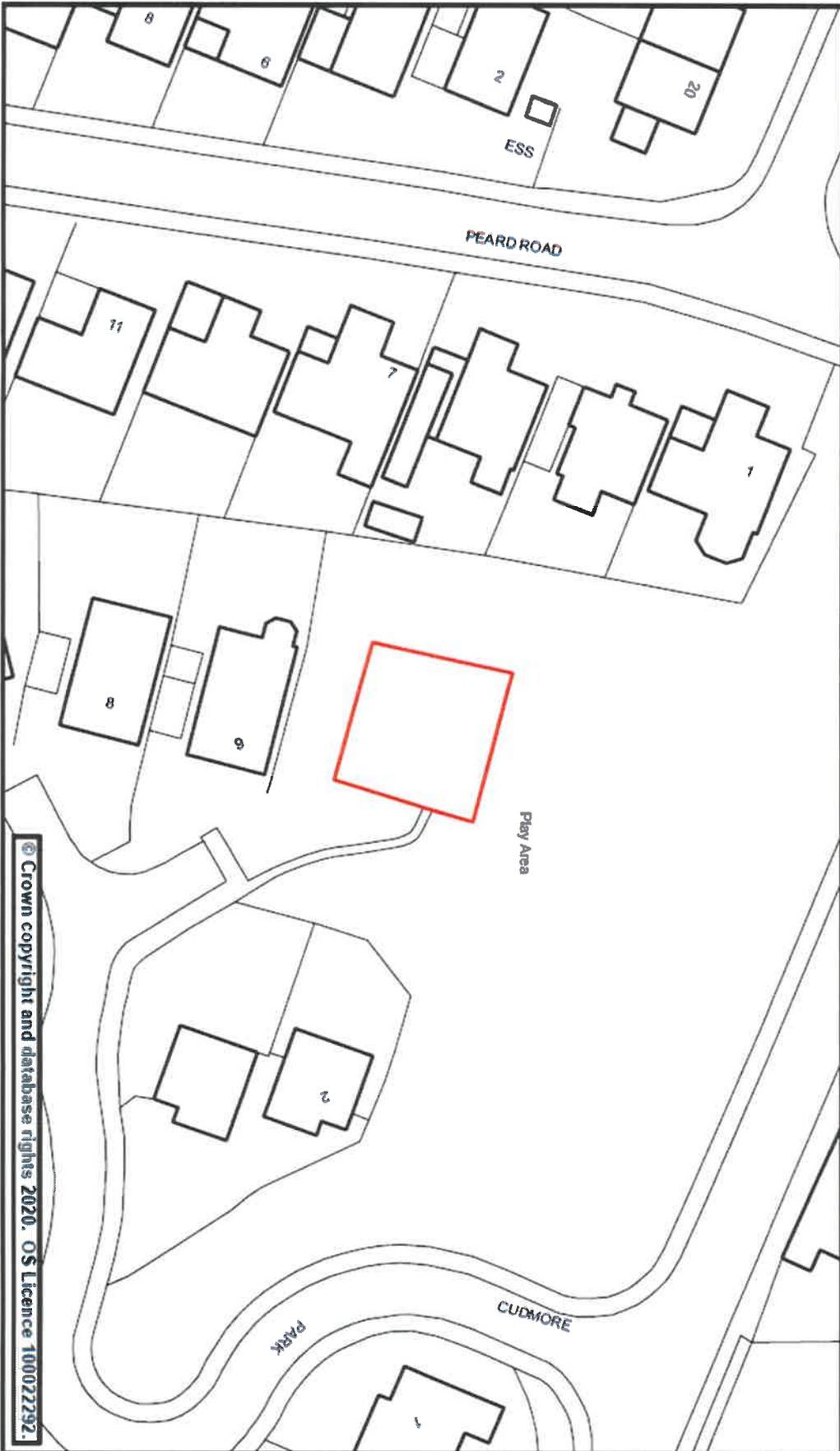
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Street Scene Plan 84

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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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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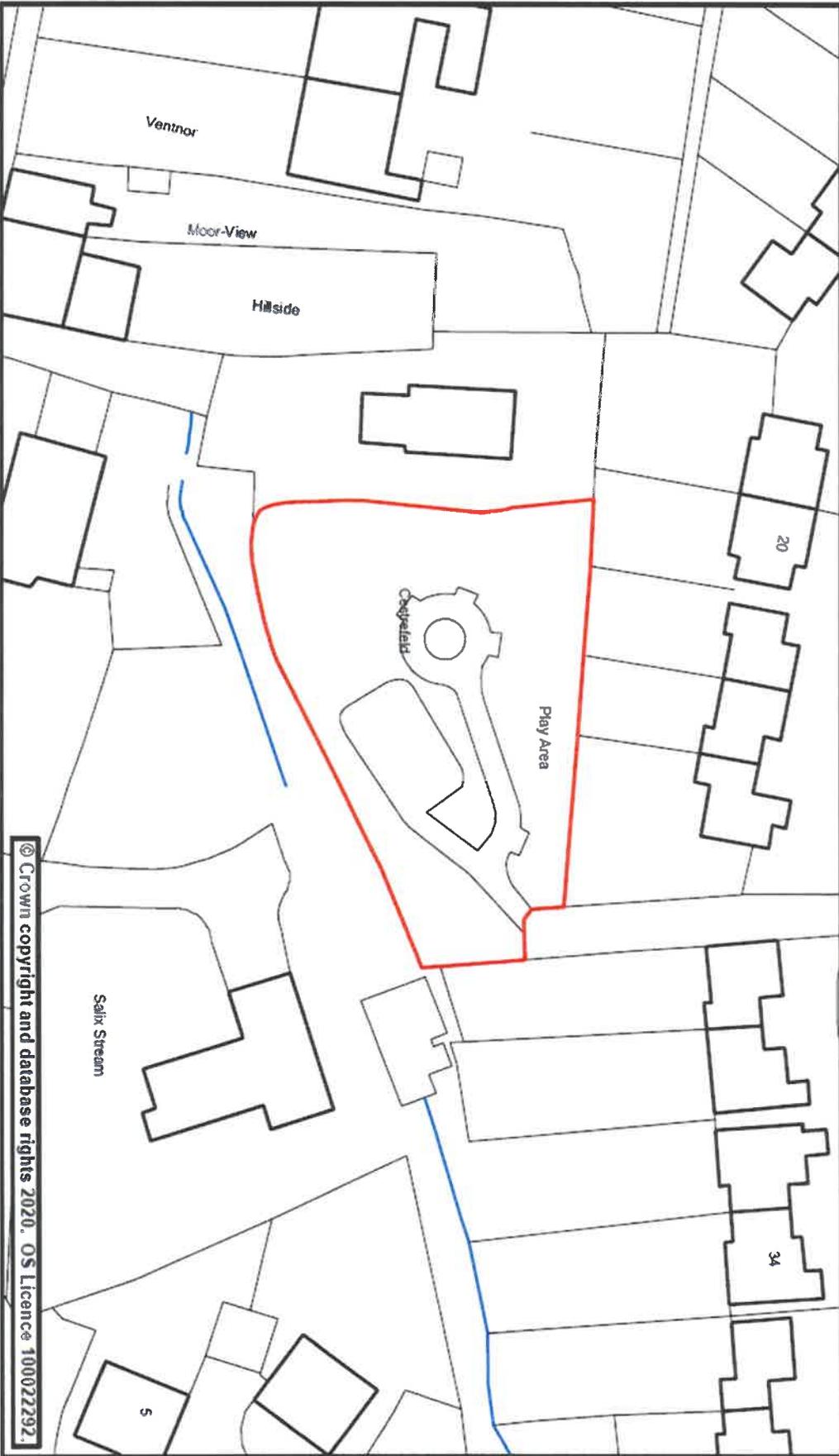
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Street Scene Plan 89

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

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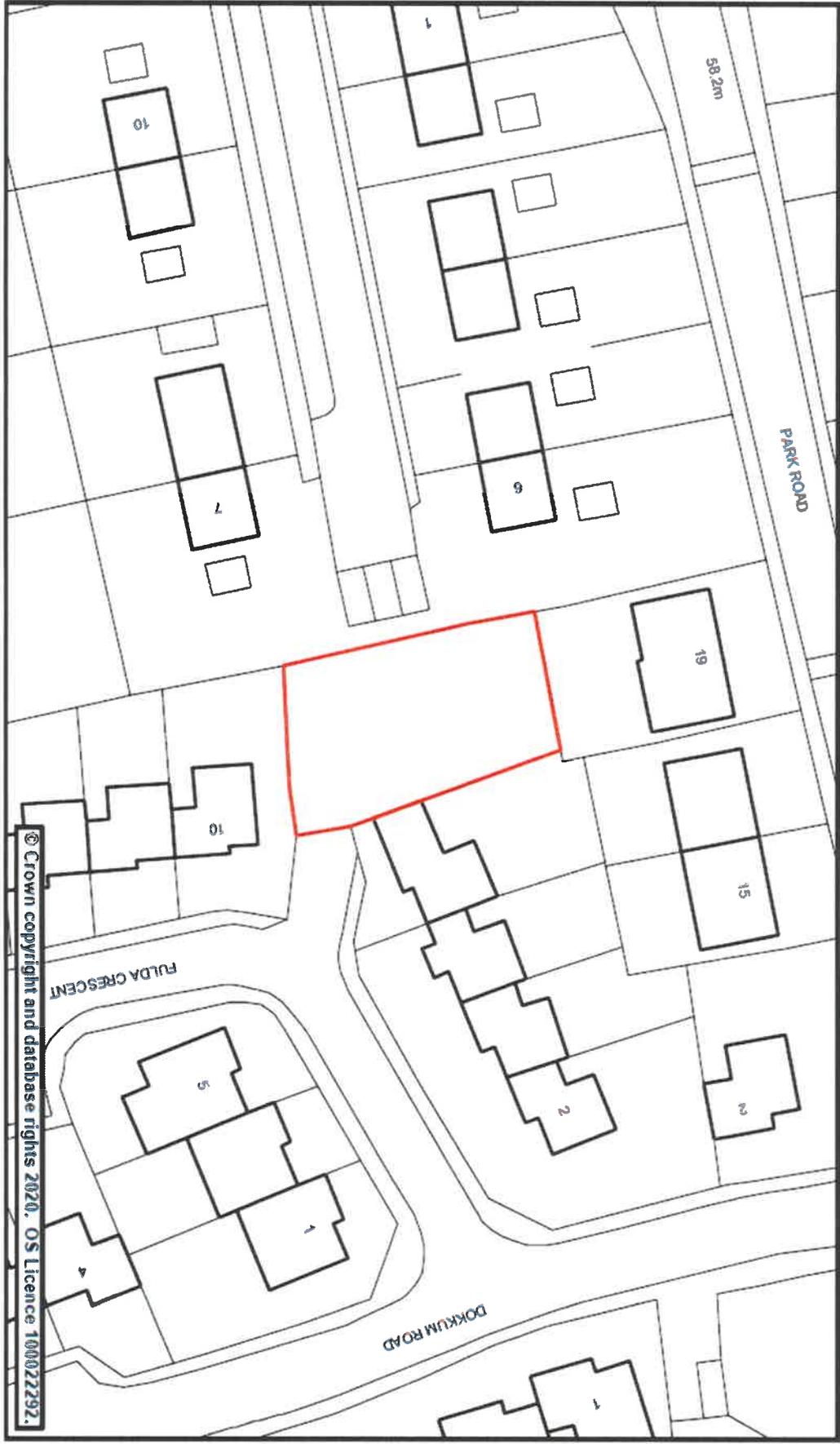




Street Scene Plan 96

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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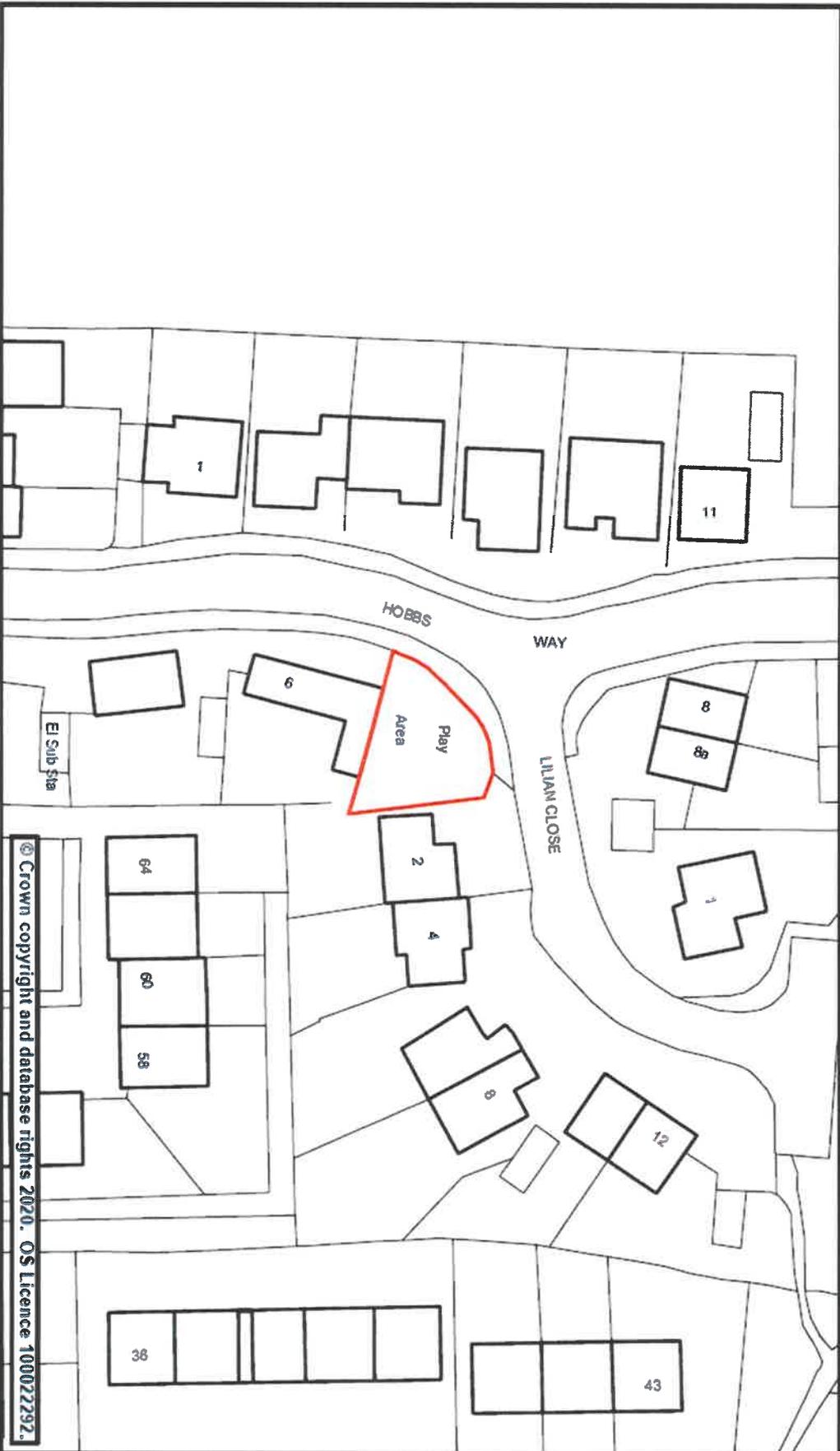
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Street Scene Plan 92

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

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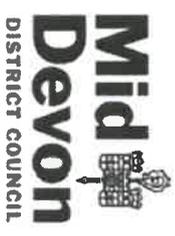
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Street Scene Plan 93

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

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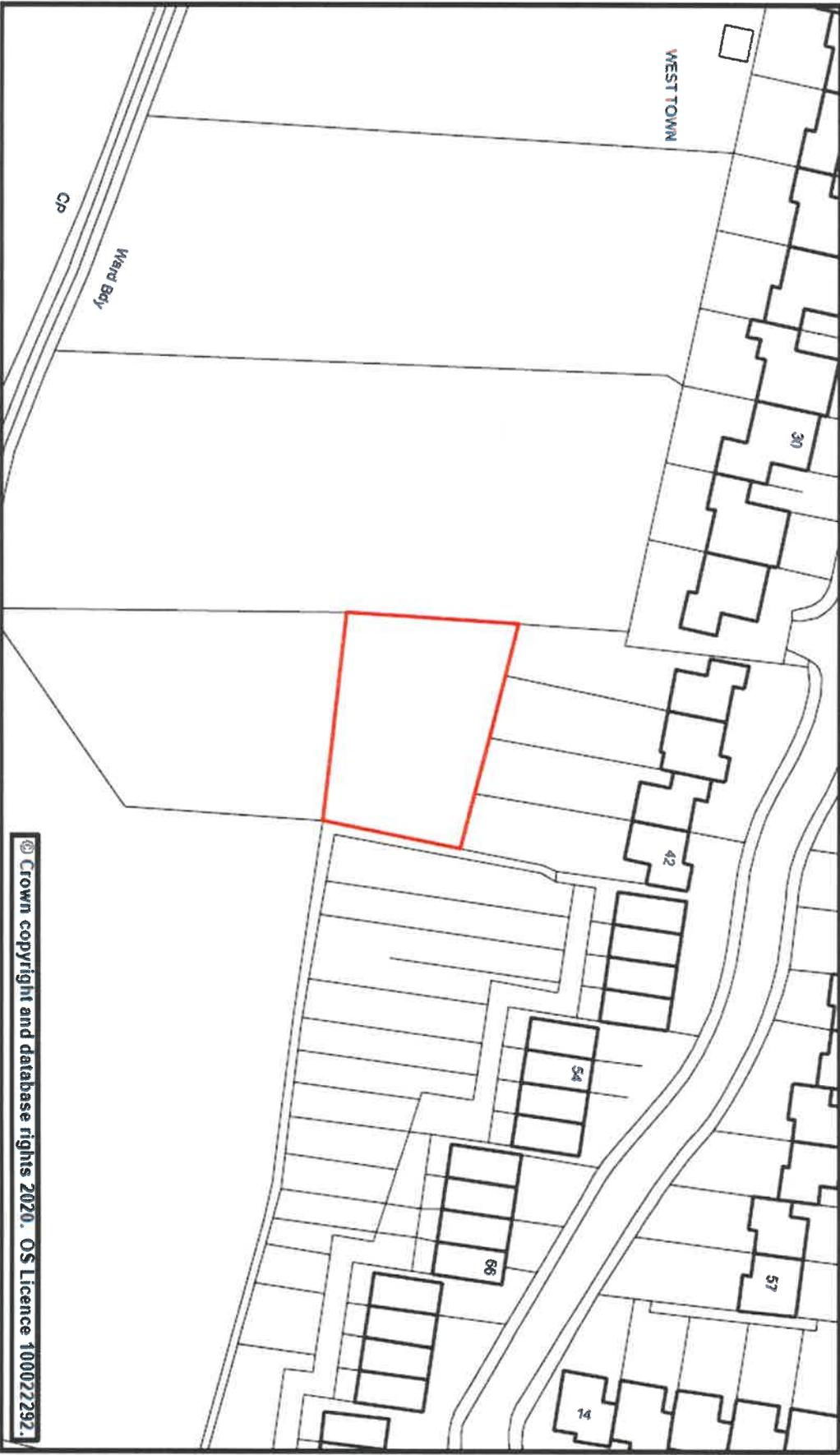




Street Scene Plan 94

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

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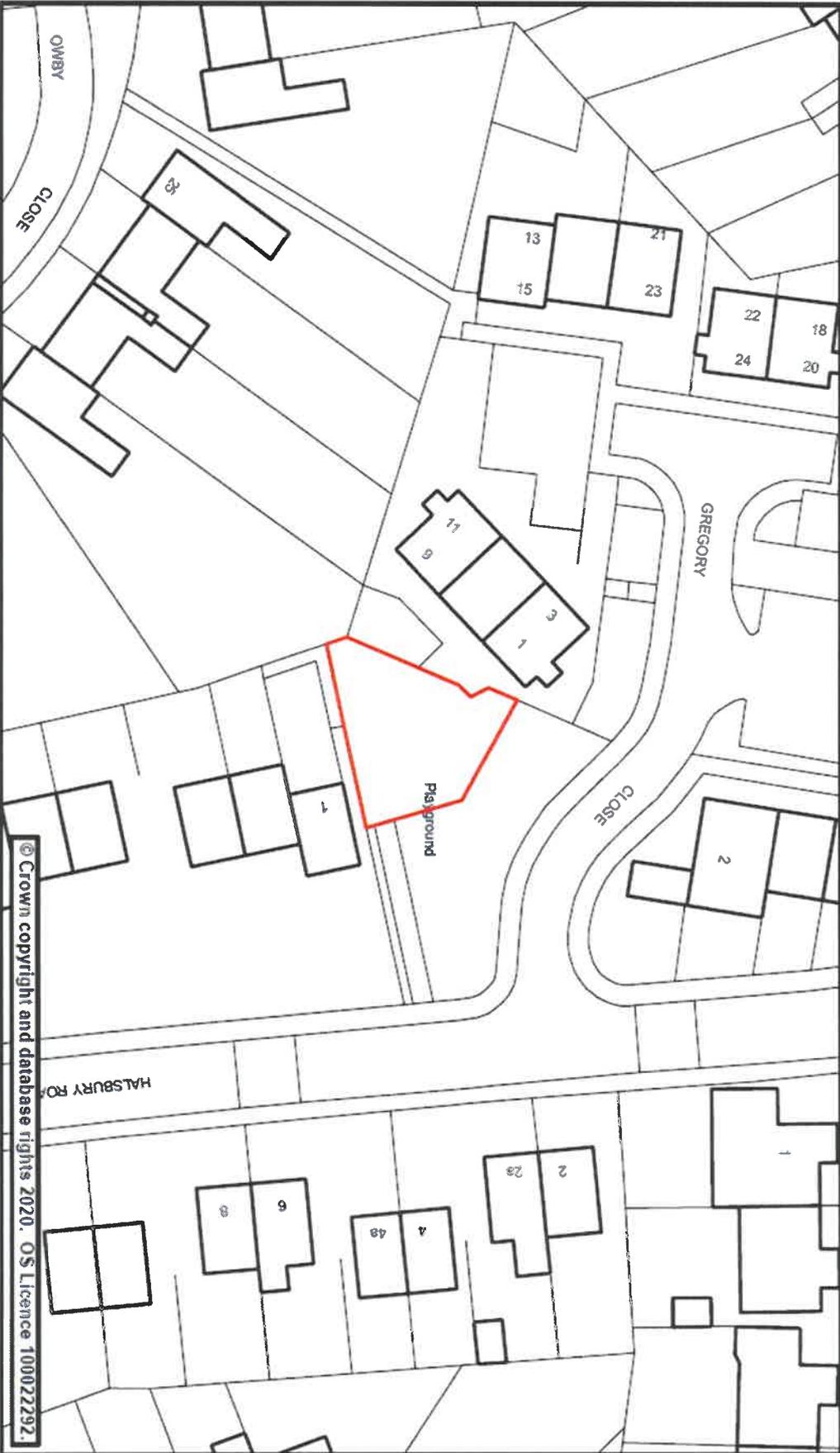
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Street Scene Plan 95

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

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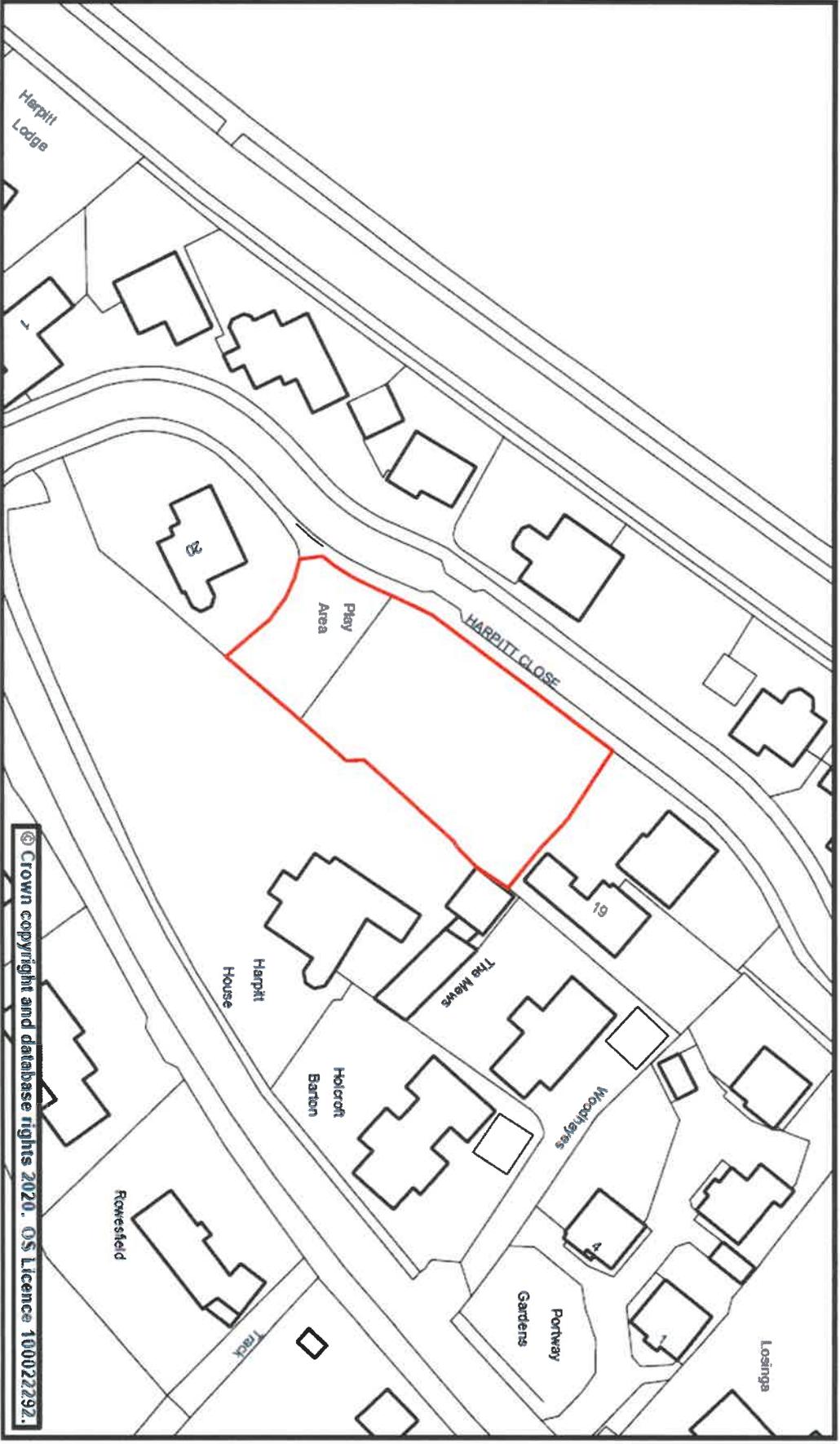
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Street Scene Plan 96

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

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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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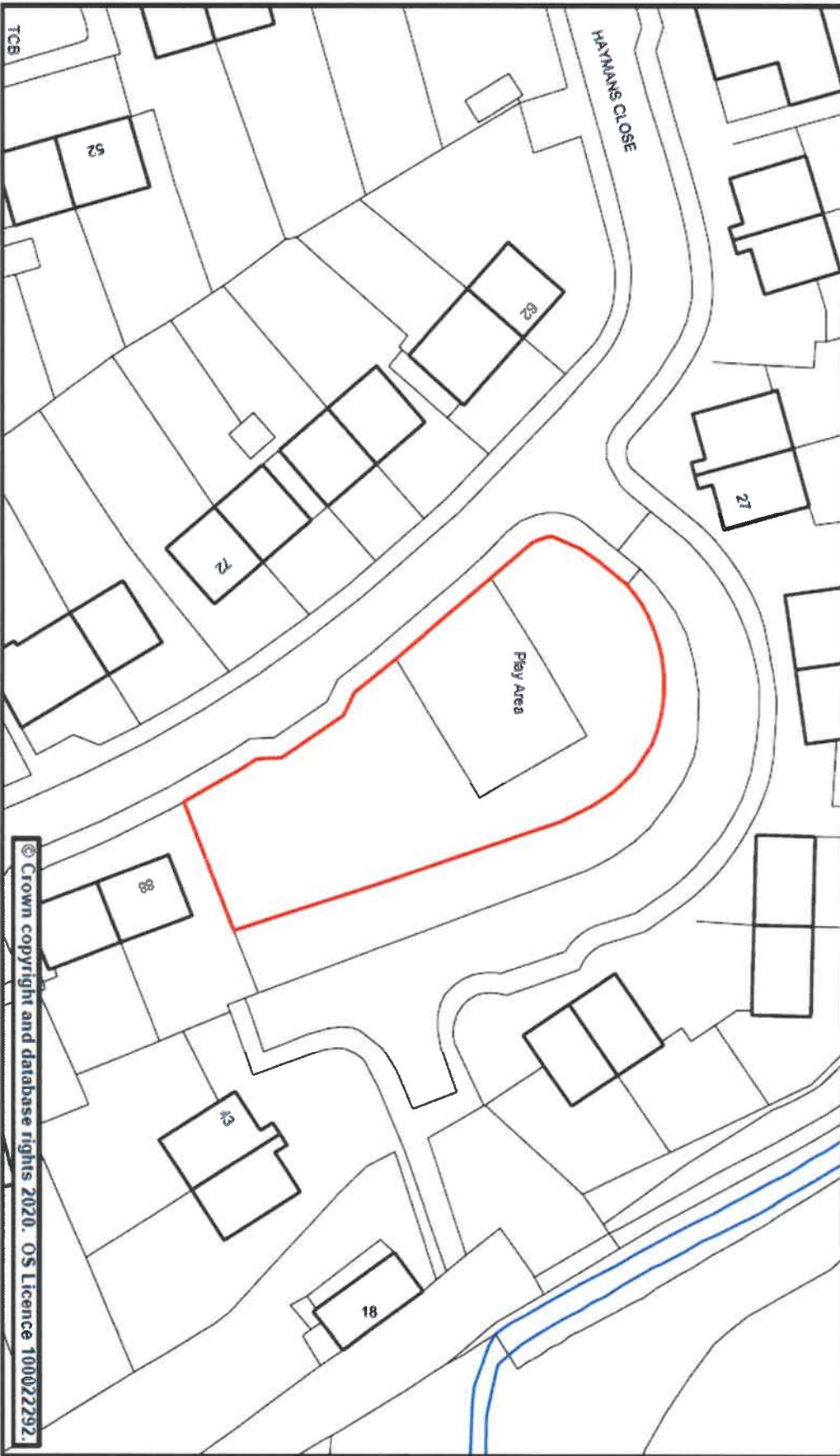
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Street Scene Plan 98

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

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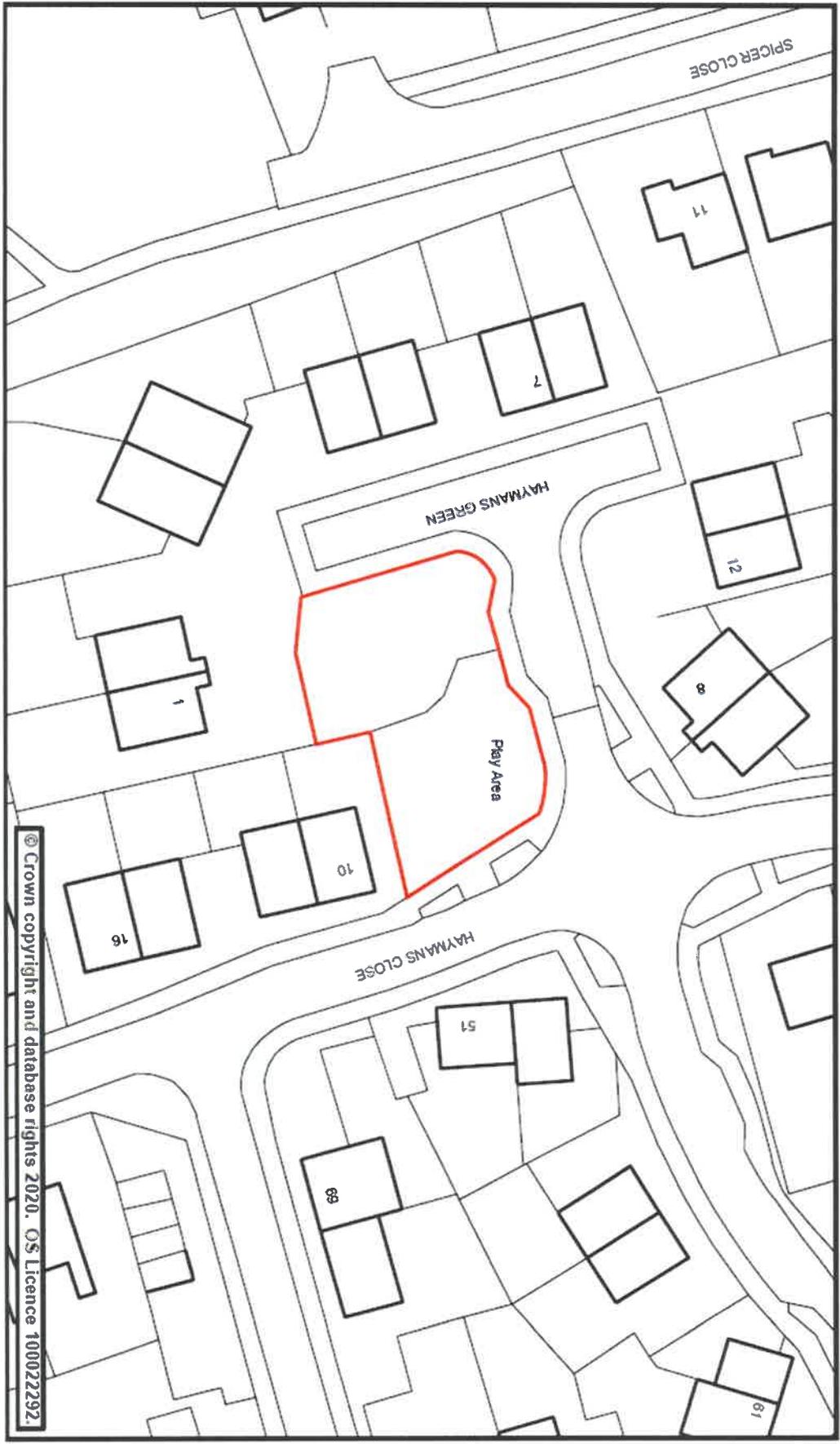
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Street Scene Plan 99

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

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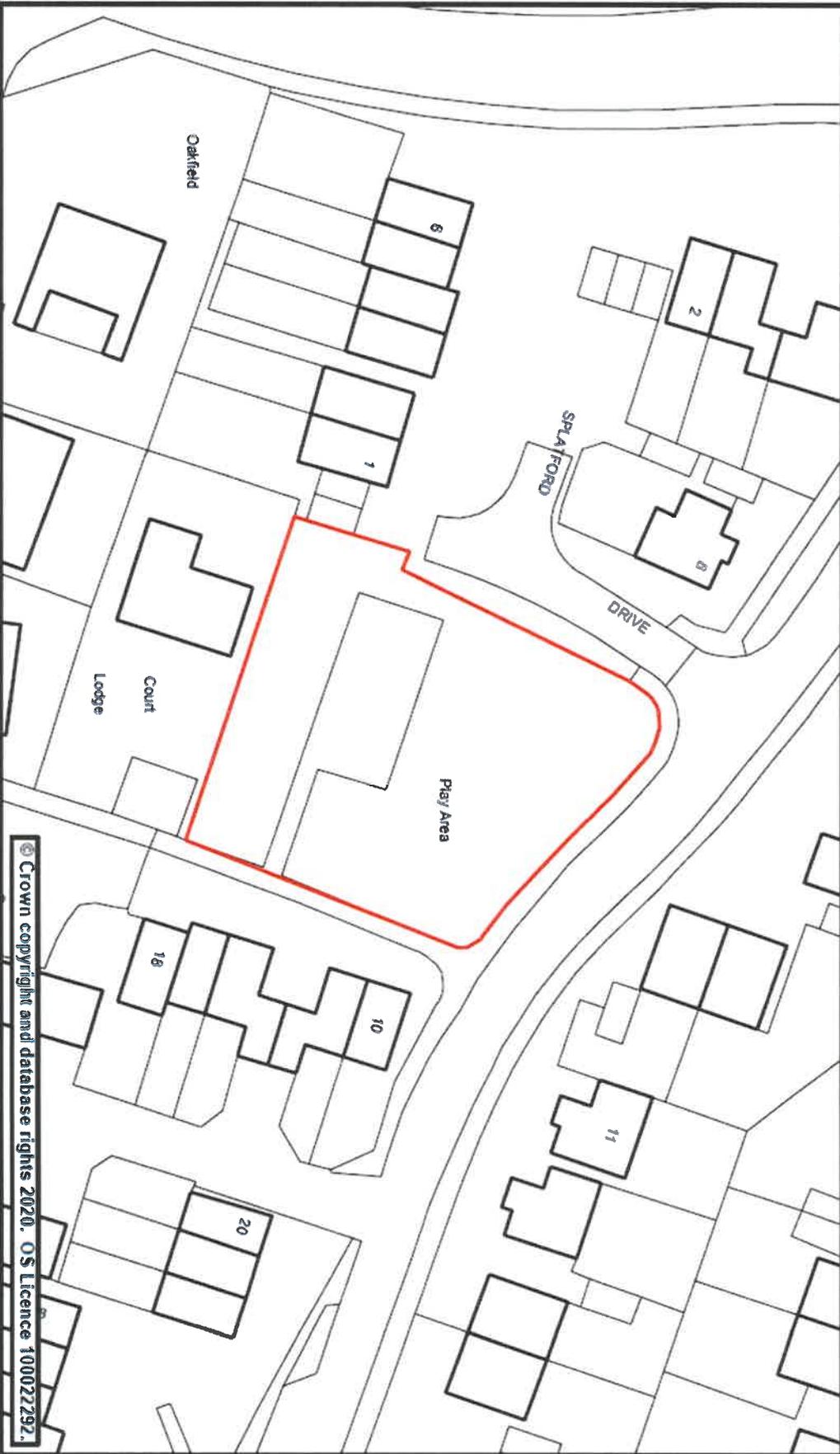


Street Scene Plan 100

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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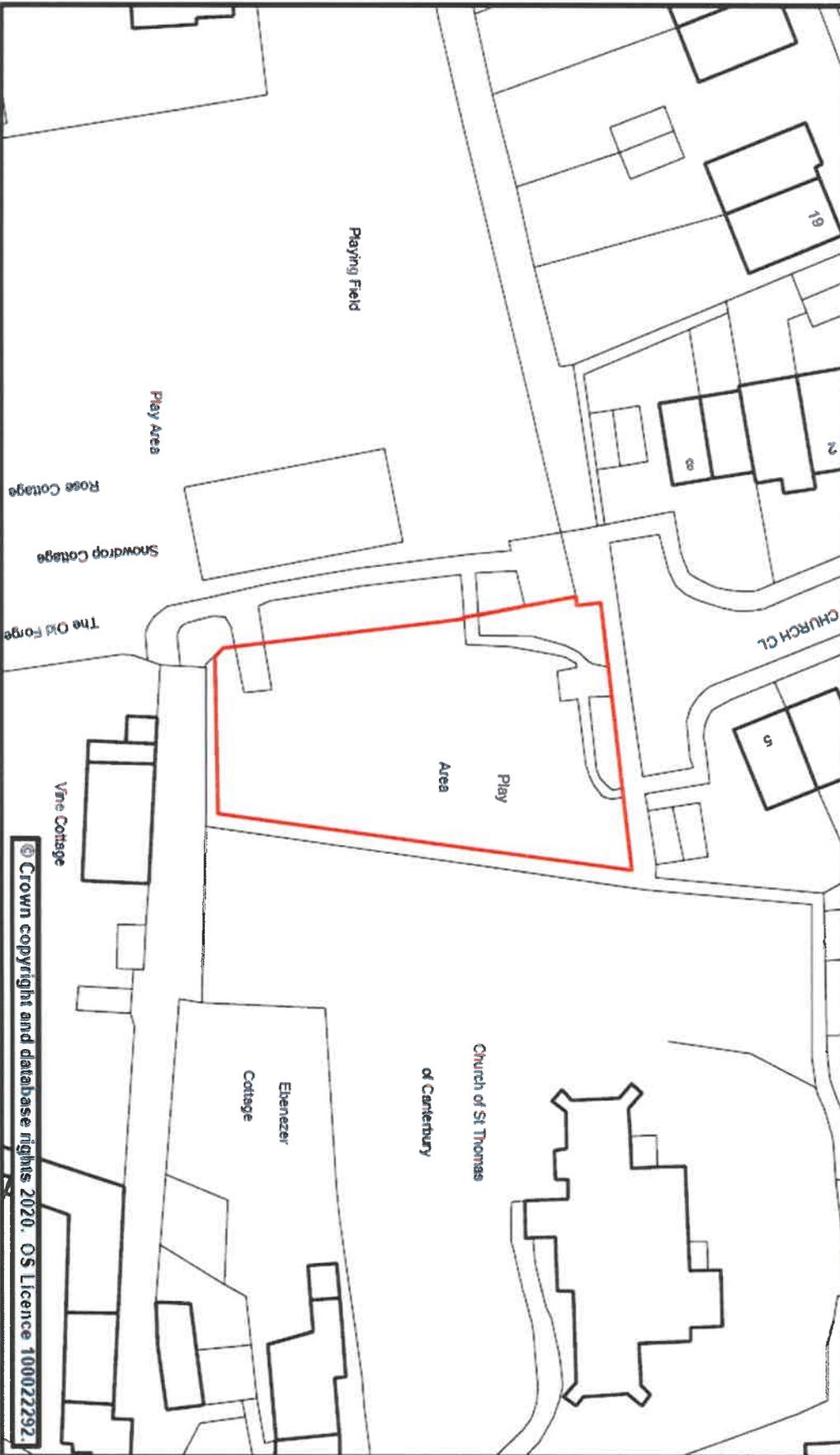
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Street Scene Plan 102

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

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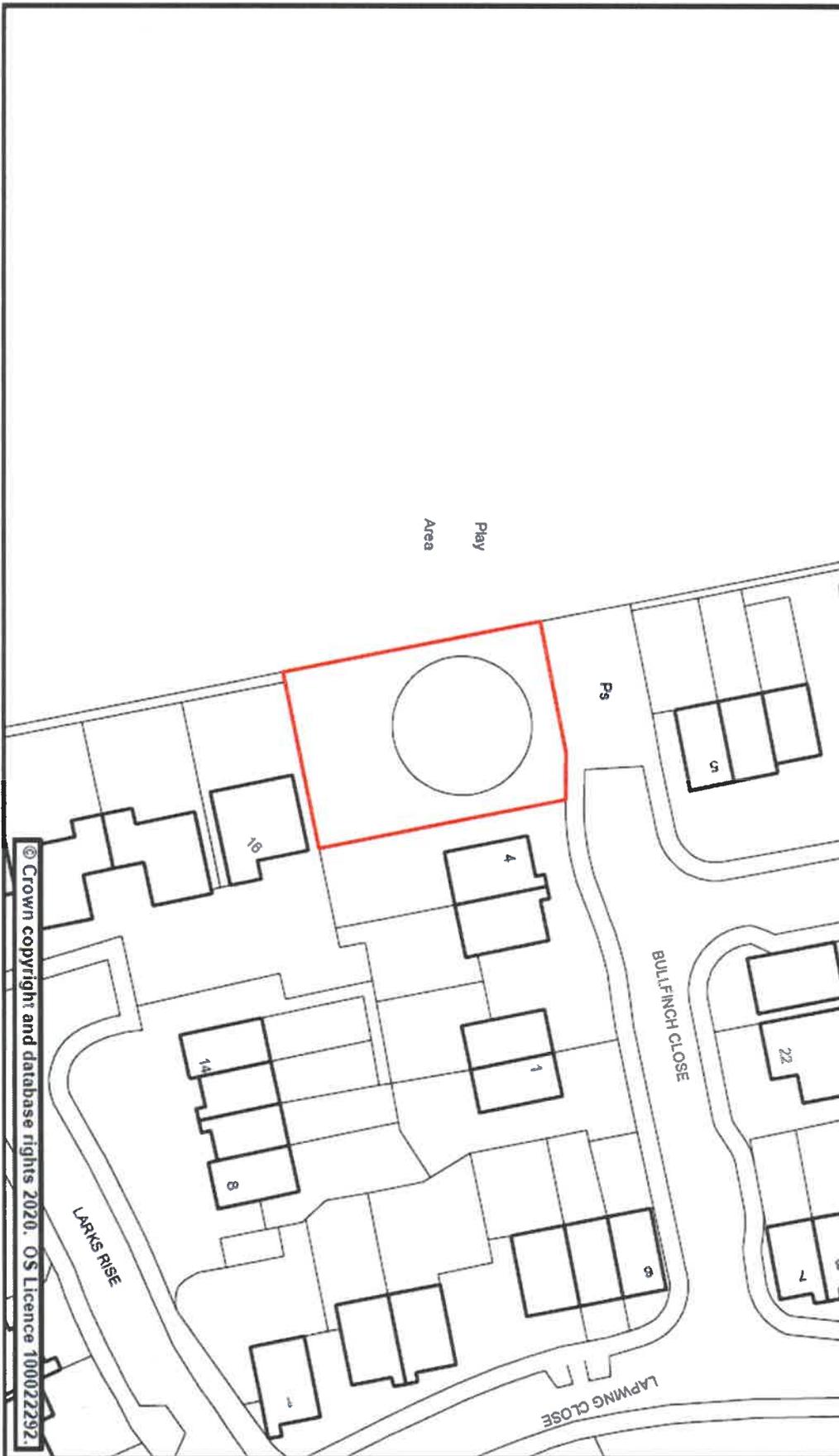
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Street Scene Plan 103

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

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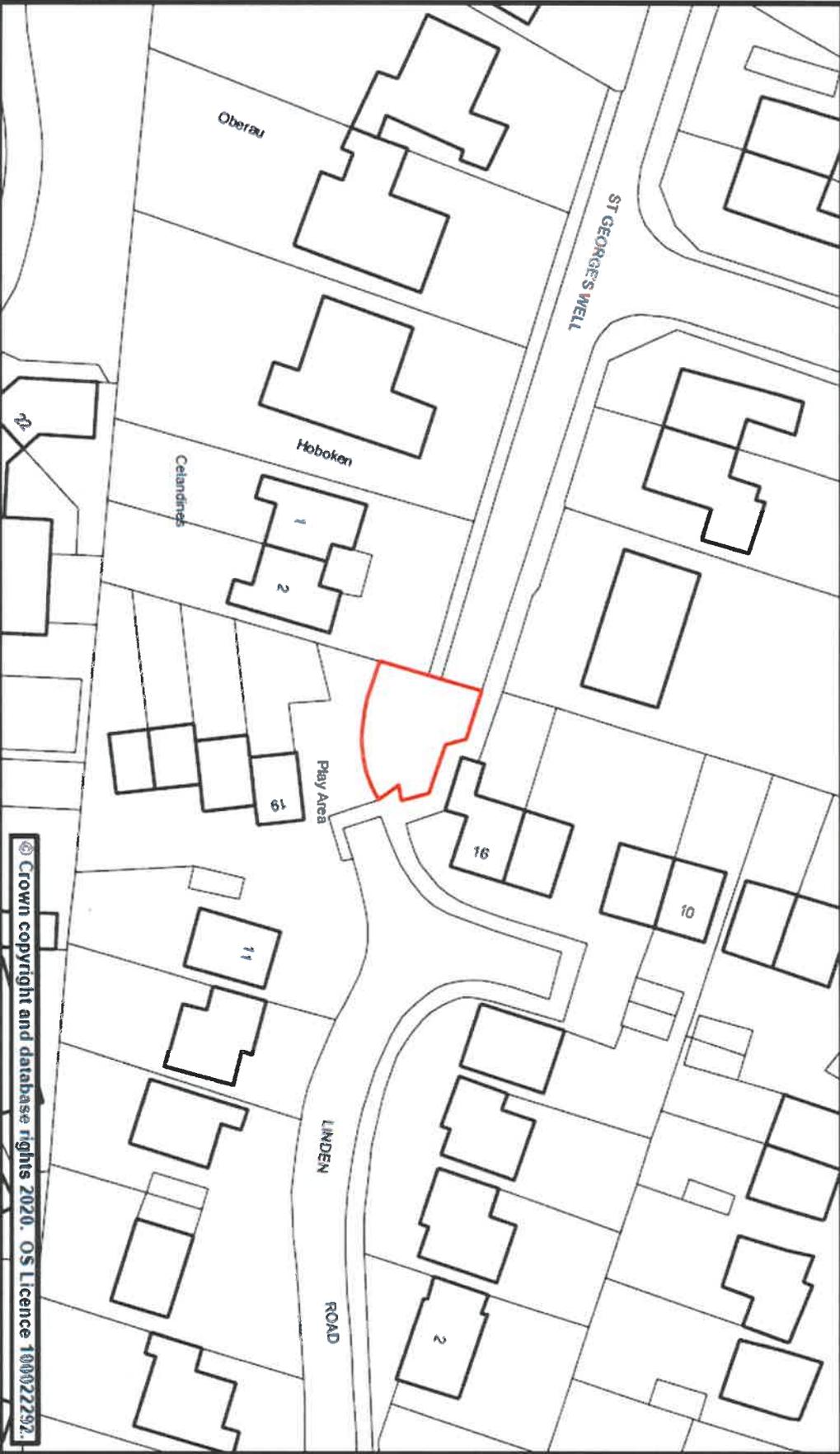
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Street Scene Plan 104

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

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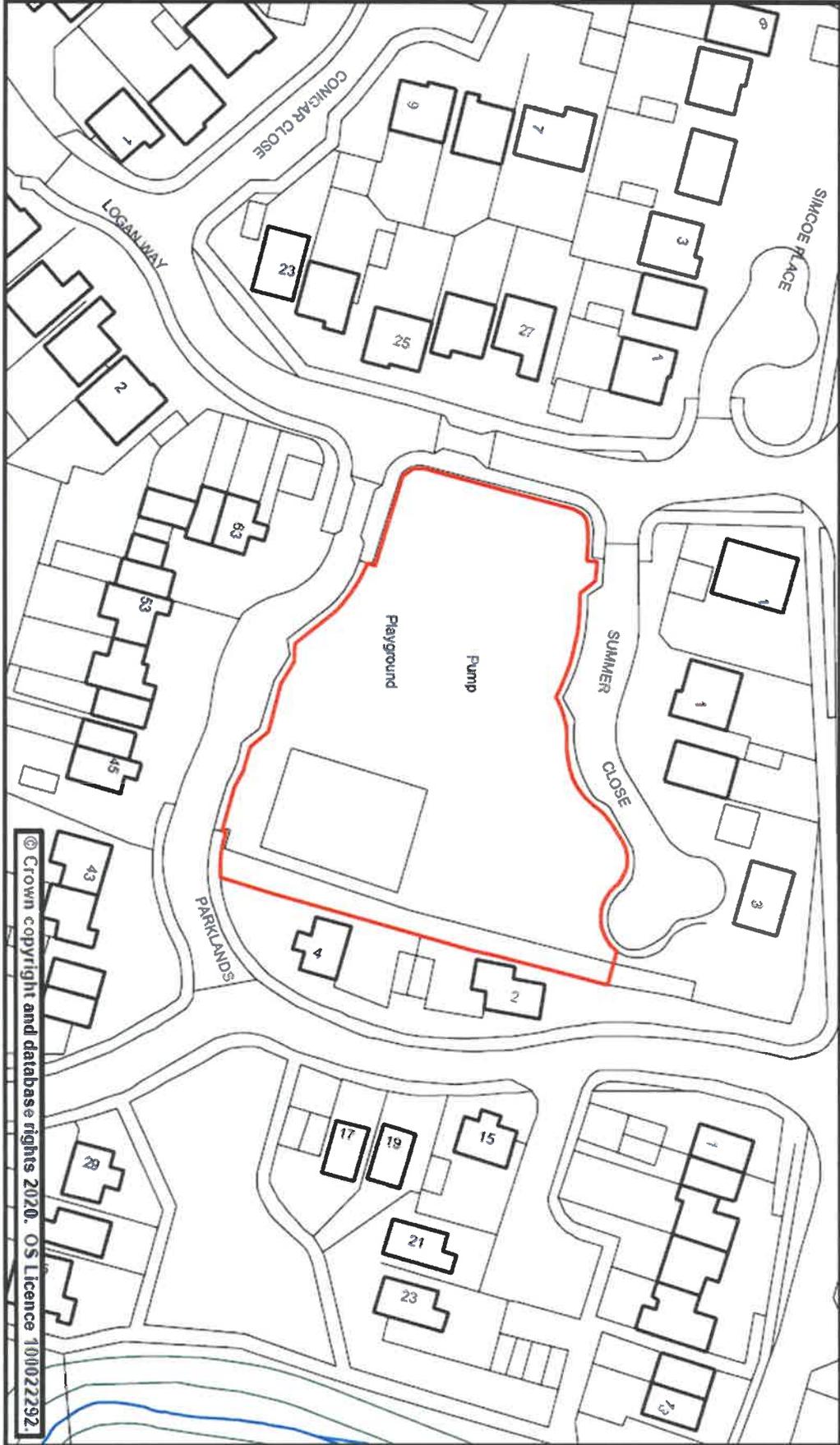
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Street Scene Plan 105

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

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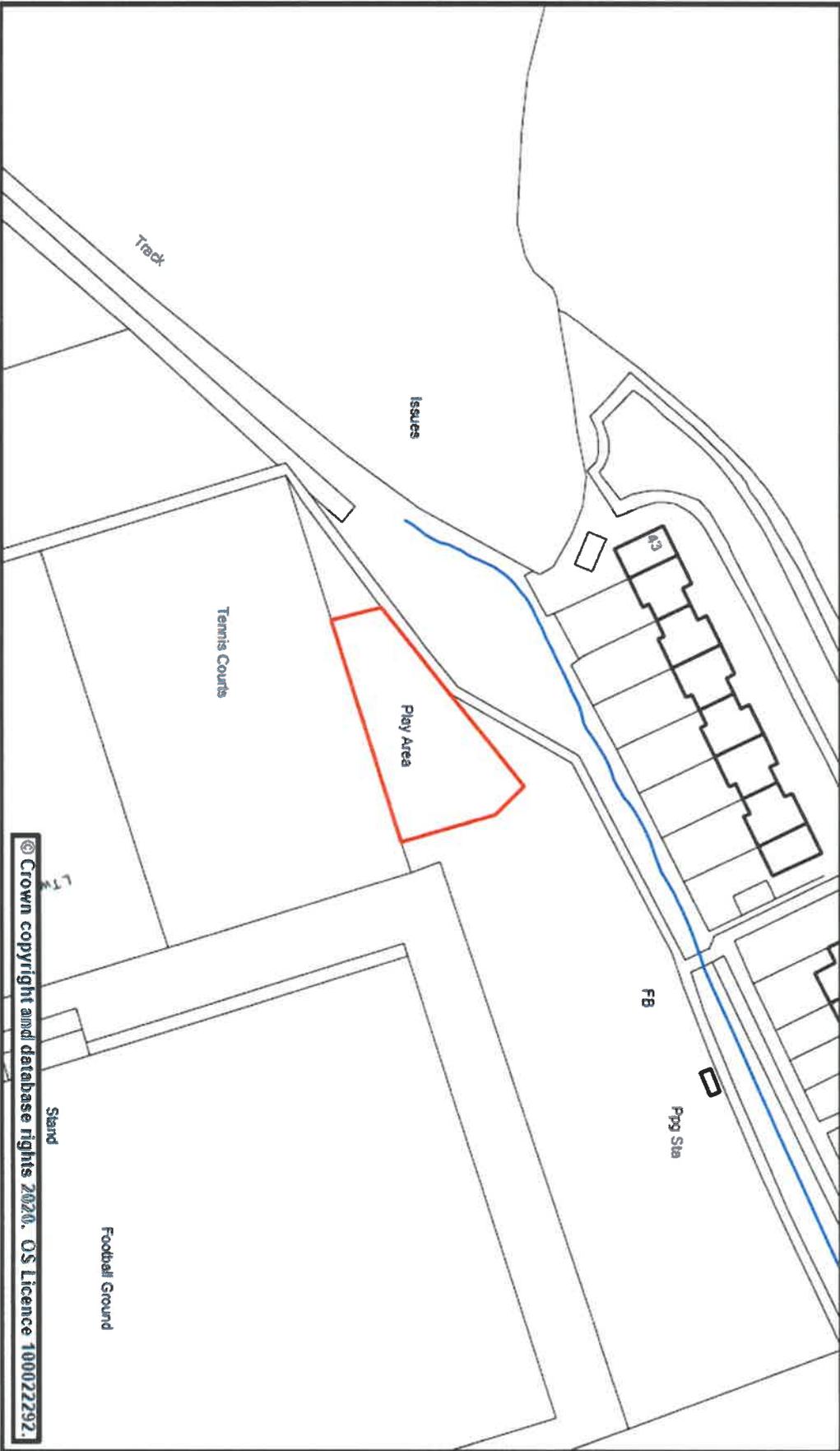
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Street Scene Plan 106

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

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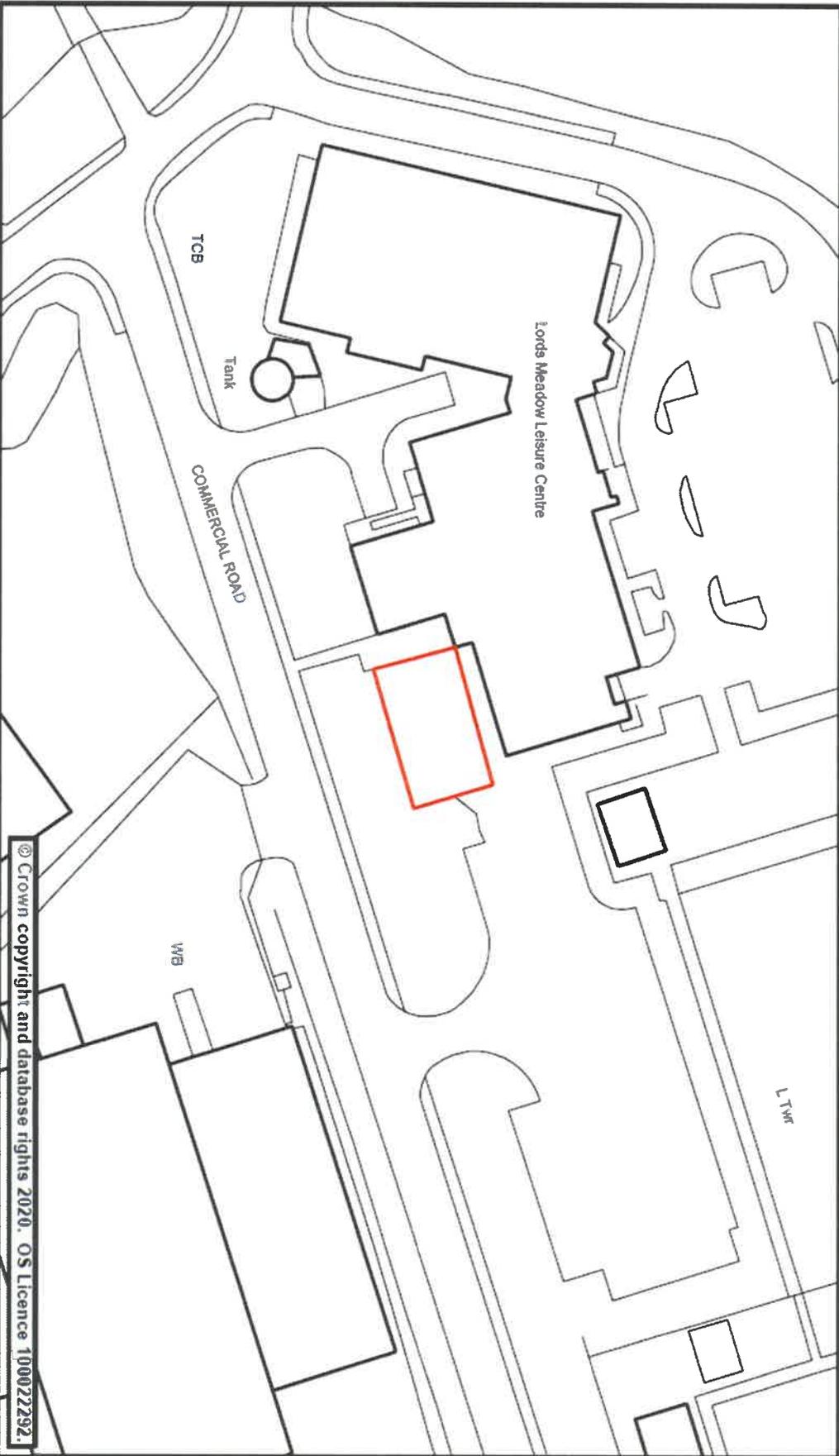
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Street Scene Plan 107

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

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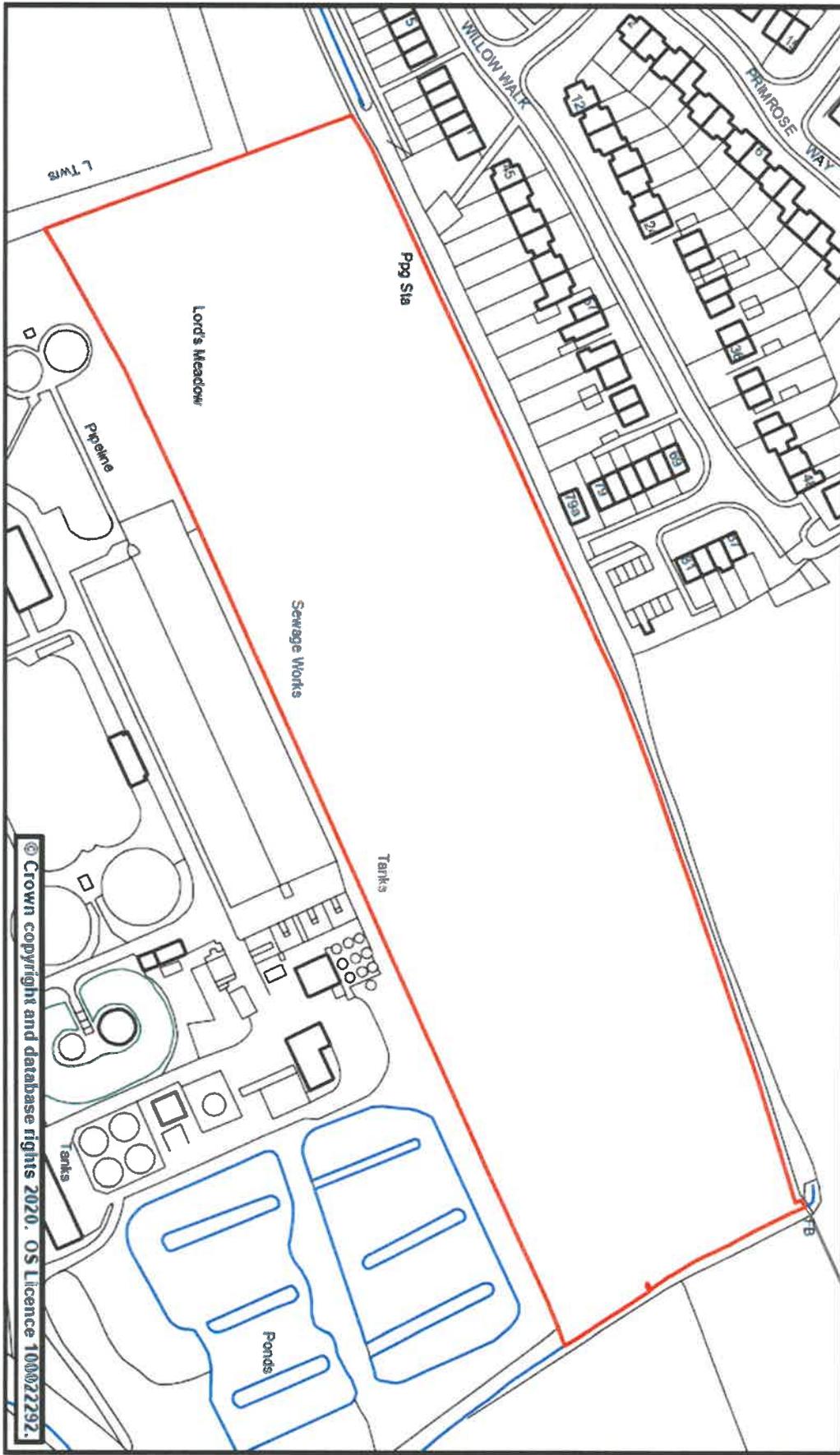
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Street Scene Plan /08

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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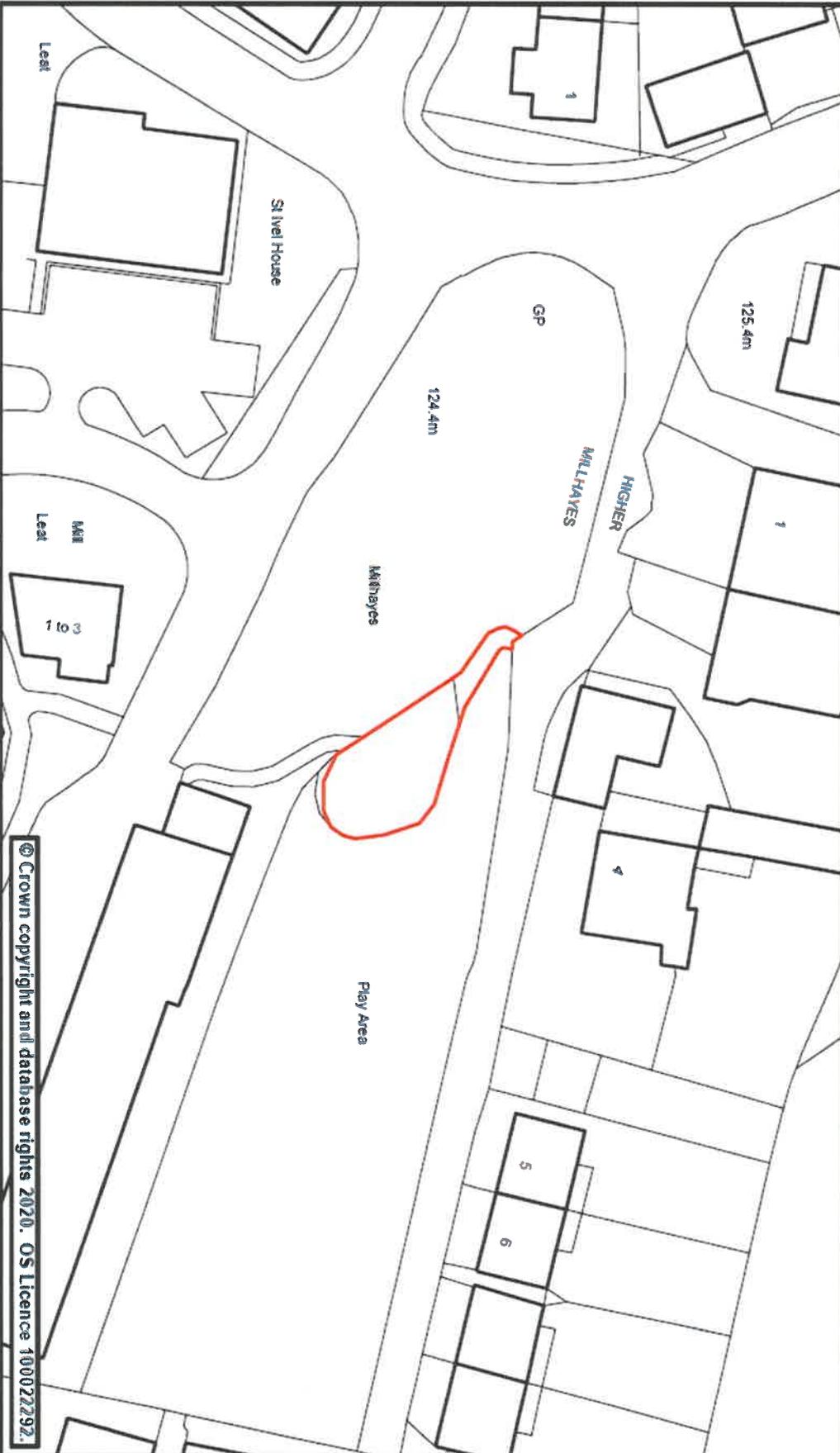




Street Scene Plan 110

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

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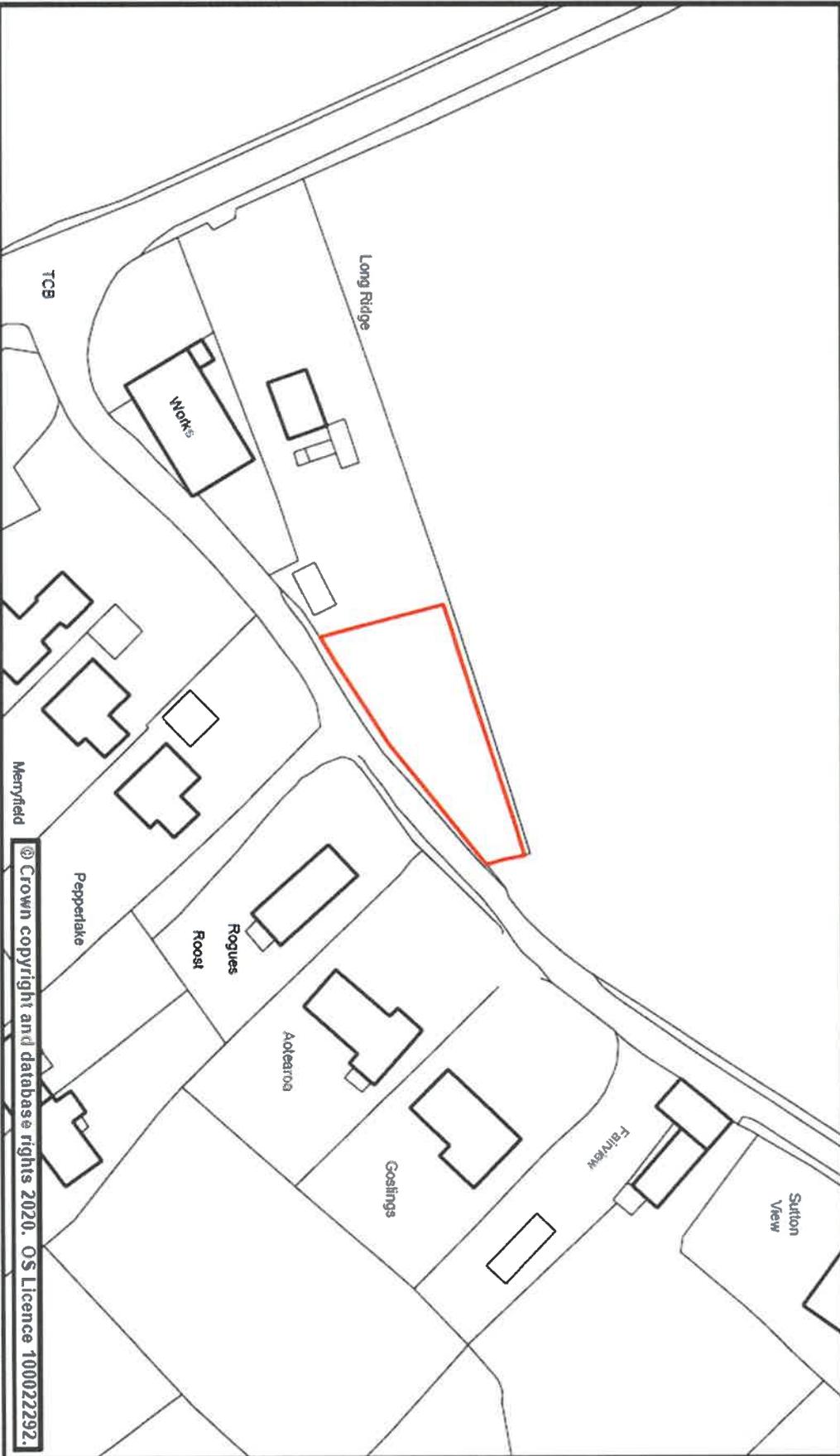




Street Scene Plan 111

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

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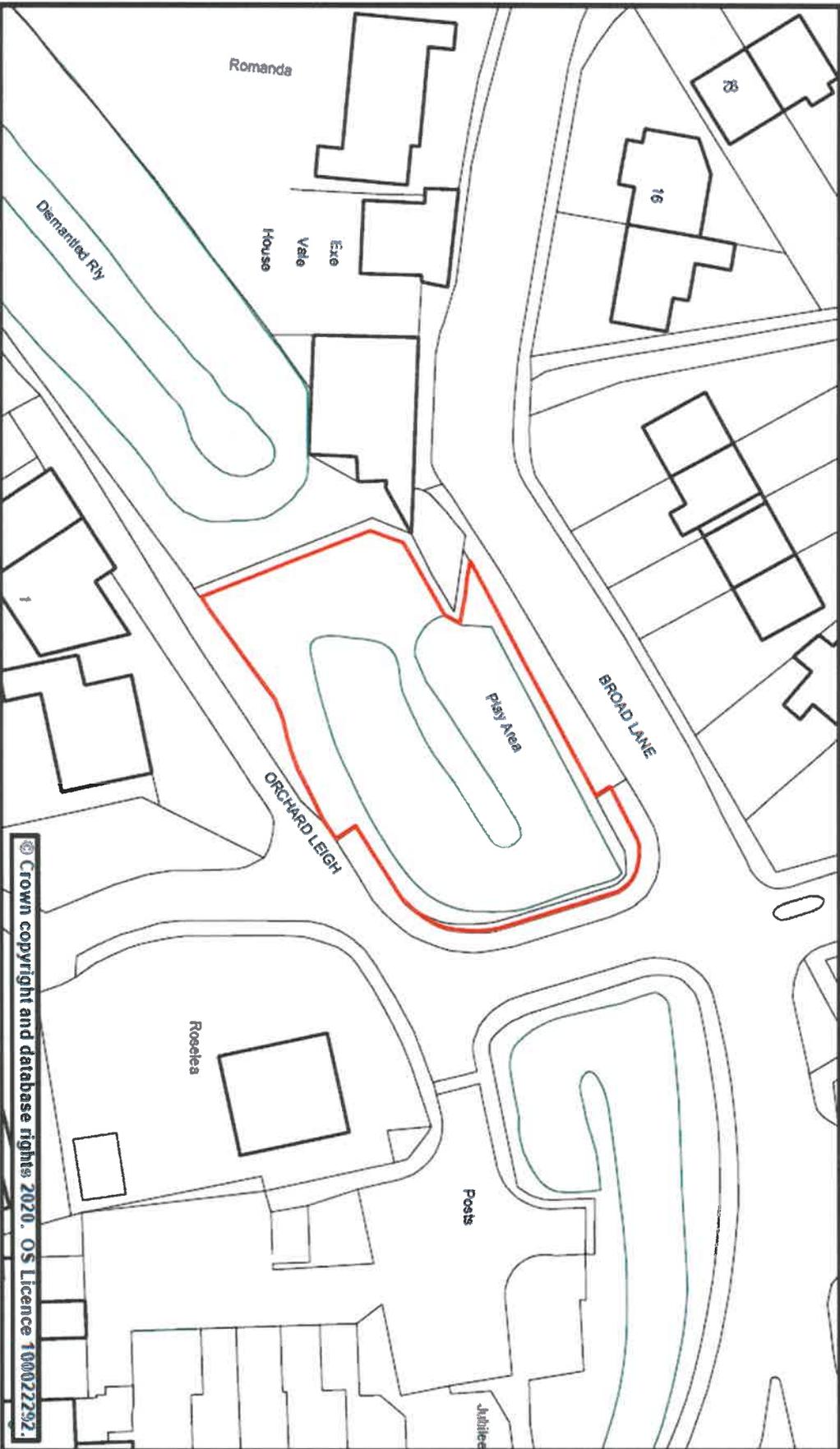




Street Scene Plan 1:2

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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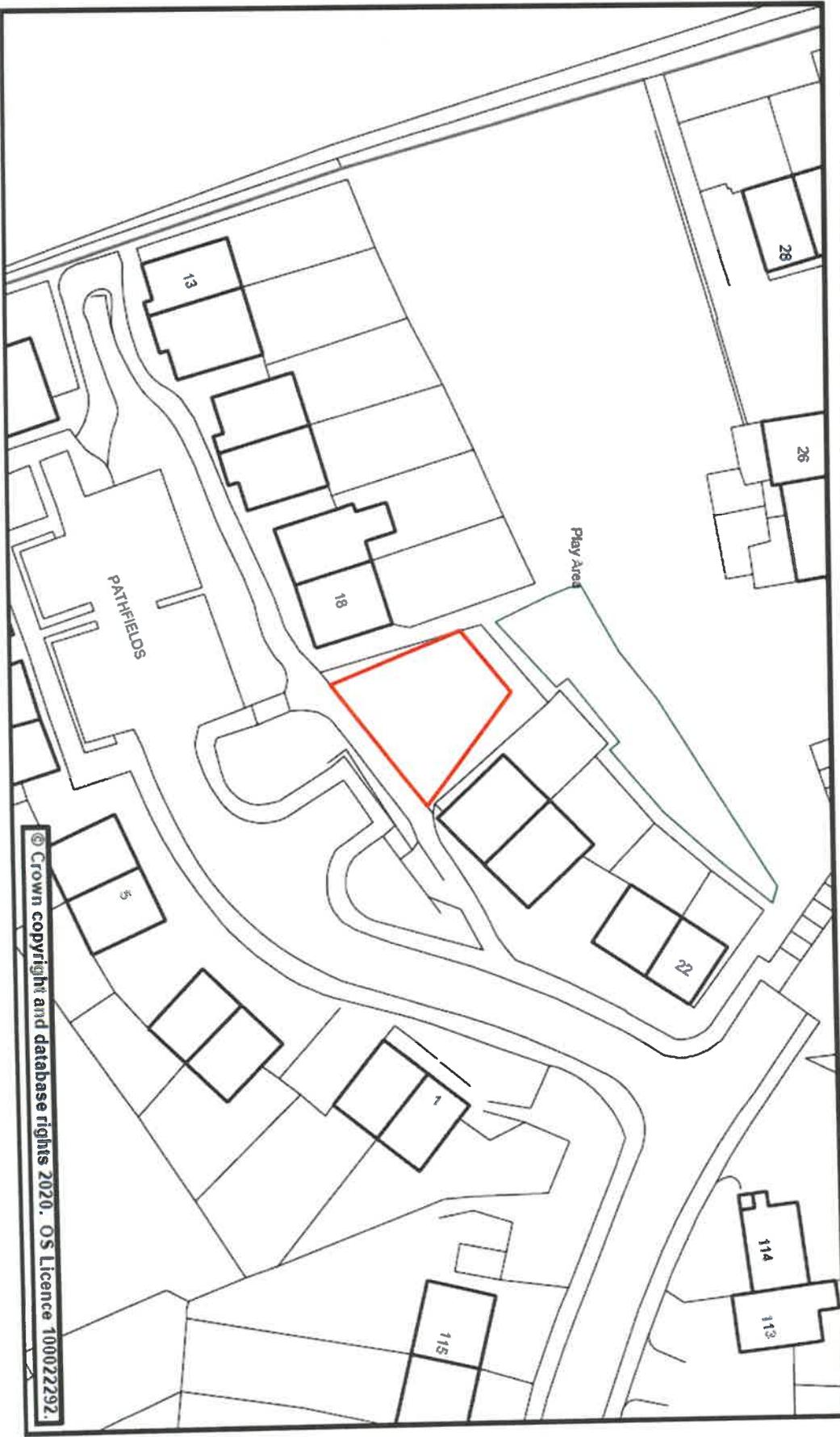


Street Scene

Plan 115

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

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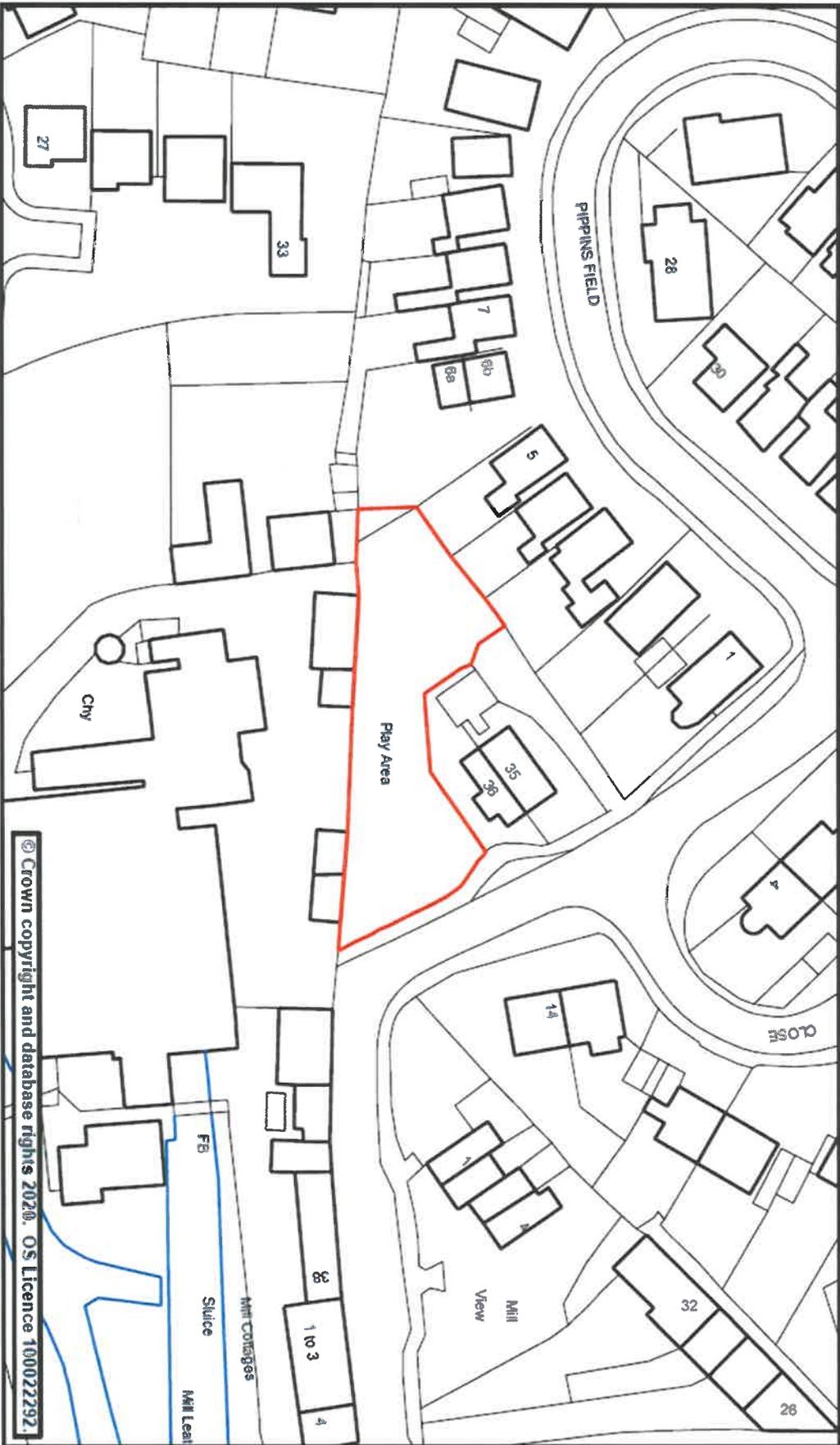
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Street Scene Plan 116

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

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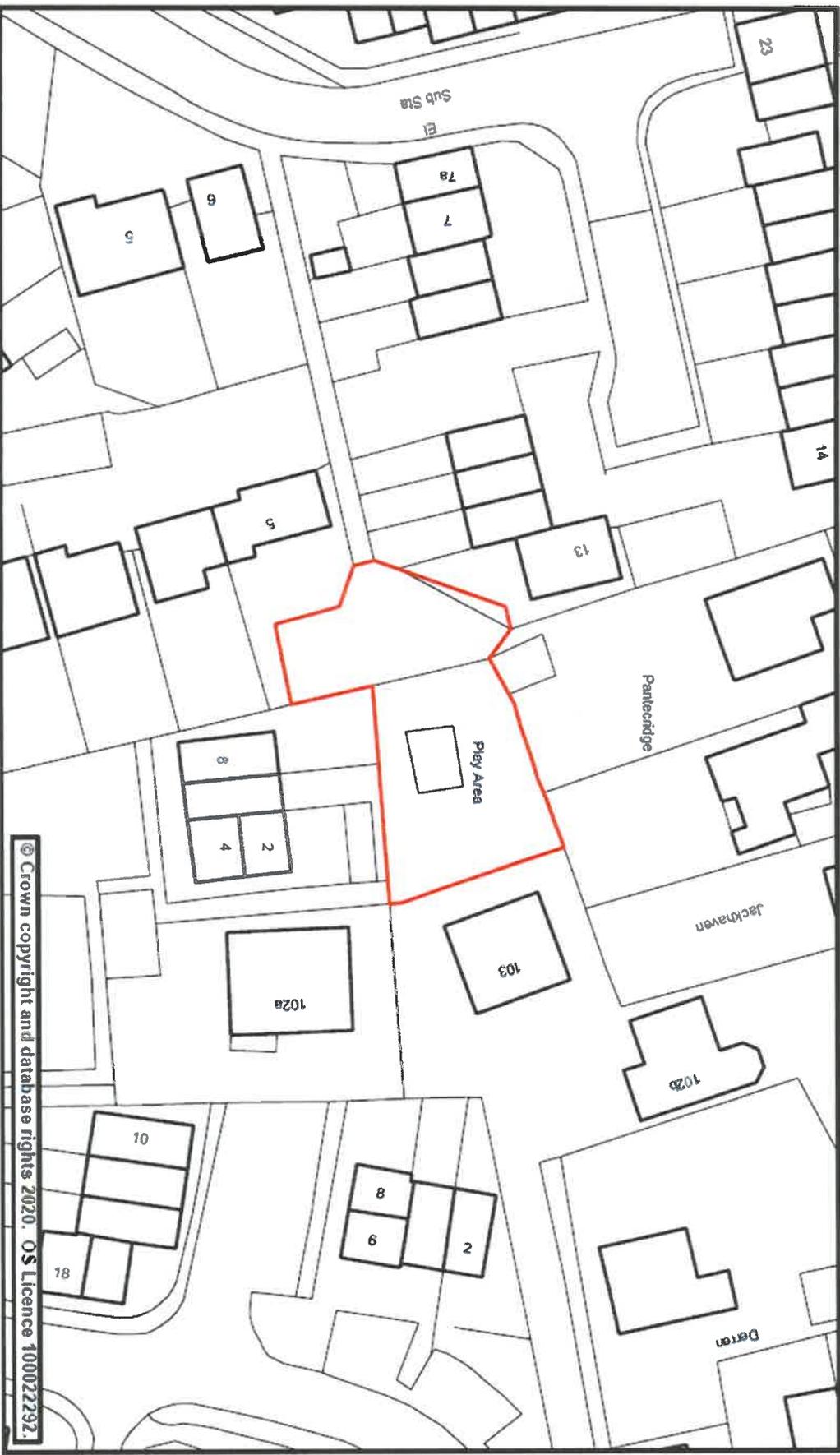
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Street Scene Plan 1/17

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

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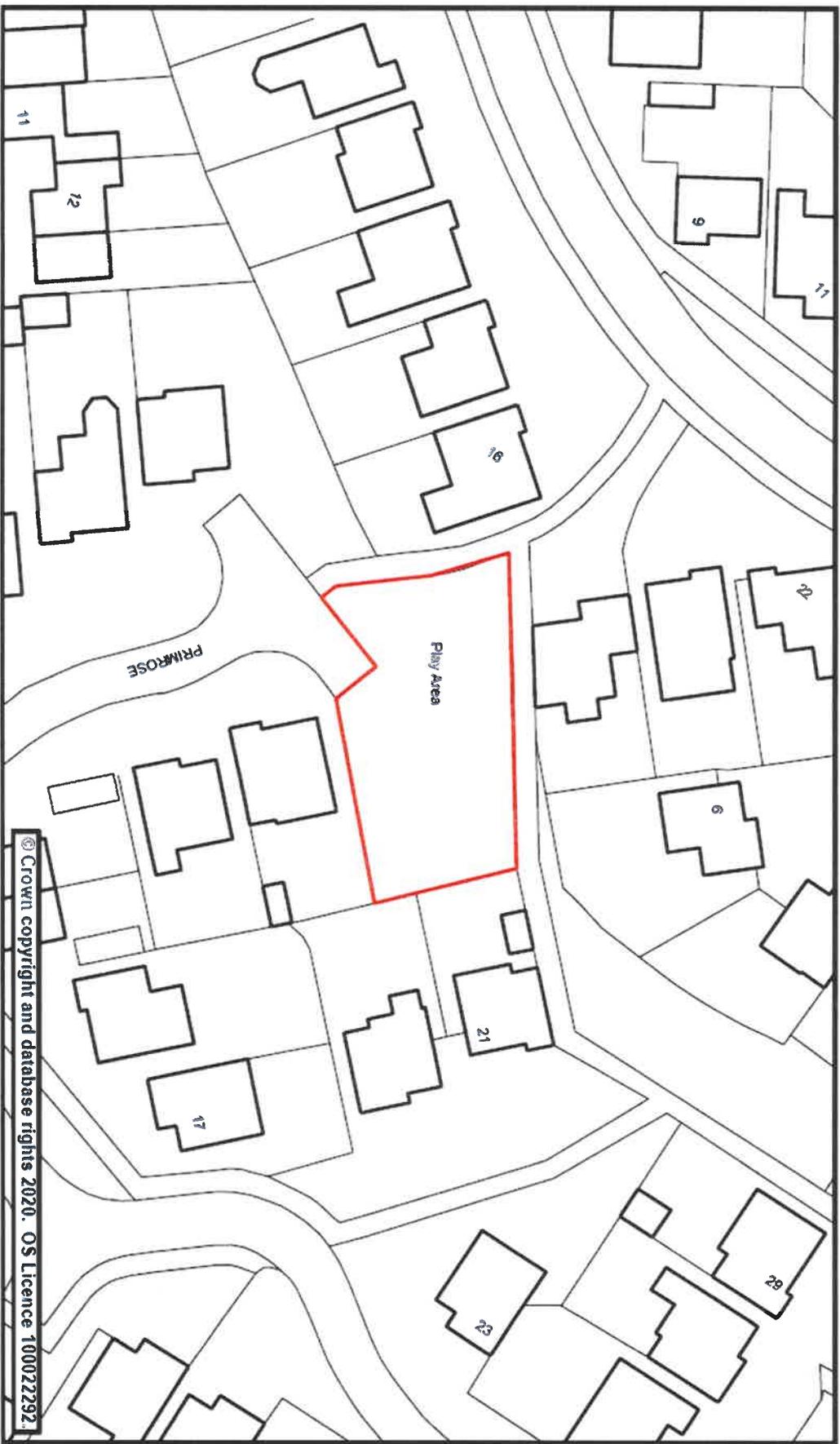
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Street Scene Plan J18

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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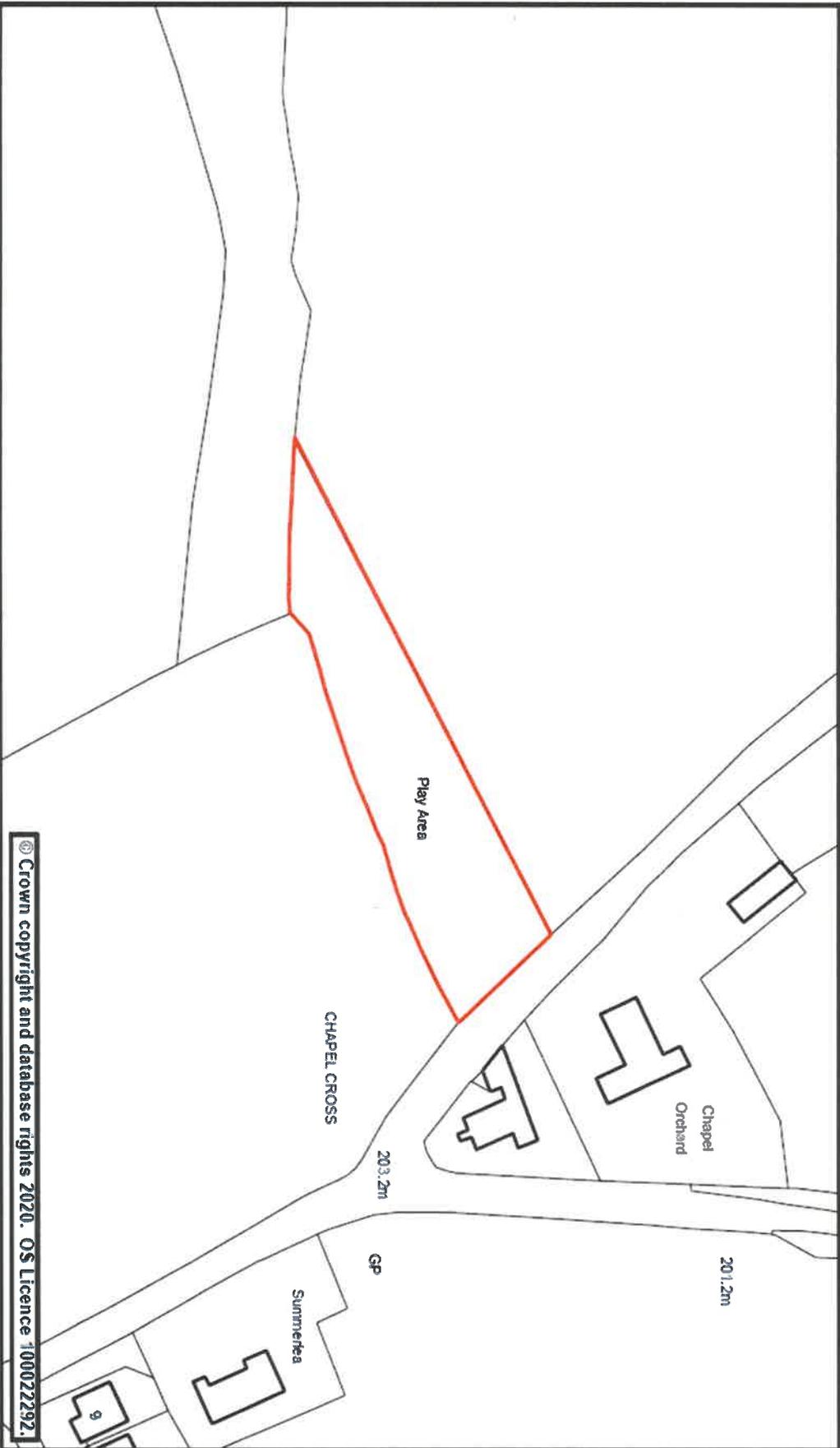
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Street Scene Plan 120

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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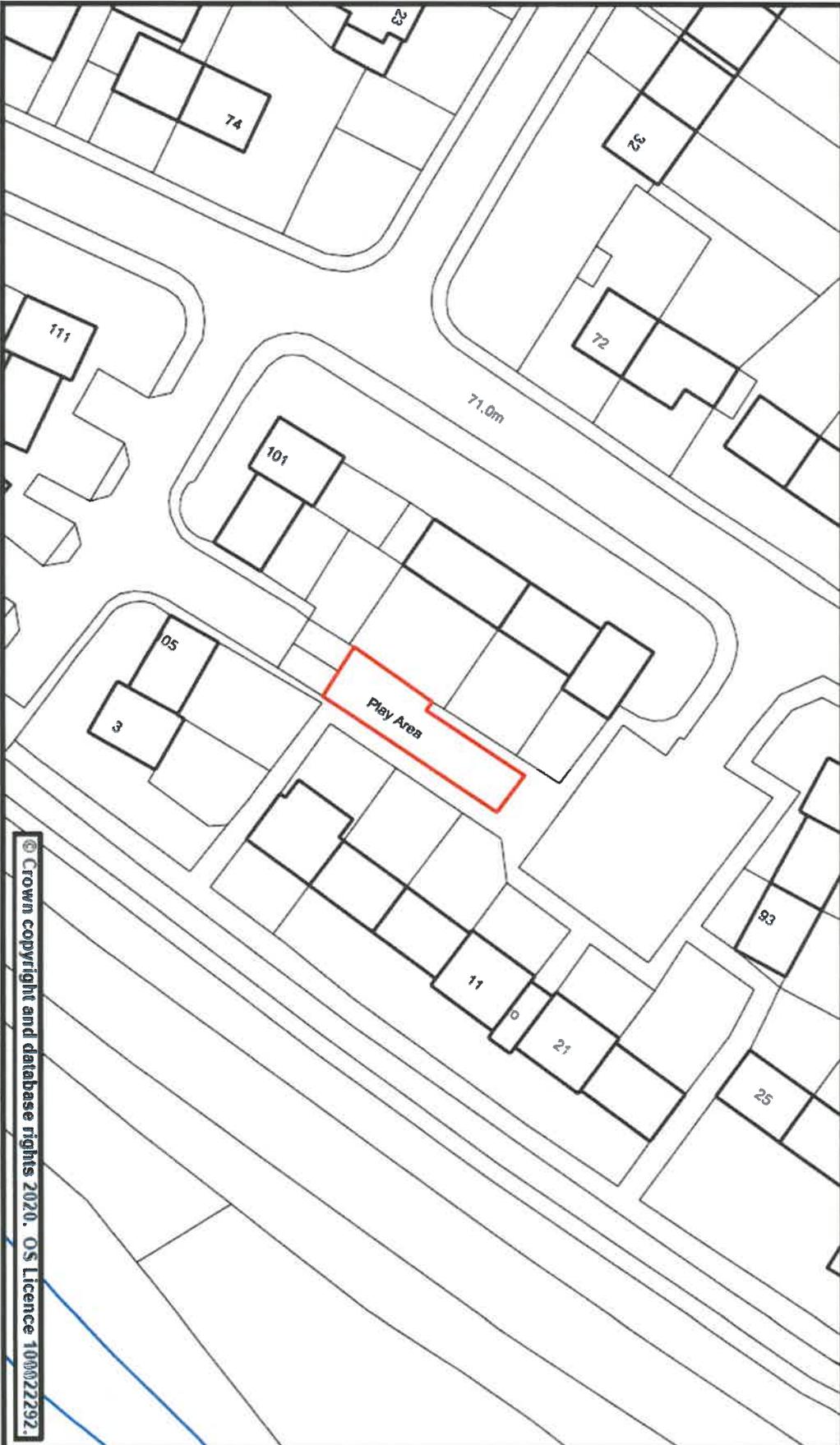


Street Scene Plan 122

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

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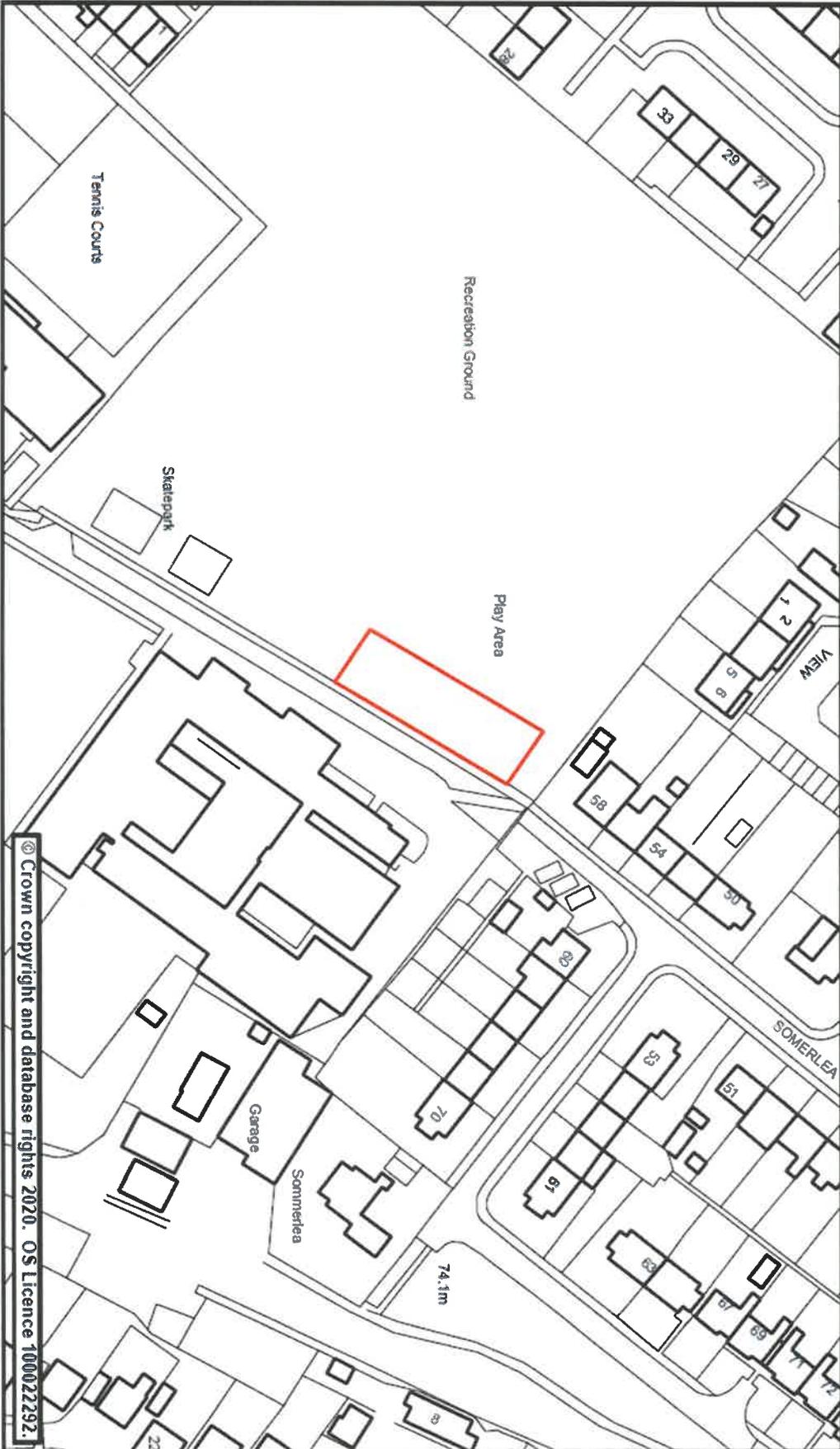
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Street Scene Plan 123

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

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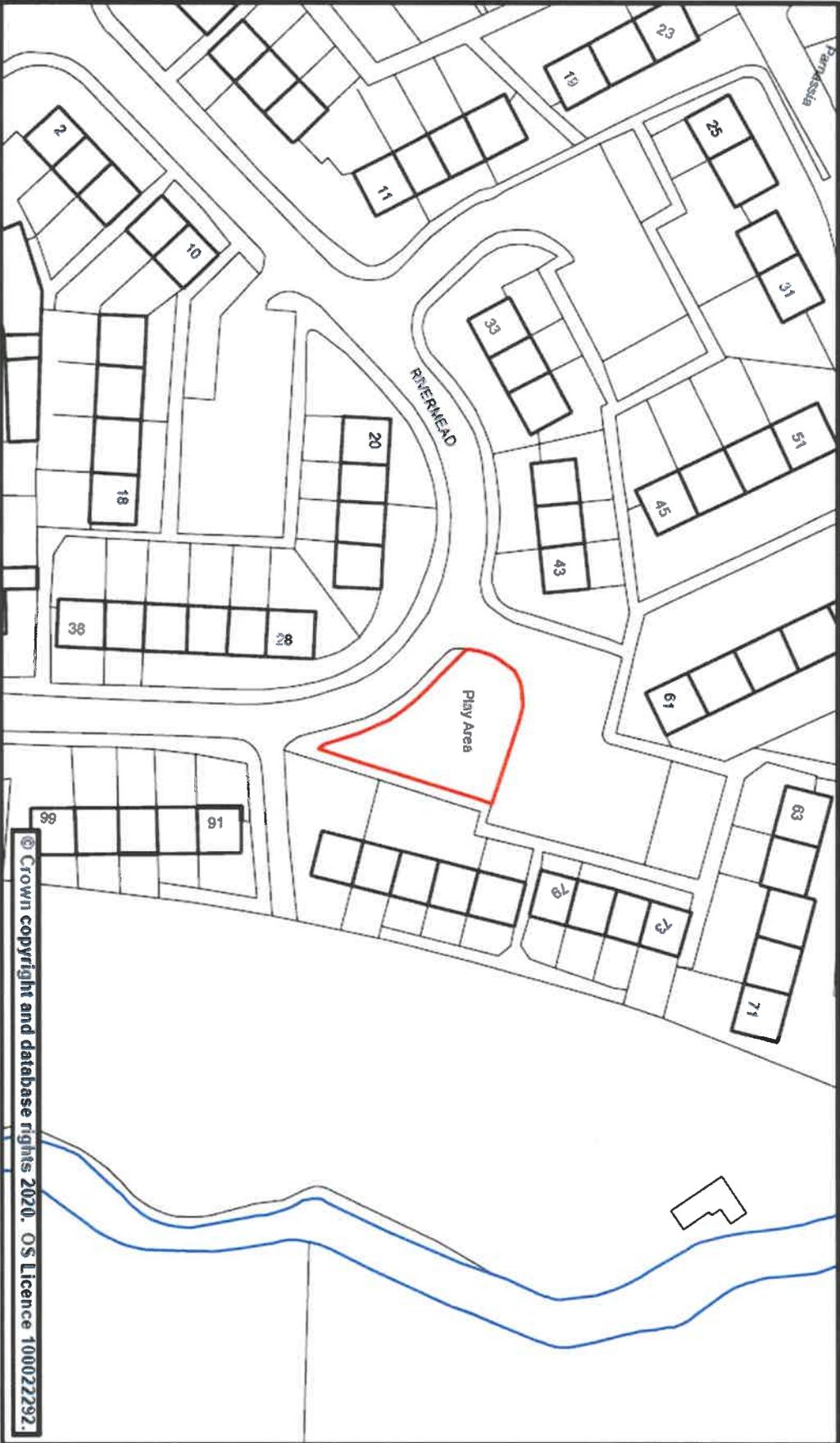
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Street Scene Plan 124

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



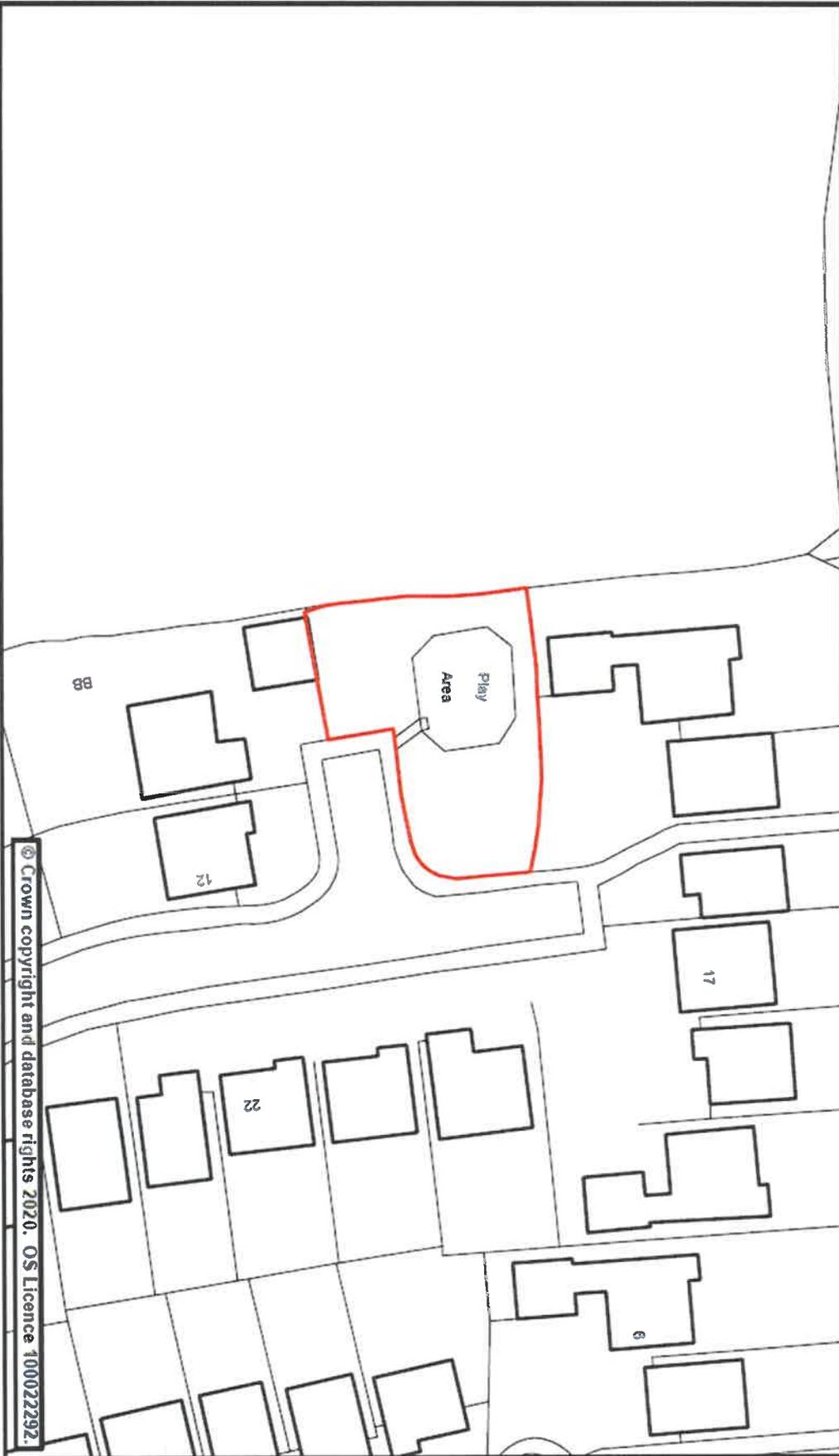
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Street Scene Plan 125

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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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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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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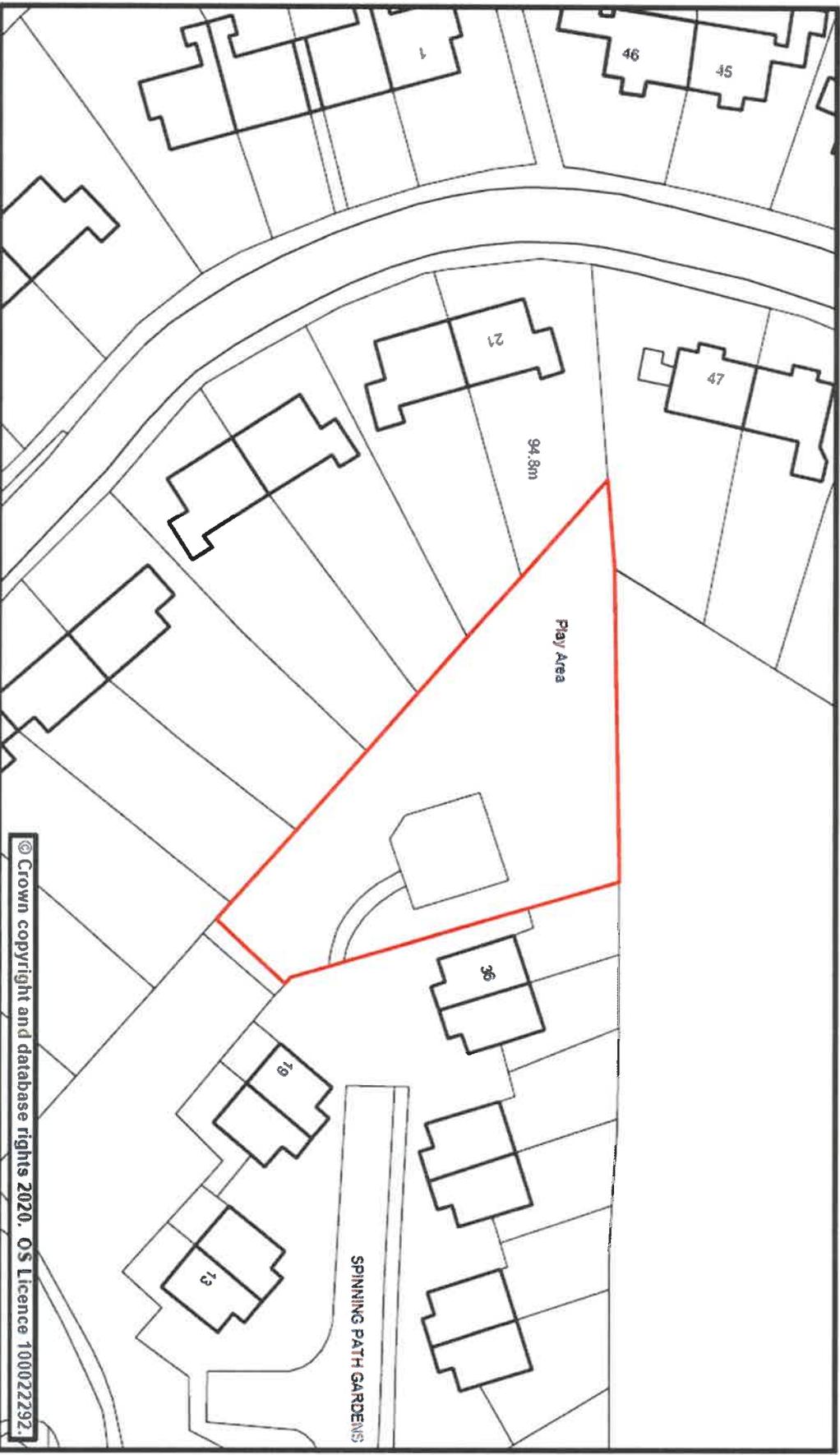
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Street Scene Plan 129

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

Phoenix House
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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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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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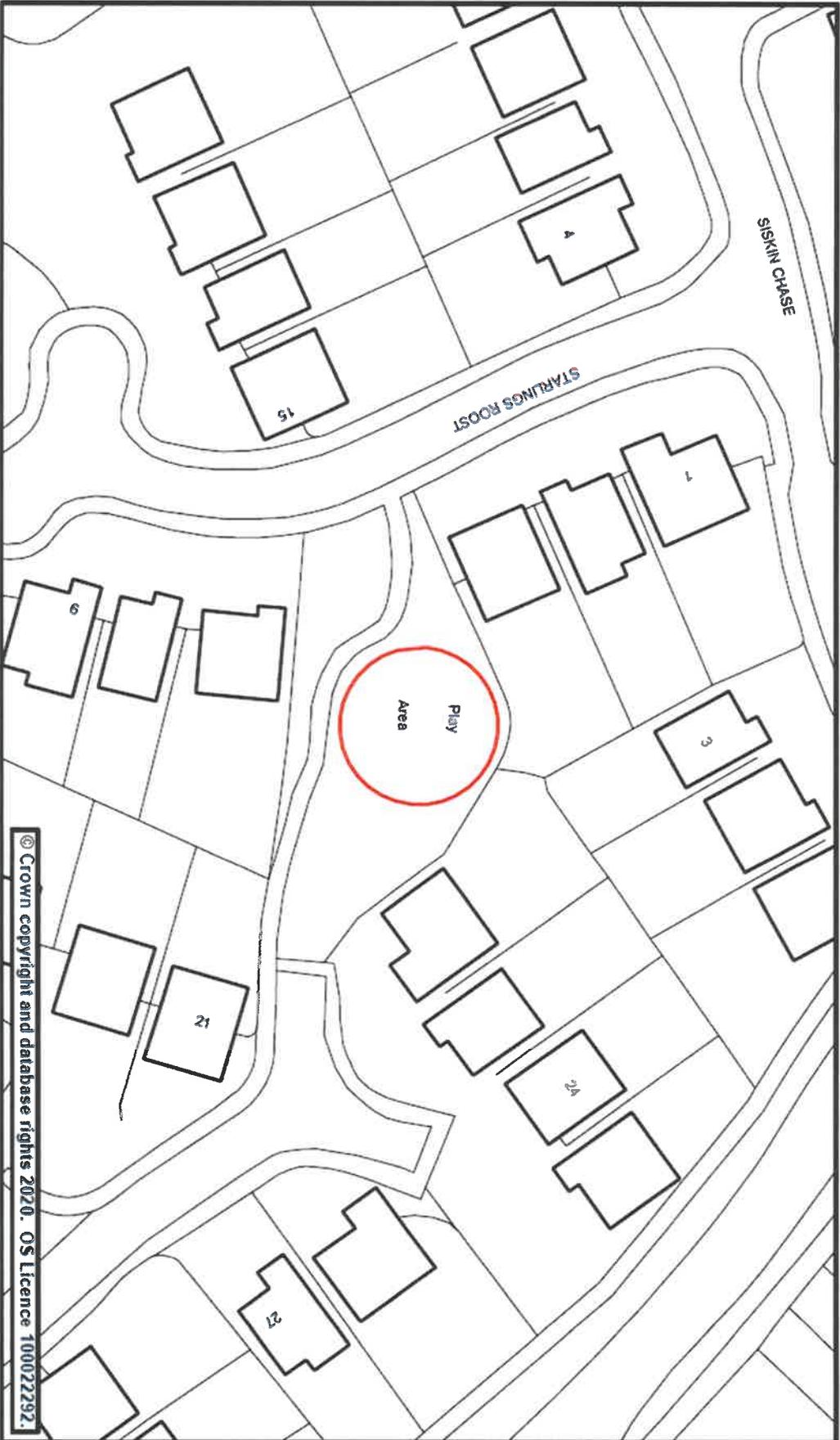
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Street Scene Plan 132

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

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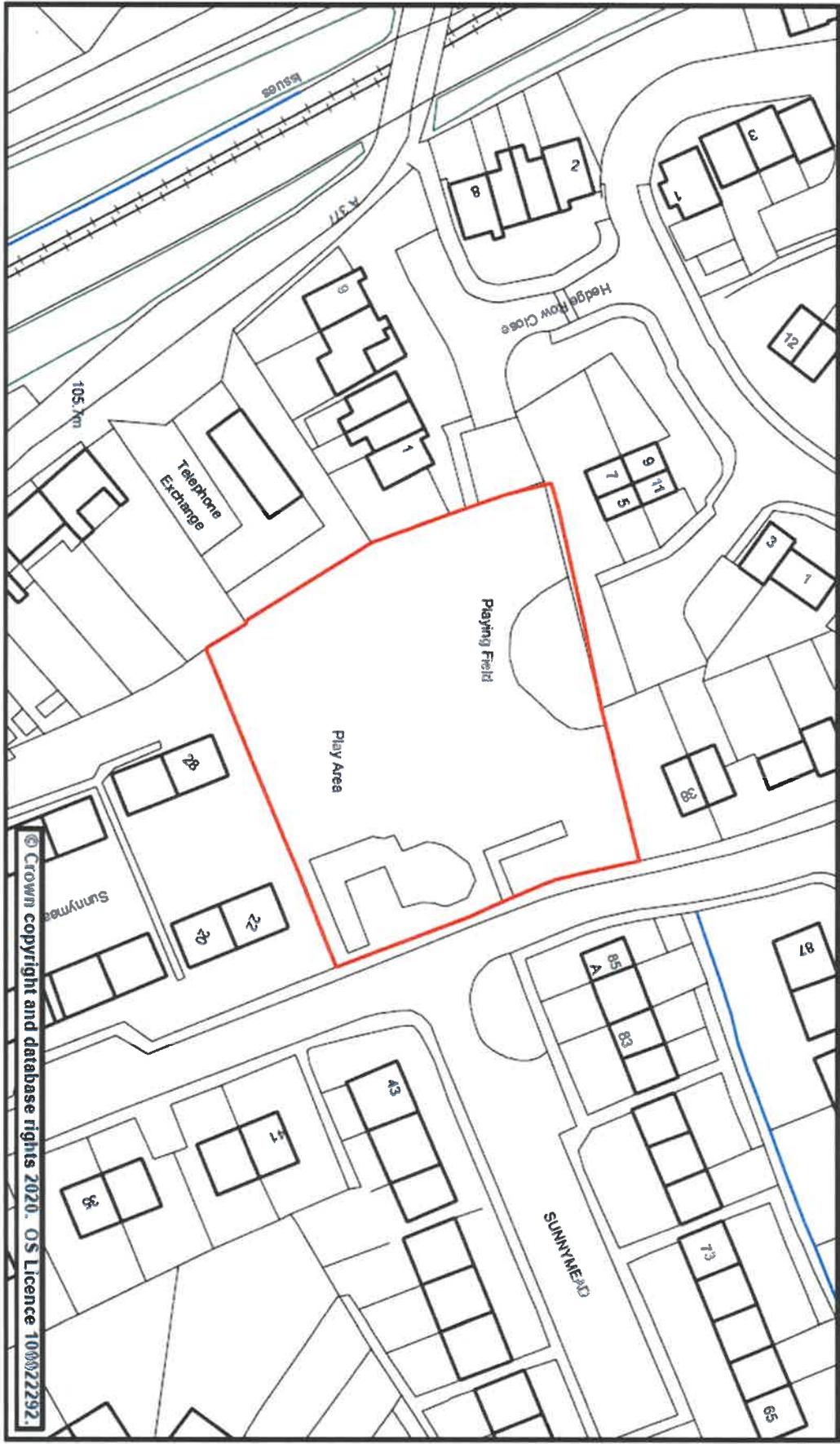


Street Scene Plan 134

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

Phoenix House
Phoenix Lane, Tiverton EX16 6PP

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



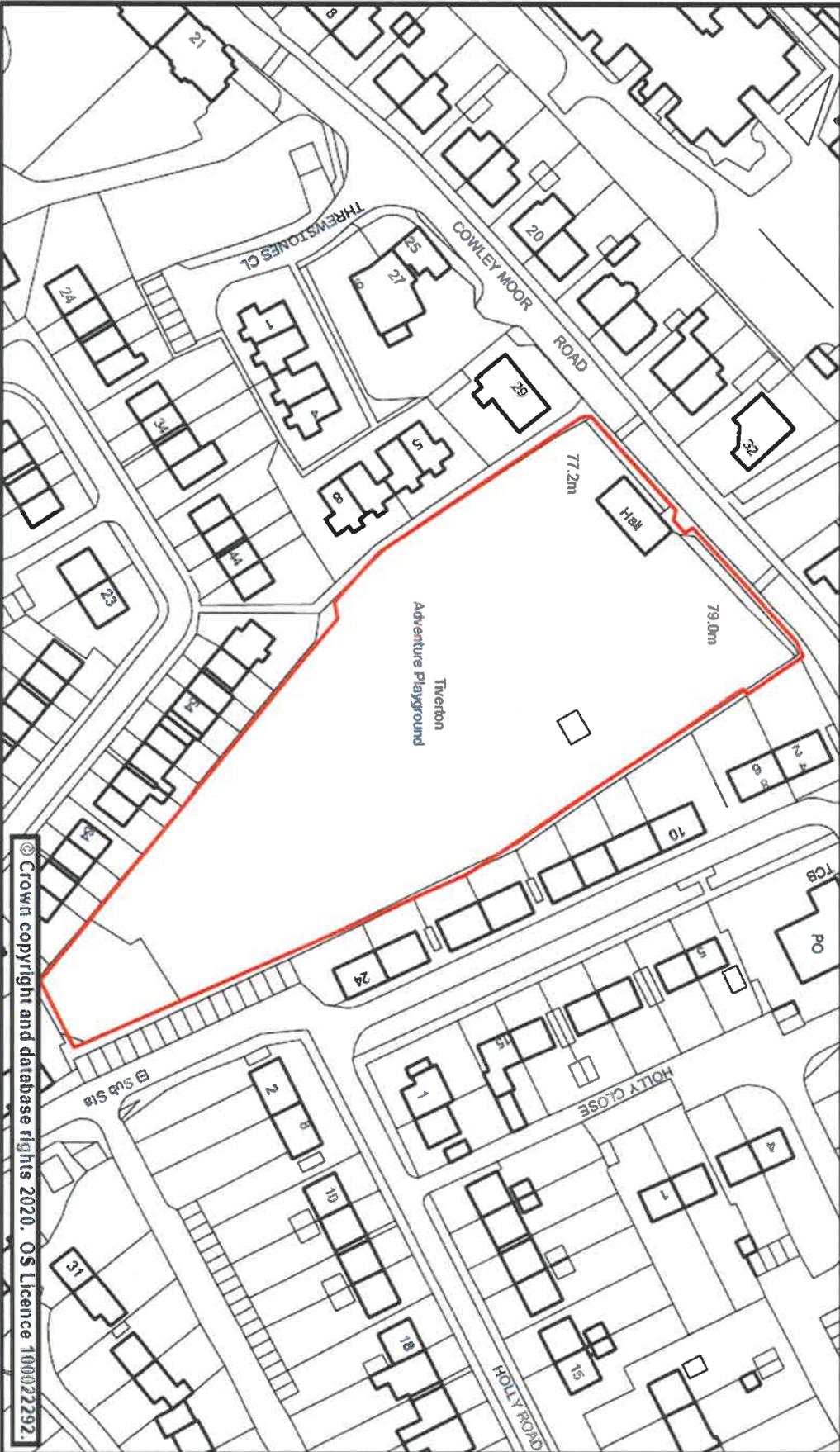
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Street Scene Plan P35

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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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



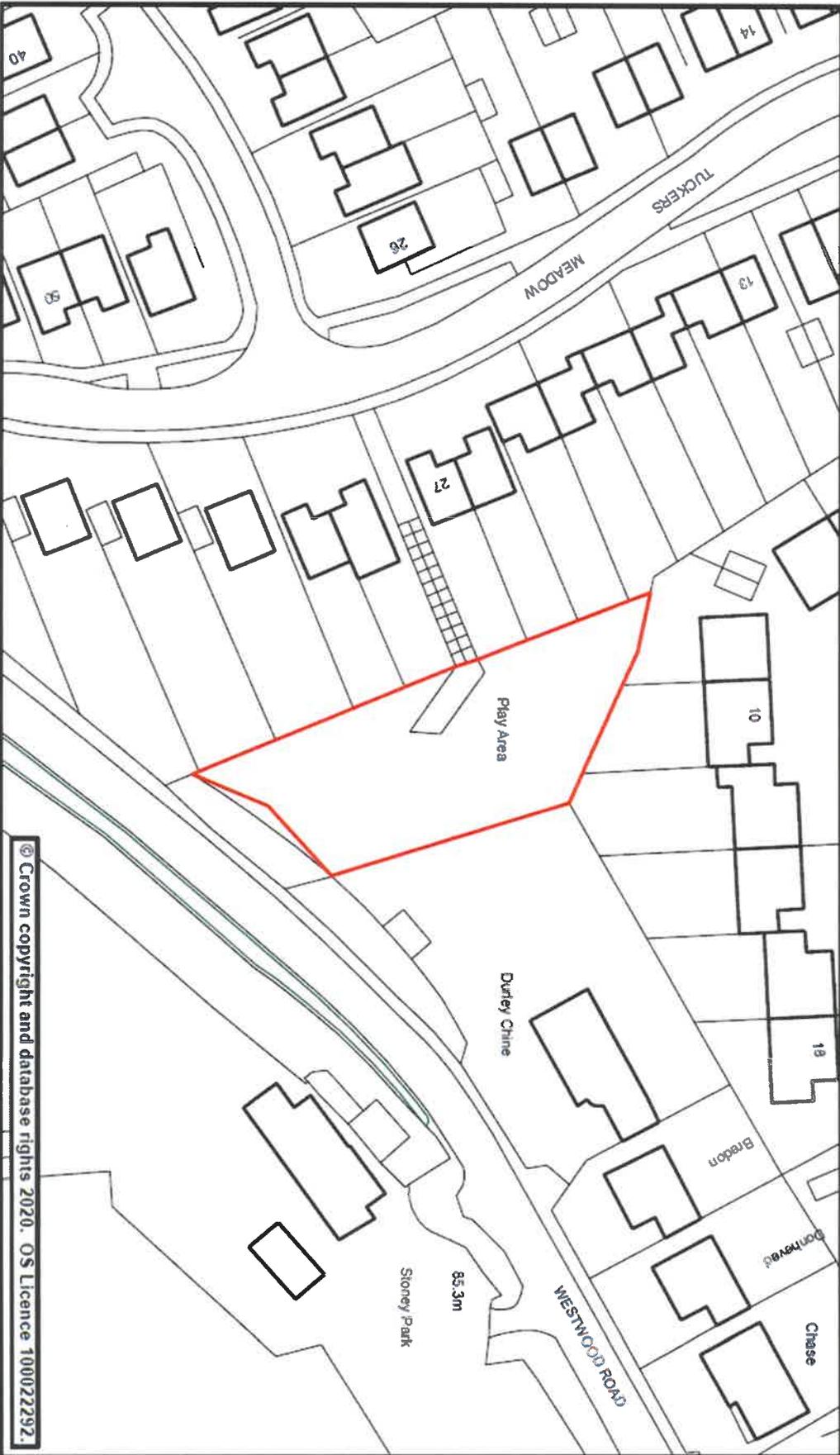
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Street Scene Plan /39

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

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



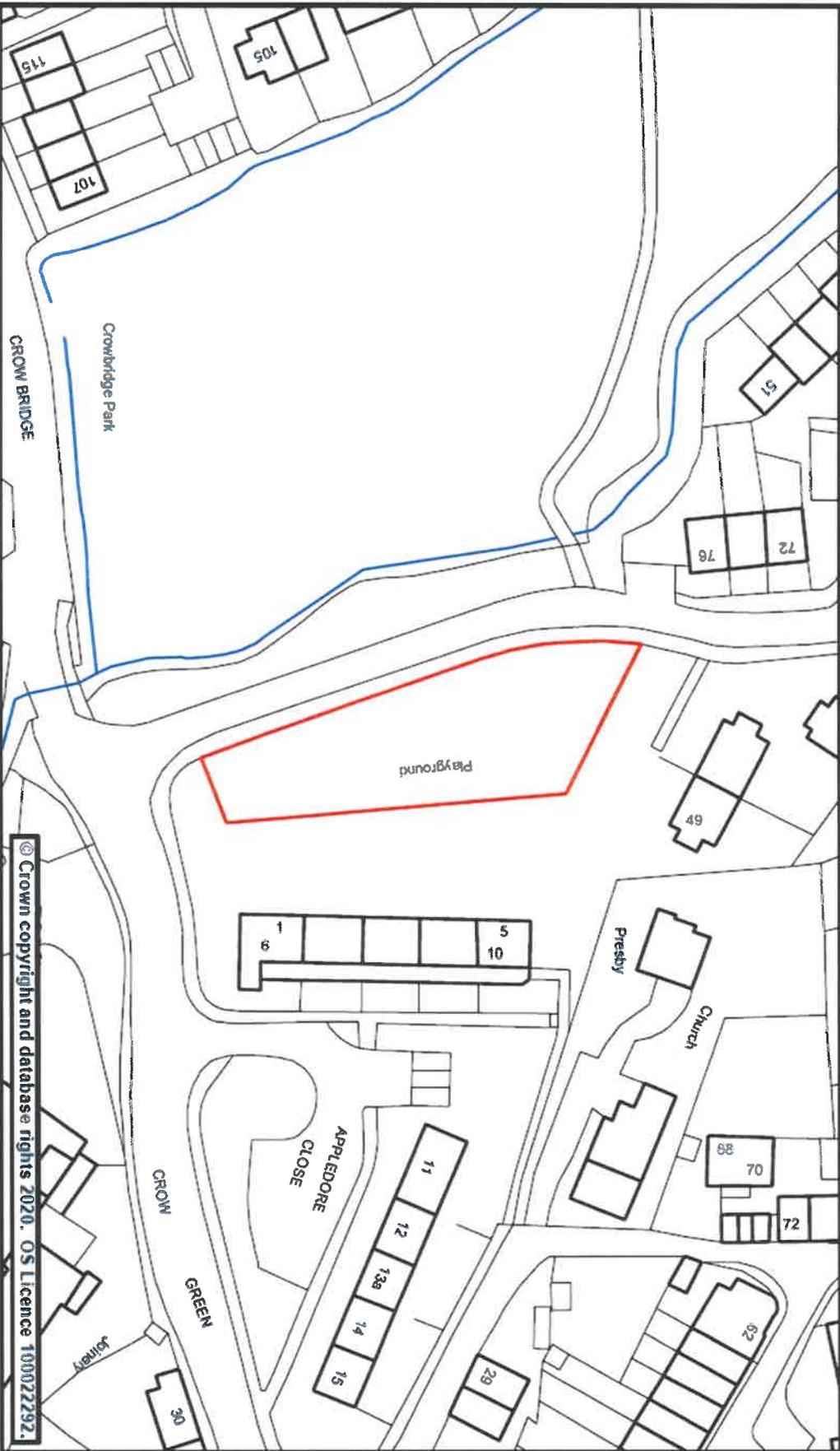
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Street Scene Plan 140

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

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Website: www.middevon.gov.uk



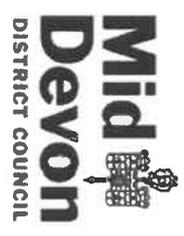
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Street Scene Plan 1/41

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

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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

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



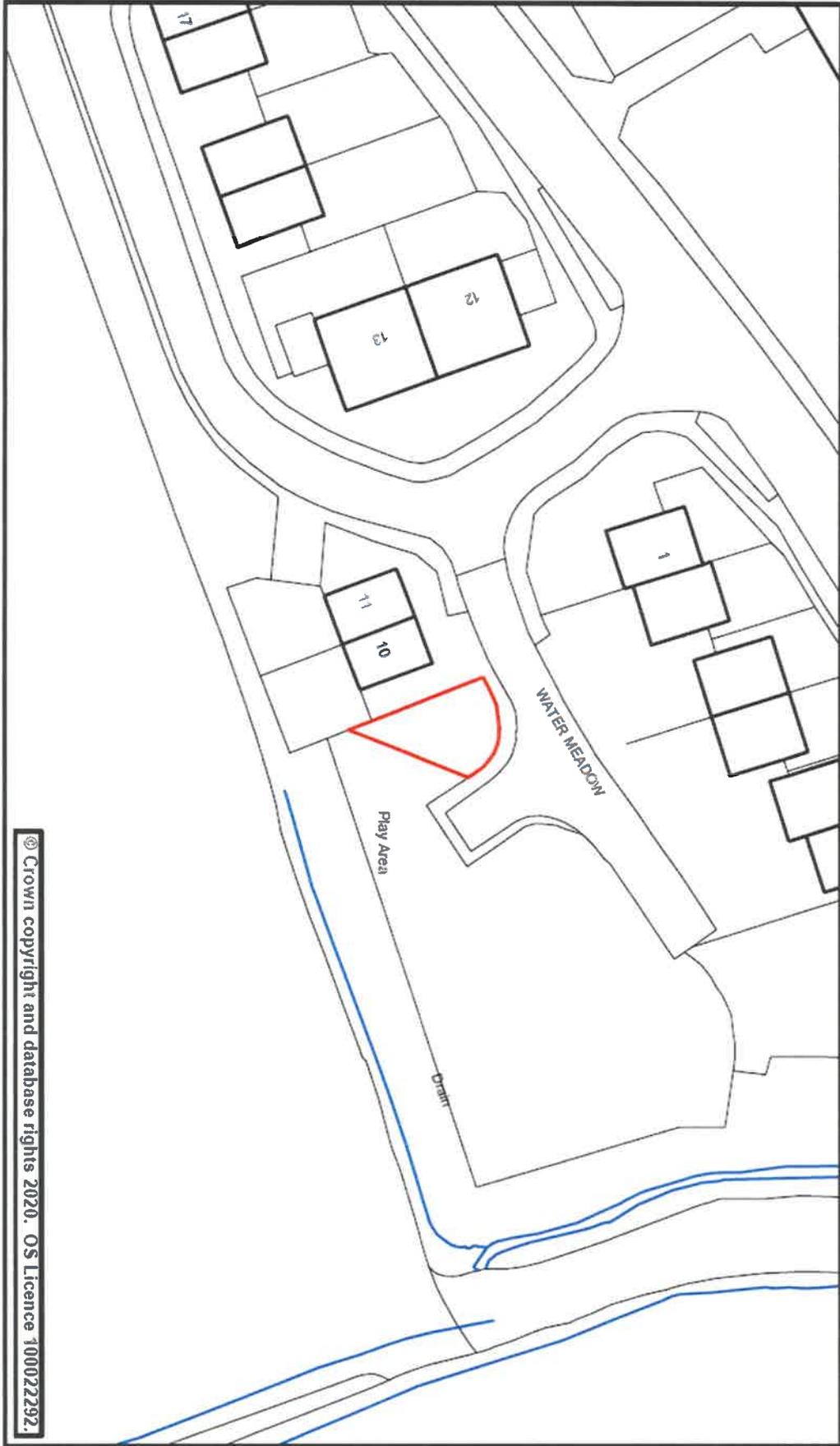
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Street Scene Plan 143

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

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



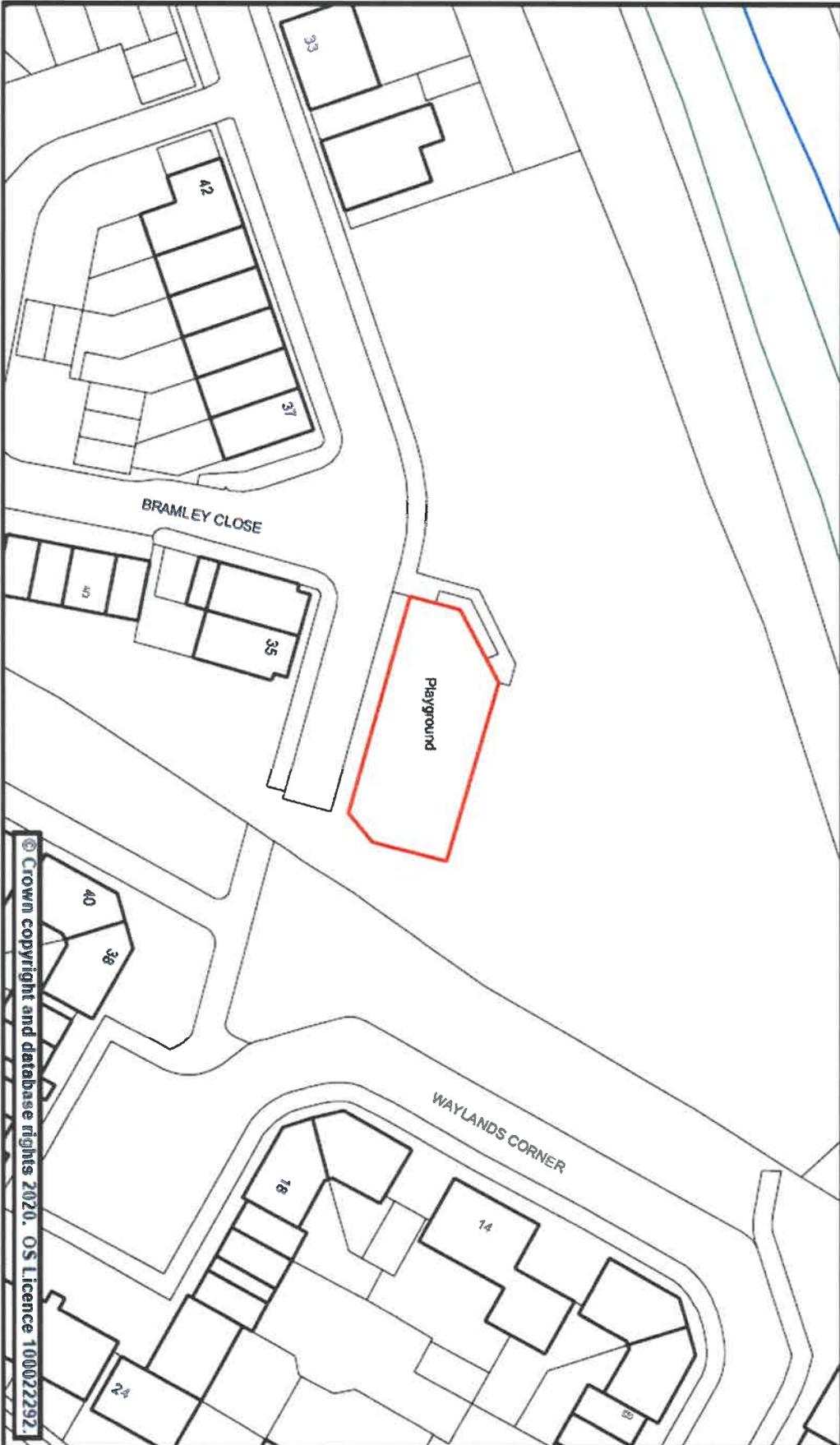
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Street Scene Plan 144

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

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Website: www.middledevon.gov.uk

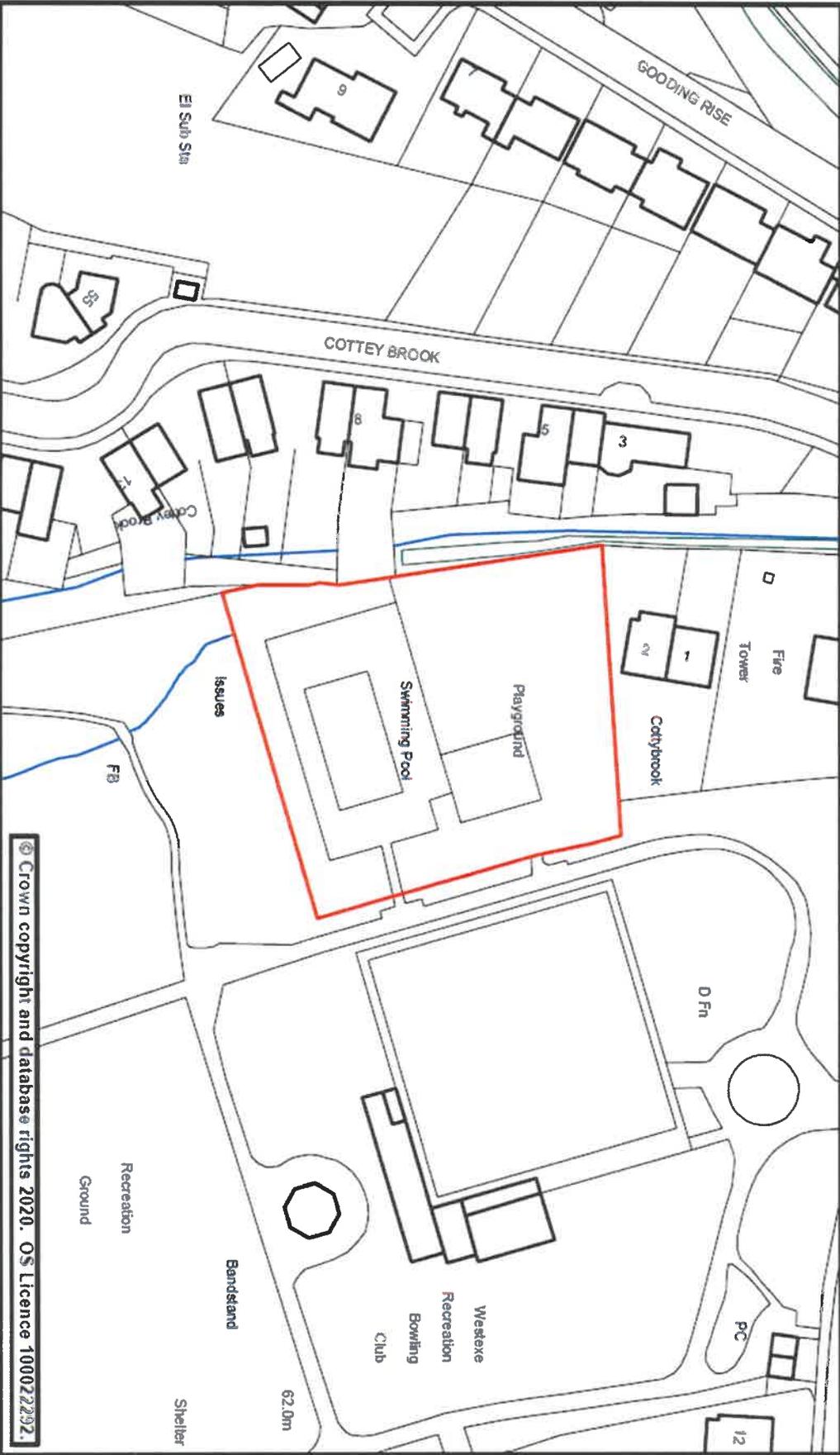




Street Scene Plan 145

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

Phoenix House
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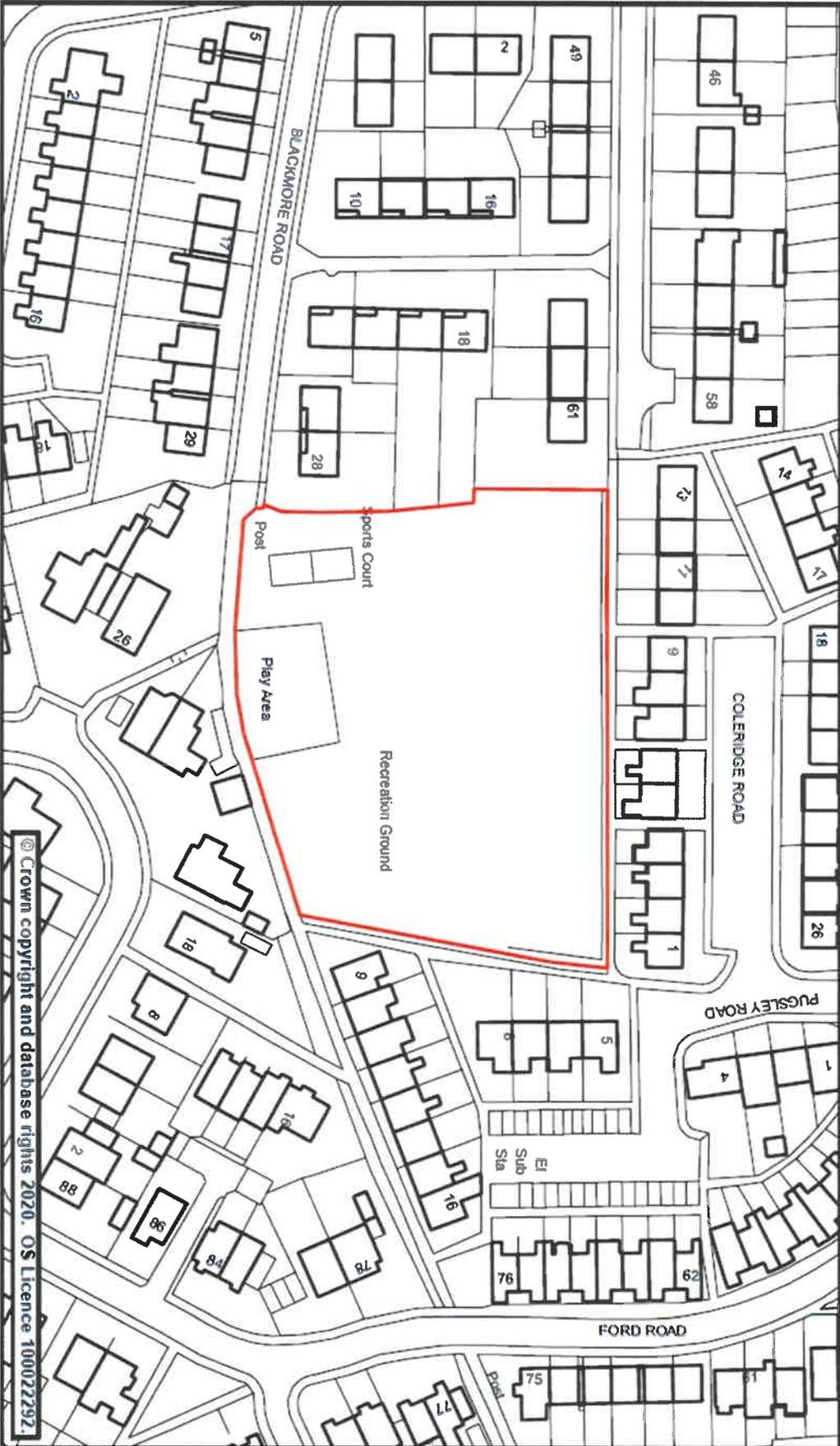
Street Scene Plan 146

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



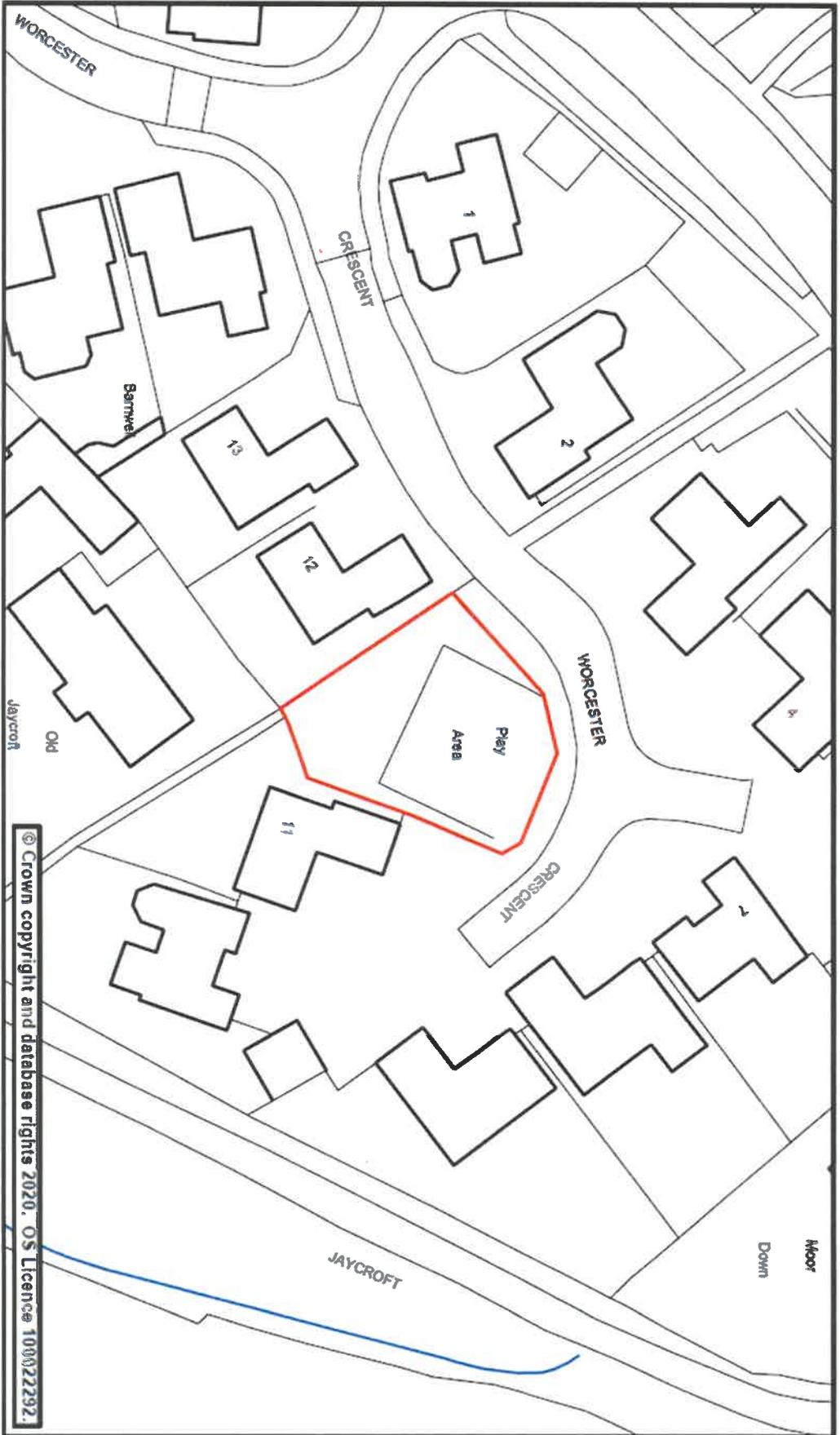
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Street Scene Plan 147

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

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



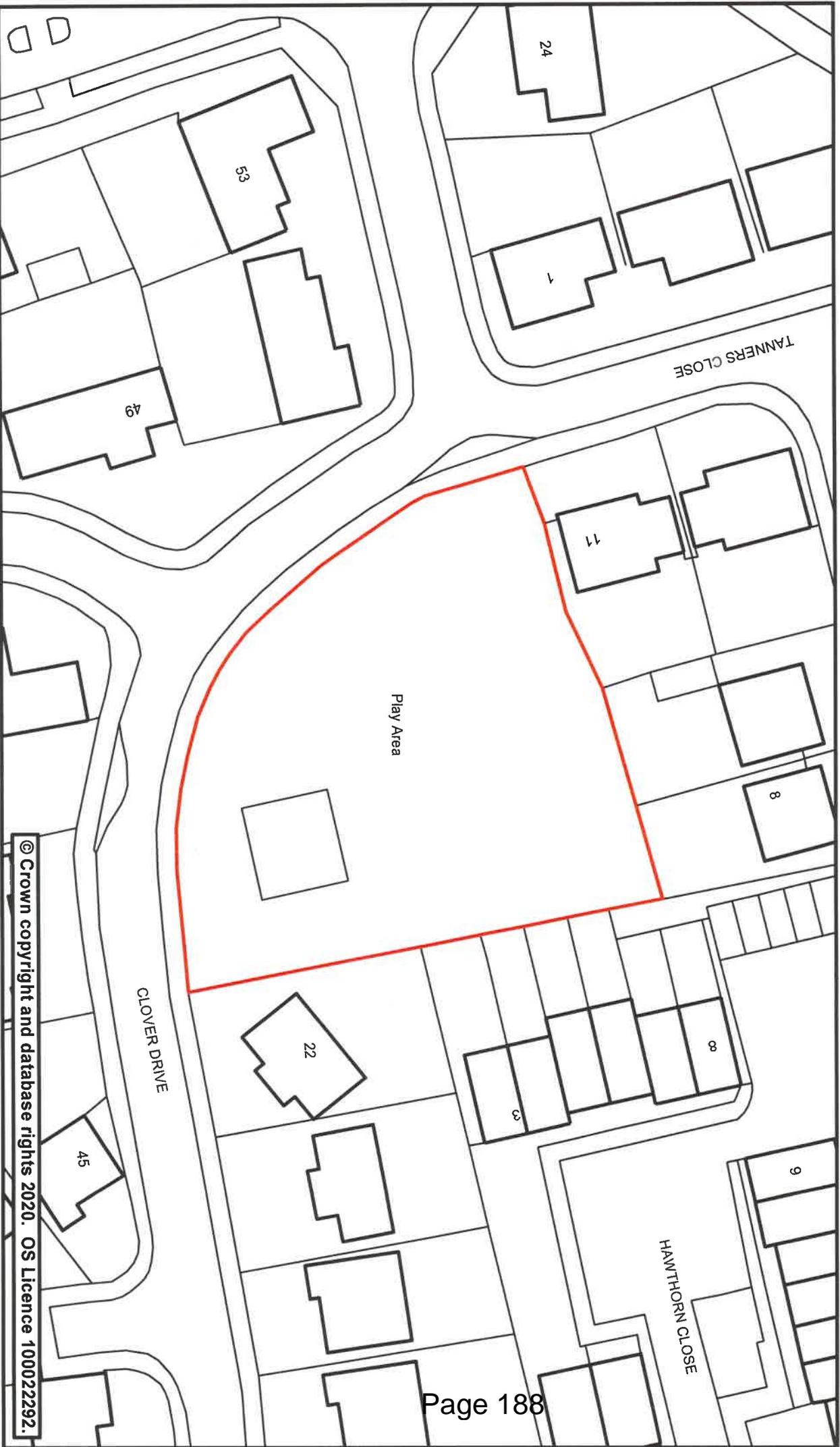
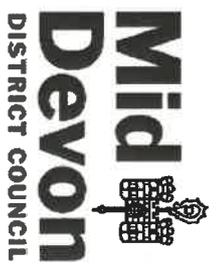
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Street Scene Plans 148

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

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

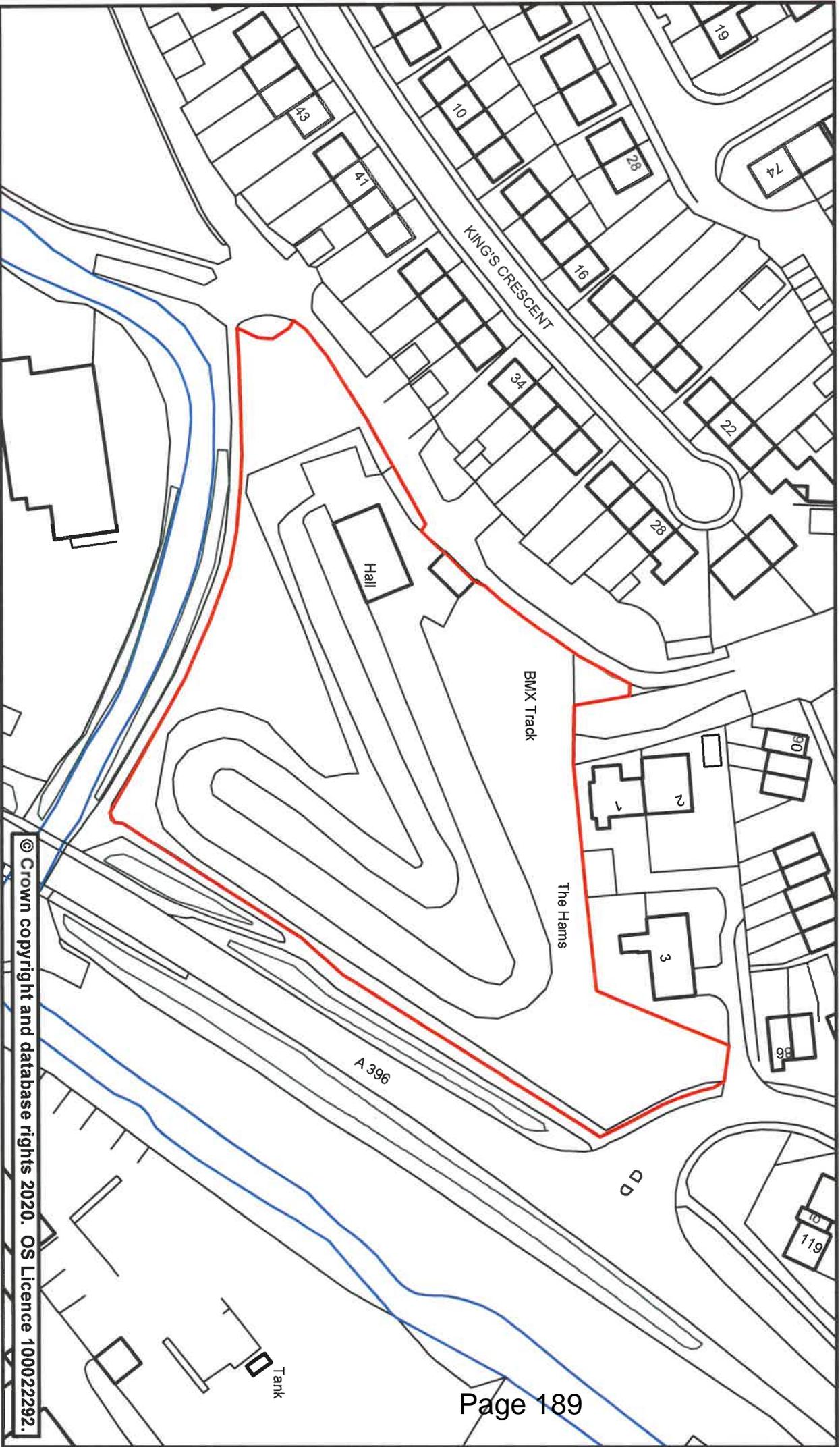
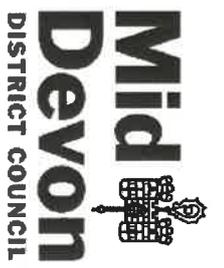




Street Scene Plan 149

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 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).

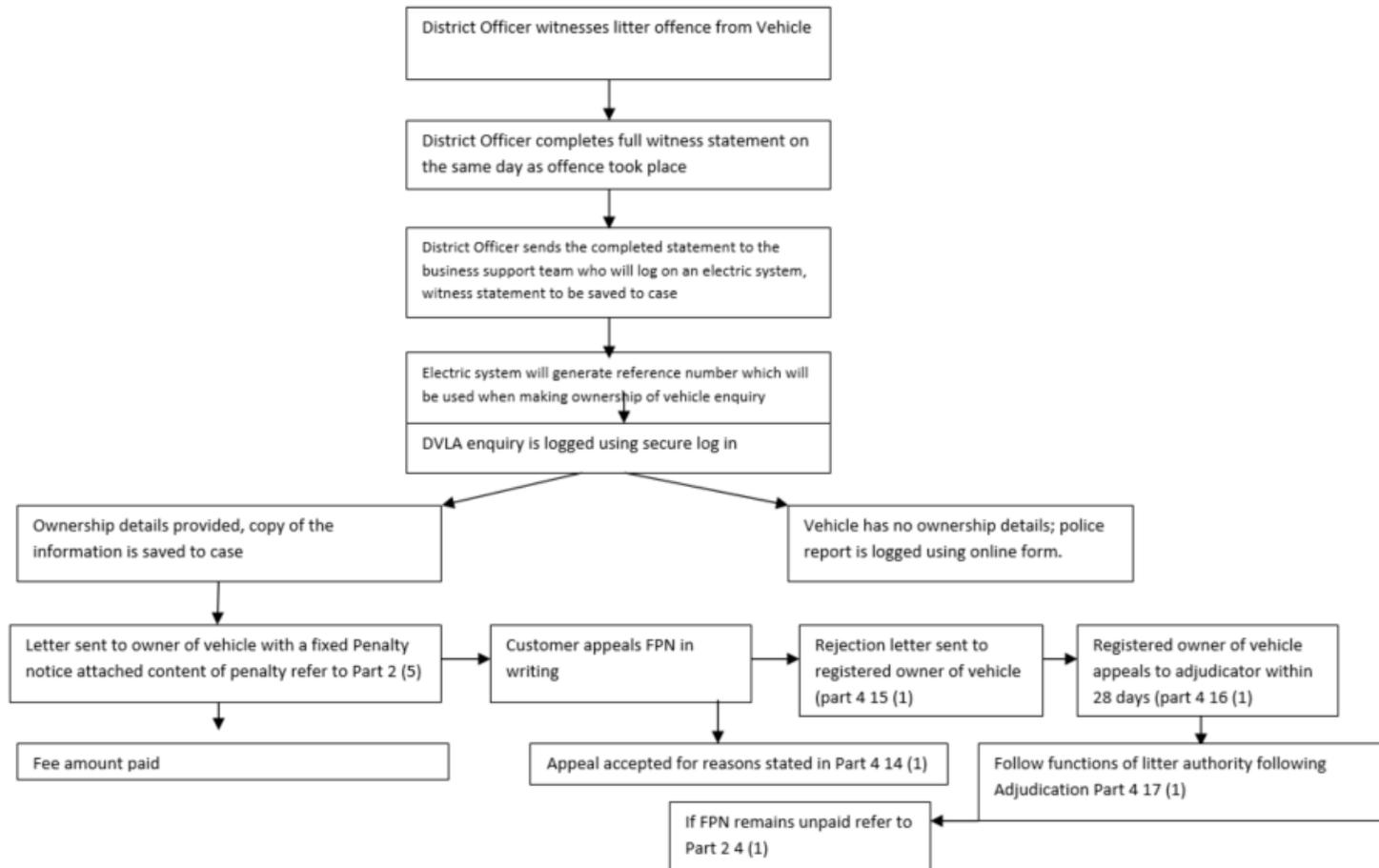
Ground J – the fixed penalty exceeds the amount payable under the Regulations.

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 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:
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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: 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 POLICY DEVELOPMENT GROUP

10 MARCH 2020

PROPOSALS FOR TREE PLANTING

Cabinet Member(s): Cllr Luke Taylor – Cabinet Member for Environment
Cllr Elizabeth Wainwright - Cabinet Member for Climate Change.

Responsible Officer: Andrew Busby – Group Manager Corporate Property and Commercial Assets.

Reason for Report: To provide Members with an update on progress with implementing Council Motion 559 to plant trees as appropriate, as a responsive action to the declared climate emergency.

RECOMMENDATION: For Members to note progress to date and endorse further work, adoption of site listings and plans and implementation.

Financial Implications: It is anticipated that the provision and planting of trees will largely be achieved free of direct cost by working with interest and other community groups. Creating additional accessibility where that may be necessary will be funded via s106 open space contributions.

Budget and Policy Framework: There is no budget impact anticipated and the report accords with established policy – including the Tree Policy. This is a priority action from the Environment Advisory Group.

Legal Implications: Tree planting gives rise to issues of future liability for accidents and damage caused by those trees –whether in respect of accidents caused by falling branches and trees or the damage caused by roots to the foundations of adjoining buildings or existing service media. The Council should ensure that these risks are adequately covered by its insurance policies and by a planned management programme. If planting takes place on third party land then the allocation of future responsibility with the landowner should be clearly established so as to avoid any uncertainty.

Risk Assessment: Planting appropriate trees in appropriate places will ensure any risk will be avoided.

Equality Impact Assessment: By consulting and appropriate design it is anticipated that where areas of woodland are created that they will be accessible by all where that is possible.

Relationship to Corporate Plan: Planting trees supports the Council's Corporate Plan by contributing to carbon reduction (and in the aid of community well-being by enhancing open spaces).

Impact on Climate Change: Planting trees will have a positive impact to reduce the effects of climate change by offsetting carbon usage in the Council's intention to be carbon neutral by 2030.

1.0 Introduction/Background

- 1.1 This Report is prepared in response to Motion 559 to plant trees on appropriate Council owned land in response to the declared climate emergency.

2.0 Progress to date

- 2.1 An initial desk-top study has been undertaken to identify potentially suitable sites in Council ownership for further investigation and consultation where that is necessary. The list as it stands to date of sites is shown at Annex A. This covers land across General Fund and Housing Revenue Account ownership. The land includes general public open space/ amenity grass land, redundant play area sites and farm land.
- 2.2 Positive engagement has been made with the Tiverton Tree Group including the viewing of potential Council sites in Tiverton. This in conjunction with the Cabinet Member for Climate Change.
- 2.3 There has been previous engagement with Sustainable Crediton and a small area of open space land is already let for their management for planting with pollinators to encourage bees into the urban area. Discussion is ongoing over other potential land for that project and also for tree planting.
- 2.4 Similar discussion in terms of land for planting and naturalisation have been had in Cullompton and Bradninch. That can be expanded to included trees.
- 2.5 Tiverton Tree Group is also working with private landowners toward obtaining and planting of trees on their land. There can be mutual support in enabling more of this.
- 2.6 It is anticipated that trees will be obtained from a number of sources free of charge. That may in some cases be dependent on the trees being planted in spaces that are publically accessible and not closed sites. It is anticipated that planting of the trees will be supported by interest and community groups and indeed the engagement of those groups along with schools will be part of the project.

3.0 Next steps

- 3.1 The Tree Group and Sustainability Groups will be able to support planting by giving advice (along with the Council's own Tree Officer and Open Spaces Officer) on appropriate species, community engagement and consultation. Where possible accessible spaces can be created for communities to embrace – community woodlands and orchards, simply adding to the street-scene or more dense woodland if appropriate. Funding for access works can be met from s106 open space contributions.
- 3.2 Areas of open space and amenity grass in many areas can accommodate some trees. Species and location will be dictated by proximity of dwellings to avoid potential future conflict and constraints such as public utilities

underground and overhead. The quantity of planting will be such to enhance the open space and amenity as well to provide additional trees.

- 3.3 In many cases this is operational work where proposals will be shared with Ward Members and Parish Councils. Project related work and change of land use will be brought to Members for approval as well as updates on progress generally. Larger sites identified for investigation to date include farmland at Peppins Howden Tiverton (this extends to some 12 hectares (30 acres)) and a riverside verge at Mountbatten Road Tiverton. Investigations are progressing with Peppins Howden.
- 3.4 Significant planting in this season has been missed although there may still be opportunity for something to be done and this could be in the redundant play area at Halsbury Road Tiverton.
- 3.5 Plans will be developed with interest groups ahead of the next planting season – autumn/winter 2020/21 (implemented with volunteers where that is possible). Those plans may include ongoing management in one form or another of spaces created.
- 3.6 The impact on grounds maintenance operations will need to be considered – ease of grass of cutting and other operational activities. Planting of trees is key and compromises will have to be made if necessary.

4.0 **Additional benefits**

- 4.1 In addition to the carbon reduction benefits of tree planting further trees will increase diversity of flora and fauna enhancing open space, aiding sense of well-being, reducing flood risk and can be an educational resource.

5.0 **Conclusion**

- 5.1 This demonstrates that work on this project has commenced and there is a proposal to commence implementation of tree planting in a managed way to complement and enhance open space, as well as supporting carbon reduction proposals in conjunction with interest groups. Implementation to commence at the next appropriate planting season.

Contact for more Information: Steve Densham 01884234921
sdensham@middevon.gov.uk.

Circulation of the Report: Cabinet Member, Leadership Team

List of Background Papers: Council 6 November 2019 - Motion 559 Cllr R Evans – 22 October 2019. Environment Policy Development Group 26 November 2019 - Motion 559 Cllr R Evans – 22 October 2019.

Attachments Annex A List of Potential Sites
 Annex B To be presented at the meeting.

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ANNEX A

Potential Sites for Tree Planting

- Redundant play areas
- Greenway Crediton
- Halsbury Road Tiverton

- Open Space

- Beacon Park Crediton
- Queen Elizabeth's Drive/ Avranches Crediton
- Westernlea Crediton
- Cromwell Meadow Crediton
- Lords Meadow Crediton
- Swallow Way Cullompton
- Meadow Lane Cullompton
- Clover Drive Cullompton
- Spindlebury Cullompton
- Tiverton Road Cullompton
- Hollingarh Way Hemyock
- Millhayes Hemyock
- Waylands Road Tiverton
- Bluebell Avenue Tiverton
- Priory Road Tiverton
- Lea Road (bus layby) Tiverton
- Glebelands Tiverton
- Cudmore Park Tiverton
- Mountbatten Road Tiverton
- Oak Close Tiverton
- Graters Copse Tiverton
- St Andrew Street Tiverton
- Exhibition Road Tiverton
- Paradise Tiverton
- The Avenue Tiverton
- Cromwell Park Tiverton
- Peppins Howden (Farm) Tiverton

Housing Sites

- West End Road Bradninch
- Barnfield (triangle) Crediton
- Barnfield (crescent) Crediton
- South View (Westleigh) Burlescombe
- Bray Close Burlescombe
- Butts Close Chawleigh
- Hammett Road Cullompton
- Vickery Close Cullompton
- Shortlands Road 'Allotments' Cullompton

Housing sites Cont:-

- Shortlands Road Cullompton
- St Andrews Estate Cullompton
- Great Close Culmstock
- Prospect Way Lapford
- Court Orchard Newton St Cyres
- Park Close Silverton
- Hillcrest Silverton
- Oak Close Silverton
- Curwood Crescent Tiverton
- Walronds 'Allotments' Tiverton
- Watery Lane Tiverton
- Sunningbrook Road Tiverton
- Palmerston Park Tiverton
- Ayshford House Uffculme
- Ashley Close Uffculme
- College Green Uffculme

**ENVIRONMENT PDG
10 MARCH 2020**

FINANCIAL UPDATE FOR THE NINE MONTHS TO 31 DEC 2019

Cabinet Member Cllr Alex White
Responsible Officer Andrew Jarrett – Deputy Chief Executive (S151)

Reason for Report: To present a financial update in respect of the income and expenditure so far in the year.

RECOMMENDATION(S):

- 1. The Environment PDG note the financial monitoring information for the income and expenditure for the nine months to 31 December 2019 and the projected outturn position.**

Relationship to the Corporate Plan: The financial resources of the Council impact directly on its ability to deliver the Corporate Plan; prioritising the use of available resources brought forward and any future spending will be closely linked to key Council pledges from the updated Corporate Plan.

Financial Implications: Good financial management and administration underpins the entire document.

Legal Implications: None.

Risk Assessment: Regular financial monitoring information mitigates the risk of unforeseen over or underspends at year end and allows the Council to direct its resources to key corporate priorities.

Equality Impact Assessment: It is considered that the impact of this report on equality related issues will be nil.

Impact on Climate Change: There are no direct impacts from the content of this report.

1.0 Introduction

- 1.1** The purpose of this report is to highlight to Cabinet our current financial status and the likely reserve balances at 31 March 2020. It embraces both revenue, in respect of the General Fund; the Housing Revenue Account (HRA), and Capital and aims to focus attention on those areas which are unlikely to achieve budget. It is particularly important for next year's budget setting and, looking further ahead, for the medium term financial plan.
- 1.2** Favourable variances generating either increased income or cost savings are expressed as credits (negative numbers), whilst unfavourable overspends or incomes below budget are debits (positive numbers).

2.0 Executive Summary of 2019/20

2.1 The table below shows the opening position of key operational balances of the Council, the forecast in year movements and final predicted position at 31 March 2020:

Usable Reserves	31/03/2019	Forecast in year movement	31/03/2020
	£k	£k	£k
Revenue			
General Fund (see paragraph 3.2)	(2,501)	270	(2,231)
Housing Revenue Account (see paragraph 4.2)	(2,000)	0	(2,000)
Capital			
Capital Receipts Reserve	(3,620)	(1,047)	(4,667)
Revenue Contribution to Capital Earmarked Reserve	(415)	235	(180)

3.0 The General Fund Reserve

3.1 This is the major revenue reserve of the Council. It is increased or decreased by the surplus or deficit generated on the General Fund in the year. This reserve held a balance of £2.501m as at 31/03/19.

3.2 The forecast General fund **deficit** for the current year is £270k after transfers to and from Earmarked Reserves as shown at Appendix A.

The **most significant variances** comprise:

	£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

3.3 The major variances are highlighted at Appendix B. The current incomes from our major funding streams are shown at Appendix C, whilst current employee costs are shown at Appendix D.

4.0 Housing Revenue Account (HRA)

4.1 This is a ring-fenced account in respect of the Council's social housing function. Major variances and proposed corrective action are highlighted at Appendix F.

4.2 It is anticipated that the forecast variance of £668k surplus will increase the budgeted transfer to the Housing Maintenance Fund and so the HRA reserve balance will remain at £2m.

4.3 Overall, the HRA is forecast to underspend by £668k in 2019/20, made up of several deficits and surpluses, the most significant of which comprise the following:

- £70k estimated surplus in Affordable Rents (tenancy)
- £50k forecast increase in revenue from rechargeable works (DLO)
- £50k underspend relating to planned revenue works – Building Services (DLO)
- £150k underspend in relation to staffing within repairs team, Building Services (DLO)
- £100k forecast reduced activity (reduced income) on DFG works – Building Services (DLO)
- £90k underspend relating to staffing within Housing Services (tenancy)
- £230k underspend relating to future HRA Projects

- £125k underspend on an external contract for modernisation works (Capital) which is funded by the MRA
- £60k overspend

5.0 Capital Programme

- 5.1 Capital projects, by their very nature, often overlap financial years. The status of this year's capital programme is shown at Appendix G.
- 5.2 The approved Capital Programme amounts to £35.193m (this includes the approved 2019/20 Budget £14.597m, slippage rolled forward from 2018/19 of £12.077m, additional projects detailed in quarter 2 of £4.874m and projects approved since Q2 amounting to £3.645m). These additional projects are as follows:

(£0.266m)	Adjustment to 3 Rivers Loan – Orchard House
£3.714m	3 Rivers Loan – Knowle Lane
£0.197m	RTB Buyback

£3.645m Total

- 5.3 The revenue monitoring report reflects the fact that the 3 Rivers project, Rear of Town Hall development (Riverside) is likely to overspend by c£757k (£519k excluding contingency provision). We have therefore impaired this loan by an equal amount. As this is a capital loan it is reversed in the revenue account but it will have an impact in 2020/21 when it will trigger Minimum Revenue Provision (MRP) payments over 3 years of £252k per annum. This is an increase of £127k per annum from the September forecast.
- 5.4 We also have a "working capital loan" with 3 Rivers which is currently at risk (£504k). This was due to be repaid over 5 years but as there is doubt over the ability of the company to repay this in this timescale, it is prudent to impair it over the remaining life of the loan, 4 years at £126k per annum. This is a real cost to the revenue account. Both the £757k and the £126k are shown against Corporate Management.
- 5.5 As stated in 5.1, some of these projects will overlap financial years. Managers have therefore given their best estimate of what is 'deliverable' for 19/20; this amounts to £15.701m (£11.782m in Quarter 2). Therefore, committed and actual expenditure will be monitored against this revised 'deliverable' budget for the remainder of the year.
- 5.6 The deliverable budget has been established following meetings with managers to determine a realistic forecast of spend based on known information at this point in the year. This will continue to be revisited for material changes.
- 5.7 Committed and Actual expenditure is currently £13.374m against a 'deliverable' Capital Programme of £15.701m leaving a variance of £2.327m uncommitted at this point in time.

- 5.8 Additional work has been undertaken to establish forecast slippage and potential underspends against the approved Capital Programme and are also detailed on Appendix G.
- 5.9 Forecast slippage amounts to £7.078m, which mainly relates to: £0.638m in relation to the 3 Rivers Project at the rear of the Town Hall which is forecast to be completed in 21/22, £0.236m for the 3 Rivers Project at Orchard House that will be completed in 20/21, £0.600m in relation to Land Acquisition for operational needs, £2.1m related to the GP Practice NHS Hub and £1.450m in relation to Council House building at Round Hill, Tiverton. For further detail, please refer to Appendix G.
- 5.10 A comprehensive review of projects has also been undertaken to either remove them from the 19/20 Programme where no longer required or re-profile into the 20/21 to 23/24 MTFP that will also be presented at 13th February 2020 Cabinet. The forecast net underspend amounts to £13.521m, this mainly relates to: £3.953m for the District Wide Redevelopment Project, £2.0m for Waddeton Park, (this is now included in future years in the Capital MTFP presented at the October Cabinet), £2.1m to enable Social Housing projects and two Council House Building Projects at £2.0m each which have been further quantified in the forward MTFP. In addition to these £1.2m for the Tiverton Redevelopment Project which has now been aborted & forecast 'sunk' costs of £87k will be coded to Revenue. Again, for further detail please refer to Appendix G.

6.0 Revenue Contribution to Capital EMR

- 6.1 The Capital Earmarked Reserve has been set aside from Revenue to fund Capital Projects; the movement on this reserve is projected below:

	£k
Capital Earmarked Reserve at 1 April 2019	(415)
Funding required to support 2019/20 Capital Programme	235
Forecast uncommitted Balance at 31 March 2020	(180)

7.0 Capital Receipts Reserve (Used to fund future capital programmes)

- 7.1 Unapplied useable capital receipts are used to part fund the capital programme, the movement on this account for the year to date is given below:

	£k
Unapplied Useable Capital Receipts at 1 April 2019	(3,620)
Net Receipts to Q3 (includes 23 "Right to Buy" Council House sales)	(1,617)
Current Balance	(5,237)

(This includes £1.710m of ring fenced 1:4:1 receipts and £3.527m of general Capital Receipts)

Forecast further capital receipts in year	(100)
Forecast capital receipts required to support 2019/20 Capital Programme	670
Forecast Unapplied Capital Receipts 31 March 2020	<u>(4,667)</u>

7.2 The ring fenced “1:4:1 receipts” need to be spent within 3 years of receipt; otherwise they need to be returned to MHCLG with interest. These can be used to fund up to 30% of new social housing developments or repurchased right to buy properties.

7.3 The forecast reserve balance for the Revenue Contribution to Capital Reserve and the Capital Receipts Reserve includes the associated funding of the 19/20 Capital Programme, as these monies are committed. In reality, much of this will slip to 20/21. It is also important to note that these balances need to be almost fully utilised in order to balance the Capital Medium Term Financial Strategy.

8.0 Treasury Management

8.1 The interest position so far this financial year can be summarised as follows:

Interest Receivable:

	Budget £k	Forecast outturn £k	Forecast variance £k
Investment Income Received	(443)	(543)	(100)
Interest from HRA funding	(49)	(49)	0
Total Interest Receivable	(492)	(592)	(100)

8.2 There is an interest payable saving (£60k) due to the fact we have not taken out external borrowing (PWLB), as expenditure has been lower than anticipated and we have funded initially from internal resources.

9.0 Conclusion

9.1 Members are asked to note the revenue and capital forecasts for the financial year. Managers are working hard to offset overspends, some of which are unavoidable, with budget savings to deliver an outturn close to the budget. Members will be aware that management action has improved the position from Quarter 1 which was showing a projected overspend of £427k.

9.2 The work undertaken to produce this monitoring information to 31 Dec 2020 will be used to inform the 2020/21 Budget setting process where required.

**Contact for more
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Circulation of the Report:

Cllr Alex White, Leadership Team

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GENERAL FUND FINANCIAL MONITORING INFORMATION FOR THE PERIOD FROM 01 APRIL TO 31 DECEMBER 2019

General Fund Summary	Note	2019/2020	Full Year	Actuals	Full Year	Variance (0 = On budget)	Variance %
		Annual Budget	Forecast	£	Variance		
		£		£	£		
Clr Bob Deed							
Corporate Management	A	1,696,520	2,589,520	1,200,436	893,000		52.6%
Clr Luke Taylor							
Grounds Maintenance	E	596,740	588,740	399,731	(8,000)		-1.3%
Cemeteries & Bereavement Services	D	(86,540)	(61,540)	(24,368)	25,000		-28.9%
Waste Services	H	1,743,650	1,596,477	961,678	(147,173)		-8.4%
Clr Dennis Knowles							
Community Development	I	108,875	103,055	103,595	(5,820)		-5.3%
Environmental Services incl. Licensing	D	770,010	878,753	611,662	108,743		14.1%
IT Services	Q	972,610	974,024	763,150	1,414		0.1%
Land charges	N	(20,530)	(30,530)	(26,620)	(10,000)		48.7%
Open Spaces	F	91,800	123,356	111,076	31,556		34.4%
Recreation And Sport	J	740,302	786,988	543,619	46,686		6.3%
Clr Alex White							
Finance And Performance	K	707,320	707,320	527,947	0		0.0%
Revenues And Benefits	L	430,400	495,477	797,874	65,077		15.1%
Car Parks	C	(535,210)	(502,210)	(366,732)	33,000		6.2%
Clr Simon Clist							
Private Sector Housing	D	(6,070)	12,820	24,042	18,890		-311.2%
General Fund Housing	M	212,630	85,650	(132,206)	126,980		-59.7%
Property Services	G	884,060	944,660	653,159	60,600		6.9%
Clr Graeme Barnell							
Community Development: Markets	I	50,180	65,180	27,186	15,000		29.9%
Planning And Regeneration	N	1,347,195	1,730,008	1,053,414	382,813		28.4%
Clr Mrs Nikki Woolatt							
Customer Services	O	778,871	730,771	564,391	(48,100)		-6.2%
Human Resources	P	465,090	489,090	352,456	24,000		5.2%
Legal & Democratic Services	B	1,136,206	1,027,636	970,528	(108,570)		-9.6%
Public Health	D	(4,890)	(4,890)	(5,248)	0		0.0%
All General Fund Services		12,079,219	13,330,355	9,110,769	1,251,136		10.4%
Net recharge to HRA		(1,534,110)	(1,534,110)	6,000	0		
Statutory Adjustments (Capital charges)		333,280	(473,720)	0	(807,000)		
Net Cost of Services		10,878,389	11,322,525	9,116,769	244,136		4.1%
Finance Lease Interest Payable		44,420	44,420	0	0		
Interest from Funding provided for HRA		(49,000)	(49,000)	0	0		
Interest Receivable Payable on Other Activities		167,580	107,580	51,358	(60,000)		
Interest Receivable on Investments		(442,540)	(542,540)	(299,776)	(100,000)		
Transfers into Earmarked Reserves	APP B	2,267,363	2,606,605	2,316,625	339,242		
Transfers from Earmarked Reserves	APP B	(2,099,631)	(2,545,212)	(2,480,496)	445,581		
Contribution from New Homes Bonus Reserve	APP B	(587,850)	(601,110)	(587,850)	(13,260)		
Total Budgeted Expenditure		10,178,731	10,343,268	8,116,630	164,537		1.6%
Revenue Support Grant		0	0	0	0		
Rural Services Delivery Grant		(466,695)	(466,695)	(466,695)	0		
New Homes Bonus Grant		(1,243,503)	(1,243,503)	(932,627)	0		
Retained Business Rates		(3,247,005)	(3,081,675)	(2,089,584)	165,330		
Business Rates Deficit		778,906	778,906	0	0		
Business Rates Benefit from Devon Pool		(100,000)	(177,590)	0	(77,590)		
CTS Funding Parishes		0	0	0	0		
Collection Fund Surplus		(71,330)	(71,330)	(71,331)	0		
Council Tax		(5,829,104)	(5,829,104)	(5,829,104)	0		
Total Budgeted Funding		(10,178,731)	(10,090,991)	(9,389,341)	87,740		-1%
Forecast in year (Surplus) / Deficit		0	252,277	(1,272,712)	252,277		
General Fund Reserve 31/12/2019					(2,483,294)		
Forecast General Fund Balance 31/03/2020					(2,231,017)		

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GENERAL FUND FINANCIAL MONITORING INFORMATION FOR THE PERIOD FROM 01 APRIL TO 31 DECEMBER 2019

Note	Description of Major Movements	Full year variance (net of transfer to EMR)	PDG
A	Corporate Management		
	Forecast overspend on bank charges	10,000	Cabinet
	3 Rivers - Working capital impairment - IFRS 9 the risk of non-repayment of the loan	126,000	Cabinet
	3 Rivers - Riverside impairment - Relates to the potential overspend on the project leading to non-repayment of loan	757,000	Cabinet
		893,000	
B	Legal & Democratic Services		
	Legal Services-estimated under recovery of S106 income	10,000	Cabinet
	Legal Services-fees and charges income higher than budget	(13,000)	Cabinet
	Legal Services-software budget not required in 19/20	(15,400)	Cabinet
	Legal services consultancy budget not all required in 19/20	(35,000)	Cabinet
	Member Services-estimated savings against the salary budget due to carrying a vacancy for a number of months	(7,000)	Cabinet
	Electoral Registration-increase in IER funding above budget	(16,800)	Cabinet
	District Elections- After utilising earmarked reserves estimate of £25k shortfall in covering election spend	25,000	Cabinet
	Electoral Registration-saving against the salary budget due to vacancy	(5,000)	Cabinet
	Parish Elections- Recharging more of the costs to parishes than previously forecast	(7,500)	Cabinet
	Democratic Rep-savings on internet access payments and Members registration	(3,870)	Cabinet
	Electoral Registration- Budget for boundary review no longer required	(30,000)	Cabinet
	Electoral Registration- Underspend on Computer Software	(5,000)	Cabinet
	Electoral Registration- Sale of Electoral Register not budgeted for	(5,000)	Cabinet
		(108,570)	
C	Car Parks		
	P&D Income shortfall forecast in MSCP of £24k due to ongoing Premier Inn works, forecasting increased income in some of our P&D car parks of £5k.	19,000	Economy
	MSCP - Increased Security patrols to protect users and property from anti-social behaviour, has resulted in a budget overspend.	6,000	Economy
	Increased Electricity usage due to 24 hour opening of the MSCP and increased usage from contractors.	8,000	Economy
		33,000	
D	Public Health combined		
	Net of S106 Air Quality expenditure & income, covered by transfers from EMRs	91,843	Environment
	One off unavoidable Employment costs in Public Health	4,900	Community
	Licensing - Salary overspend due to JE regrades. We will be able to adjust fees going forward and hope to recover some of this overspend this year.	7,000	Community
	External Legal costs associated with major Housing prosecution, some costs awarded by the Courts but remain outstanding.	18,890	Homes
	Cemetery Income below profile for 3rd Qtr, will review month by month.	20,000	Environment
	Reduced income on Regulatory Services	5,000	Environment
	Licensing income - unpredictability on licence numbers under the new Animal Licensing regulations.	5,000	Environment
		152,633	
E	Grounds Maintenance		
	Salary savings - vacant Team Leader post not recruited to whilst service structure is being reviewed	(25,000)	Environment
	New vehicle contract - funded from vehicle earmarked reserve in year	17,000	Environment
		(8,000)	
F	Open Spaces		
	S106 Expenditure funded by transfer from an EMR	31,556	Environment
		31,556	
G	Property Services		
	New vehicle contract - funded from earmarked reserve in year (Not an overspend on the contract)	8,000	Environment
	Public Conveniences Utility charges are lower than budgeted due to reduction in the number of PC's and more accurate billing from	(12,000)	Environment
	Historic Business Rates reduction applied to Phoenix House due to office mergers have resulted in a rates underspend.	(43,000)	Environment
	Un-budgeted costs for the upgrade of communication equipment in the Exe Room, off-set against underspend on Rates	14,000	Environment
	Security costs higher than budget for Phoenix House	6,600	Environment
	Salary savings within Property Services due to vacant posts (partially off-set by Agency costs)	(70,000)	Environment
	Agency overspend covering vacant posts within Property Services	25,000	Environment
	Loss of income from Fore Street Flats and rates from vacant shop unit	23,890	Economy
	Loss of rental income and increased costs from rates and service charges due to vacant units within Market Walk	38,500	Economy
	Rate revaluation on Carlu Close has seen an unbudgeted increase in costs that has been backdated to 2017	56,350	Environment
	Maintenance overspend due to Capital project for air conditioning units being under £20k (funded from NHB)	13,260	Environment
		60,600	
H	Waste Services		
	Vacant posts part offset by agency	(38,000)	Environment
	Additional overtime in Recycling due to operational issues	16,000	Environment
	Waste - Shared Saving Scheme increase from budget. 2018-19 additional £79k and estimating an additional £50k for 2019-20	(129,000)	Environment
	S106 income, transferred to an EMR	827	Environment
	Trade Waste - Increase in customer base and reduced discounts - leading to increased income	(89,000)	Environment
	Trade Waste - Purchase of additional bins	20,000	Environment
	Trade Waste - Disposal costs up due to an increase in customer base	17,000	Environment
	Garden waste, permit sales down against budget. Numbers may pick up before year end.	8,000	Environment
	Recycling containers	5,000	Environment
	Recycling materials, paper tonnage and price is down	16,000	Environment
	Recycling materials, mixed plastics tonnage and price is up against budget	(83,000)	Environment
	Recycling materials, price for cardboard and glass is down	42,000	Environment
	New vehicle contract - funded from the vehicle earmarked reserve in year (Not an overspend on the contract)	67,000	Environment
		(147,173)	
I	Community Development		
	Community Development grant funding	(5,820)	Community
	Salaries - job evaluation and additional cover over the busy Christmas period	15,000	Economy

			9,180
J	Recreation And Sport		
	Salaries - vacant posts.	(61,250)	Community
	Dryside - loss of income due to local competition offering similar facilities at lower cost, termination of contract with a 3rd party and recruitment issues re qualified staff.	36,000	Community
	Over achieving membership targets for fitness.	(40,000)	Community
	Vouchers cashed in against fitness and wetside income.	8,000	Community
	Wetside - reduction in casual swim as per the national trend within the industry	20,000	Community
	Feasibility Study	18,936	Community
	Utilities overspend due to Energy provider invoicing now is more accurate	84,000	Community
	Underspend on Car Mileage, Stationery, Advertising & Vending Supplies	(19,000)	Community
			46,686
K	Finance And Performance		
			0
L	Revenues And Benefits		
	Housing Benefit Subsidy & Overpayment recovery	120,000	Cabinet
	Estimated income from Single Occupancy Discount penalties (not budgeted)	(17,000)	Cabinet
	Additional Forecast C/Tax Annexe Grant	(7,738)	Cabinet
	Revenues and Benefits forecast salary savings; in the main due to vacant posts in HB in part offset by additional overtime & temporary increases for supervisors acting up	(11,100)	Cabinet
	Software costs associated with Citizens Access	33,950	Cabinet
	Software costs associated with new CTR scheme	11,000	Cabinet
	Various New Burdens grants from DWP in respect of Housing Benefits initiatives delivered within existing resource	(49,160)	Cabinet
	Adjustment to CTB entitlement (re pre 01/04/13 CTB old scheme) not required to be repaid to DCLG & additional CTB admin grant than budgeted	(5,650)	Cabinet
	Additional New Burdens NNDR Grant for the administration of Retail Rate Relief delivered within existing resource	(9,225)	Cabinet
			65,077
M	General Fund Housing		
	Community Alarms: estimated surplus due to underspend on service overheads	(10,000)	Homes
	GF Housing: grant funding received will be earmarked towards future service sustainability	(126,980)	Homes
	GF Housing: Discretionary Rent Allowance lower than forecast	10,000	Homes
			(126,980)
N	Planning And Regeneration		
	Net of S106 Public Open Space expenditure & income, covered by transfers from EMRs	177,963	Community
	Garden Village project consultancy spend funded by transfer from EMR	23,000	Community
	Garden Village Capacity Funding for 2019-20	(150,000)	Community
	Salary savings due to not recruiting for the secondment of the graphics technician, a delay in recruitment of the monitoring information officer and maternity savings	(21,000)	Community
	Statutory Plan - saving on budgeted GESP contribution	(5,000)	Cabinet
	Statutory Plan - Local Plan costs funded by transfer from EMR	32,000	Cabinet
	Development Management - planning income. Consistently over the last 12 mths there has been a downturn in fees, this has been driven by external circumstances affecting the submission of larger fee earning applications. Officers are working with developers to try and bring forth applications via the pre application process. Most recently the forecast shortfall has in part been offset through a major fee bearing application	175,000	Community
	Development Management - supplies & services. Main contributor being required advertising.	22,000	Community
	Cullompton Town Centre Masterplan, funded by transfer from EMR	56,000	Economy
	Business Development Grant funding	(3,500)	Economy
	Income from Section 97 work	(10,650)	Community
	Land charges Devon County Council searches - Listed separately	(10,000)	Cabinet
	Tiverton Town Centre Regeneration - aborted capital project costs, also see underspend on Capital Programme	87,000	Economy
			372,813
O	Customer Services		
	External Contractors budget not required this year	(4,000)	Community
	Overtime budget not required	(8,100)	Community
	Vacancy Savings	(36,000)	Community
			(48,100)
P	Human Resources		
	Realignment of basic establishment prior to review of service needs	24,000	Cabinet
			24,000
Q	I.T. Services		
	Digital services cloud software licence - expenditure covered by salary savings in the CS codes	7,500	Cabinet
	Software Training	8,614	Cabinet
	Idox support fees more than budgeted. Migration work to new hardware required as operating system reaching end of life	11,800	Cabinet
	Central Government have delayed moving towards utilising the public internet for submission of statutory returns - meaning the Council has to pay for a private sector network connection to submit its returns	9,600	Cabinet
	Vacant posts	(8,300)	Cabinet
	Client access licence. This is a perpetual licence. Indicative prices used for budget setting included a licence for per user and device, only a user licence is required to deliver applications.	(27,800)	Cabinet
			1,414
	FORECAST (SURPLUS)/DEFICIT AS AT 31/03/2020		1,251,136

Cabinet	891,921
Community	220,979
Homes	(108,090)
Environment	(3,563)
Economy	249,890
	1,251,136

GENERAL FUND FINANCIAL MONITORING INFORMATION FOR THE PERIOD FROM 01 APRIL TO 31 DECEMBER 2019

Fees and Charges	2019/20	2019/20	2019/20	2019/20	Full Year	Variance %
	Annual Budget	Profiled Budget	Actual	Variance	Forecast	
	£	£	£	£	Variation £	
Building Control Fees	(240,000)	(180,000)	(210,422)	(30,422)	0	0%
Planning Fees	(946,500)	(709,875)	(636,133)	73,742	175,000	-18%
Land Search Fees	(120,000)	(90,000)	(89,367)	633	0	0%
Car Parking Fees - See Below	(733,290)	(571,482)	(563,769)	7,713	19,000	-3%
Leisure Fees & Charges	(2,881,030)	(2,133,914)	(2,052,374)	81,539	31,500	-1%
Trade Waste Income	(699,000)	(696,903)	(784,473)	(87,570)	(89,000)	13%
Garden Waste	(482,100)	(412,180)	(408,514)	3,666	8,000	-2%
Licensing	(145,190)	(116,402)	(113,144)	3,258	5,000	-3%
Market Income	(83,350)	(64,707)	(64,720)	(13)	0	0%
	(6,330,460)	(4,975,463)	(4,922,917)	52,547	149,500	-2.4%

Car Parking Fees		2019/20	2019/20	2019/20	2019/20	Bud Income	
						Spaces	pa per space
Beck Square, Tiverton	(79,500)	(62,233)	(61,050)	1,183	40	(1,988)	
William Street, Tiverton	(26,280)	(20,078)	(19,167)	911	45	(584)	
Westex South, Tiverton	(49,000)	(37,367)	(38,142)	(775)	51	(961)	
Wellbrook Street, Tiverton	(14,000)	(10,275)	(11,396)	(1,121)	27	(519)	
Market Street, Crediton	(37,500)	(30,026)	(27,152)	2,874	39	(962)	
High Street, Crediton	(75,000)	(57,555)	(62,826)	(5,271)	190	(395)	
Station Road, Cullompton	(33,500)	(26,689)	(30,394)	(3,705)	112	(299)	
Multistorey, Tiverton	(126,980)	(97,952)	(80,263)	17,689	631	(201)	
Market Car Park, Tiverton	(210,000)	(160,218)	(160,879)	(661)	122	(1,721)	
Phoenix House, Tiverton	(5,500)	(4,327)	(3,979)	348	15	(367)	
P&D Shorts & Overs	0	0	543	543	0	0	
Total Pay and Display	(657,260)	(506,720)	(494,704)	12,016	1,272	(7,995)	
Day Permits	(16,000)	(12,827)	(13,553)	(726)			
Allocated Space Permits	(41,500)	(36,022)	(36,022)	0			
Overnight Permits	(200)	(130)	(773)	(643)			
Day & Night Permits	(10,700)	(8,660)	(7,087)	1,573			
Other Income	(7,630)	(7,123)	(11,630)	(4,508)			
Total Permits	(76,030)	(64,762)	(69,065)	(4,303)			
Total Car Parking	(733,290)	(571,482)	(563,769)	7,713			
Standard Charge Notices (Off Street)	(48,000)	(36,000)	(32,472)	3,529	0	0%	

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GENERAL FUND FINANCIAL MONITORING INFORMATION FOR THE PERIOD FROM 01 APRIL TO 31 DECEMBER 2019

Employee Costs	2019/20 Annual Budget £	2019/20 Profiled Budget £	2019/20 Actual £	2019/20 Variance £
General Fund				
Community Development	49,220	36,915	43,999	7,084
Corporate Management	1,457,520	1,093,140	1,082,237	(10,903)
Customer Services	688,440	516,330	469,965	(46,365)
Environmental Services	864,660	648,495	665,761	17,266
Finance And Performance	548,850	411,638	394,685	(16,953)
General Fund Housing	272,190	204,143	189,321	(14,822)
Grounds Maintenance	490,260	367,695	319,048	(48,647)
Human Resources	374,760	281,070	289,983	8,913
I.T. Services	548,920	411,690	405,452	(6,238)
Legal & Democratic Services	482,960	362,220	363,899	1,679
Planning And Regeneration	1,799,200	1,349,400	1,254,489	(94,911)
Property Services	628,270	471,203	449,812	(21,391)
Recreation And Sport	2,017,338	1,513,004	1,449,200	(63,804)
Revenues And Benefits	727,810	545,858	528,737	(17,121)
Waste Services	2,509,789	1,882,342	1,671,759	(210,583)
Total General Fund	13,460,187	10,095,143	9,578,346	(516,797)
Housing Revenue Account				
BHO09 Repairs And Maintenance	852,900	639,675	577,930	(61,745)
BHO10 Supervision & Management	1,508,730	1,131,548	1,049,085	(82,463)
BHO11 Special Services	0	0	0	0
Total Housing Revenue Account	2,361,630	1,771,223	1,627,015	(144,208)
Total Employee Costs	15,821,817	11,866,366	11,205,361	(661,005)

Agency Staff (within Employee costs)	2019/20 Annual Budget £	2019/20 Profiled Budget £	2019/20 Actual £	2019/20 Variance £
General Fund				
Car Parks	0	0	0	0
Community Development	0	0	0	0
Corporate Management	0	0	0	0
Customer Services	0	0	0	0
Environmental Services	0	0	0	0
Finance And Performance	0	0	0	0
General Fund Housing	0	0	0	0
Grounds Maintenance	25,000	18,750	44,796	26,046
Human Resources	0	0	12,462	12,462
I.T. Services	0	0	0	0
Legal & Democratic Services	0	0	0	0
Planning And Regeneration	0	0	23,110	23,110
Property Services	0	0	20,142	20,142
Recreation And Sport	0	0	0	0
Revenues And Benefits	0	0	3,788	3,788
Waste Services	121,641	91,231	244,537	153,306
Total General Fund	146,641	109,981	348,834	238,853
Housing Revenue Account				
BHO09 Repairs And Maintenance	0	0	0	0
BHO10 Supervision & Management	0	0	0	0
BHO11 Special Services	0	0	0	0
Total Housing Revenue Account	0	0	0	0
Total Agency Costs	146,641	109,981	348,834	238,853

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**HOUSING REVENUE ACCOUNT FINANCIAL MONITORING INFORMATION FOR THE PERIOD FROM 01 APRIL TO
31 DECEMBER 2019**

Planned Works extract				
Planned Works - Capital		2,285,000	(125,000)	-5.5%
Planned Works - Revenue		1,325,500	(50,000)	-3.8%
Housing Revenue Account (HRA)	Notes	2019/2020 Annual Budget £	Forecast £	Variance %
Income				
SHO01 Dwelling Rents Income	A	(11,977,170)	(70,000)	0.6%
SHO04 Non Dwelling Rents Income	B	(564,870)	0	0.0%
SHO06 Tenant Charges For Services	C	0	0	0.0%
SHO07 Leaseholders' Service Charges	D	(21,640)	0	0.0%
SHO08 Contributions Towards Expenditure	E	(27,720)	(50,000)	180.4%
SHO09 Alarm Income - Non Tenants	F	0	0	0.0%
SHO10 H.R.A. Investment Income	G	(83,000)	(3,230)	3.9%
SHO11 Miscellaneous Income	H	(7,350)	0	0.0%
Services				
SHO13A Repairs & Maintenance	I	3,174,000	(100,000)	-3.2%
SHO17A Housing & Tenancy Services	J	1,732,360	(320,000)	-18.5%
Accounting entries 'below the line'				
SHO29 Bad Debt Provision Movement	L	53,000	0	0.0%
SHO30 Share Of Corporate And Democratic	M	199,100	0	0.0%
SHO32 H.R.A. Interest Payable	N	1,178,580		0.0%
SHO34 H.R.A. Transfers between earmarked reserves	O	1,713,350	(60,000)	-3.5%
SHO36 H.R.A. Revenue Contribution to Capital	P	0	0	0.0%
SHO37 Capital Receipts Reserve Adjustment	Q	(26,000)	0	0.0%
SHO38 Major Repairs Allowance	R	2,285,000	(125,000)	-5.5%
SHO45 Renewable Energy Transactions	S	(139,000)	60,000	-43.2%
		(2,511,360)	(668,230)	-26.6%

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**HOUSING REVENUE ACCOUNT FINANCIAL MONITORING INFORMATION FOR THE PERIOD
FROM 01 APRIL TO 31 DECEMBER 2019**

Note	Description of Major Movements	Corrective Action	Forecast
			Variance £
A	Affordable rental income estimated to make a surplus of £70k at year end, this is principally due to the number of properties we collect rent on being more than originally budgeted	N/A	(70,000)
E	Rechargeable works undertaken by Building Services greater than anticipated	N/A	(50,000)
G	Interest received on cash balances higher than anticipated	N/A	(3,230)
I	Planned Revenue works estimated to underspend by £50k across various areas. Salary underspend is principally due to vacant posts, a number of staff on maternity leave and new staff starting on reduced spinal points (estimated circa £150k). Forecast reduced activity on DFG works of circa £100k	N/A	(100,000)
J	There is an underspend (£90k) due to a number of retirements and posts not being filled immediately. In addition, provision for two posts was made in the budget to ensure that there was capacity to mitigate the impact of welfare reform and legislative changes to tenure. These posts remain unfilled and a watching brief is being kept on performance and workloads. Additionally a budget for new projects is forecast to be underspent by £230k, this budget will then be refreshed in 20/21	N/A	(320,000)
O	(see S below) this in effect reduces our year end transfers to reserves	N/A	(60,000)
R	MRA is expected to underspend by an estimated £125k on an external contract for modernisation works	N/A	(125,000)
S	Budget for Renewables will be less than anticipated due to the number of solar panel contract terminations on RTBs	N/A	60,000
		TOTAL	(668,230)

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Code	Scheme	Approved Capital Programme 2019/20	Total Slippage B/fwd & Adj to Approved Capital Programme 19/20	Budgeted Capital Programme 2019/20	Total Deliverable Programme 19/20	Actual Expenditure 2019/20	Committed Expenditure 2019/20	Total Actual & Committed Expenditure 2019/20	Variance to Deliverable Capital Programme	Forecast (Underspend)/ Overspend	Forecast Slippage to 20/21	Notes
		£	£	£	£	£	£	£	£	£	£	
General Fund Projects												
Exe Valley Leisure Centre												
CA633	Lords Meadow - Replace main pool filters	0	80,000	80,000	55,000	0	6,652	6,652	(48,348)	(8,000)		Project complete.
CA639	Spinning Room - New window - improve light	20,000	0	20,000	20,000	0	0	0	(20,000)	(20,000)		Project Complete Q2 19/20. Under £20k Capital diminish therefore recharged to Revenue & funded through a contribution from NHB
CA640	Leisure Spinning Bike Replacement - all sites	60,000	0	60,000	60,000	60,000	0	60,000	0			Project Complete Q2 19/20
Culm Valley Leisure Centre												
CA641	Fitness Gym Kit Replacement	185,000	0	185,000	185,000	7,951	177,307	185,257	257	257		Project complete
MDDC Depot Sites												
CA829	Carlu Close - Air Conditioning units	25,000	0	25,000	20,000	0	0	0	(20,000)	(25,000)		Project Complete but Under £20k Capital diminish therefore recharged to Revenue & funded through a contribution from NHB
CA830	Carlu Close - Interceptor upgrade	30,000	0	30,000	30,000	371	1,430	1,801	(28,199)		22,000	Subject to EA - Anticipated project completion by Q2 20/21
CA831	Carlu Close - Solar PV options	20,000	0	20,000	20,000	308	600	908	(19,092)			Forecast project completion Q4 19/20
Play Areas												
CA472	Open Space Infrastructure (incl Play Areas)	0	50,000	50,000	50,000	1,360	0	1,360	(48,640)		48,640	Forecast project completion Q2 20/21
CA632	Play area refurbishment District wide - Amory Park Tiverton	0	50,000	50,000	50,000	0	0	0	(50,000)		50,000	Forecast project completion Q3 20/21
CA628	Play area refurbishment - West Exe Recreation Ground Tiverton	0	50,000	50,000	50,000	0	0	0	(50,000)		50,000	Forecast project completion Q1 20/21
Other Projects												
CA473	Land drainage flood defence schemes - St Marys Hemyock	0	25,000	25,000	25,000	0	0	0	(25,000)		25,000	Forecast project completion Q3 20/21
CA420	Land drainage flood defence schemes - Ashleigh Park Bampton	0	87,000	87,000	87,000	0	0	0	(87,000)		87,000	Forecast project completion Q3 20/21
CA574	Fore Street Flats refurbishment	0	47,000	47,000	47,000	150	268	418	(46,583)		45,000	Forecast project completion Q3 20/21
CA709	MSCP improvements (refer to Matrix condition report)	0	136,000	136,000	136,000	2,982	0	2,982	(133,018)			Project forecast to be complete by 31/03/20
CA718	MSCP-Top Deck surfacing	70,000	50,000	120,000	70,000	0	0	0	(70,000)		120,000	Forecast project completion Q2 20/21
CA476	Tiverton Cemetery - Infrastructure extension	80,000	0	80,000	80,000	0	0	0	(80,000)		40,000	Forecast project completion Q2 20/21
CA477	Land drainage flood defence schemes	25,000	0	25,000	25,000	0	0	0	(25,000)		25,000	Forecast project completion Q3 20/21 - This will be required to fund project CA473 St Mary's Hemyock Project
CA202	Flexible Temporary Accommodation	75,000	0	75,000	75,000	0	0	0	(75,000)			
CA576	Tiverton Town Centre improvements	0	40,000	40,000	20,000	0	0	0	(20,000)		40,000	Forecast project completion Q1 20/21
CA579	Tiverton Town Centre - Street scene improvements	100,000	0	100,000	100,000	0	0	0	(100,000)		100,000	Forecast project completion Q1 20/21
CA832	Land acquisition for operational needs	600,000	0	600,000	0	0	0	0	0		600,000	This will be slipped into 2020/21
CA482	Contribution to South West Mutuals Bank	0	50,000	50,000	0	49,995	0	49,995	49,995			Per Cabinet report 07/03/19 to be funded by NNDR EMR
General Fund Development Schemes												
CA575	District Wide Redevelopment project - Asset acquisition	0	3,953,000	3,953,000	45,000	0	0	0	(45,000)	(3,953,000)		Detailed schemes identified as part of forthcoming MTFP
CA462	Rear of Town Hall Development site (Riverside) - 3 Rivers Loan	0	3,679,000	3,679,000	3,040,990	1,662,990	1,378,000	3,040,990	0		638,010	This Project will cross financial years and be completed in 21/22
CA483	3 Rivers Loan - Threwstones, Tiverton	0	468,000	468,000	468,000	0	23,000	468,000	0			This project will complete in 19/20
CA484	3 Rivers Loan - Orchard House, Halberton	0	958,000	958,000	722,000	385,000	337,000	722,000	0		236,000	This Project will cross financial years and be completed in 20/21
CA486	3 Rivers Loan - Knowle Lane, Cullompton	0	3,714,000	3,714,000	3,714,112	3,454,500	259,612	3,714,112	0			Project will continue & complete in 21/22
CA580	Tiverton redevelopment project	1,200,000	0	1,200,000	1,200,000	0	0	0	(1,200,000)	(1,200,000)		Project aborted therefore costs re charged to Revenue
CA581	Waddeton Park	2,000,000	0	2,000,000	0	0	0	0	0	(2,000,000)		This project is now detailed in its entirety in the MTFP that was presented to Cabinet on 17/10/19
CA719	Cullompton Town Centre Relief Road	0	650,000	650,000	0	191,812	58,188	250,000	250,000			
CA720	Tiverton EUE A361 Junction Phase 2	0	50,000	50,000	0	0	0	0	0			
CA485	GP Practice NHS Hub Building Crediton	0	2,100,000	2,100,000	0	0	0	0	0		2,100,000	It is now anticipated that this project will slip into 20/21
Economic Development Schemes												
CA582	* Hydro Mills Electricity Project * All Economic Development schemes are subject to acceptable Business Case	680,000	0	680,000	0	0	0	0	0		680,000	It is now anticipated that this project will slip into 20/21
ICT Projects												
CA421	Desktop states replacement/refresh	0	6,000	6,000	6,000	6,594	0	6,594	594	594		Project complete
CA456	CRM replacement	0	175,000	175,000	175,000	0	0	0	(175,000)		175,000	It is anticipated that this project will slip into 20/21
CA474	Data centre hardware refresh servers/storage	0	120,000	120,000	100,000	99,354	0	99,354	(646)	(20,646)		Project complete
CA433	Unified Communications/telephony	0	107,000	107,000	32,000	32,554	0	32,554	554	554		Project complete
CA464	Parking System Replacement (enforcement)	0	40,000	40,000	0	0	0	0	0	(40,000)		Project no longer required as coded to Revenue
CA465	Replacement Queue System	0	30,000	30,000	0	0	0	0	0	(30,000)		Project no longer required
CA423	Continued replacement of WAN/LAN	0	60,000	60,000	60,000	0	0	0	(60,000)	(60,000)		Project no longer required
CA425	Server farm expansion/upgrades	0	84,000	84,000	84,000	0	0	0	(84,000)			Project to be delivered by Q4 19/20
CA437	Digital Transformation	0	33,000	33,000	0	4	0	4	4		29,000	Project to be delivered during 2020/21
CA478	UPS Power supplies refresh	25,000	0	25,000	20,000	19,925	0	19,925	(75)	(5,075)		Project complete
CA479	Continuous replacement/Upgrade of WAN/LAN (networking hardware switches)	100,000	0	100,000	0	0	0	0	0	(100,000)		Project no longer required. Core switches project will be flagged in MTFP that will be presented at 17/10/19 Cabinet
CA480	Lalpac Licensing System replacement (SN)	80,000	0	80,000	0	0	0	0	0		80,000	It is anticipated that this project will slip into 20/21
CA481	Replacement Access Database - Property Services	100,000	0	100,000	0	0	0	0	0	(100,000)		This Project is timetabled for delivery in 21/22 & will be flagged as part of the forthcoming MTFP

Replacement Vehicles											
CA717	Van Tipper (Grounds Maintenance)	0	25,000	25,000	25,000	25,330	0	25,330	330	330	Project complete
CA715	Van Tipper (Grounds Maintenance)	0	25,000	25,000	25,000	25,330	0	25,330	330	330	Project complete
CA712	Iveco Tipper (or equivalent) 3.5T Tipper	0	28,000	28,000	28,000	27,830	0	27,830	(170)	(170)	Project complete
CA822	7.5T Tipper	0	45,000	45,000	45,000	44,773	0	44,773	(227)	(227)	Project complete
CA825	3.5T Tipper	0	28,000	28,000	28,000	27,830	0	27,830	(170)	(170)	Project complete
CA827	3.5T Tipper	0	28,000	28,000	28,000	27,830	0	27,830	(170)	(170)	Project complete
		5,475,000	17,071,000	22,546,000	11,051,102	6,599,775	2,242,057	8,841,832	(2,209,270)	(7,560,393)	5,190,650
Private Sector Housing Grants											
CG217	Empty homes and enforcement	108,000	0	108,000	30,000	0	0	0	(30,000)	(108,000)	} Any underspends will remain in relevant EMR for future prioritisation }
CG201	Disabled Facilities Grants-P/Sector	562,000	0	562,000	530,000	281,076	306,991	588,067	58,067	(139,000)	
CG208	Wessex					25,000		25,000	25,000	25,000	
		670,000	0	670,000	560,000	306,076	306,991	613,067	53,067	(247,000)	0
Affordable Housing Projects											
CA200	Grants to Housing Associations to provide units (funded by commuted sums)	117,000	0	117,000	17,000	13,151	0	13,151	(3,849)	(100,000)	This forecast underspend will remain in EMR
		117,000	0	117,000	17,000	13,151	0	13,151	(3,849)	(100,000)	0
Total General Fund Projects		6,262,000	17,071,000	23,333,000	11,628,102	6,919,001	2,549,048	9,468,049	(2,160,053)	(7,907,393)	5,190,650
HRA Projects - Existing Housing Stock											
CA100	Major repairs to Housing Stock	2,285,000	0	2,285,000	2,285,000	1,308,152	684,611	1,992,762	(292,238)		125,000
CA111	Renewable Energy Fund	250,000	0	250,000	150,000	0	0	0	(150,000)	(100,000)	Recruited an additional FTE to deliver but will be in an underspend for 19/20
CG200	Home Adaptations - Disabled Facilities	300,000	0	300,000	300,000	213,527	0	213,527	(86,473)		
Housing Development Schemes											
CA119	Palmerston Park - Additional budget required	0	634,000	634,000	634,000	1,161,896	58,888	1,220,784	586,784	586,784	Additional spend on this project will be in part offset by additional Homes England Grant of £441k
CA135	Land acquisition for affordable housing	0	2,100,000	2,100,000	0	0	0	0	0	(2,100,000)	Detailed schemes identified as part of forthcoming MTFP
CA124	Queensway (Beech Road) Tiverton (3 units)	0	287,000	287,000	0	0	0	0	0		287,000
CA126	Sewerage Treatment Works - Washfield	0	25,000	25,000	25,000	0	0	0	(25,000)		25,000
CA139	Replace end of life HRA Assets	2,000,000	0	2,000,000	0	0	0	0	0	(2,000,000)	Forecast project completion Q1 20/21
CA140	Council Housing building schemes to be identified	2,000,000	0	2,000,000	0	0	0	0	0	(2,000,000)	Detailed schemes identified as part of forthcoming MTFP
CA141	Round Hill Tiverton- Site	1,500,000	0	1,500,000	200,000	0	0	0	(200,000)		1,450,000
CA142	RTB Buyback - 6 Cherry Gardens	0	153,000	153,000	153,000	152,438	0	152,438	(562)	(562)	It is anticipated that the majority of the spend on this project will slip into 20/21
CA143	RTB Buyback- 39 Cameron Close	0	129,000	129,000	129,000	128,940	0	128,940	(60)	(60)	
CA144	RTB Buyback- 130 Butts Parks	0	197,000	197,000	197,000	197,098	0	197,098	98	98	
Total HRA Projects		8,335,000	3,525,000	11,860,000	4,073,000	3,162,051	743,499	3,905,550	(167,450)	(5,613,740)	1,887,000
CAPITAL PROGRAMME GRAND TOTAL		14,597,000	20,596,000	35,193,000	15,701,102	10,081,052	3,292,547	13,373,599	(2,327,503)	(13,521,133)	7,077,650

ENVIRONMENT PDG 10 MARCH 2020:

PERFORMANCE AND RISK REPORT

Cabinet Member Cllr Luke Taylor
Responsible Officer Catherine Yandle, Group Manager for Performance, Governance and Data Security

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(S): That the PDG reviews the Performance Indicators and Risks that are outlined in this report and feeds back any areas of concern to the Cabinet.

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 identified

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: 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.

1.0 Introduction

- 1.1 Appendix 1 provides Members with details of performance against the Corporate Plan and local service targets for the 2019-20 financial year. **The PDG is invited to suggest measures they would like to see included in the future for consideration.**
- 1.2 Appendix 2 shows the section of the Corporate Risk Register which relates to the Environment Portfolio. See 3.0 below.
- 1.3 Appendix 3 shows the profile of all risks for the Environment at present.
- 1.4 All appendices are produced from the corporate Service Performance And Risk management system (SPAR).

2.0 Performance

- 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.
- 2.4 When benchmarking information is available it is included.

3.0 Risk

- 3.1 Risk reports to committees include strategic risks with a current score of 10 or more in accordance. (See Appendix 2)
- 3.2 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.
- 3.3 The Corporate Risk Register is regularly reviewed by Group Managers' Team (GMT) and Leadership Team (LT) and updated as required.

4.0 Conclusion and Recommendation

- 4.1 That the PDG reviews the performance indicators and risks for 2019-20 that are outlined in this report and feeds back any areas of concern to the Cabinet.

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
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* 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		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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Environment PDG Risk Management Report - Appendix 2

Report for 2019-2020
For Environment - Cllr Luke Taylor Portfolio
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+)

Environment PDG Risk Management Report - Appendix 2

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	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 **Current Risk Severity: 5 - Very** **Current Risk Likelihood: 5 - Very**

Environment PDG Risk Management Report - Appendix 2

(25)	High	High
Service Manager: Catherine Yandle		

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 campaigns & 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
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Service Manager: Stuart Noyce

Risk Matrix Environment Appendix 3

Report

Filtered by Service: Grounds Maintenance, Street Scene Services
Current settings

Risk Likelihood	5 - Very High	No Risks	No Risks	No Risks	No Risks	No Risks
	4 - High	No Risks	No Risks	No Risks	No Risks	No Risks
	3 - Medium	No Risks	No Risks	2 Risks	1 Risk	No Risks
	2 - Low	No Risks	1 Risk	4 Risks	4 Risks	6 Risks
	1 - Very Low	1 Risk	5 Risks	4 Risks	2 Risks	2 Risks
		1 - Very Low	2 - Low	3 - Medium	4 - High	5 - Very High
		Risk Severity				

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Environment Policy Development Group Annual Report – 2019/20

Climate Change

On 26 June 2019 the Council adopted the Devon Climate Change Declaration, and directed the Environment PDG to Act as the owner of this policy activity. In order to formulate a strategy for the Council, the Group agreed to set up a Net Zero Working Group to define this.

In December 2019 the Group reviewed the Council's Carbon Footprint Baseline calculation. The Group were pleased with the joined up approach with other District Councils on the scope of establishing a baseline, and that the Council was the first of this group to obtain a draft figure.

Net Zero Working Group

Once it was agreed within the Council where responsibility for the Climate Change Declaration would sit, the Group agreed to establish a working group to define the Councils actions and adopted four Members onto the group.



The first meeting of the Group took place on 28 October 2019. It agreed that the Group would have two main themes: the first being to establish how the Authority could reduce its own emissions; and secondly how the Authority could facilitate net zero carbon initiatives across the District.

To date the Group has successfully launched a new web page on the MDDC website to update the public on actions taken by the Council. The Group plan to look at additional content to assist community groups and the public.

The Group now intend to look in detail at the Council's Carbon Baseline report and what further could be achieved, before putting together an Action Plan for the consideration of the Council.

Use of Netting on Hedgerows

Concern about the growing trend of developers using netting over hedgerows and trees at development sites was raised. This stops birds nesting and other wildlife using the hedges and trees.

The Group noted that the RSPB had issued guidelines for developers which could be utilised in planning policy amendments. The Group recommended to Council that the Motion to ban developers from using netting on hedgerows be supported.

Outcome: The Motion was carried in Council in July 2019.

Connecting the Culm Project

The Group heard that the Blackdown Hills area of natural beauty management team had secured £700k EU funding towards the Connecting the Culm project. The Project is in partnership with MDDC, DCC, the Environment Agency and the National Trust, looking at the resilience of the Culm to climate change.

Members discussed the role that agriculture and in particular soil compacting played on the flood risk of local developments.

It was confirmed that the project would be looking at hydroelectricity solutions but that the flow in the Culm was small.

Planting of Trees to Reduce Carbon

Given the effect planting of trees has in reducing carbon, a Motion was presented calling for use of land within the ownership of the Council that is not suitable for development, for the planting of native British trees.

Following a discussion around: planting of 'suitable trees'; fitting with the Council's Open Spaces Policy; and what 'land not suitable for development' meant, the Group recommended to Council that the Motion should be supported with some wording adjusted. During Council meeting on 08 January 2020 the Motion was carried.

Outcome: The Council are now looking to identify areas of land suitable for planting trees, and the Group will shortly receive a report showing maps outlining these areas.



Single Use Plastics (SUPs)

Following a previous Motion, the group requested an update on how the Council had reduced its use of SUPs, and how it had been working with suppliers to reduce their own plastic waste.

The review confirmed that the Council has removed all plastic from its meeting rooms, as well as moving towards plumbed water coolers in 2020. Leisure Centres have reviewed all use of SUPs with suppliers, and MDDC procurement tools will now be updated to include reference to SUPs. Events on Council land do not allow the use of SUPs and advice is provided through the Safety Advisory Group for all public events.

National Assistance Burial Procedure

Where there are no suitable arrangements for the burial of the deceased, the Council have a statutory duty to bury or cremate any person who has passed away or been found deceased within the District. Following the three yearly review of the National Assistance Burial Procedure, the group recommended to the Cabinet that the revised Policy be adopted.

Outcome: In June 2019, the Cabinet resolved that the recommendation of the Group be approved.

Fly tipping

The Government have introduced new financial penalties to help fight waste crimes. Following discussion, the Group recommended that fixed penalty notices be increased from £200 to £400 for fly tipping; and that powers to use CCTV, subject to investigation into the powers allowed under regulations, to assist with fly tipping fixed penalty notices be authorised.

Play Area Safety Inspection Policy

A report of the Play Area Risk Assessment and Safety Inspection examined whether the number of weekend inspections of play areas be reduced.

Following discussion, the Group recommended:

1. That the current risk assessments and proposed reduction in safety inspections were considered adequate to meet the Council's responsibilities and for individual pieces of play equipment to be identified on the Risk Assessment Forms.
2. That digital transformation of the current inspection methods would make the task more efficient and that the implementation of a process would be expedited.

Outcome: In August 2019 the Cabinet resolved that the recommendations of the Group be noted.



Waste and Recycling Annual Update

The Group received the annual Waste and Recycling update. Discussion took place around: the frequency of collections and impact on amount of recycled waste; the roles of supermarkets in single use plastic; and whether everything sent for recycling was actually recycled.



Car Charging Points in New Developments

With the UK target to end the sale of new petrol and diesel cars by 2040, the Group heard options for the introduction of home electric vehicle charging points in new build properties across the District. The Group felt that the timeframes presented were too long and that the Council should show leadership by speeding up the installation of vehicle charging points.

The Group agreed the Council should seek a requirement for electric vehicle charging points in all new build properties through the preparation of the Greater Exeter Strategic Plan (GESP) and included in the public consultation document.

Outcome: Work is now progressing on the preparation of a draft options paper for the Greater Exeter Strategic Plan, which may provide an opportunity to include policy for electric vehicles.

Chairman's Words – Cllr Barry Warren

This is my first term as an elected member of MDDC and to be asked to Chair this influential Group was an unexpected, but willingly accepted, honour.

I am fortunate to be working with a group of members with diverse interests and experience which include the former Chair and Vice-Chair of the Group. Their support and advice has been much appreciated. We have members from all the elected parties and I thank them all for their work and support. We have been able to work as a team without party politics coming between us. Councillor Ms Elizabeth Wainwright has been 'taken' from us to fill a Cabinet post to lead the Council Climate Change programme. I anticipate our Group continuing to work with her on this important project as it develops.

I thank all the officers who have contributed to the work of the Group with their reports and advice. I wish to particularly thank Mrs Carole Oliphant for acting as our Clerk and trying to keep me in order. I also thank Ms Clare Robathan for coordinating and making sense of our discussions on climate change and for assisting me in preparing this report.