

Public Document Pack

Mid Devon District Council

Scrutiny Committee

Monday, 17 August 2020 at 2.15 pm
Virtual Meeting

Next ordinary meeting
Monday, 14 September 2020 at 2.15 pm

Important - this meeting will be conducted and recorded by Zoom only. Please do not attend Phoenix House. The attached Protocol for Remote Meetings explains how this will work.

To join this meeting, please click the following link:

<https://zoom.us/j/95957449244?pwd=WUNFVEhBVXp3SHlIZjZsbmY0M2VLdz09>

Meeting ID: 959 5744 9244

Passcode: 798355

One tap mobile

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Passcode: 798355

Those attending are advised that this meeting will be recorded

Membership

Cllr F W Letch

Cllr W Burke

Cllr R J Chesterton

Cllr L J Cruwys

Cllr Mrs C P Daw

Cllr J M Downes

Cllr R Evans

Cllr B Holdman

Cllr B A Moore

Cllr R L Stanley

Cllr B G J Warren

Cllr A Wilce

AGENDA

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 **REMOTE MEETING PROTOCOL** *(Pages 5 - 10)*
Members to note the remote meeting protocol.
- 3 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**
Councillors are reminded of the requirement to declare any interest, including the type of interest, and reason for that interest, either at this stage of the meeting or as soon as they become aware of that interest.
- 4 **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.
- 5 **MEMBER FORUM**
An opportunity for non-Cabinet Members to raise issues.
- 6 **MINUTES OF THE PREVIOUS MEETING** *(Pages 11 - 20)*
Members to consider whether to approve the minutes as a correct record of the meeting held on 20th July 2020.

The Committee is reminded that only those members of the Committee 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.
- 7 **DECISIONS OF THE CABINET**
To consider any decisions made by the Cabinet at its last meeting that have been called-in.
- 8 **CHAIRMAN'S ANNOUNCEMENTS**
To receive any announcements that the Chairman of Scrutiny Committee may wish to make.
- 9 **WHISTLEBLOWING 6 MONTH UPDATE**
To receive an update from the Group Manager for Performance, Governance and Data Security
- 10 **ESTABLISHMENT 6 MONTH UPDATE** *(Pages 21 - 28)*
To receive an update report from the Group Manager for Human Resources on the Establishment

- 11 **PERFORMANCE AND RISK** *(Pages 29 - 64)*
To provide Members with an update on performance against the corporate plan and local service targets for 2020-2021 as well as providing an update on the key business risks.
- 12 **S106 GOVERNANCE** *(Pages 65 - 82)*
To receive the proposed governance arrangements for S106 agreements being presented to Cabinet
- 13 **FORWARD PLAN** *(Pages 83 - 90)*
Members are asked to consider any items within the Forward Plan that they may wish to bring forward for discussion at the next meeting.
- 14 **SCRUTINY OFFICER UPDATE**
- 15 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING**
Members are asked to note that the following items are already identified in the work programme for the next meeting:
- Costs of Public Consultations
 - Viability of Council Owned Commercial Property
- Note: - this item is limited to 10 minutes. There should be no discussion on items raised.

Stephen Walford
Chief Executive
Friday, 7 August 2020

Covid-19 and meetings

The Council will be holding some meetings in the next few weeks, but these will not be in person at Phoenix House until the Covid-19 crisis eases. Instead, the meetings will be held remotely via Zoom and you will be able to join these meetings via the internet. Please see the instructions on each agenda and read the Protocol on Remote Meetings before you join.

If you want to ask a question or speak, email your full name to Committee@middevon.gov.uk by **no later than 4pm on the day before the meeting**. This will ensure that your name is on the list to speak and will help us ensure that you are not missed – as you can imagine, it is easier to see and manage public speaking when everyone is physically present in the same room. Notification in this way will ensure the meeting runs as smoothly as possible.

If you require any further information please contact Carole Oliphant on:
E-Mail: coliphant@middevon.gov.uk

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Mid Devon District Council - Remote Meetings Protocol

1. Introduction

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations permit remote attendance in Local Authority meetings.

Remote attendance is permitted as long as certain conditions are satisfied. These include that the Member is able to hear and be heard by the other Members in attendance. Also, being able to hear and be heard by any members of the public entitled to attend the meeting (in line with the public participation scheme). A visual solution is preferred, but audio is sufficient.

This also relates to members of the public attending the meeting also being heard. The regulations are clear that a meeting is not limited to those present in the same place, but includes electronic, digital or virtual locations (internet locations, web addresses or conference call telephone numbers).

2. Zoom

Zoom is the system the Council will be using for the time-being to host remote / virtual meetings. It has functionality for audio, video, and screen sharing and you do not need to be a member of the Council or have a Zoom account to join a Zoom meeting.

3. Access to documents

Member Services will publish the agenda and reports for committee meetings on the Council's website in line with usual practice. Paper copies of agendas will only be made available to those who have previously requested this and also the Chair of a virtual meeting.

If any other Member wishes to have a paper copy, they must notify the Member Services before the agenda is published, so they can arrange to post directly – it may take longer to organise printing, so as much notice as possible is appreciated. Printed copies will not be available for inspection at the Council's offices and this requirement was removed by the Regulations.

4. Setting up the Meeting

This will be done by Member Services. They will send a meeting request via Outlook which will appear in Members' Outlook calendar. Members will receive a URL link to click on to join the meeting.

5. Public Access

Members of the public will be able to use a weblink and standard internet browser. This will be displayed on the front of the agenda.

6. Joining the Meeting

Councillors must join the meeting early (i.e. at least five minutes before the scheduled start time) in order to avoid disrupting or delaying the meeting. Councillors should remember that they may be visible and heard by others, including the public, during this time.

7. Starting the Meeting

At the start of the meeting, the Member Services Officer will check all required attendees are present (viewing the participant list) and that there is a quorum. If there is no quorum, the meeting will be adjourned. This applies if, during the meeting, it becomes inquorate for whatever reason.

The Chair will remind all Members, Officers and the Public that **all microphones will be automatically muted**, unless and until they are speaking. This prevents background noise, coughing etc. which is intrusive and disruptive during the meeting. The Hosting Officer will enforce this and will be able to turn off participant mics when they are not in use. Members would then need to turn their microphones back on when they wish to speak.

8. Public Participation

Participation by members of the public will continue in line with the Council's current arrangements as far as is practicable. However, to ensure that the meeting runs smoothly and that no member of the public is missed, all those who wish to speak must register **by 4pm on the day before the meeting**. They should email their full name to Committee@middevon.gov.uk. If they wish to circulate their question in advance, that would be helpful.

At public question time, the Chair will invite the public by name to speak at the appropriate time. At that point, all public microphones will be enabled. This means that, to avoid private conversations being overheard, no member of the public should speak until it is their turn and they should then refrain from speaking until the end of public question time, when all microphones will be muted again. In the normal way, the public should state their full name, the agenda item they wish to speak to **before** they proceed with their question.

Unless they have registered, a member of the public will not be called to speak.

If a member of the public wishes to ask a question but cannot attend the meeting for whatever reason, there is nothing to prevent them from emailing members of the Committee with their question, views or concern in advance. However, if they do so, it would be helpful if a copy could be sent to Committee@middevon.gov.uk as well.

9. Declaration of Interests

Councillors should declare their interests in the usual way. A councillor with a disclosable pecuniary interest is required to leave the room. For remote meetings, this means that they will be moved to a break-out room for the duration

of this item and will only be invited back into the meeting when discussion on the relevant item has finished.

10. The Meeting and Debate

The Council will not be using the Chat function.

The Chair will call each member of the Committee to speak - the Chair can choose to do this either by calling (i) each member in turn and continuing in this way until no member has anything more to add, or (ii) only those members who indicate a wish to speak using the 'raise hand' function within Zoom. This choice will be left entirely to the Chair's discretion depending on how they wish to manage the meeting and how comfortable they are using the one or the other approach.

Members are discouraged from physically raising their hand in the video to indicate a wish to speak – it can be distracting and easily missed/misinterpreted. No decision or outcome will be invalidated by a failure of the Chair to call a member to speak – the remote management of meetings is intensive and it is reasonable to expect that some requests will be inadvertently missed from time to time.

When referring to reports or making specific comments, Councillors should refer to the report and page number, so that all Members of the Committee have a clear understanding of what is being discussed at all times.

11. Voting

On a recommendation or motion being put to the vote, the Chair will go round the virtual room and ask each member entitled to vote to say whether they are for or against or whether they abstain. The Member Services Officer will announce the numerical result of the vote.

12. Meeting Etiquette Reminder

- Mute your microphone – you will still be able to hear what is being said.
- Only speak when invited to do so by the Chair.
- Speak clearly and please state your name each time you speak
- If you're referring to a specific page, mention the page number.

13. Part 2 Reports and Debate

There are times when council meetings are not open to the public, when confidential, or "exempt" issues – as defined in Schedule 12A of the Local Government Act 1972 – are under consideration. It is important to ensure that there are no members of the public at remote locations able to hear or see the proceedings during such meetings.

Any Councillor in remote attendance must ensure that there is no other person present – a failure to do so could be in breach of the Council's Code of Conduct.

If there are members of the public and press listening to the open part of the meeting, then the Member Services Officer will, at the appropriate time, remove them to a break-out room for the duration of that item. They can then be invited back in when the business returns to Part 1.

Please turn off smart speakers such as Amazon Echo (Alexa), Google Home or smart music devices. These could inadvertently record phone or video conversations, which would not be appropriate during the consideration of confidential items.

14. Interpretation of standing orders

Where the Chair is required to interpret the Council's Constitution and procedural rules in light of the requirements of remote participation, they may take advice from the Member Services Officer or Monitoring Officer prior to making a ruling. However, the Chair's decision shall be final.

15. Disorderly Conduct by Members

If a Member behaves in the manner as outlined in the Constitution (persistently ignoring or disobeying the ruling of the Chair or behaving irregularly, improperly or offensively or deliberately obstructs the business of the meeting), any other Member may move 'That the member named be not further heard' which, if seconded, must be put to the vote without discussion.

If the same behaviour persists and a Motion is approved 'that the member named do leave the meeting', then they will be removed as a participant by the Member Services Officer.

16. Disturbance from Members of the Public

If any member of the public interrupts a meeting the Chair will warn them accordingly. If that person continues to interrupt or disrupt proceedings the Chair will ask the Member Services Officer to remove them as a participant from the meeting.

17. After the meeting

Please ensure you leave the meeting promptly by clicking on the red phone button to hang up.

18. Technical issues – meeting management

If the Chair, the Hosting Officer or the Member Services Officer identifies a problem with the systems from the Council's side, the Chair should either declare a recess while the fault is addressed or, if the fault is minor (e.g. unable to bring up a presentation), it may be appropriate to move onto the next item of business in order to progress through the agenda. If it is not possible to address the fault and the meeting becomes inquorate through this fault, the meeting will be adjourned until such time as it can be reconvened.

If the meeting was due to determine an urgent matter or one which is time-limited and it has not been possible to continue because of technical difficulties, the Chief Executive, Leader and relevant Cabinet Member, in consultation with the Monitoring Officer, shall explore such other means of taking the decision as may be permitted by the Council's constitution.

For members of the public and press who experience problems during the course of a meeting e.g. through internet connectivity or otherwise, the meeting will not be suspended or adjourned.

19. Technical issues – Individual Responsibility (Members and Officers)

Many members and officers live in places where broadband speeds are poor, but technical issues can arise at any time for a number of reasons. The following guidelines, if followed, should help reduce disruption. Separate guidance will be issued on how to manage connectivity – this paragraph focusses on the procedural steps. Joining early will help identify problems – see paragraph 6.

- Join public Zoom meetings by telephone if there is a problem with the internet. Before all meetings, note down or take a photograph of the front page of the agenda which has the necessary telephone numbers. Annex 1 to this protocol contains a brief step-by-step guide to what to expect
- Consider an alternative location from which to join the meeting, but staying safe and keeping confidential information secure. For officers, this may mean considering whether to come into the office, subject to this being safe and practicable (childcare etc.)
- If hosting a meeting via Zoom (briefings etc.), consider creating an additional host when setting up the meeting. The additional host can step in if the main host has problems – remember that without a host, the meeting cannot close and any information on the screens will remain on view
- Have to hand the telephone number of another member or officer expected in the meeting – and contact them if necessary to explain the problem in connecting
- Officers should have an 'understudy' or deputy briefed and on standby to attend and present as needed (and their telephone numbers to hand)
- For informal meetings and as a last resort, members and officers may be able to call another member or officer in the meeting who can put the 'phone on loudspeaker for all to hear – not ideal, but it ensures some degree of participation and continuity
- Member Services will hold a list of contact details for all senior officers

Phone only access to zoom meetings

(Before you start **make sure you know the Meeting ID and the Meeting Password**) – Both of these are available on the agenda for the meeting

Call the toll free number either on the meeting agenda or on the Outlook appointment (this will start with 0800 --- ----)

(Ensure your phone is on 'speaker' if you can)

A message will sound saying *"Welcome to Zoom, enter your meeting ID followed by the hash button"*

- **Enter Meeting ID followed by #**

Wait for next message which will say *"If you are a participant, please press hash to continue"*

- **Press #**

Wait for next message which will say *"Enter Meeting Password followed by hash"*

- **Enter 6 digit Meeting Password followed by #**

Wait for the following two messages:

"You are currently being held in a waiting room, the Host will release you from 'hold' in a minute"

Wait.....

"You have now entered the meeting"

Important notes for participating in meetings

Press ***6** to toggle between **'mute'** and **'unmute'** (you should always ensure you are muted until you are called upon to speak)

If you wish to speak you can **'raise your hand'** by pressing ***9**. Wait for the Chairman to call you to speak. The Host will lower your hand after you have spoken. Make sure you mute yourself afterwards.

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 20 July 2020 at 2.15 pm

Present

Councillors

F W Letch (Chairman)
W Burke, R J Chesterton, Mrs C P Daw,
J M Downes, R Evans, B Holdman,
B A Moore, R L Stanley, B G J Warren and
A Wilce

Also Present

Councillor(s)

R M Deed, G Barnell, E J Berry, D J Knowles, A White and
Mrs N Woollatt

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Jenny Clifford (Head of Planning, Economy and Regeneration), Kathryn Tebbey (Head of Legal (Monitoring Officer)), Ian Chilver (Group Manager for Financial Services), Lisa Lewis (Group Manager for Business Transformation and Customer Engagement), Simon Newcombe (Group Manager for Public Health and Regulatory Services), Maria De Leburne (Legal Services Team Leader), Aaron Beecham (Forward Planning Assistant), Clare Robathan (Scrutiny Officer) and Carole Oliphant (Member Services Officer)

40 **VIRTUAL MEETING PROTOCOL**

The Committee had before it, and **NOTED**, the *Virtual Meeting Protocol.

Note: *Virtual Meeting Protocol previously circulated and attached to the minutes

41 **APOLOGIES AND SUBSTITUTE MEMBERS (00.02.10)**

There were no apologies or substitute Members

42 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00.02.20)**

Members were reminded to make declarations of interest when appropriate

43 **PUBLIC QUESTION TIME (00.02.29)**

There were no members of the public present.

44 **MEMBER FORUM (00.02.58)**

There were no issues raised under this item.

45 MINUTES OF THE PREVIOUS MEETING (00.03.07)

The minutes of the last meeting held on 22nd June 2020 were approved as a correct record.

46 DECISIONS OF THE CABINET (00.05.10))

The Committee **NOTED** that none of the decisions made by the Cabinet on 9th July 2020 had been called in.

47 CABINET MEMBER FOR FINANCE REPORT (00.05.25)

The Cabinet Member for Finance highlighted the contents of his *report and thanked officers for distributing the business grants which had involved many extra hours of work. He wanted to show his appreciation for all the hard work completed.

He addressed the loss of income due to Covid 19 and the fact that Council had received circa £900k in Government funding and confirmed that a revised budget would be brought forward in September 2020.

He explained that there was a budget gap challenge for 2023/2024 and that the Council was exploring more innovative ways of working, looking to increase income, share resources, prioritise budgets and take on new ways of delivering services. This would all help move towards bridging the Council's estimated funding gap.

In response to a direct request to provide more detail on the steps being taken to address the budget gap the Cabinet Member for Finance stated that it was a work in progress but he agreed to attend the next meeting of the Scrutiny Committee to present that information.

Consideration was given to:

- The restrictions of grants through the Housing Infrastructure Fund
- Whether the circa £900k received from the Government covered the Council's loss of income

The Deputy Chief Executive (S151) Officer explained that in addition to the Government monies already received the Government had announced an income protection guarantee which would include the loss of income from car parking revenue and the leisure centres having to be closed. Initial indications were that the Council would need to fund the first 5% of lost income but the Government would fund the remaining 95% but the full details of the scheme were not yet known. He stated that the Council was currently looking at a shortfall in income of circa £1m but that it was not possible to give an exact figure now.

Note: *report previously circulated and attached to the minutes

48 CHAIRMAN'S ANNOUNCEMENTS (00.24.46)

The Chairman announced that he would pause the meeting if required if it was still in session after a number of hours.

49 **REPORT OF THE CUSTOMER EXPERIENCE WORKING GROUP (00.25.26)**

Cllr Mrs C P Daw, the Chairman of the Customer Experience Working Group, presented the *final report and explained that it contained 6 recommendations for the Committee to consider.

She explained that members of the Working Group had agreed that they should explore the end to end customer experience and had visited 11 departments. They felt that the current CRM system was not fit for purpose and found that customers were having to make repeat calls for information and feedback. The Group wanted to stress that MDDC Officers were doing a good job despite the system issues. She explained that the Group had investigated the CRM system used by North Devon District Council and felt this to be the best option for a solution.

The Scrutiny Officer further explained that the CRM recommendation was the key issue as it involved monies for a new system. She explained the North Devon District Council were using the Firmstep system and they had described how it had more than paid for itself by freeing up time and that they had found it good value for money.

The Committee discussed the report of the Working Group and were in agreement with the recommendations but were concerned that there were no timeframes attached for the Cabinet to act upon them.

The Cabinet Member for the Working Environment and Support Services stated that she noted the comments and that this had been a valuable exercise which she was willing to support and take forward.

It was therefore:

RECOMMENDED to the Cabinet:

1. That a business case for a new Customer Relationship Management (CRM) system to replace the existing technology is developed and considered by the Cabinet. That any new system be designed with customer need at the centre of the process.
2. That systems work to full capacity and meet the needs of the customer first and foremost. Back offices should carry out service reviews and review business processes to ensure they are customer focused.
3. To ensure customers are at the heart of the Council, a customer focused culture should be promoted across the whole organisation - for all staff from the top down. This could include training (for Leadership Team, Officers and Members), Members/staff workshops or the use of advocates/case studies to promote a new system.
4. That a customer survey is carried out with members of the public regarding their experience and satisfaction as customers of the Council. Results are reported back to the Working Group when available.
5. That the Planning Department consider re-establishing a dedicated phone answering system, to ensure officers have capacity to focus on applications.
6. That the phone waiting times are reduced. A review of why the Service Level Agreement is not being met is carried out.

(Proposed by the Chairman)

Note: *report previously circulated and attached to the minutes

50 **REVENUE AND OUTTURN REPORT (00.39.13)**

The Committee had before it, and **NOTED**, the *Revenue and Outturn report previously presented to the Cabinet on 9th July 2020.

The Group Manager for Finance explained that this was a generic report which detailed the performance against budget. He explained that in December 2019 the budget deficit had been predicted at £252k but this had improved to an actual year end deficit of £232k which was very close to an overall budget of £10m.

He explained that the £863k utilised from the Ear Marked Reserves indicated the progress of projects and that funds had been set aside for future projects.

In response to a question asked about the usefulness of the Scrutiny Committee being presented the report after it had been seen by the Cabinet. The Deputy Chief Executive (S151) Officer explained that it was a statutory requirement that the budget was brought before the Scrutiny Committee and that it was Scrutiny's role to scrutinise it.

Consideration was given to:

- Monies would only be released for a replacement CRM system when a successful business case had been presented
- Impairments on loans to 3 Rivers Developments Ltd

Note: *Revenue and Outturn report previously circulated and attached to the minutes

51 **COMMUNITY SAFETY PARTNERSHIP (00.57.54)**

The Committee had before it, and **NOTED**, a *report from the Group Manager for Public Health and Regulatory Services detailing the Community Safety Partnership (CSP) activities during 2019-2020.

The Group Manager for Public Health and Regulatory Services explained that this was a retrospective report which detailed the activities of the partnership over the 2019-2020 period and outlined the partnership funding and Domestic Homicide Reviews (DHR's). He explained that a DHR was a multi-agency review of the circumstances in which the death of a person aged 16 or over had, or appears to have been as a result of violence, abuse or neglect.

In response to a question asked about the role of the CSP in investigating these deaths when the Coroner already carried out this work he explained that there was a statutory duty of all the agencies to investigate these deaths to see if lessons could be learned going forward.

He explained that self-help guides for user of the Devon Sexual Abuse and Rape Crisis Support Services provided by the CSP whilst victims wait for 1:1 support from the services. Unfortunately, these services, not funded by the CSP, had been

oversubscribed and had been a victim of their own success, that unfortunately resulting in up to a 9 months delay for people needing to obtain the guides. He explained that the funding for this project was currently being reviewed by those agencies that support it directly.

Members expressed concerns regarding the wait times and felt that the Community PDG should look at additional funding for this project. They requested an update report be brought back to the Scrutiny Committee to assess the resolution.

Note: *report previously circulated and attached to the minutes

52 STATEMENT OF COMMUNITY INVOLVEMENT REVIEW 2020 (01.07.50)

The Committee had before it, and **NOTED**, the *Statement of Community Involvement Review from the Head of Planning, Economy and Regeneration.

She explained that the report detailed how the Council would consult on local plans, supplementary planning documents and planning applications.

The Forward Planning Officer then went on to explain that a review had been undertaken to take account of the revised National Planning Policy Framework and outlined the temporary solutions and key changes.

He outlined the new section which set out area's in which the Council could provide additional support on Neighbourhood Planning processes.

In response to a questions asked as to why S106 Governance arrangements had been removed from the original Statement the Head of Planning, Economy and Regeneration explained that the arrangements would form part of a separate governance paper which would be brought before the Scrutiny Committee before it was presented to the Cabinet. She further explained that S106 was not part of the planning process and therefore should not be included within the Statement of Community Involvement and required its own governance arrangements.

Note: *report previously circulated and attached to the minutes

53 GREATER EXETER STRATEGIC PLAN (01.21.48)

The Head of Planning, Economy and Regeneration explained that the Committee had two reports before them the * Joint Statement of Community Involvement for the Greater Exeter Strategic Plan (GESP) and the ** Greater Exeter Strategic Plan Draft Policies and Site Options consultation document.

She informed the Committee that the Greater Exeter Strategic Plan Draft Policies and Site Options consultation document was being presented across all four authorities and had previously been considered by Exeter City Council and Teignbridge District Council.

The Forward Planning Officer then gave an overview of the GESP by way of a presentation which highlighted:

- Maintained Member engagement in formulating policies

- Sustainable development
- High level strategic plans
- Site options
- Evidence documents

Members then discussed the GESP in detail and raised various concerns including:

- The relevance of GESP to the Local Plan which was due to be formally adopted
- What was the definition of a larger development
- Why a Statement of Common Ground could not be considered in the place of GESP
- If signing up to GESP would address employment opportunities in Mid Devon
- GESP was too Exeter centric
- That Okehampton was not included as it fell outside of the district boundary of the GESP
- The effect of the GESP on property prices within Mid Devon and that the GESP appeared to be to solve Exeter's housing problems
- The numbers of new houses proposed by the GESP seemed to high to sustain employment opportunities
- Not enough time for Members to consider the documents and to make comments and that the GESP would take precedence over the MDDC Local Plan
- Previously rejected development sites had reappeared on the GESP
- The lack of provision for increased secondary education in Tiverton
- The current capability of digital networks and could it cope with more development
- The 8 week timescale of the initial public consultation was not long enough and how this would be presented to the public

In response to the concerns raised the Head of Planning, Economy and Regeneration and the Forward Planning Officer provided the following responses:

- The GESP plans sat alongside the Local Plans and dealt with cross boundary issues such as climate change and how people lived and worked in the area
- GESP was focussed on development of 500 houses or more. As part of the GESP local landowners and developers had been asked to identify possible future development sites
- The Council had a duty to co-operate and would always need to engage with neighbouring authorities but the GESP could tackle the wider picture such as climate change, transport policy and the economy. It was an opportunity to coordinate the big issues and there was strength on working together
- There were more opportunities for employment in Exeter but the plan sought to address local employment across the districts
- A number of the districts had a rail network but Okehampton was not included as it fell outside the plan. However, there was still a duty to co-operate with neighbouring authorities and the GESP would be working with local authority partners
- House numbers included were not all new homes and included existing commitments and allocated sites. Exeter City Council were taking a

responsible approach and looking across the city and brownfield land opportunities

- The Local Planning Authorities had the power to reject planning applications even if they were brought forward by the GESP and that the Joint Statement of Community Involvement detailed the proposed consultation
- Education requirements were considered as part of any process of plan making and evidence was taken from the education authority based on projected numbers and the need for additional education infrastructure
- The GESP strategy and proposal made a greater digital connectivity a key element of the GESP vision, especially in rural area's. A number of policies had been introduced to improve home working
- The GESP team would need to think carefully about the presentation to the public and this would be the first of a series of consultations. There would be a range of different options which would ensure communication with the public

Members then went on to discuss the recommendations in the reports and specifically the recommendation that Cabinet give delegated authority to the Leader, in consultation with the Portfolio Holder and Chief Executive, to agree changes to the above documents arising from decisions by the other GESP authorities before they are published for consultation.

The Head of Planning, Economy and Regeneration explained that the recommendation was to ensure that each of the local authorities could make amendments to the plan or debate changes without the need for full consultation each time. She confirmed that Teignbridge District Council Scrutiny Committee had also considered this point and had amended the recommendation so that the delegated powers only related to 'minor editorial amendments'.

Therefore:

It was **AGREED** to **NOTE** the recommendations to the Cabinet contained within the Joint Statement of Community Involvement for the Greater Exeter Strategic Plan and the Greater Exeter Strategic Plan Draft Policies and Site Options consultation document, subject to the following comments which the Scrutiny Committee asked to be brought to the attention of the Cabinet:

- That the Cabinet recognised the concerns with the GESP expressed by the Scrutiny Committee on 20th July 2020 including:
 - The democratic process
 - Lack of scope including neighbouring authorities
 - Over complexity
 - Overly Exeter focussed
 - Hierarchy of plans
 - Infrastructure concerns
- That any delegated authority given should be for minor editorial changes only

(Proposed by the Chairman)

Notes:

- i.) * Joint Statement of Community Involvement for the Greater Exeter Strategic Plan previously circulated and attached to the minutes

- ii.) ** Greater Exeter Strategic Plan Draft Policies and Site Options consultation document previously circulated and attached to the minutes

54 **HOUSING INFRASTRUCTURE FUND (03.14.29)**

The Committee had before it, and **NOTED**, a *report from the Head of Planning, Economy and Regeneration detailing the housing infrastructure fund and the funding agreement with Homes England.

Members discussed the report and consideration was given to the following:

- A planning appeal allowed by an Inspector which did not award S106 funds towards the funding of the relief road in Cullompton
- Concerns of Members that there were risks with refunding the housing infrastructure fund
- The road infrastructure arrangements and timings for the Tiverton Urban Extension

Therefore;

It was **RECOMMENDED** that the Housing Infrastructure Funding risks were investigated by the Audit Committee.

(Proposed by the Chairman)

Note: *report previously circulated and attached to the minutes

55 **FORWARD PLAN (03.43.45)**

The Committee had before it, and **NOTED**, the *Forward Plan

Note: *Forward Plan previously circulated and attached to the minutes

56 **SCRUTINY OFFICER UPDATE (03.43.49)**

The Scrutiny Officer updated Members on the Scrutiny Committee Menopause Working Group and the fact that they welcomed more female Members getting involved.

57 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (03.46.15)**

The following items were identified for the next meeting:

- The Cabinet Member for Finance was asked to attend and give more detail on the income, shared resources, prioritised budgets and new ways of delivering services to bridge the £1.4m funding gap
- The Group Manager for Public Health and Regulatory Services would provide a further update on additional funding for the self-help guides for service users of the Devon Sexual Abuse and Rape Crisis Support Services

(The meeting ended at 6.13 pm)

CHAIRMAN

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SCRUTINY 17 AUGUST 2020

ESTABLISHMENT UPDATE

Cabinet Member(s): Cllr Nikki Woollatt, Cabinet Member for Working Environment and Support Services

Responsible Officer: Matthew Page, Group HR Manager

Reason for Report: Scrutiny requested a follow up to the presentation of the establishment report in February 2020 on both the performance of the workforce but also how this had been affected by the COVID-19 pandemic.

RECOMMENDATION: The Committee is asked to note the information below

Financial Implications: Financial risk will only occur where the structure of a service changes without adherence to allocated budgets.

Legal Implications: In accordance with article 14 of the Constitution.

Risk Assessment: If the establishment is not appropriately managed and reviewed then service delivery will be put at risk.

Equality Impact Assessment: No equality issues highlighted in this report.

Relationship to Corporate Plan: This report highlights the Establishment figures and, as such, supports our aim to reduce costs without affecting service quality and continuity.

Impact on Climate Change: No climate change issues highlighted in this report.

1.0 Introduction/Background

1.1 The purpose of this report is to give an update on the performance of our workforce and how this has been affected by the COVID-19 pandemic.

1.2 These items included updates on the key establishment indicators of sickness and agency expenditure, turnover and the impact of COVID-19 on our workforce.

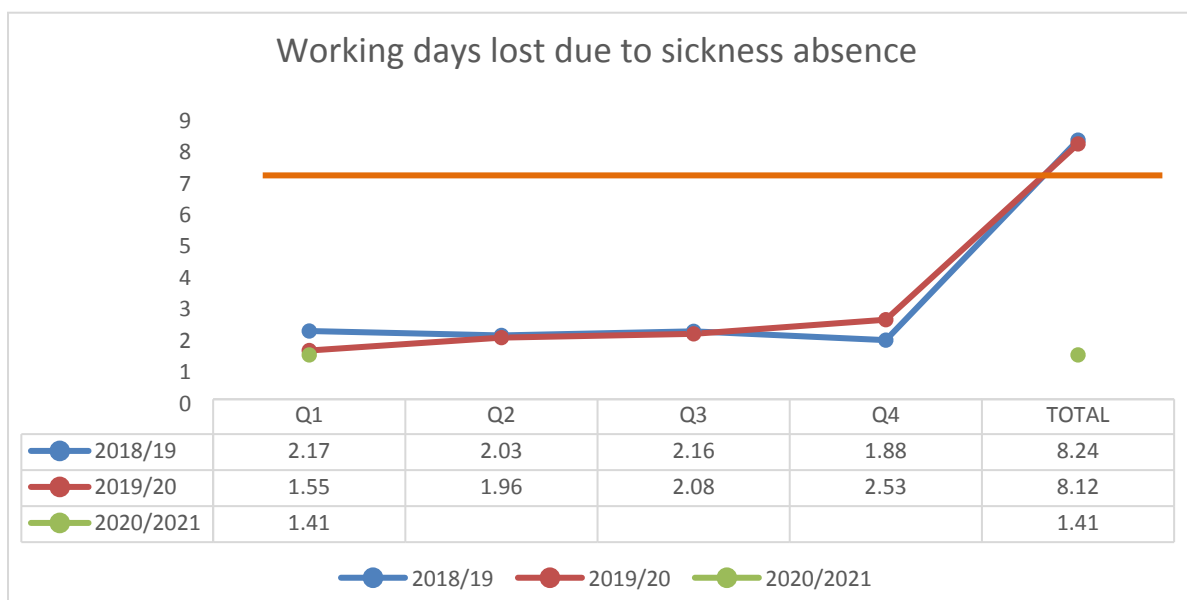
2.0 Sickness Absence, Agency Expenditure and Establishment

2.1 Last year MDDC had an average of 8.12 sickness days per FTE person, 3.04% of overall workforce time. This compares to 8.24 sickness days that were lost per FTE employee in 18/19. For the 20/21 financial year there is both a target and subsequent action plan to reduce the number of days lost to less than 7 days per FTE employee (which would put the Council in line with industry standards across other councils).

2.2 A new sickness absence policy has been introduced to clarify the reporting and certifying arrangements for sickness, a new management guideline (an

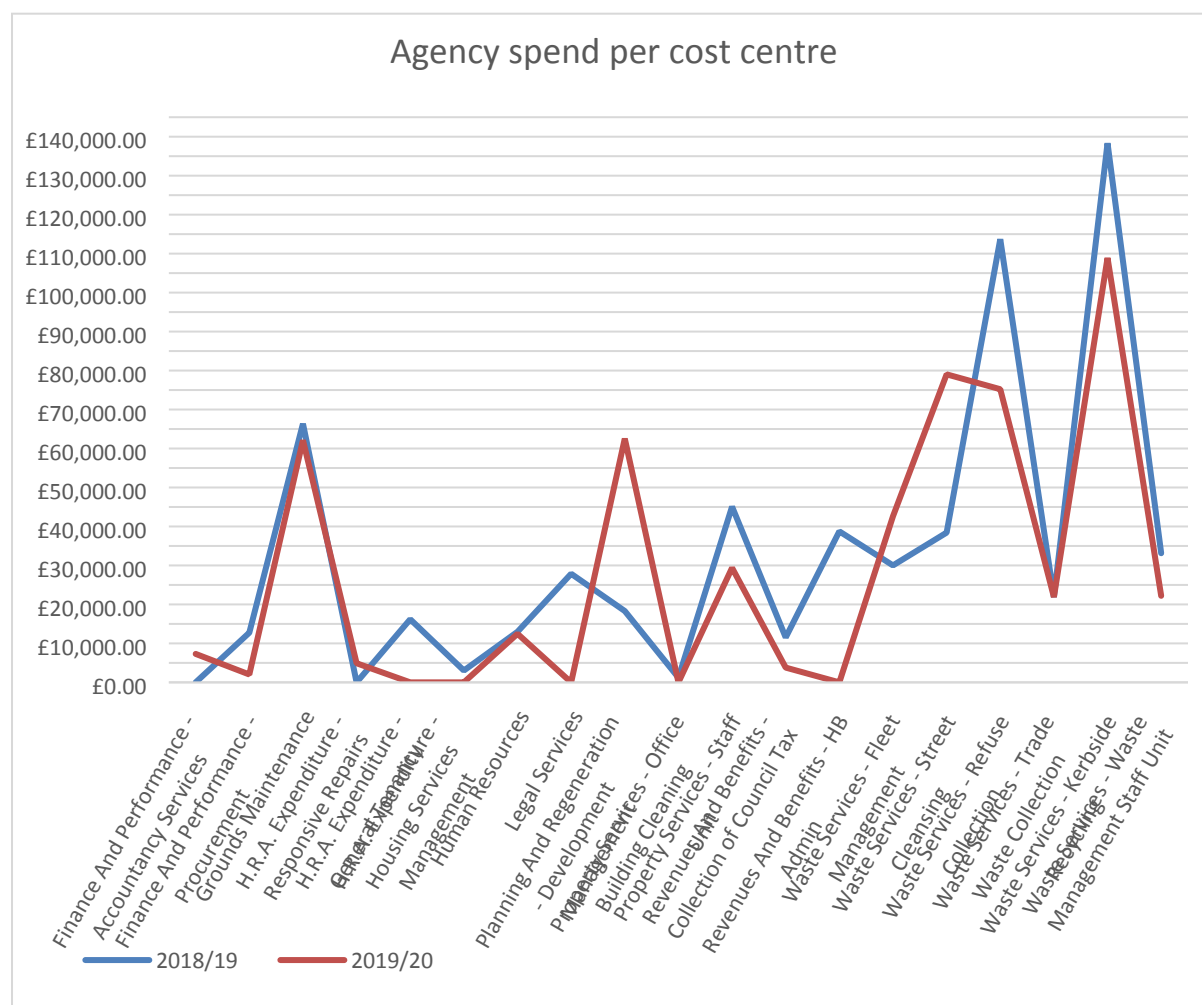
employee should not have more than six days or absence in the year) and clearer interventions around long term and short term sickness absence. Current workforce data suggests that over 30% of sickness absence is taken up with short term absence. See Appendix 1

- 2.3 In the first quarter of this year (April to June 2019) the Council has lost 1.41 days to absence per employee, meaning we are currently in line to meet the target set for the current financial year. Our sickness absence is usually less in the first two quarters of the financial year than in the last two due to the autumn and winter seasons (not including COVID-19). We have also had 20% of the workforce furloughed during the first quarter of this year due to COVID-19 so this needs to be factored in to the evaluation.



- 2.4 A recently conducted sickness audit has highlighted that return to work interviews and other key interventions are not being carried out as effectively as they should be in some areas of the Council. This is being looked into and some actions are being put into place to help address this.
- 2.5 There is a comprehensive package of measures being developed by our new Health and Safety Officer, Chris Hodgson which look to improve levels of wellbeing and improved support around mental health in the workplace. This includes establishing a base line of where the Council is at in terms of the wellbeing of its staff and look at using the Warwick-Edinburgh mental well-being scale.
- 2.6 This is a scale of fourteen positively worded items, designed to measure both the feeling and functioning aspects of positive mental wellbeing eg 'I've been feeling optimistic about the future'. 'I've been thinking clearly'. Participants are asked to choose the answer that best describes their experience of each item over the last two weeks using a five point scale. The end result is a score between 14 and 70 with a higher score indicating better wellbeing.
- 2.7 One of the consequences of high sickness absence and other poor establishment performance (unresolved, high conflict) is rising agency costs.

- 2.8 During the first quarter of 2020/21 the organisation spent £174, 401.02 on agency workers (some of this spend owing to providing cover to critical services during COVID-19). In the last two financial years the Council has paid out £628,636.03 on agency spend in 18/19 and £534, 378.49 in 19/20. Agency workers provide cover to vacant posts as well as employees who are sick or absent from the workplace in critical services including waste and leisure. So there is further incentive to improve our position regarding sickness absence.

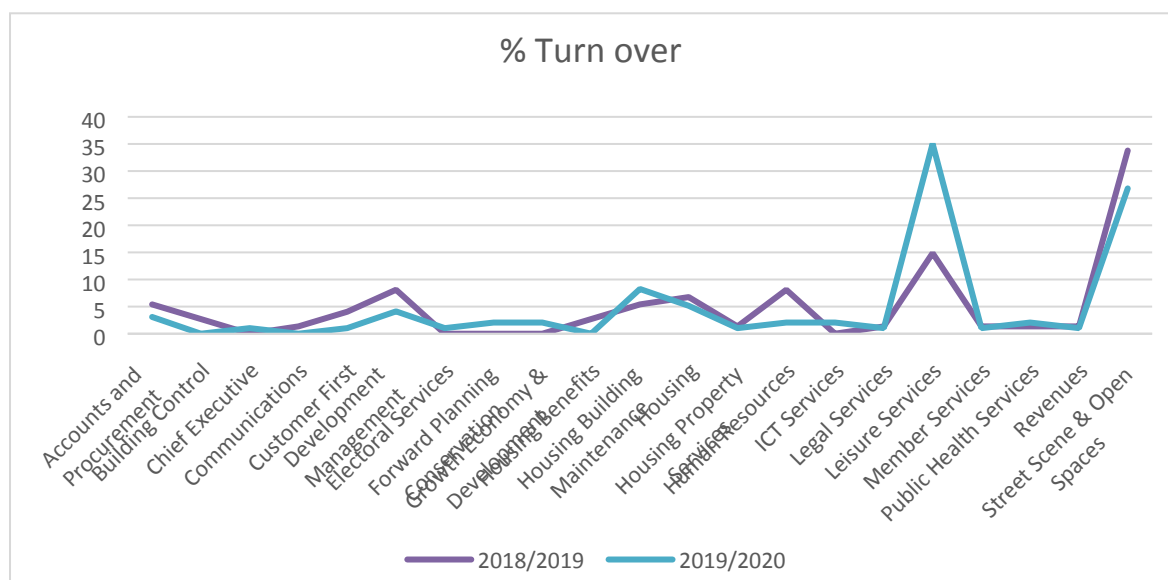


- 2.9 The below tables compare the establishment for the Council and their associated costs for 2018/19 and 2019/20. The establishment rose by 12.26 due to agency posts being removed and these becoming embedded in the establishment of critical services. Please note that the increase in gross pay for 2019/20 includes a 2% cost of living award which is made to each member of staff.

	2018/19	2019/20
Total number of employees/workers paid	717	718
Establishment FTE	419.92	432.18
Total Taxable Gross Pay	£10,365,399.45	£11,170,336.78
Employers NI	£ 972,003.44	£ 1,024,710.32
Employers Pension	£ 1,537,451.85	£ 1,595,839.06

3.0 Turnover

- 3.1 Turnover for the first quarter stood (1 April to 30 June 2020) stands at 4%. During this period 28 employees left the Council; there were 8 resignations, 3 dismissals with notice, 1 dismissal without notice, 2 end of fixed term contracts, 3 retirements and 4 TUPE transferred.
- 3.2 This compares with turnover standing at 6% in Q4 of the 19/20 financial year and a cumulative turnover figure of 18%. This was higher than the cumulative turnover figure for 18/19 which stood at 14%.
- 3.3 Members had requested a full breakdown of all leavers and data collected during exit interviews for last 18 months. This information is shown in Appendix 1 with the below graph comparing turnover in 18/19 with 19/20.



4.0 COVID-19

- 4.1 Since March 23 when the government announced a formal lockdown of both businesses, services and offices, the Council have been closely managing both the health and wellbeing of its workforce as well as how it is redeployed to ensure critical services are delivered to the public.
- 4.2 Key activity has focused on reporting the status and performance of our workforce on first a daily then a weekly basis. During COVID 19 our workforce has been very stable in its status with 30% of our employees on site or in the office delivering critical work or services, 40% working from home and 20% furloughed.
- 4.3 The majority of our furloughed staff came from our Leisure facilities which were closed on the 23 March and are only predicted to reopen in late July. A few staff from other services have been furloughed due to much or most of the posts business need being severely reduced during the pandemic. Payroll have been applying to the government on a month by month basis to recoup the money from the government that is available under their scheme for these staff.

- 4.4 The furlough scheme allowed employers to be reimbursed for 80% of their employees' salaries and the associated employer's national insurance and pension contributions, where employees were unable to work due to closures etc. caused by Covid 19.
- 4.5 We have furloughed a maximum of 158 employees over April, May and June. This is mainly for employees from our leisure services and includes all the casual employees from Leisure. It also included employees who were shielding, that work in other service areas.

The money reclaimed to date from the furlough scheme is:

April 2020 £72614.23

May 2020 £95224.54

June 2020 £91287.48

From 1st July 2020, the furlough scheme changed to a flexible furlough scheme, which allows employees to work part of their hours and be furloughed for the remainder. We are expecting the Leisure Service to utilise this scheme once the Leisure Centres are open from 3rd August 2020.

- 4.6 We also set up a direct testing booking service for staff so any staff suffering from COVID-19 symptoms and in self-isolation can be quickly tested and the results received expediently. To date we have had no positive tests back from the staff who have been tested.
- 4.7 Following the publication of the government's advice for work sites and offices, the Corporate Management Team oversaw the carrying out of a number of health and safety assessments and conducted an online survey for staff to ask about their experience during COVID-19 and to look ahead to the future. The results of the survey and the assessments were very positive and many staff and teams have fed back encouraging experiences of working from home and of the support they have received from the Council during this period.
- 4.8 What the survey did also illustrate was that a number of staff are feeling apprehensive and anxious about returning to the workplace more regularly in the future. To help give staff confidence about returning to the workplace, the Corporate Management Team published a full briefing on how Phoenix House would look and work in the future and have committed to implement this plan gradually over the summer so we can take account of any challenges that we may experience and make further improvements. There are already clear one way walkways and designated stations for members and staff to use sanitiser gels and towels in the building.

5.0 Conclusion and Recommendations

- 5.1 There are a number of priorities which the Group HR Manager wants to focus on in terms of our Establishment performance but he would like to draw attention to three key priorities.

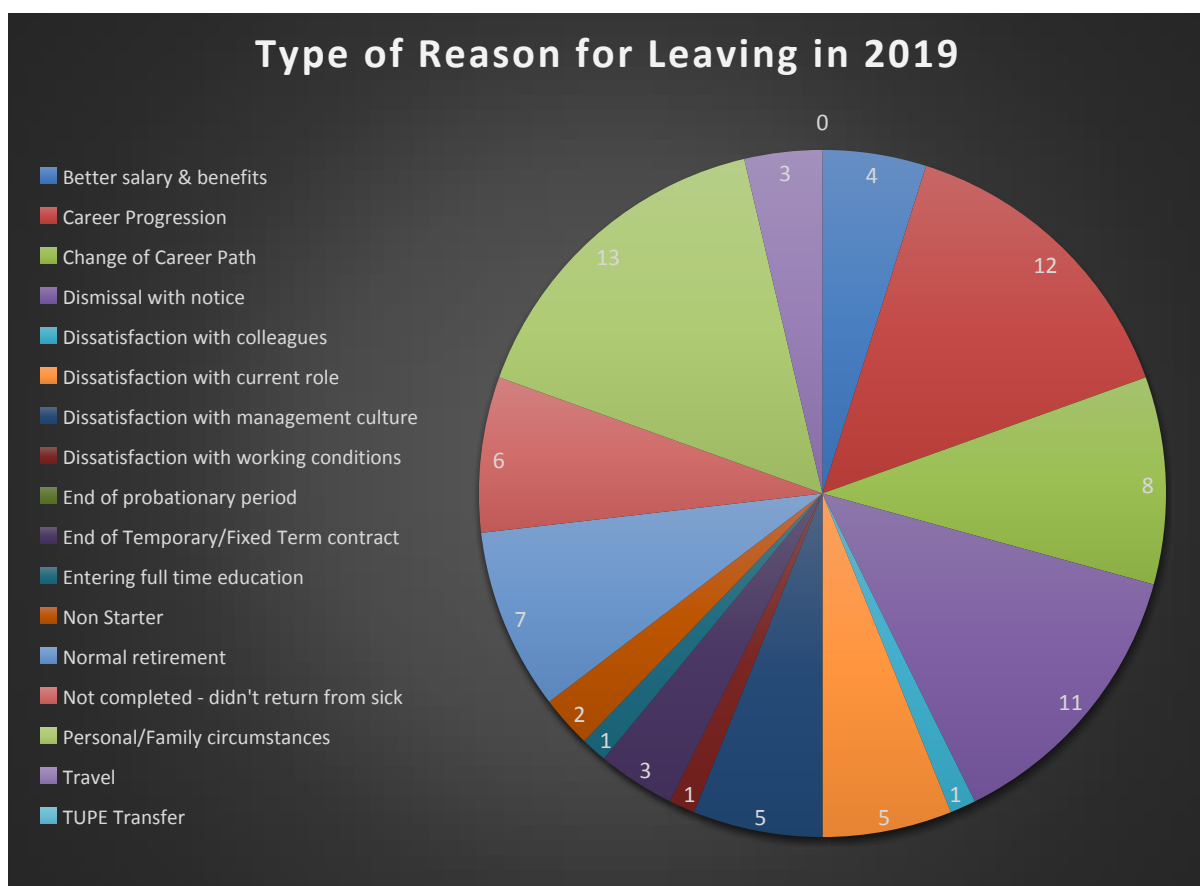
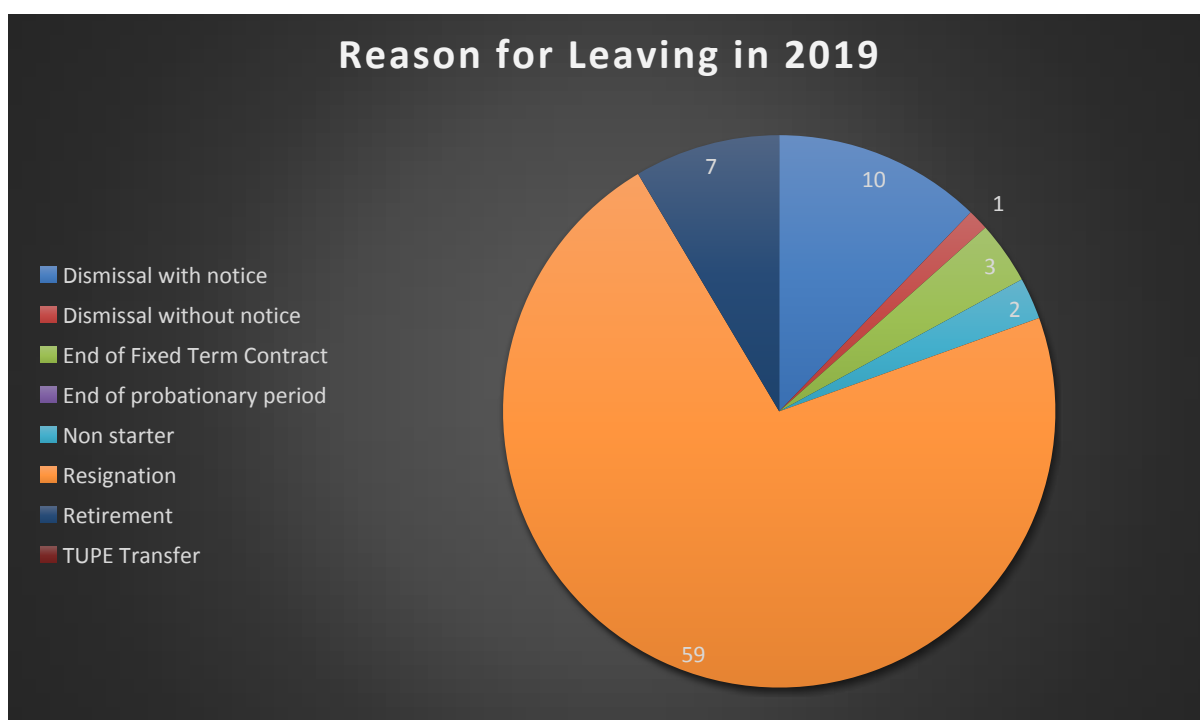
- 5.2 It is vital that we continue to plan ahead for COVID-19 and a potential second spike in the autumn/winter. The work we have done to date has laid a solid base on which to further build our support and services for use by the workforce.
- 5.3 It is important that all of the necessary support interventions are in place to support the implementation of the new sickness absence policy as we begin to move forwards (hopefully) from COVID-19.
- 5.4 The third is to ensure that the necessary quality of supervision and regular one to one support is delivered to the workforce, especially at this time of high remote working (both for line managers and employees).

Contact for more Information: Matthew Page, Group HR Manager
(MPage@middevon.gov.uk)

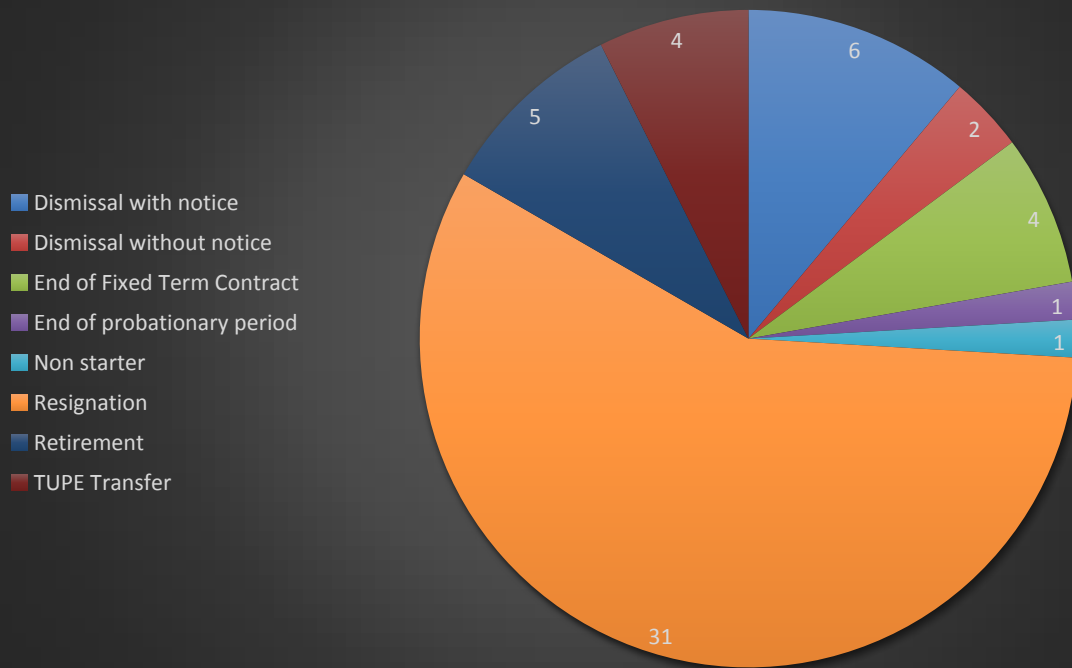
Circulation of the Report: Cabinet Member seen and approved Yes – Cllr Nikki Woollatt, Leadership Team seen and approved Yes.

List of Background Papers: Establishment Paper submitted to Cabinet February 2020.

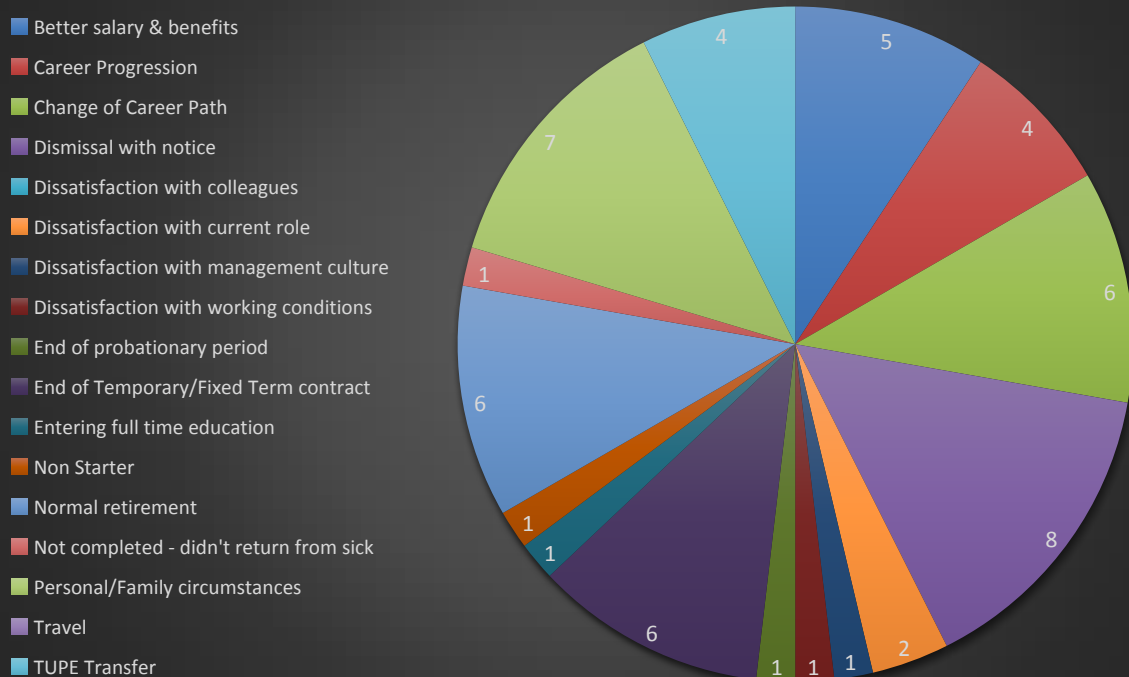
Appendix 1



Reason for Leaving in 2020



Type of Reason for Leaving in 2020



SCRUTINY COMMITTEE
17 AUGUST 2020:

AGENDA ITEM:

PERFORMANCE AND RISK REPORT

Cabinet Member Cllr Bob Deed
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 2020-21 as well as providing an update on the key business risks.

RECOMMENDATION: That the Committee reviews the Performance Indicators and Risks that are outlined in this report and feeds back any areas of concern.

Relationship to Corporate Plan: Corporate Plan priorities and targets are effectively maintained through the use of appropriate performance indicators and regular monitoring.

Financial Implications: None identified

Legal Implications: None

Risk Assessment: If performance is not monitored we may fail to meet our corporate and local service plan targets or to take appropriate corrective action where necessary. If key business risks are not identified and monitored they cannot be mitigated effectively.

Equality Impact Assessment: No equality issues identified for this report.

Impact on Climate Change: No impacts identified for this report.

1.0 Introduction

- 1.1 Appendices 1-5 provide Members with details of performance against the Corporate Plan and local service targets for the 2020-21 financial year. **The Committee is invited to suggest measures they would like to see included in the future for consideration.**
- 1.2 Appendix 6 shows the higher impact risks from the Corporate Risk Register. See 3.0 below.
- 1.3 Appendix 7 shows the risk matrix for the Council.
- 1.4 All appendices are produced from the Corporate Service Performance And Risk Management system (SPAR).
- 1.5 When benchmarking information is available it is included.

2.0 Performance

Please note that for all areas of the Council the results since March will have been understandably impacted by the effects of the Covid 19 pandemic. There are specific comments on the attached appendices reflecting this.

Environment Portfolio - Appendix 1

Environment

- 2.1 Regarding the Corporate Plan Aim: **Increase recycling and reduce the amount of waste**; all the waste KPIs on Appendix 1 are better than target except the residual waste per household. Covid 19 has had an impact on the amount of waste created by households, the increase per household was 2.53% compared to the same period last year. These figures have yet to be verified by DCC as is usual.

Climate Change

- 2.2 The Council are part of the tactical group for the Devon-wide carbon plan; Devon Climate Emergency (DCE). The group met most recently on 9 June 2020. DCE put out a call for evidence to contribute to the Devon Carbon Plan - the group received almost 900 submissions, mostly from individuals. Some of the suggestions have been reviewed and incorporated into our own emerging plan and others will need to be discussed as part of our Net Zero Advisory Group (NZAG) and our “Mid Devon Climate Conversations”.
- 2.3 NZAG: This has been set up following Cabinet approval at its meeting on the 23 April 2020. Terms of reference will be progressed for the group, membership has been confirmed and the first meeting took place on 25 June.

Homes Portfolio - Appendix 2

- 2.4 Regarding the Corporate Plan Aim: Deliver Housing: these measures are all quarterly. The target for annual housing completions has been updated to reflect the Local Plan target although this hasn't yet been adopted by Full Council.
- 2.5 Regarding the Corporate Plan Aim: Private Sector Housing: Bringing Empty homes into use is a little below target as at the end of May. Due to funding changes this is the last year that this measure will be reported.
- 2.6 Regarding the Corporate Plan Aim: Council Housing: all measures are either at or just below target. In terms of gas servicing compliance this has been affected by Covid 29 and we currently have 25 properties with expired LGSRs. We still have an extremely high compliance % compared to our peers.
- 2.7 Housing performance remains in the top quartile compared with HouseMark.

Economy Portfolio - Appendix 3

- 2.8 Regarding the Corporate Plan Aim: **Improve and regenerate our Town Centres: Empty Shops**; it should be noted that the vacancy count is done at the start of each quarter but it was not done in April due to Covid 19. It is hoped to be able to do a full shop survey at the end of July once all shops and services are permitted to open, and it becomes clearer which units are temporarily closed, and which units are technically empty.
- 2.9 Data on units owned by MDDC has now been added to Appendix 1.
- 2.10 Our town centres and high streets faced structural issues before Covid-19 but the challenge just got even harder. There was a growing consensus that high streets based on retail needed to shift to include a mix of leisure, entertainment, cafes, gyms and beauty salons. However, the conclusions of Grimsey and others suggest that a recovery based on retail and consumption will not work. Covid-19 could provide the catalyst to do something different, but the window of opportunity is small. This has implications for national and local policy making.
- 2.11 **Other:** The Council has received a report from the Planning Inspectorate, confirming that the Mid Devon Local Plan Review 2013 – 2033 provides an appropriate base for the planning of the District and with a number of main modifications, is sound and capable of adoption.

Community Portfolio - Appendix 4

- 2.12 No Performance and Risk report went to this PDG in July.

Corporate - Appendix 5

- 2.13 **Working days lost due to sickness** is better than expected for the first quarter of 2020.
- 2.14 The **Response to FOI requests** have been 100% on time since April 2019.
- 2.15 The **% total Council Tax collected** and **% total NNDR collected** are both slightly below target. This has deteriorated since due to the pandemic. Staff have suspended collections work and concentrated on processing small business grants and the council tax relief hardship fund.
- 2.16 The Council has received a report from the Planning Inspectorate, confirming that the Mid Devon Local Plan Review 2013 – 2033 provides an appropriate base for the planning of the District and with a number of main modifications, is sound and capable of adoption.

3.0 Risk

Some risk scores have increased due to the Covid 19 pandemic especially as regards financing, homelessness and the economic outlook.

- 3.1 The Corporate risk register is regularly reviewed by Group Managers and Leadership Team and updated as required.
- 3.2 Risk reports to committees include strategic risks with a current score of 10 or more in accordance with the Risk and Opportunity Management Strategy. (Appendix 6)
- 3.3 Appendix 7 shows the risk matrix for MDDC for this quarter. If risks are not scored they are included in the matrix at their inherent score which will be higher than their current score would be.
- 3.4 Operational risk assessments are job specific and flow through to safe systems of work. These risks go to the Health and Safety Committee biannually with escalation to committees where serious concerns are raised.

4.0 Conclusion and Recommendation

- 4.1 That the Committee reviews the performance indicators and any risks that are outlined in this report and feeds back any areas of concern.

Contact for more Information: Catherine Yandle Group Manager for Performance, Governance and Data Security ext 4975

Circulation of the Report: Leadership Team and Cabinet Member

Corporate Plan PI Report Environment

Monthly report for 2020-2021
 Arranged by Aims
 Filtered by Aim: Priorities Environment
 For MDDC - Services

Key to Performance Status:

Performance Indicators:

No Data

Well below
target

Below target

On target

Above target

Well above
target

*
 Indicates that an entity is linked to the Aim by its parent Service

Corporate Plan PI Report Environment																
Priorities: Environment																
Aims: Increase recycling and reduce the amount of waste																
Performance Indicators																
Title	Prev Year (Period)	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>Residual household waste per household (measured in Kilograms) (figures have to be verified by DCC)</u>	66.32 (2/12)	362	39	68											Stuart Noyce	(April - May) Covid-19 'Stay at Home' guidance has impacted on the amount of waste created by households. The increase per household was 2.53% compared to the same period last year. (LD)
<u>Number of Fixed Penalty Notices (FPNs) Issued (Environment)</u>	4 (2/12)	No Target	0	0											Stuart Noyce	(May) Due to carrying one vacancy in the team which is now being recruited to and the remaining team assisting with other critical services such as waste during covid enforcement has been minimal during the 1st quarter. (LD)
<u>% of Household Waste Reused, Recycled and Composted (figures have to be verified by DCC)</u>	52.90% (2/12)	54.5%	54.9%	55.1%											Stuart Noyce	(May) The rate is above target. Most dry recycling materials have increased during April and May due to COVID and an increase in
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SPAR.net																
Print Date: 03 July 2020 10:02																

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	
																GW customers has been seen. However there has also been an increase in residual waste so recycling rates are similar to the same period last year. (LD)	
<u>Number of Households on Chargeable Garden Waste</u>	10,102 (2/12)		10,007	10,837											Stuart Noyce	(May) An increase of 830 customers since March 2019. A reflection of the 'stay at home' guidance. (LD)	
<u>% of missed collections reported (refuse and organic waste)</u>	0.01% (2/12)	0.03%	0.01%	0.02%											Stuart Noyce	(May) Remaining within target (LD)	
<u>% of Missed Collections logged (recycling)</u>	0.02% (2/12)	0.03%	0.03%	0.03%											Stuart Noyce	(May) Remaining on target for the year to date (LD)	

Corporate Plan PI Report Homes

Monthly report for 2020-2021
 Arranged by Aims
 Filtered by Aim: Priorities Homes
 For MDDC - Services

Key to Performance Status:

Performance Indicators:	No Data	Well below target	Below target	On target	Above target	Well above target
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* indicates that an entity is linked to the Aim by its parent Service

Corporate Plan PI Report Homes																	
Priorities: Homes																	
Aims: Deliver Housing																	
Performance Indicators																	
Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>Net additional homes provided</u>	n/a	n/a	393	n/a	n/a		n/a	n/a		n/a	n/a		n/a	n/a		Jenny Clifford	
<u>Number of affordable homes delivered (gross)</u>	(1/4)	85		n/a	n/a		n/a	n/a		n/a	n/a		n/a	n/a		Angela Haigh	
<u>Build Council Houses</u>	(3/12)	26		n/a	n/a		n/a	n/a		n/a	n/a		n/a	n/a		Angela Haigh	

Aims: Private Sector Housing																	
Performance Indicators																	
Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>Deliver homes by bringing Empty Houses into use</u>	33 (2/12)	138	72	1	9											Simon Newcombe	

Aims: Council Housing																	
Performance Indicators																	
Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>% Properties With a Valid Gas Safety Certificate</u>	99.91% (3/12)	99.82%	100.0%	99.6%	99.4%	98.9%										Angela Haigh	
<u>% Complaints Responded to On Time</u>	100.0% (3/12)	100.0%	99.0%	100.0%	100.0%	100.0%										Angela Haigh	
<u>% Emergency Repairs Completed on Time</u>	100.0% (2/12)	100.0%	100.0%	100.0%	100.0%											Angela Haigh	
<u>% Urgent Repairs Completed on Time</u>	100.0% (2/12)	99.9%	100.0%	100.0%	100.0%											Angela Haigh	
<u>% Routine</u>	99.3% (2/12)	99.8%	100.0%	100.0%	100.0%											Angela	

Corporate Plan PI Report Homes																	
Priorities: Homes																	
Aims: Council Housing																	
Performance Indicators																	
Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>Repairs Completed on Time</u>																Haigh	
<u>% Repair Jobs Where an Appointment Was Kept</u>	100.0% (2/12)	99.8%	100.0%	100.0%	100.0%											Angela Haigh	

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Print Date: 06 July 2020 13:03

Corporate Plan PI Report Economy

Monthly report for 2020-2021
 Arranged by Aims
 Filtered by Aim: Priorities Economy
 For MDDC - Services

Key to Performance Status:

Performance
Indicators:

No Data	Well below target	Below target	On target	Above target	Well above target
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* indicates that an entity is linked to the Aim by its parent Service

Corporate Plan PI Report Economy																
Priorities: Economy																
Aims: Improve and regenerate our town centres																
Performance Indicators																
Title	Prev Year (Period)	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>West Exe North and South</u>	n/a		n/a	n/a	12	n/a	n/a		n/a	n/a		n/a	n/a		Andrew Busby	(Quarter 1) 92% 1 vacant unit (CY)
<u>Fore St Tiverton</u>	n/a		n/a	n/a	2	n/a	n/a		n/a	n/a		n/a	n/a		Andrew Busby	(Quarter 1) 67% 1 unit vacant (CY)
<u>Market Walk Tiverton</u>	n/a		n/a	n/a	13	n/a	n/a		n/a	n/a		n/a	n/a		Andrew Busby	(Quarter 1) 87% 2 vacant, 1 under offer (CY)
<u>Tiverton Other</u>	n/a		n/a	n/a	8	n/a	n/a		n/a	n/a		n/a	n/a		Andrew Busby	(Quarter 1) 100% (CY)
<u>The Number of Empty Shops (TIVERTON)</u>	(1/4)	18	n/a	n/a		n/a	n/a		n/a	n/a		n/a	n/a		Adrian Welsh	(Quarter 1) Count not done in Q1 due to covid 19 (CY)
<u>The Number of Empty Shops (CREDITON)</u>	(1/4)	8	n/a	n/a		n/a	n/a		n/a	n/a		n/a	n/a		Adrian Welsh	
<u>The Number of Empty Shops (CULLOMPTON)</u>	(1/4)	8	n/a	n/a		n/a	n/a		n/a	n/a		n/a	n/a		Adrian Welsh	

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Corporate Plan PI Report Corporate

Monthly report for 2020-2021

Arranged by Aims

Filtered by Aim: Priorities Delivering a Well-Managed Council
For MDDC - Services

Key to Performance Status:

Performance Indicators:	No Data	Well below target	Below target	On target	Above target	Well above target
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* Indicates that an entity is linked to the Aim by its parent Service

Corporate Plan PI Report Corporate																	
Priorities: Delivering a Well-Managed Council																	
Aims: Economic Development																	
Performance Indicators																	
Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
% of complaints resolved w/in timescales (10 days - 12 weeks)	95% (3/12)	94%	90%	100%	100%	80%										Lisa Lewis	(June) 15 closed after 4 wks (RT)
Number of Complaints	33 (3/12)	26		5	11	15										Lisa Lewis	
New Performance Planning Guarantee determine within 26 weeks	99% (1/4)	100%	100%	n/a	n/a	100%	n/a	n/a		n/a	n/a		n/a	n/a		Jenny Clifford, Eileen Paterson	(Quarter 1) COVID-19 (RP)
Major applications overturned at appeal (over last 2 years)	0% (1/4)	2%	10%	n/a	n/a	4%	n/a	n/a		n/a	n/a		n/a	n/a		Jenny Clifford, Eileen Paterson	
Major applications overturned at appeal % of appeals	0.00% (1/4)	10.00%		n/a	n/a	100%	n/a	n/a		n/a	n/a		n/a	n/a		Jenny Clifford	
Minor applications overturned at appeal (over last 2 years)	0% (1/4)	0%	10%	n/a	n/a	0%	n/a	n/a		n/a	n/a		n/a	n/a		Jenny Clifford, Eileen Paterson	
Minor applications overturned at appeal % of appeals	0% (1/4)	13%		n/a	n/a	0.25%	n/a	n/a		n/a	n/a		n/a	n/a		Jenny Clifford	
Response to FOI Requests (within 20 working days)	100% (3/12)	100%	100%	100%	100%	100%										Catherine Yandle	
FOI/EIR Requests where the information was granted in full	28 (3/12)	31		15	24	34										Catherine Yandle	
ICQ Decision Notices	2 (4/12)	3		0	0	0	0									Catherine Yandle	
Working	1.55days (3/12)	8.12days	7.00days	n/a	n/a	1.41days	n/a	n/a		n/a	n/a		n/a	n/a		Matthew	
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Corporate Plan PI Report Corporate																	
Priorities: Delivering a Well-Managed Council																	
Aims: Economic Development																	
Performance Indicators																	
Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>Days Lost Due to Sickness Absence</u>																Page	
<u>% total Council tax collected - monthly</u>	29.29% (3/12)	98.50%		10.71%	19.36%	28.02%										Dean Emery	
<u>% total NNDR collected - monthly</u>	33.07% (3/12)	99.20%		10.09%	16.52%	31.01%										Dean Emery	

Aims: Planning																	
Performance Indicators																	
Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>Local Plan Review</u>	n/a	n/a		n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Jenny Clifford	

Aims: Other																	
Performance Indicators																	
Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>Community Infrastructure Levy</u>	n/a	n/a		n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Jenny Clifford	

Corporate Risk Management Report - Appendix 6

Report for 2020-2021

Filtered by Prefix: Exclude Risk Prefix: OP, PR, EV

Filtered by Flag: Include: * Corporate Risk Register

For MDDC - Services

Filtered by Performance Status: Exclude Risk Status: Low

Not Including Risk Child Projects records, Including Mitigating Action records

Key to Performance Status:

Mitigating Action:

Milestone
Missed

Behind
schedule

In progress

Completed
and
evaluated

No Data
available

Risks: No Data (0+)

High (15+)

Medium (6+)

Low (1+)

Corporate Risk Management Report - Appendix 6

Risk: Affordable and Council Housing Demand Housing supply does not meet local demand or reflect demographic shifts like increased demand for single occupancy

Service: Housing Services

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
Completed and evaluated	Detailed Analysis of Housing Need	Provision of 'heat map' to show where housing need is gathered by geographical area	Claire Fry	28/05/2013	12/05/2020	Fully effective (1)
In progress	Review of Housing Register	The register is regularly reviewed to minimise the incidence of fraud and to ensure that it represents a true picture of housing need. We also participate in the NFI waiting list matches.	Claire Fry	31/12/2019	12/05/2020	Positive(2)

Current Status: High (16) Current Risk Severity: 4 - High Current Risk Likelihood: 4 - High

Service Manager: Claire Fry

Corporate Risk Management Report - Appendix 6

Risk: Climate Change Declaration The implications to the Council's strategic, budget and medium term financial plans are not yet fully explored and understood. This introduces an increased level of uncertainty. Impact of climate change on the financial viability of the Council.

Service: Governance

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
Completed and evaluated	Cabinet Member for Climate Change	Was appointed in January 2020 with specific responsibility for the climate change agenda.	Catherine Yandle	17/02/2020	18/05/2020	Fully effective (1)
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	18/05/2020	Positive(2)
In progress	Devon Climate Emergency – Tactical Group	MDDC are part of the tactical group for the climate emergency that has strategic links to our own plans. The group met most recently on 6 May 2020.	Catherine Yandle	18/05/2020	18/05/2020	Positive(2)
In progress	Net Zero Advisory Group	This was approved by Cabinet on 23 April terms of reference to be progressed for the group, membership confirmed and a date of the first meeting to be scheduled.	Catherine Yandle	18/05/2020	18/05/2020	Positive(2)
Current Status: High (20)		Current Risk Severity: 5 - Very High		Current Risk Likelihood: 4 - High		
Service Manager: Catherine Yandle						

Corporate Risk Management Report - Appendix 6

Risk: Commercial Land supply Insufficient diversity in commercial land provided to meet changing business needs

Service: Planning

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
No Data available	Business and landowner engagement	Continued brokering of sites and identification of creative opportunities to meet business demands can be very effective in addressing this risk	Adrian Welsh	10/06/2019	12/05/2020	No Score(0)
No Data available	Incubator/Flexible workspace project	This project should help identify opportunities to help the delivery of new flexible workspace	Adrian Welsh	10/06/2019	12/05/2020	No Score(0)
In progress	Plan for recovery	Develop a recovery plan/ strategy in conjunction with partners	Jenny Clifford	12/05/2020	12/05/2020	Positive (2)
Current Status: High (15)		Current Risk Severity: 5 - Very High		Current Risk Likelihood: 3 - Medium		
Service Manager: Jenny Clifford						

Corporate Risk Management Report - Appendix 6

Risk: Coronavirus Pandemic There is now a significant risk to MDDC's ability to conduct business as usual

Service: Public Health

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
Completed and evaluated	Business Continuity Planning (BCP)	BCPs have been reviewed. Regular updates are being obtained from Public Health England and the Local Resilience Forum. Weekly meetings of managers and Leadership Team via Skype.	Catherine Yandle	06/03/2020	06/07/2020	Fully effective (1)
Behind schedule	Financial and Economic effects monitoring	To ensure that local authorities including MDDC are reimbursed in full for the Covid 19 response by Central government. At present we have been given approx. 20% of the costs to date in extra funding. Announcement re additional funding of 75p in the £1 on 3 July is encouraging.	Catherine Yandle	13/05/2020	06/07/2020	Poor - action required(3)
Current Status: High (15)		Current Risk Severity: 5 - Very High		Current Risk Likelihood: 3 - Medium		
Service Manager: Simon Newcombe						

Corporate Risk Management Report - Appendix 6

Risk: Culm Garden Village Possible discontinuance of Government funding support

Service: Planning

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
No Data available	Further bids for capacity funding	To continue to secure external funding to support the project	Jenny Clifford	29/03/2019	02/06/2020	No Score(0)

Current Status: High (16) Current Risk Severity: 4 - High Current Risk Likelihood: 4 - High

Service Manager: Ian Chilver

Corporate Risk Management Report - Appendix 6

Risk: Cyber Security Inadequate Cyber Security could lead to breaches of confidential information, damaged or corrupted data and ultimately Denial of Service. If the Council fails to have an effective ICT security strategy in place.

Risk of monetary penalties and fines, and legal action by affected parties

Service: I C T

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
Completed and evaluated	Email and Protective DNS	ICT have applied the all levels of the government secure email policy, which ensures secure email exchange with government agencies operating at OFFICIAL. PSN DNS has been configured at the Internet gateway, which ensures the validity of websites and blocks known sites.	Lisa Lewis	06/06/2019	15/05/2020	Fully effective (1)
Completed and evaluated	Information Security Policy in place, with update training	Information Security Policy reviewed. LMS (online policy system) included in induction.	Catherine Yandle	22/10/2015	15/05/2020	Fully effective (1)
In progress	Regular user awareness training	Staff and Member updates help to reduce the risk	Catherine Yandle	03/01/2019	15/05/2020	Positive(2)
Completed and evaluated	Technical controls in place	Required to maintain Public Sector Network certification	Lisa Lewis	03/01/2019	15/05/2020	Fully effective (1)
Current Status: High (20)		Current Risk Severity: 5 - Very High		Current Risk Likelihood: 4 - High		
Service Manager: Lisa Lewis						

Corporate Risk Management Report - Appendix 6

Risk: Economic Development Service The macro economic position might necessitate a reactive response, impacting on the Council's resourcing and reducing its ability to deploy resources as planned.

Service: Growth, Economy and Development

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Distribution and processing of Gov business support funding.	To assist businesses through these difficult initial stages.	Adrian Welsh	12/05/2020	12/05/2020	Positive (2)
No Data available	Hardship funding	To support individuals/households but also crucial for self employed and furloughed staff	Adrian Welsh	12/05/2020	12/05/2020	No Score (0)
In progress	Recovery plans	Work underway to develop recovery plans to assist positive impacts on local economy.	Adrian Welsh	12/05/2020	12/05/2020	No Score (0)
Current Status: High (25)		Current Risk Severity: 5 - Very High		Current Risk Likelihood: 5 - Very High		
Service Manager: Adrian Welsh						

Corporate Risk Management Report - Appendix 6

Risk: Economic Strategy Failure to deliver projects/outcomes in Economic Strategy

Service: Growth, Economy and Development

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Continue to seek out existing and new funding opportunities	To assist in ensuring adequate funding for delivery.	Adrian Welsh	10/06/2019	12/05/2020	Positive(2)
In progress	partnership working	Continue to work closely with delivery partners to gain advance warning of difficulties so as to seek to mitigate	Adrian Welsh	10/06/2019	12/05/2020	Positive(2)
In progress	Project Management	Continue rigorous project management, monitoring and reporting	Adrian Welsh	10/06/2019	12/05/2020	Positive(2)
In progress	Recovery Plans	Recovery Plans will be put in place to aid recovery.	Adrian Welsh	12/05/2020	12/05/2020	Positive (2)
In progress	Review and reprioritisation	Part of review of projects for Year 2 actions. This will consider maximising investment and prioritising officer time.	Adrian Welsh	31/01/2020	12/05/2020	Positive(2)
Current Status: High (20)		Current Risk Severity: 4 - High		Current Risk Likelihood: 5 - Very High		
Service Manager: Jenny Clifford						

Corporate Risk Management Report - Appendix 6

Risk: Funding Insufficient resources (including funding) to deliver growth aspirations of Corporate Plan.

Service: Growth, Economy and Development

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Lobbying	Officers will continue to review funding opportunities and seek opportunities to work closely with local partners and the HotSWLEP to seek additional funding support for key infrastructure.	Adrian Welsh	12/05/2020	12/05/2020	Positive (2)
In progress	Officers have reprioritised work programmes to explore new funding opportunities	End of European funding sources	Adrian Welsh	10/06/2019	12/05/2020	Positive(2)
Current Status: High (16) Current Risk Severity: 4 - High Current Risk Likelihood: 4 - High Service Manager: Adrian Welsh						

Risk: GDPR compliance That the Council cannot demonstrate that we are compliant with GDPR requirements.

Service: Governance

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	IDOX Records Handling Plan	To utilize IDOX bulk data handling tool across the Council services using Uniform	Catherine Yandle	01/03/2019	06/07/2020	Positive(2)
In progress	Records Management Action Plan	To improve identified issues with records management	Catherine Yandle	15/06/2018	06/07/2020	Positive(2)
Current Status: Medium (10) Current Risk Severity: 5 - Very High Current Risk Likelihood: 2 - Low Service Manager: Catherine Yandle						

Corporate Risk Management Report - Appendix 6

Risk: Health and Safety Inadequate Health and Safety Policies or Risk Assessments and decision-making could lead to Mid Devon failing to mitigate serious health and safety issues

Service: Governance

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
Completed and evaluated	Risk Assessments	Review risk assessments and procedures to ensure that we have robust arrangements in place. In progress ready for September reports.	Catherine Yandle	28/05/2013	20/11/2019	Fully effective (1)
In progress	Risk assessments	Group Managers contacted with request to update the outstanding risk reviews	Catherine Yandle	20/09/2019	20/11/2019	Positive(2)
Current Status: Medium (10)		Current Risk Severity: 5 - Very High		Current Risk Likelihood: 2 - Low		
Service Manager: Catherine Yandle						

Corporate Risk Management Report - Appendix 6

Risk: Homelessness Insufficient resources to support an increased homeless population could result in failure to meet statutory duty to provide advice and assistance to anyone who is homeless.

Service: Housing Services

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
Completed and evaluated	Computer System	New ICT system for recording homelessness data procured and fully functional including reporting facility.	Claire Fry	05/09/2017	12/05/2020	Fully effective (1)
Completed and evaluated	Staff Support	Officers are trained and knowledgeable and the structure of Housing Options team to be reviewed to build resilience. Homelessness strategy was reviewed Autumn 2019.	Claire Fry	22/06/2017	12/05/2020	Fully effective (1)

Current Status: High (16) Current Risk Severity: 4 - High Current Risk Likelihood: 4 - High
Service Manager: Claire Fry

Corporate Risk Management Report - Appendix 6

Risk: Information Security Inadequate data protection could lead to breaches of confidential information and ultimately enforcement action by the ICO.

Service: Governance

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Awareness and Training	Attend team meetings and other meetings such as Tenants Together to provide training and answer questions on request. Articles in the Link on an ad hoc basis.	Catherine Yandle	09/08/2019	06/07/2020	Positive(2)
In progress	Breach notification	Security breaches are logged via the helpdesk and monitored for developing trends. Training and advice is offered in response to items logged.	Catherine Yandle	09/08/2019	06/07/2020	Positive(2)
Current Status: Medium (10)		Current Risk Severity: 5 - Very High			Current Risk Likelihood: 2 - Low	
Service Manager: Catherine Yandle						

Corporate Risk Management Report - Appendix 6

Risk: Infrastructure delivery Inability to deliver, or delay in delivering, key transport infrastructure to unlock planned growth

Service: Growth, Economy and Development

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Partnership working	Close working with delivery partners to attempt to mitigate risks.	Adrian Welsh	12/05/2020	12/05/2020	Positive (2)
In progress	Partnership working with infrastructure providers and statutory bodies	Reduce risk of delays and communication.	Adrian Welsh	10/06/2019	12/05/2020	Positive(2)
In progress	target funding opportunities	To seek to bring forward delivery	Adrian Welsh	10/06/2019	12/05/2020	Positive(2)
Current Status: High (16) Current Risk Severity: 4 - High Current Risk Likelihood: 4 - High						
Service Manager: Jenny Clifford						

Risk: Localism Act - Community Right to Buy / Challenge Transference of services to the community could enable the Council to identify cost savings

Service: Financial Services

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	This is an opportunity - Communication with third parties needed		Ian Chilver	02/08/2019	02/08/2019	Positive(2)
Current Status: Medium (12) Current Risk Severity: 4 - High Current Risk Likelihood: 3 - Medium						
Service Manager: Ian Chilver						

Corporate Risk Management Report - Appendix 6

Risk: Overall Funding Availability Changes to Revenue Support Grant, Business Rates, New Homes Bonus and other funding streams in order to finance ongoing expenditure needs.

Service: Financial Services

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Engaging in commercial activities		Ian Chilver	28/09/2017	15/05/2020	Positive(2)
In progress	Medium term planning		Ian Chilver	28/09/2017	15/05/2020	Positive(2)
Current Status: High (15)		Current Risk Severity: 5 - Very High			Current Risk Likelihood: 3 - Medium	
Service Manager: Ian Chilver						

Corporate Risk Management Report - Appendix 6

Risk: Reduced Funding - Budget Cuts We are subject to continuing budget reductions. If we concentrate on short term cost savings, it may increase long term impact of decisions

Service: Financial Services

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Business Plans	Service Business Plans are reviewed each financial year with suggestions for revised performance targets based on budget to be agreed by Cabinet Member and PDG.	Andrew Jarrett	28/05/2013	15/05/2020	Positive(2)
In progress	Identify Efficiencies	Taking proactive steps to increase income and reduce expenditure through efficiencies, vacancies that arise and delivering services in a different way.	Andrew Jarrett	28/05/2013	15/05/2020	Positive(2)
In progress	Reserves	Cabinet have taken the decision to recommend a minimum general reserve balance of 25% of Net annual budget.	Andrew Jarrett	28/05/2013	15/05/2020	Positive(2)
In progress	Set Budget	Each year as part of the budget setting process, members are consulted via PDGs in time to evaluate savings proposals, ahead of the November draft budget.	Andrew Jarrett	28/05/2013	15/05/2020	Positive(2)

Current Status: High (16) Current Risk Severity: 4 - High Current Risk Likelihood: 4 - High

Service Manager: Ian Chilver

Corporate Risk Management Report - Appendix 6

Risk: Reputational damage - social media impact of reputational damage through social media is a significant risk that warrants inclusion on the Authority's risk register.

Service: Communications

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
No Data available	Monitoring social media	Two members of the communications team monitor the main corporate social media accounts on a rota basis. Alerts are also set up so the team receives notification of comments and can respond as appropriate. This is monitored in office hours only and the team does not provide 24 hour monitoring or a call out function. The Comms Team also works with other local authorities and takes part in social media training with other local authorities as the opportunities arise budgets permitting.	Jane Lewis	05/06/2019	18/05/2020	No Score(0)
Current Status: Medium (10)		Current Risk Severity: 5 - Very High		Current Risk Likelihood: 2 - Low		
Service Manager: Jane Lewis						

Corporate Risk Management Report - Appendix 6

Risk: S106 Agreement Inability of the legacy systems to provide a full overview of the 'trigger points' for all of the s106 agreements

Service: Planning

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	S106 improvement project	A S106 improvement project is taking place to build a new system that will be able to effectively manage the process and provide better visibility over the information on S106 agreements and monies held/spent/expected.	Jenny Clifford	04/10/2019	15/05/2020	Positive(2)
Current Status: Medium (10)		Current Risk Severity: 5 - Very High		Current Risk Likelihood: 2 - Low		
Service Manager: Jenny Clifford						

Corporate Risk Management Report - Appendix 6

Risk: SPV - 3 Rivers - Failure of the Company This will depend on Economic factors and the Company's success in the marketplace commercially.

For MDDC the impacts will be:

3 Rivers are unable to service and repay the loan from MDDC

Not receiving the forecast additional income

Not supporting corporate objectives.

Service: Financial Services

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Quarterly Officer Programme Board	Will receive detailed project updates and will ensure performance correlates with existing metrics, budgets, timetable and considers any specific material project risks that have been identified. Anything materially o/s of project confines would then be reported to Cabinet	Andrew Jarrett	13/06/2019	15/05/2020	Positive(2)
In progress	Regular monitoring	The Board of 3 Rivers deliver a half yearly report to the Cabinet which provides an update on their delivery against their business plan. We charge interest to them at a commercial rate in order to maintain an "arms-length" relationship and the interest provides some mitigation to the outstanding principal.	Andrew Jarrett	30/05/2019	15/05/2020	Positive(2)
Current Status: High (20)		Current Risk Severity: 5 - Very High		Current Risk Likelihood: 4 - High		
Service Manager: Ian Chilver						

Corporate Risk Management Report - Appendix 6

Risk: SPV Disclosure requirements - 3 Rivers Failing to maintain the balance between commercial sensitivity and the transparency and openness requirements of a wholly owned entity.

Service: Financial Services

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Employed services of Ichabod	We can refer technical matters regarding group accounts etc. to our retained technical advisor. This is a cost effective way of receiving technical updates.	Ian Chilver	02/01/2018	15/05/2020	Positive(2)
In progress	Liaison with External Auditors and 3 Rivers	We have regular discussions with our external auditors to ensure that we are providing the correct information for decision making purposes. We are mindful of the need to maintain commercial sensitivity but we are also aware that Members must be appraised to an appropriate level to be able to make informed decisions.	Ian Chilver	06/01/2020	15/05/2020	Positive(2)
Current Status: Medium (12)		Current Risk Severity: 4 - High		Current Risk Likelihood: 3 - Medium		
Service Manager: Ian Chilver						

Corporate Risk Management Report - Appendix 6

Risk: SPV Governance Arrangements - 3 Rivers Not being able to demonstrate robust challenge and decision-making.

Service: Governance

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
Behind schedule	External Review	Several recommendations have been recommended. All have been approved between Cabinet, Audit and Scrutiny. Action Plan will be put in place after Cabinet 9 July meeting.	Catherine Yandle	06/07/2020	06/07/2020	Poor - action required (3)
In progress	Included on AGS	This issue has been included on the Annual Governance Statement Action Plan so we do not lose sight of the issue throughout the year.	Catherine Yandle	15/07/2019	06/07/2020	Positive(2)
In progress	Openness and Transparency	Regular reports to Cabinet in open session where possible. Need to balance commercial interests with Nolan principles.	Catherine Yandle	20/05/2019	06/07/2020	Positive(2)
Current Status: High (20)		Current Risk Severity: 5 - Very High		Current Risk Likelihood: 4 - High		

Service Manager: Catherine Yandle

Corporate Risk Management Report - Appendix 6

Risk: Tiverton Pannier Market Failure to maximise the economic potential of Tiverton Pannier Market

Service: Growth, Economy and Development

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Continue to retain and prioritise market budget	To ensure most efficient use of resources	Adrian Welsh	10/06/2019	12/05/2020	Positive(2)
In progress	continue to work with traders on promotion	To increase footfall.	Adrian Welsh	10/06/2019	12/05/2020	Positive(2)
In progress	Implement and review market strategy	Implementation of strategy will increase market's financial success and help fulfill its function as a key driver for the town.	Adrian Welsh	10/06/2019	12/05/2020	Positive(2)
In progress	Masterplan Implementation	To realise benefits from the Masterplan to increase visibility of market and increase footfall.	Adrian Welsh	10/06/2019	12/05/2020	Poor - action required(3)

Current Status: High (16) Current Risk Severity: 4 - High Current Risk Likelihood: 4 - High

Service Manager: Jenny Clifford

Corporate Risk Management Report - Appendix 6

Risk: Tiverton Town Centre Masterplan Failure to adopt and implement the Tiverton Town Centre Masterplan

Service: Planning

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Community and political engagement	Through the masterplanning process engagement is taking place with key stakeholders over the emerging masterplan. A further period of public consultation is also yet to take place.	Adrian Welsh	07/10/2019	12/05/2020	No Score(0)
In progress	Review first draft of masterplan	A review of draft masterplan and interventions/actions is being undertaken in light of the likely impacts of the pandemic	Jenny Clifford	12/05/2020	12/05/2020	No Score(0)
Current Status: Medium (12)		Current Risk Severity: 4 - High		Current Risk Likelihood: 3 - Medium		
Service Manager: Jenny Clifford						

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Risk Matrix

Report

Filtered by Prefix: Exclude Risk Prefix: OP, EV
For MDDC - Services
Current settings

Risk Likelihood	5 - Very High	No Risks	No Risks	No Risks	1 Risk	2 Risks
	4 - High	No Risks	No Risks	No Risks	9 Risks	4 Risks
	3 - Medium	1 Risk	No Risks	8 Risks	6 Risks	3 Risks
	2 - Low	No Risks	1 Risk	10 Risks	11 Risks	6 Risks
	1 - Very Low	4 Risks	1 Risk	2 Risks	1 Risk	5 Risks
		1 - Very Low	2 - Low	3 - Medium	4 - High	5 - Very High
Risk Severity						

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SCRUTINY 17TH AUGUST 2020

SECTION 106 AGREEMENTS AND FINANCIAL CONTRIBUTIONS – PROPOSED GOVERNANCE

UPDATE NOTE FROM HEAD OF PLANNING, ECONOMY AND REGENERATION

CABINET MEMBER: COUNCILLOR BARNELL

Context

Scrutiny Committee has requested the opportunity to consider S106 governance arrangement in advance of Cabinet. Any comments from Scrutiny Committee can be incorporated into the report to Cabinet which has yet to be finalised.

Consideration by Planning Policy Advisory Group

PPAG previously considered draft governance arrangements for s106 agreements and requested the meeting of a working group so that this could be considered further before reporting back to a further meeting of PPAG.

The working group consists of Councillors Barnell, Chesterton and Woollatt. The group met on 8th June 2020 and was attended by Cllrs Woollatt and Barnell with apologies from Cllr Chesterton.

The views of the working group in relation to the draft governance arrangements at **Appendix 1** were as follows:

1. The **S106 Board** should also include the relevant Ward Member(s). At present it is too officer led (Appendix 1 item 2b)
2. **Public open space – project nominations.** There should be more regular contact with Ward Members and Parish / Town Councils over the proposed project list (Appendix 1 item 4)
3. **Reporting: public open space.** Ward Members and Parish/ Town Councils should be advised regularly on the amount of public open space money available to spend and when it needs to be spent by. The working group suggested quarterly reporting in Tiverton, Cullompton and Crediton, with 6 monthly reporting elsewhere.
4. **Nominations for all S106 projects.** The working group also sought to replicate the public open space project nomination procedure (Appendix 1 item 4) for other S106 contributions.

However there is a marked difference here between legacy contributions sought for public open space where the project was not specified in the original s106 agreement as compared with other contributions that are now being negotiated at planning application stage. The current negotiations must be in accordance with local plan policies and take into account responses by statutory consultees. Whilst views of Ward Members, Parish and Town Councils may be taken into account, the starting point and main consideration for the determination of planning applications must legally be the policies in the development plan. To adopt the same procedure as at item 4 would move away from that approach and be likely to also introduce delay that would impact upon determination timescales.

5. **Project selection for spend: other contributions.** Consultation should also take place with Ward Member(s) as well as the relevant departments (Appendix 1 item 6)
6. **Variation or renegotiation of S106 agreements.** The working group wished for procedures to be consistently followed. These procedures derive from the scheme of delegation, procedures agreed by Planning Committee in 2016 and the agreement by Council of Motion 553 (Councillor Evans). The need to fully align these and ensure it was followed was highlighted. Further text has been added to clarify consistency with Motion 553 and the scheme of delegation and procedures will require updating accordingly (Appendix 1 item 8)

In addition to more detailed comments on the proposed governance arrangements, the members of the working group considered that:

1. Greater accountability and transparency is required over S106 agreements, the collection and spend of financial contributions.
2. Greater Member oversight and awareness is needed given the critical role of developer contributions in implementing the local plan as a whole, specific policies and strategic development allocations. Greater oversight is also required due to the significance to the Corporate Plan.
3. There was an overarching wish for greater Member involvement at an earlier stage in the planning process.
4. There is currently insufficient engagement over local priorities.
5. A process is needed to address the impact of traffic upon local communities.
6. The need was identified for a process to address these comments. It was suggested that the role of the Development Delivery Advisory Group (DDAG) could be widened to take this on.

(Cabinet considered the establishment of DDAG at the meeting in November 2018 after which it was agreed by Standards and Council

<https://democracy.middevon.gov.uk/documents/s12982/Cabinet%20report%20Nov%202018%20DDAG.pdf>

The 7 Members of the group which is yet to be convened were previously identified as Cllrs Barnell, Chesterton, Deed, Evans, Hill, Pugsley and Squires).

The draft governance arrangements have been updated following the meeting of the working group, with additions/ deletions as sought by the working group or as a consequence of their comments are indicated in red and underline.

Planning Policy Advisory Group 27th July 2020

PPAG met on 27th July 2020 to consider proposed S106 governance arrangements, informed by the views of their working group as set out above.

Members of the PPAG were keen to see the proposed governance enacted and wished the proposals to move forward to Scrutiny Committee and Cabinet for consideration and approval.

It is proposed that the proposed S106 governance arrangements (as revised) are considered the meeting of Cabinet on 3rd September 2020. Group Leaders have recently been asked to confirm members of DDAG so that the first meeting can be convened.

Attached to this update is:

Appendix 1 Draft governance arrangements.

Appendix 2 Guidance on S106 agreements produced for PPAG working group to provide important context for the consideration of this item in terms of:

- **Legal requirements**
- **Government guidance**
- **Previously agreed motions and procedures**

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Circulation of the Report: Scrutiny Committee

List of Background Papers: Planning Committee 6th July 2016
Cabinet 25th October 2018
Council 24th April 2019

APPENDIX 1 - SECTION 106 GOVERNANCE

1. All payments received by Mid Devon District Council (MDDC) for legal agreements signed under Section 106 of the Town and Country Planning Act 1990 (as amended) which are referred to as Section 106 agreements (S106) must be given the relevant planning application reference upon receipt.
2. **Arrangements for the spending of financial contributions for S106 agreements where financial contributions are not project specific** (generally pre 2015 and by infrastructure type).

- a. Spend <£10,000 delegated to Head of Planning, Economy and Regeneration in consultation with Estates and Operations (if relevant to operational area).

Views will be sought from Parish or Town Council and Ward Members within the catchment area in advance (28 days allowed).

- b. Spend >£10,000 shall be referred to a S106 Board comprising of the following:

1. Cabinet Member of Planning and Regeneration (Chair)
2. Cabinet Member for Community Well being
3. Senior officer from Planning (Head of Planning or Group Manager for Development)
4. Senior officer from Operations
5. Senior officer from Estates
6. Admin support – Planning Obligations Officer.
7. Relevant Ward Member(s)

Views will be sought from Parish or Town Council and Ward Members within the catchment area in advance of Board Meeting (28 days allowed).

4. **Project Selection for spend: PUBLIC OPEN SPACE**

For S106 financial contributions post 2015, these are required to be project specific. Accordingly prior to the signing of a S106 agreement at the planning application stage the project upon which the financial contribution should be spent needs to be specified.

Project nominations will be sought from:

- a. Internal to MDDC – Relevant departments and Ward Members within the catchment area.
- b. External to MDDC – Parish or Town Council within the catchment area, sports and community groups (with 28 days allowed and sports /community group consultation depending on relevance to S106 contribution).
- c. Assessment of the eligibility of a project (assessed against statutory requirements, guidance and its relation to the planning application from which

contribution sought) – Delegated to Head of Planning, Economy and Regeneration via case officers.

d. In the case where project prioritisation is required between two or more eligible projects – Referred to S106 Board.

NOTE – Whilst the Provision and Funding of Open Space Through Development Supplementary Planning Document (SPD) identifies the use of a catchment area approach for the collection and spend of financial contributions towards public open space, in order to ensure that the tests of the CIL Regulations are met, there may be instances where a project or facility in an adjacent catchment area is more likely to be used/accessed due to it being closer/more accessible to the development in question. In such cases the Parish or Town Council and Ward Members of both catchment areas will be consulted during the setting up of new projects.

5. Project selection for spend: AIR QUALITY

- a. For S106 contributions post 2015 towards air quality, these are project specific therefore project nominations will be sought from:
- b. Internal to MDDC – Relevant departments and Ward Members (both Ward within which the development is located and Ward of the relevant Air Quality Management Area if different).

NOTE 1 – Air quality projects are generally those which will assist in the management of air quality within an Air Quality Management Area (AQMA) (Cullompton or Crediton). Contributions may be sought from outside the AQMA where it is identified that new development would have a negative impact upon the AQMA. Actions to address air quality are included within the Air Quality Action Plan. Air quality projects to receive s106 funding will normally be based upon the actions identified within the Mid Devon District Council Air Quality Action Plan.

NOTE 2 – Suggestions for air quality projects from the community to be considered for inclusion in the Air Quality Action Plan (when next reviewed) may be made via the Ward Member.

6. Project selection for spend: OTHER CONTRIBUTIONS.

- a. Delegated to the Head of Planning, Economy and Regeneration in consultation with relevant departments and Ward Member(s)

NOTE – These are normally identified through adopted planning policies relevant to the development and responses from statutory consultees during the planning application assessment process.

7. Selection of s106 heads of terms and prioritisation between s106 asks where viability an issue.

- a. Delegated to the Head of Planning, Economy and Regeneration in consultation with the Ward Members and relevant services (e.g. Housing, Environmental Health etc.)

NOTE – These are normally identified through adopted planning policies relevant to the development and responses from statutory consultees during the planning application assessment process.

8. **Requests to vary or renegotiate s106 agreements**

- a. Delegated to the Head of Planning, Economy and Regeneration in consultation with the relevant services unless the Ward Member, Chairman and Vice-Chairman of Planning Committee and Cabinet Member for Housing (the latter in the case of amendments to affordable housing only) having been consulted, require that the Planning Committee consider the proposed changes having given clear planning reasons.
- b. Procedure a. above allows for officers and members to come to agreement over proposed changes without reference to Planning Committee. Should the officers and members fail to agree on the proposed changes or cannot negotiate agreeable alternatives, the members may require that the Planning Committee consider the proposed changes having given clear planning reasons.

NOTE- Existing process in place, agreed by Planning Committee 6th July 2016. The procedure includes consultation with relevant consultees, Ward Members and the Parish or Town Council (14 days allowed).

NOTE- The procedure at a. above includes wider Member consultation than Motion 553 (Cllr Evans) agreed at the meeting of Council on 24th April 2019 and is not inconsistent with it in other respects. Point b. above has been added to clarify the approach and consistency with Motion 553:

‘Motion 553:

Any planning application that is approved by Committee giving specific affordable housing provision and or a detailed section 106 agreement as part of the information for members to consider that subsequently receives any application to alter all or part of these agreements must be referred to the relevant ward member/s and the Cabinet Member for Housing for their consideration and input.

Should both the officer dealing and the ward member/s agree to the changes these can be allowed to form the new affordable housing agreement and or section 106 agreements.

Should the ward member/s and officer dealing fail to agree on the proposed changes or cannot negotiate agreeable alternatives then the application to change the affordable housing and or section 106 agreement should be referred back to the committee for their consideration and agreement / disagreement.’

Appendix 2

PPAG Working Group: S106 Governance Briefing note on S106

This note is intended to inform the discussions at the working group. It covers the fundamentals of S106 agreements: legal requirements, Government guidance, existing procedures and suggestions in response to points raised by the Cabinet Member for Planning and Economic Regeneration.

1. The legislation:

Section 106 of the Town and Country Planning Act 1990 is the statutory basis for entering into planning obligations. Those with legal interests in land (owners, leaseholders etc.) can enter into obligations -

- (a) restricting the development or use of the land in any specified way;
- (b) requiring specified operations or activities to be carried out in, on, under or over the land;
- (c) requiring the land to be used in any specified way; or
- (d) requiring a sum or sums to be paid to the authority on a specified date or dates or periodically.

The time-honoured mantra followed through the courts over the years is that planning permission is driven by the merits of the development proposal and how it fits with development plan policy – it is not there to be bought through the offer of all kinds of contributions and sundries. This is why, the CIL Regulations 2010 state:

“a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to the development”*

Obligations which do not fit the above cannot be taken into account in the grant of planning permission – and a sniff of this being the case, particularly on controversial applications, opens the opportunity for legal challenge with a material chance of succeeding.

So, planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. It is not therefore the case that planning authorities can come with a shopping list – the starting point must always be to consider in what way the development is considered to be unacceptable in planning terms and then to consider what obligations might mitigate that impact applying the legal tests in the CIL Regs.

As a notable planning lawyer and author has explained:

“There is clear evidence that the Planning Inspectorate and the Secretary of State are interpreting this requirement strictly, so as to ensure that the statutory tests are met. For the LPA to take account of a proposed section 106 agreement in granting a permission, it needs to be convinced that without the obligation permission should be refused. It is not sufficient to rely on a generic policy or on adopted supplementary

planning guidance. This is particularly relevant where there is an authority-wide tariff scheme. The LPA must be able to provide evidence of the specific impact of the particular development, the proposals in place to mitigate that impact and the mechanisms for implementation. This has been the position since the CIL regulations came into force in April 2010 and applies irrespective of whether an authority has adopted or intends to adopt CIL.

In order to illustrate this point, if an authority has a section 106-based tariff system in place to require payments for school places from residential development, then to receive monies under the tariff for a specific planning application, it should be able to demonstrate that there is a deficit of school places within the local catchment area which make the application unacceptable in planning terms and that the Education Authority has measures in place to remedy that deficit, to be funded in whole or in part from section 106 contributions.

If this is not the case and the reality is that contributions are being sought as a fund to support school places generally across the LPA area, there is the risk that a decision to grant permission could be taken unlawfully, as the contribution should not have been taken into account.

*There are ministerial appeal decisions that clearly illustrate this approach. For example, **Mersea Homes CBRE, Land at Westerfield Rd**, where the Secretary of State gave no weight to a number of financial contributions, for education, playing fields and a country park on the grounds that they did not meet the statutory tests. The site was considered already to make a good contribution to open space, the country park was not directly related to the development and there was sufficient capacity within existing schools. The contributions were not fair and reasonable. And, to take another example, **Doepark Ltd, American Wharf Southampton**, where the Secretary of State gave no weight to financial contributions for public open space, play space, sports pitches and transport infrastructure on the basis that there was insufficient information to decide whether they met the tests of being necessary to make the development acceptable in planning terms, directly related to the development and reasonable in scale and kind.*

So, in the absence of any evidence of a specific identified need to provide for community, education and/or health facilities in association with a particular development proposal, and any evidence that replacement, additional or enhanced facilities are genuinely required within that particular area, it would appear that a planning obligation to secure such financial contributions would be unlawful when tested against the criteria laid down in Regulation 122(2) of the CIL Regulations, if it cannot be demonstrated that this is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development.”

The key here is the legal basis for negotiating S106 agreements to mitigate the impact of the development in question and evidence to demonstrate that the legal tests are met. Given that planning applications must be ‘determined in accordance with the development plan unless material considerations indicate otherwise’, the policy led approach also applies to the negotiation of S106 agreements.

2. Planning Policy Guidance issued by the Government:

As the national Planning Policy Guidance explains, planning obligations should have their origins in policy and policy should be based on evidence. This is essential for

transparency and planning for development – including by developers. They should not be ambushed by requirements they could not reasonably have anticipated.

“Policies for planning obligations should be set out in plans and examined in public. Policy requirements should be clear so that they can be accurately accounted for in the price paid for land.”

“Such policies should be informed by evidence of infrastructure and affordable housing need, and a proportionate assessment of [viability](#). This evidence of need can be standardised or formulaic (for example regional cost multipliers for providing school places.”

This is not to say that evidence is purely driven by hard data, statistics and the local planning authority – and there is a clear role for local communities to assist.

“Planning obligations assist in mitigating the impact of development which benefits local communities and supports the provision of local infrastructure. Local communities should be involved in the setting of policies for contributions expected from development.”

However, it is clear that proportionality and realism are key if plan-led delivery is not to be compromised.

“Plans should be informed by evidence of infrastructure and affordable housing need, and a proportionate assessment of viability that takes into account all relevant policies, and local and national standards including the cost implications of the Community Infrastructure Levy (CIL) and planning obligations. Viability assessment should not compromise sustainable development but should be used to ensure that policies are realistic, and the total cumulative cost of all relevant policies will not undermine deliverability of the plan.”

We do need to look at how we have and how we can involve the community in early discussions in the plan-making cycle.

“Discussions about planning obligations should take place as early as possible in the planning process. Plans should set out policies for the contributions expected from development to enable fair and open testing of the policies at examination. Local communities, landowners, developers, local (and national where appropriate) infrastructure and affordable housing providers and operators should be involved in the setting of policies for the contributions expected from development. Pre-application discussions can prevent delays in finalising those planning applications which are granted subject to the completion of planning obligation agreements.”

In terms of transparency, the new requirement for an infrastructure funding statement may help. As the planning practice guidance explains:

How should developer contributions be reported?

For the financial year 2019/2020 onwards, any local authority that has received developer contributions (section 106 planning obligations or Community Infrastructure Levy) must publish online an infrastructure funding statement by 31 December 2020 and by the 31 December each year thereafter. Infrastructure funding statements must cover the previous financial year from 1 April to 31 March (note this is different to the tax year which runs from 6 April to 5 April).

Local authorities can publish updated data and infrastructure funding statements more frequently if they wish. More frequent reporting would help to further increase transparency and accountability and improve the quality of data available. Infrastructure funding statements can be a useful tool for wider engagement, for example with infrastructure providers, and can inform Statements of Common Ground. Local authorities can also report this information in authority monitoring reports but the authority monitoring report is not a substitute for the infrastructure funding statement.

It is recommended that authorities report on the delivery and provision of infrastructure, where they are able to do so. This will give communities a better understanding of how developer contributions have been used to deliver infrastructure in their area.

It is recommended that authorities report on estimated future income from developer contributions, where they are able to do so. This will give communities a better understanding of how infrastructure may be funded in the future.

What should an infrastructure funding statement say about future spending priorities?

The infrastructure funding statement should set out future spending priorities on infrastructure and affordable housing in line with up-to-date or emerging plan policies. This should provide clarity and transparency for communities and developers on the infrastructure and affordable housing that is expected to be delivered. Infrastructure funding statements should set out the infrastructure projects or types of infrastructure that the authority intends to fund, either wholly or partly, by the levy or planning obligations. This will not dictate how funds must be spent but will set out the local authority's intentions.

This should be in the form of a written narrative that demonstrates how developer contributions will be used to deliver relevant strategic policies in the plan, including any infrastructure projects or types of infrastructure that will be delivered, when, and where.

How is infrastructure defined for the purpose of reporting developer contributions?

For any information reported on developer contributions, infrastructure should be categorised as follows:

- *Affordable housing*
- *Education*
 - *Primary*
 - *Secondary*
 - *Post-16*
 - *Other*
- *Health*
- *Highways*
- *Transport and travel*
- *Open space and leisure*
- *Community facilities*
- *Digital infrastructure*
- *Green infrastructure*
- *Flood and water management*
- *Economic development*
- *Land*
- *Section 106 monitoring fees*
- *Bonds (held or repaid to developers)*
- *Other*
 - *Neighbourhood CIL*
 - *Mayoral CIL*
 - *Community Infrastructure Levy administration costs*

Authorities can choose to report either monetary contributions or direct provision under these categories. Local authorities may use this tool to populate and produce their infrastructure funding statement.

Existing S106 procedures over Member engagement

1. Scheme of delegation:

Relevant elements within the scheme of delegation are as follows:

In the case of re-negotiations on a planning obligation (S106 Agreements and Undertakings);

1. The Ward Member, Chairman and Vice-Chairman of Planning Committee and Cabinet Member for Housing (the latter in the case of amendments to affordable housing only) requires that the Committee consider the proposed changes having given clear planning reasons

2. In the case of renegotiations on another planning obligation issue the Ward Member, Chair and Vice Chair of Planning requires that the Committee consider the proposed changes having given clear planning reasons, otherwise they be delegated to the Head of Planning, Economy and Regeneration.

2. Procedures for dealing with requests to vary or delete pre-existing s106 agreements

Sitting behind the scheme of delegation is the following process agreed by Planning Committee in 2016:

1. *That requests to vary or remove planning obligations be made in writing together with supporting evidence / justification.*
2. *Once such a request is received relevant consultees, the Chairman of Planning Committee, Ward Members and the Parish / Town Council be advised of the request and its nature and given 14 days within which to respond with comments.*
3. *That the responses from this consultation be taken into account in consideration of the proposals.*
4. *Negotiations with the developer / land owner will be conducted by Local Planning Authority, supported by Legal Services (as required).*
5. *The Case officer shall advise the Chairman and Vice Chairman of Planning Committee, the Ward Members and Cabinet Member for Housing (the latter in the case of amendments to affordable housing only) of the proposed decision. These Members may request that the Committee consider the proposed changes having given clear planning reasons, otherwise they will be decided under power delegated to the Head of Planning and Regeneration.*

Motion 553 Cllr Evans

The relevant motion was agreed at the meeting of Council on 24th April 2019

By way of background Cllr Evans made reference to the following (his text)

Background

Members are aware that a number of planning applications need to go to Planning Committee for consideration; these applications have an array of detail and associated information for members to consider along with an officer recommendation and report.

Within this suite of reports there is often a detail on affordable housing and the section 106 agreement outlining jointly agreed contributions that will be applied to the build should the application be successful, these agreements are evidently part

of the detail members are asked to consider and naturally will assist members in making their informed decision .

It has become apparent that after approval has been received, it is not uncommon for developers/ applicants to seek to alter such agreements retrospectively via negotiations with officers, common reasons cited are funding/ budget related.

This motion is sought to be applied to any planning application that has been considered by the planning committee and evidently agreed where a retrospective application to alter the affordable housing or the section 106 agreement is then received.

The agreed motion itself following on from this was as follows:

Any planning application that is approved by Committee giving specific affordable housing provision and or a detailed section 106 agreement as part of the information for members to consider that subsequently receives any application to alter all or part of these agreements must be referred to the relevant ward member/s and the Cabinet Member for Housing for their consideration and input.

Should both the officer dealing and the ward member/s agree to the changes these can be allowed to form the new affordable housing agreement and or section 106 agreements.

Should the ward member/s and officer dealing fail to agree on the proposed changes or cannot negotiate agreeable alternatives then the application to change the affordable housing and or section 106 agreement should be referred back to the committee for their consideration and agreement / disagreement .

The Planning Committee at its meeting on 3 April 2019 considered the Motion and recommended that it be supported.

Protocol

The 2012 Protocol On Councillor Involvement In Discussions On Planning Applications contains the following relevant provisions that relate to pre-application discussions,

1.0 The majority of pre application discussions on more minor proposals will continue to be undertaken by officers. However, this does not preclude the involvement of Councillors in minor proposals where it is held that these may be of particular significance to a local community.

1.1 Officers provide advice based on the development plan and other material considerations. Part of the role of officers is to ensure consistency of advice and officers should be present at any pre application meetings involving councillors. All officers taking part in such discussions should make it clear whether they are the decision maker. Councillors should avoid giving separate advice on the development plan or other material considerations as they may not be aware of all the issues at an early stage. Neither should they be drawn into any

negotiations. It is the role of officers to deal with any necessary negotiations to ensure that the council's position is co-ordinated.

1.2 As a result of the changes introduced by the Localism Act 2011 any Councillor on Planning Committee can now elect to support a view for or against the development in advance of the decision making meeting of that committee; and they will not be judged to have predetermined their position if they broadcast such a view.

1.3 Councillors are encouraged to promote any community aspirations involving sites, land or community benefit from development, or other planning issues at the earliest stage through the Local Development Framework. This is to help embed community aspirations in corporate policy and minimise the risks of pre determination by Councillors on Planning Committee acting in a community championing role.

2.0 Arrangements for Councillor involvement in development discussions:

2.1 The following points set out a framework within which discussions between Councillors and developers are to take place at all stages in the planning process from pre application until a decision is taken:

- Councillors may involve themselves will discussions with developers, objectors or other interested bodies, however such discussions should involve and be attended by officers.*
- Where such discussions take place and a formal application has been submitted, it should be balanced by the offer of discussions with the other interested parties. This is to ensure that there is no appearance of bias. (Note: if the meeting was with residents or community representatives, the offer of a meeting should be extended to the applicant or their representative).*
- All discussions both pre application and during the consideration of an application should take place in a structured form through a pre arranged meeting.*
- The purpose of the meeting will be clearly established at the beginning together with advice on how it will be conducted. **It will be clearly established by the officer to all present that the primary role of the Councillor is to learn about the emerging proposal, listen to the discussion, identify issues that the developer will need to consider and to represent community interests. It will also be explained that whilst it is possible for any Councillor to express a view on the proposal, Councillor should be prepared to listen to all the arguments.***
- Councillors will have the opportunity to ask questions and seek clarification. They may alert developers as to what they perceive the likely view or concerns of their constituents*

- *The officer present will take notes of the meeting and record all those present, plus any issues identified and actions arising. These notes will be circulated to the developer, Councillors of Planning Committee and on a public file. Where developers wish to discuss proposals with Councillors, there must be an acceptance that in the interests of transparency a record of the meeting will be viewable by the public. If there is a legitimate reason for confidentiality regarding an aspect of the proposal, a note of non-confidential issues raised will be recorded on a public file. (This does not affect the ability of developers to confidentially discuss their proposals at a pre-application stage with officers.)*
- *Care must be taken to ensure that advice is not partial (not seen to be) otherwise the subsequent report or recommendation to committee could appear to be a mere formality.*
- *Councillors should only attend those meetings organised in accordance with this protocol and not arrange private meetings with developers.*
- *Councillors should inform officers about any approaches made to them and seek advice. A note should be kept of any meetings and calls.*
- *It should be noted that this protocol is not intended to prevent or restrict the role of Ward Councillors in their normal contact with constituents.*

3.0 Public developer presentations to Councillors on Planning Committee on major applications.

3.1 Upon written request, the Council will organise for promoters of large scale major developments to be able to present their schemes at a meeting of Councillors on the Planning Committee. An invitation will also be issued to the wider Council Membership and Cabinet Member for Planning and Regeneration. Such presentations will take place in advance of the proposal's formal consideration by the Council and at a separate meeting of the Planning Committee. It will not form part of a normal Planning Committee agenda, but kept separate and will not be a decision making meeting. The presentations will be in public. Any such special meetings will be advertised and the public will be invited to attend. The Council will not be able to treat any information in relation to these presentation meetings as confidential.

3.2 Public developer presentations to Councillors on Planning Committee will be arranged, publicised and chaired by the Council. The officer will explain the process, the context of the proposals and the role of Councillors. The Developer will then be invited to give a presentation for up to 20 minutes.

3.3 One representative of consultees (if relevant) and the Parish or Town Council will be invited to speak for up to 5 minutes each. A total of 10 minutes speaking time will also be offered to the public or their representatives with up to 3 minutes per person. Public speaking should raise issues or take the form of questions.

Care will need to be taken to explain the role of Councillors: the primary role of the Councillor will be to learn about the emerging proposal and identify issues to be addressed. It will also be explained that it is possible for any Councillor to express a view on the proposal, Councillors will have the opportunity to ask questions of the developer and seek clarification. They may alert developers as to what they perceive the likely view or concerns of their constituents

In this manner there are already a range of procedures and mechanisms for Members to engage with the planning process including the negotiation of S106 agreements.

Opportunity was afforded for Members to receive a briefing by the developers of the NW Cullompton applications with opportunity for Q&A. The Town Council also attended. A S106 report was taken to Planning Committee to complement those on the applications themselves.

Notes on suggestions from the Cabinet Member for Planning and Economic Regeneration

'How can we make this happen?'

There is a clear case to strengthen the oversight by elected members of developer agreements and also to adopt a system of participation in formulating these agreements. This should include:-

- 1. A formal system of participation by elected MDDC members, Town and Parish Councils in determining local priorities and agreements with developers*
(Officer comment- The scheme of delegation, protocol and proposed Governance arrangements apply. Opportunity is also afforded at the plan making stage to input into the policies under which developer contributions will be sought and negotiated).
- 2. Formal scrutiny by MDDC elected members of contractual agreements with developers.*
(Officer comment- Scrutiny Committee is not able to involve themselves with individual planning applications. However Scrutiny Committee could consider processes and systems, review outcomes by sampling agreements retrospectively etc)
- 3. Oversight by MDDC elected members of links and dependencies relating developer contributions to the plans of local and central government.* (Officer comment- It must be remembered that S106 agreements are subject to legal tests, based upon planning policy and negotiated in order to mitigate the impact of that particular development. They are not intended to serve a wider purpose.)

It is important that we do not create another layer of meetings to carry out this work. It should be quite possible to make more effective use of MDDC's existing framework of Committees and Policy Groups to achieve these ends. We need to consider in

more detail how this can be done while not imposing significant delays within the Planning process.

Implementing these changes may also require strengthening of certain aspects of the MDDC Development Management service and their systems including the Pre-Planning Service.'

(Officer comment- The determination of applications is time critical. Whilst extensions of time are able to be negotiated, these are with the agreement of the applicant. We need to avoid building in additional delay to S106 negotiation.

The local validation list could be revisited in order to build in the need for greater details on the proposed heads of terms of a development S106 agreement at time of validation of the application. This would give greater transparency and opportunity for public comment at the application consideration stage.

S106 training and awareness raising sessions could be offered to Parish /town Councils and the wider Membership in order to build greater understanding of the parameters within which we operate. We can also review further briefing and training opportunities for the members of Planning Committee).

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MID DEVON DISTRICT COUNCIL – NOTIFICATION OF KEY DECISIONS

August 2020

The Forward Plan containing Key Decisions is published 28 days prior to each Cabinet meeting

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Contaminated Land Cost Recovery Policy To receive the 5 yearly review of the Contaminated Land Cost Recovery Policy From the Group Manager for Public Health and Regulatory Services	Community Policy Development Group Cabinet	28 Jul 2020 3 Sep 2020	Simon Newcombe, Group Manager for Public Health and Regulatory Services Tel: 01884 244615	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
S106 Governance To agree governance arrangements for S106 agreements	Scrutiny Committee Cabinet	17 Aug 2020 3 Sep 2020	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Graeme Barnell)	Open
Land at Post Hill, to consider development options To consider the options for the land at Post Hill Tiverton.	Cabinet	3 Sep 2020	Andrew Busby, Group Manager for Corporate Property and Commercial Assets Tel: 01884 234948	Cabinet Member for Planning and Economic Regeneration (Councillor Graeme Barnell)	Part exempt

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Public Spaces Protection Order To consider the outcome of the public consultation and any recommendations.	Cabinet	3 Sep 2020	Stuart Noyce, Group Manager for Street Scene and Open Spaces Tel: 01884 244635	Cabinet Member for the Environment (Councillor Luke Taylor)	Open
Capital Programme Review To review the Capital Programme taking into account the emerging Corporate Plan and the delivery of projects in Cullompton and Tiverton (as agreed by Cabinet 13 February 2020).	Cabinet Council	3 Sep 2020 28 Oct 2020	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Alex White)	Open
Revised Budget To consider a revised budget	Cabinet Council	3 Sep 2020 28 Oct 2020	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Alex White)	Open
Capital Strategy To consider a revised Capital Strategy	Cabinet Council	3 Sep 2020 28 Oct 2020	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Alex White)	Open
Review of Development Management Policies on Parking To consider a report with	Cabinet	3 Sep 2020	Jenny Clifford, Head of Planning, Economy and Regeneration Tel:	Cabinet Member for Planning and Economic Regeneration	Open

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regard to a review of Development Management Policies on Parking			01884 234346	(Councillor Graeme Barnell)	
Tiverton Eastern Urban Extension (Area B) Masterplan To consider the Masterplan for Area B of the Tiverton Eastern Urban Extension	Cabinet Council	3 Sep 2020 28 Oct 2020	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Graeme Barnell)	Open
Economic Development Strategy To consider a revised Strategies	Economy Policy Development Group Cabinet	10 Sep 2020 1 Oct 2020	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Graeme Barnell)	Open
Private Sector Fees and Charges To consider a revised policy.	Homes Policy Development Group Cabinet	5 Sep 2020 1 Oct 2020	Simon Newcombe, Group Manager for Public Health and Regulatory Services Tel: 01884 244615	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
Leasehold Management Policy To receive a report reviewing the Leasehold Management Policy.	Homes Policy Development Group Cabinet	15 Sep 2020 1 Oct 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Report on DCC responsibility for HRA grass verges To receive a report on grass cutting currently carried out by the Housing Team which is the responsibility of DCC and to make a decision on whether this practice should continue.	Homes Policy Development Group Cabinet	15 Sep 2020 1 Oct 2020	Claire Fry, Group Manager for Housing Tel: 01884 234920	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
Tenancy Changes Policy To receive a report reviewing the Tenancy Changes Policy.	Homes Policy Development Group Cabinet	15 Sep 2020 1 Oct 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
Allocations Policy To receive a report from the Group Manager for Housing Services reviewing the Allocations Policy.	Homes Policy Development Group Cabinet	15 Sep 2020 1 Oct 2020	Claire Fry, Group Manager for Housing Tel: 01884 234920	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
Tenancy Inspection Policy To receive a report reviewing the Tenancy Inspection Policy	Homes Policy Development Group Cabinet	15 Sep 2020 1 Oct 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Aids and Adaptations Policy To receive a report reviewing the Aids and Adaptations Policy.	Homes Policy Development Group Cabinet	15 Sep 2020 1 Oct 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
ASB Policy and Procedures To receive a report reviewing the Housing Services' Anti-Social Behaviour Policy and Procedures.	Homes Policy Development Group Cabinet	15 Sep 2020 1 Oct 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
Introductory Tenancies Policy To receive a report reviewing the Introductory Tenancies Policy	Homes Policy Development Group Cabinet	15 Sep 2020 1 Oct 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
Service Standards Review To receive a report reviewing Service Standards in the Housing Service.	Homes Policy Development Group Cabinet	15 Sep 2020 1 Oct 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
Severe Weather Emergency Protocol and Extended Winter Provision Protocol To receive a report reviewing	Homes Policy Development Group Cabinet	15 Sep 2020 1 Oct 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
the Severe Weather Emergency Protocol and Extended Winter Provision Protocol.					
Grant payments to external organisations (the strategic grants review process) To receive the 4 yearly review of Grant Payments to external organisations from the Group Manager for Growth, Economy & Delivery	Community Policy Development Group Cabinet	22 Sep 2020 1 Oct 2020	John Bodley-Scott, Economic Development Team Leader	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
Use of CCTV Policy and Guidance To receive and approve the Use of CCTV Policy and Guidance	Community Policy Development Group Cabinet Council	22 Sep 2020 1 Oct 2020 28 Oct 2020	Andrew Busby, Group Manager for Corporate Property and Commercial Assets Tel: 01884 234948	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
Design Supplementary Planning Document - post consultation To consider the Supplementary Planning Document post consultation	Cabinet	1 Oct 2020	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Graeme Barnell)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Beech Road, Tiverton - Design and Build Tender To consider the award of the tender	Cabinet	1 Oct 2020	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Part exempt
Options for Accelerating Affordable Housing Delivery in the District To consider additional governance arrangements for housing delivery	Scrutiny Committee Cabinet	12 Oct 2020 29 Oct 2020	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
Housing Revenue Account Asset Management Strategy To receive a report providing a review of the Housing Revenue Account Asset Management Strategy.	Homes Policy Development Group Cabinet	10 Nov 2020 3 Dec 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
Tenancy Policy review and Tenancy Strategy To receive a report reviewing the Tenancy Policy and Tenancy Strategy.	Homes Policy Development Group Cabinet	10 Nov 2020 3 Dec 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Domestic Abuse Policy To receive a report reviewing the Domestic Abuse Policy	Homes Policy Development Group Cabinet	10 Nov 2020 3 Dec 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
Housing Enabling SPD (S106 - Housing Need Allocation - Exception Sites) To receive a report reviewing the Housing Enabling SPD document	Homes Policy Development Group Cabinet	19 Jan 2021 4 Feb 2021	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open