

Public Document Pack

Mid Devon District Council

Cabinet

Thursday, 7 May 2020 at 6.00 pm
This will be a virtual meeting

Next ordinary meeting
Thursday, 21 May 2020 at 6.00 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/98065056150?pwd=MzRTcWpucTBVMkN5NTZCSGxJU1UvZz09>

Meeting ID: 980 6505 6150

Password: 696241

One tap mobile

+441314601196,,98065056150#,,1#,696241# United Kingdom

+442034815237,,98065056150#,,1#,696241# United Kingdom

Dial by your location

0 800 031 5717 United Kingdom Toll-free

0 800 260 5801 United Kingdom Toll-free

0 800 358 2817 United Kingdom Toll-free

Meeting ID: 980 6505 6150

Password: 696241

Membership

Cllr R M Deed

Cllr L D Taylor

Cllr G Barnell

Cllr S J Clist

Cllr D J Knowles

Cllr Ms E J Wainwright

Cllr A White

Cllr Mrs N Woollatt

A G E N D A

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

1. **Apologies**
To receive any apologies for absence.

2. **Remote Meetings Protocol** (*Pages 5 - 8*)
To note the protocol for remote meetings
3. **Public Question Time**
To receive any questions relating to items on the Agenda from members of the public and replies thereto.
4. **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.
5. **Minutes of the Previous Meeting** (*Pages 9 - 16*)
Members to consider whether to approve the minutes as a correct record of the meeting held on 23 April 2020.
6. **Consideration of any Recommendations from the Scrutiny Committee**
To consider (if required) any recommendations from the Scrutiny Committee held on 4 May 2020.
7. **Corporate Asbestos Policy** (*Pages 17 - 38*)
To consider a report of the Group Manager for Property and Commercial Assets providing an updated policy on asbestos management.
8. **Management of Legionella Policy** (*Pages 39 - 50*)
To consider a report of the Group Manager for Property and Commercial Assets providing an update on the procedures for ensuring compliance with managing the risk of Legionella.
9. **Notification of Key Decisions** (*Pages 51 - 60*)
To note the contents of the Forward Plan.
10. **Access to Information - Exclusion of the Press and Public**
During discussion of the following item(s) it may be necessary to pass the following resolution to exclude the press and public having reflected on Article 12 12.02(d) (a presumption in favour of openness) of the Constitution. This decision may be required because consideration of this matter in public may disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The Cabinet will need to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information.

To consider passing the following resolution so that financial information may be discussed.

Recommended that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the

grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 respectively of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information)

11. **Painting and Repairs before Painting of Council Houses 2020-2025**
To receive an update report in relation to this contract following the decision made on 13 February 2020 and to make a decision on next steps with regard to this contract. (TO FOLLOW).

Stephen Walford
Chief Executive
Wednesday, 29 April 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 Sally Gabriel on:
sgabriel@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 in turn and will continue in this way until no member has anything more to add.

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

In the event that the Chair, the Hosting Officer or the Member Services Officer identifies a problem with the systems from the Council's side, the Chair should declare a recess while the fault is addressed. 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.

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 23 April 2020 at 6.00 pm

Present

Councillors

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

Also Present

Councillor(s)

Mrs F J Colthorpe, Mrs C P Daw, R J Dolley, R Evans,
Mrs I Hill, B Holdman, B A Moore, Miss J Norton and
B G J Warren

Also Present

Officer(s):

Stephen Walford (Chief Executive), Jenny Clifford (Head of Planning, Economy and Regeneration), Kathryn Tebbey (Head of Legal (Monitoring Officer)), Andrew Jarrett (Deputy Chief Executive (S151)), Jill May (Director of Corporate Affairs and Business Transformation), Andrew Busby (Group Manager for Corporate Property and Commercial Assets), Claire Fry (Group Manager for Housing), Stuart Noyce (Group Manager for Street Scene and Open Spaces), Ian Chilver (Group Manager for Financial Services), Vicky Lowman (Environment and Enforcement Manager), Adrian Welsh (Group Manager for Growth, Economy and Delivery) and Sally Gabriel (Member Services Manager)

157. **APOLOGIES**

There were no apologies.

158. **PUBLIC QUESTION TIME (00-03-47)**

The following questions were raised by Mr Quinn and read by the Chairman:

Concerning the meeting agenda, I have two questions concerning the remote nature of this meeting:

Firstly: Will an audio or video record of the meeting be made available to the public, via the internet, following the meeting?

The Chairman provided the following answer, that yes an audio recording would be available as usual.

Secondly: Why has the Council chosen to use a video conferencing system that has been criticised for poor security?

The Chairman provided the following answer: The Council has made the decision on a temporary solution based upon a balance of availability across various technical platforms and ease of implementation and use. As always, the Council will endeavour to minimise any risk where it is able.

I also have a question concerning Agenda Item 12 – Notification of Key Decisions.

The review of the 3 Rivers Business Plan, which has been a staple on the Key Decisions list for Cabinet consideration, has gone missing.

Discussion of this Business Plan by Cabinet was much anticipated. Indeed, at the Council meeting in January this year, the Leader specifically invited all Elected Members to attend the February meeting of Cabinet by saying:

“There had been much discussion about the council’s subsidiary company, 3 Rivers Developments. This will be fully discussed at the Cabinet meeting on 13 February 2020; all members are encouraged to attend, as this may help to dispel some misunderstandings and perceptions”.

However, the performance and plans of 3 Rivers were not reviewed by Cabinet on 13 February. In fact, there has not been any review since June 2019 – some 10 months ago.

Since then, this Council has had to impair loans to, and overspends by, 3 Rivers. No amount of accounting can cover up the fact that this Company is costing the Council Tax payer substantial sums of money.

My third question is: In the light of the problems at the Company, why have the Cabinet delayed reviewing the performance and plans of 3 Rivers for so long?

The Chairman provided the following answer: Cabinet requested a review of 3 Rivers operations by external bodies. We anticipate these to be received in time for 3 Rivers to be discussed by Cabinet in May 2020.

159. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-07-44)

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

160. HONORARY ALDERMAN MRS MARY TURNER AND COUNCILLOR GERALD LUXTON (00-08-13)

Those in attendance observed a minute’s silence in memory of Honorary Alderman Mrs Mary Turner and Councillor Gerald Luxton.

161. MINUTES OF THE PREVIOUS MEETING (00-10-23)

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

162. ENVIRONMENT EDUCATIONAL POLICY (00-11-36)

Following a * report of the Group Manager for Street Scene and Open Spaces, the Environment Policy Development Group had made the following recommendations: that subject to the suggested amendments (as attached):

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

The Cabinet Member for the Environment outlined the contents of the report stating that an internal review of the Council's current policies had been undertaken in line with Government Legislation as new financial penalties had been introduced to help fight against fly-tipping and littering out of windows. The policies also encouraged more education into disposing of waste.

Consideration was given to each of the individual policies within the document and some amendments were suggested as follows:

- **Littering from Vehicles:** the deletion of appendices (A and B) on pages 44 and 45 which would allow officers to finalise their own procedures.
- **Abandoned Vehicles:**
 - Substitute paragraph 3.1 with the following wording: 'If a vehicle is abandoned, the following paragraphs explain the steps the Council will take'.
 - Delete footnote 3 and automatically renumber the other footnotes.
 - In paragraph 3.4 in the first line after 'taxed' add 'or untaxed'.
 - Delete the current paragraph at 3.5 and replace with the following wording: 'If a vehicle is untaxed or it does not have a valid registration plate or visible VIN number and the Council cannot identify the registered keeper from the DVLA, the Council will not issue a 7-day written notice under paragraph 3.4. Instead it will affix a 24-hour notice of removal of the vehicle'.

- Delete Appendix A, renumber Appendix B to Appendix A and change the reference in paragraph 4.1 to refer instead to the new Appendix A.
- **Microchipping Policy and Collar and Tag Procedure** – Amend the review date for the policy and procedure to 2030 in line with the Stray Dog Policy

RESOLVED that subject to the amendments above the recommendation of the Policy Development Group be approved.

(Proposed by Cllr L D Taylor and seconded by Cllr Mrs N Woollatt)

Note *Report previously circulated, copy attached to minutes.

163. **PUBLIC SPACES PROTECTION ORDER (00-23-25)**

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

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

The Cabinet Member for the Environment outlined the contents of the report stating that the proposed order enabled dog fouling and anti-social behaviour by dogs in public spaces across the district to be addressed; it was therefore proposed that the document be approved to go out to public consultation. He outlined the number of reports logged with regard to aggressive behaviour by dogs both on and off the lead.

Consideration was given to:

- The consultation responses received which would return to the PDG and the Cabinet for consideration
- Notices to be placed on the entrances to parks and open spaces advertising the public consultation
- Concerns with regard to a blanket ban
- The need to gather the views of local residents
- Whether some open spaces could be designated for dogs to be allowed to run free

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

(Proposed by Cllr L D Taylor and seconded by Cllr D J Knowles)

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

164. CLIMATE CHANGE ADVISORY GROUP (00-34-24)

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

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

The Cabinet Member for the Environment outlined the contents of the report stating that as she had been appointed to the Cabinet with a portfolio for Climate Change, she could no longer (procedurally) continue to sit on a working group of a Policy Development Group. Some thought had been given as to how given her particular interest in and portfolio responsibility for Climate Change she might continue to facilitate and enable policy development whilst being a member of the Cabinet. It had therefore been suggested that an advisory group be formed to allow her work to take place.

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

(Proposed by Cllr Miss E Wainwright and seconded by Cllr G Barnell)

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

165. CAR PARKING MANAGEMENT POLICY (00-38-21)

Following a * report of the Group Manager for Housing, the Homes Policy Development Group had made the following recommendation: that the revised policy be approved.

The Cabinet Member for Housing and Property Services outlined the contents of the report stating that the Council was committed to improving the Housing Service and having an effective car park management policy which would give clear guidance to tenants and officers. The amendments to the policy were clearly outlined with tracked changes in the report before Members and included vehicle repairs, virtual parking permits and abandoned vehicles. Although any further review of the policy was programmed for 10 years time, if there was any change to the legislation, then the policy would of course be reviewed earlier.

Consideration was given to:

- The consultation process with tenants and the formation of a new Tenant Involvement Group
- The utilisation of sustainable opportunities as outlined in the Impact of Climate Change section of the report and the work that was taking place with the building service to consider such opportunities for heating, power sourcing and electric car charging points

- The report having been written prior to the outbreak of the pandemic and concerns raised with regard to the refusal of virtual parking permits to tenants with outstanding debts. The meeting was advised that a sympathetic and pragmatic view would be taken at the current time
- Abandoned vehicles in parking areas and how they would be dealt with; officers suggested that if the owner of the vehicle could be identified then discussions would take place with the vehicle owner, if not then the parking enforcement team would be contacted.

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

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

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

166. **GARAGE MANAGEMENT POLICY (00-58-06)**

Following a * report of the Group Manager for Housing, the Homes Policy Development Group had made the following recommendation: that the revised policy be approved.

The Cabinet Member for Housing and Property Services outlined the contents of the report stating that the policy identified the approach of the Housing Service to managing garages and garage ground rent plots on the housing estates. Reference to the policy would ensure that all cases were treated consistently although the policy did allow for some discretion to enable reasonable adjustments to be made where necessary.

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

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

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

167. **CULLOMPTON AND WELLINGTON NEW RAILWAY STATIONS PROJECT - GOVERNANCE, PROCESS, PROJECT FUNDING AND NEXT STEPS (1-00-03)**

The Cabinet had before it a * report of the Head of Planning, Economy and Regeneration setting out the proposed governance arrangements in order to establish clear lines of decision making for the project and to identify the next steps for taking forward the project.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that there had been long held aspirations to reinstate stations at Cullompton and Wellington. In respect of the Cullompton Station this reopening would underpin the work of the Local Plan, the Culm Garden Village and the general expansion of the town and that he was very keen to see the project moving forward. He outlined an overview of the process and the various Government agencies that

were involved in the re-instatement of railway stations. A large amount of work had already taken place and some funding had been made available, however there was a need to access funding through a bidding process, this had now taken place and a response from the Minister was awaited.

He informed the meeting that the report also considered the governance arrangements which were important to establish a structure for the project.

Following consideration of the report, it was generally felt that this was a great opportunity for sustainable travel in the area, although it was understood that such a project could take time.

RESOLVED that:

- a) The Governance arrangements as set out in appendix 1 be agreed.
- b) The overview of the process be noted.

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

Note: * Report previously circulated copy attached to minutes.

168. **CLEANING CONTRACTORS (1-09-46)**

The Cabinet had before it a * report of the Group Manager for Property and Commercial Assets reviewing the results of the tender exercise for the corporate cleaning that included offices, leisure centres and public conveniences.

The Cabinet Member for Housing and Property Services outlined the contents of the report stating that there was a need for a joined up corporate cleaning plan to be put in place which was efficient and cost effective. He outlined the scope of the project within the various council owned locations.

Consideration was given to:

- The quality of the work that needed to take place
- The reasons why Lot 5 would not be awarded at the current time

RESOLVED that:

- a) The cleaning contract for Lots 1, 2, 3, 4 and 6 be awarded to Supplier B; and
- b) The award of a contract for Lot 5 not be made at the current time.

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

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

169. **NOTIFICATION OF KEY DECISIONS (1-17-53)**

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

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

170. ACCESS TO INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC (1-18-39)

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

It was therefore:

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

(Proposed by the Chairman)

171. TO CONSIDER THE SALE OF 19 HIGH STREET, CULLOMPTON (FORMER HARLEQUIN VALET SITE)

The Cabinet had before it a * report of the Group Manager for Property and Commercial Assets recommending the sale of the site under a statutory power of sale.

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

Returning to open session, the Cabinet

RESOLVED that in order to recover the Council debt registered against 19 High Street, Cullompton, by proceeding with the sale in accordance with Offer 1 (as outlined in paragraph 4.2 of the report).

(Proposed by the Chairman)

Note: *Report previously circulated.

(The meeting ended at 7.37 pm)

CHAIRMAN

CABINET

DATE 7 MAY 2020.

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

Cabinet Member(s): Cllr Simon Clist, Cabinet Member for Housing and Property Services, Cllr Nikki Woollatt, Cabinet Member for working environment and support services.

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

Reason for Report: To provide Members with an updated policy on Asbestos Management.

RECOMMENDATION: For Cabinet to adopt the updated Asbestos policy and procedures on our Corporate Property and Housing Stock (Only common areas of domestic properties would be covered under this legislation).

Financial Implications: The management for asbestos for Corporate and Housing stock is met by existing operational budgets for planned maintenance.

Budget and Policy Framework: The budget for this Asbestos Policy has been accounted in the 20-21 budget and the policy supports the overarching Health and Safety Policy.

Legal Implications: The legislation relating to the management of asbestos in the work place can primarily be found in:

- Health and Safety at Work etc. Act 1974 (general duties on employers and management of premises);

The general provisions of the 1974 Act are applicable to the management of asbestos in the workplace, particularly s 2 (duty towards employees), s 3 (duty to non-employees) and s 4 (duty of person having control of premises).

Further relevant legislation can be found within the policy.

Risk Assessment: The 2012 regulations prohibit anyone from carrying out work with high risk asbestos e.g. insulation, asbestos coating or asbestos insulating board unless they hold a licence granted by the HSE (Health & Safety Executive). Therefore the Council's own services can only carry out work on non-licensed asbestos. Further detail can be found within the policy.

Equality Impact Assessment: There is no negative impact as a result of this policy.

Relationship to Corporate Plan: Property assets are linked to the delivery, vision and priorities of the Council. The way that the Council manages its land and property assets has a direct impact on the quality of services delivered, as well as maximising the value derived from our property holdings for the on-going contribution in balancing the Councils budget. To maximise the value derived from all Council property for its stakeholders, by delivering an efficient and fit for purpose corporate property solutions service.

Impact on Climate Change: The supply chain will be challenged to confirm that they operate an energy efficient fleet to control our Scope 3 emissions. Routine inspections are being undertaken by our in house Public Health team and is combined with water sampling.

1.0 Introduction

1.1 This policy document refers to the Council's arrangements for managing the risks of exposure to asbestos by employees and non-employees within its activities on our corporate portfolio and Housing stock. Under the new structure, responsibility for Housing Stock is now with the Group Manager for Corporate Properties and Commercial Assets. The two previous Asbestos Policies have been amalgamated under this one policy.

1.2 Asbestos was widely used as a building material for many years, particularly between the periods 1950–1980 and can be found in a wide variety of forms, being used in all aspects of the construction process. The use of asbestos products for construction materials is severely restricted today, due to the long-term legacy of illness associated with exposure to the product.

There are six types of asbestos, the main types being:

- white asbestos (chrysotile);
- brown asbestos (amosite);
- blue asbestos (crocidolite).

All types of asbestos are considered dangerous and stringent control limits are set for personal exposure (0.1 fibres per cubic centimetre averaged over a continuous period of 4 hours).

There are a number of problems associated with exposure to asbestos namely:

- asbestos fibres are not detectable to the naked eye;
- the health effects of exposure can be fatal;
- the onset of symptoms is often delayed for decades after exposure;
- there is widespread public concern over exposure;
- asbestos was widely used in the construction industry and will be found in many pre-2000 buildings;
- it is not possible to determine that a material contains asbestos by visual examination;
- by law – exposure has to be rigorously controlled and monitored

It is not possible to identify asbestos by its colour as the age of the product and its combination with other products can alter the appearance.

- 1.3 Approximately 5,000 people die each year from asbestos-related diseases and this number is increasing year on year. Many of these deaths are from working in high risk industries many years ago with the emphasis now being on the maintenance trade. There are now much more stringent controls over the management of asbestos in the workplace to ensure that its presence is identified and an appropriate management plan put into place to prevent exposure.
- 1.4 The legislation relating to the control of asbestos in the workplace is extensive and is supported by Approved Codes of Practice and HSE Guidance Notes. This chapter provides a general overview of how to manage asbestos in the workplace but does not provide guidance as to the safe treatment or removal of asbestos due to the specialist nature of the work and its applicability to a minority of employers, who by the very nature of their business have to be fully aware of the legislative requirements. These employers must be licensed by the Health and Safety Executive to work with asbestos. The Council is not licensed and must therefore employ external properly licensed contractors where required by law.
- 1.5 Asbestos only cause's problems when fibres are released into the atmosphere, such as when it is being worked on, disturbed by nearby maintenance work, or where the material is friable and may suffer abrasion or there are strong air currents. If the asbestos is in a good condition and protected against damage, the danger will be negligible unless the material is being worked on. It should be noted that potentially more problems can be caused by removing sound and protected asbestos than by leaving it in place so, if depending on risk assessment the risk is considered to be low, it is best left undisturbed.
- 1.6 The supply and use of asbestos and asbestos-containing products is prohibited (except for a limited number of specified uses). Asbestos-containing products in use before 1 January 1986 (blue and brown asbestos), 1 January 1993 (other forms of asbestos except white asbestos) and 24 November 1999 (white asbestos) were permitted to be used, but their replacement must be of an asbestos-free material. Once an asbestos material has been removed arrangements must be made for its safe disposal.
- 1.7 The Council is the employer with legal responsibility for health and safety and is the duty holder. Through delegation the Chief Executive has overall responsibility for health and safety including the duty to manage Asbestos. Both must support this policy to manage Asbestos by ensuring the allocation of resources including an adequate budget, suitable and sufficient equipment, personnel, time and training. Ultimately it is the Council with legal responsibility.
- 1.8 The Responsible Person for Asbestos management within our assets is the Group Manager for Corporate Property and Commercial Assets and shall :-

- Maintain an Asbestos Register identifying the locations and types of asbestos that are within the Council's control.
- Make a point of checking the relevant Asbestos Register at the point where works are planned.
- Ensure that adequate resources are made available to enable the arrangements to be implemented. Arrangements include management surveys by competent persons, analysis and removal by a specialist licensed contractors.
- Carry out a risk assessment for all non-license work to confirm if the work is notifiable to the HSE using form ASBNNLW1 form Prepare and revise as necessary the arrangements for managing work involving non licenced asbestos and appoint competent contractors to carry out said work.
- Ensure licensed works involving asbestos are carried out by competent contractors who are licensed with the HSE Asbestos Licencing Unit and that the work is notified to the HSE using the FODASB5 notification form.
- Ensure that where specialist technical expertise in relation to asbestos is not available within the Service, suitable arrangements are made to obtain this information as required.
- Ensure that employees or relevant contractors are provided with all the appropriate information, instruction and training on work being undertaken in areas containing anything suspected of containing asbestos.

2.0 Health Effects of Asbestos:

2.1 There are three main types of serious health risks associated with exposure to asbestos fibres:

- **Asbestosis** – chronic obstructive lung disease
- **Lung cancer** – a fatal lung disease
- **Mesothelioma** – a fatal cancer of the outer lining of the lung and the peritoneum specific to asbestos exposure.

2.2 It is recognised that the largest group of workers at risk from asbestos exposure are workers involved in the repair and maintenance, refurbishment and demolition of buildings, including electricians, plumbers, joiners, and computer and telecommunication engineers – people who may encounter asbestos during their normal day to day work activities.

3.0 The Policy- Annex A

- 3.1 The updated policy for Asbestos management can be found attached to this report as Annex A.
- 3.2 For ease of use we have extracted a flow chart from the policy as Annex B that is necessary to ensure our staff are aware and can follow our Asbestos procedures.

4.0 Conclusion

- 4.1 This policy and the related guidance will be reviewed ahead of the stated date if there is a change in the related legislation or if an emerging risk is identified, this is to ensure the Council meets its requirements to protect the wellbeing of the public, and to have the appropriate procedures in place.
- 4.2 Future reporting of this Asbestos policy in the event of no legal change will be reviewed and reported directly via the Health and Safety Committee.

Contact for more Information: Andrew Busby Group Manager Corporate Property and Commercial Assets – (01884 234948)

Circulation of the Report: Cllr Simon Clist, Cllr Nikki Woollatt, Leadership Team.

List of Background Papers:

Annex A: Asbestos Policy for Corporate Property and Commercial Assets including Housing Stock.

Annex B: Flow Chart 1.

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Asbestos Policy for Corporate Property and Commercial Assets including Housing Stock

Version Control

Title: Asbestos Management Policy

Purpose: Compliance with health and safety legislation

Owner: Andrew Jarrett

Date: March 2020

Version Number: 5.1

Status: Draft

Review Frequency: at least every 3 years

Next review date: March 2023

Consultation:

This document has obtained the necessary approvals:

Who	Date	Version Approved
Leadership Team		5.1
Health and Safety Committee		5.1
Cabinet	260320	5.1

Asbestos Policy

1. Introduction

This policy document refers to the Council's arrangements for managing the risks of exposure to asbestos by employees and non-employees within its activities.

Staff involved with maintenance and survey of buildings, supervising such work, or issuing contracts should fully familiarise themselves with the contents of this document.

Asbestos was widely used as a building material for many years, particularly between the periods 1950–1980 and can be found in a wide variety of forms, being used in all aspects of the construction process. The use of asbestos products for construction materials is severely restricted today, due to the long-term legacy of illness associated with exposure to the product.

There are six types of asbestos, the main types being:

- white asbestos (chrysotile);
- brown asbestos (amosite);
- blue asbestos (crocidolite).

All types of asbestos are considered dangerous and stringent control limits are set for personal exposure (0.1 fibres per cubic centimetre averaged over a continuous period of 4 hours).

There are a number of problems associated with exposure to asbestos namely:

- asbestos fibres are not detectable to the naked eye;
- the health effects of exposure can be fatal;
- the onset of symptoms is often delayed for decades after exposure;
- there is widespread public concern over exposure;
- asbestos was widely used in the construction industry and will be found in many pre-2000 buildings;
- it is not possible to determine that a material contains asbestos by visual examination;
- by law - exposure has to be rigorously controlled and monitored.

It is not possible to identify asbestos by its colour as the age of the product and its combination with other products can alter the appearance.

Approximately 5,000 people die each year from asbestos-related diseases and this number is increasing year on year. Many of these deaths are from working in high risk industries many years ago with the emphasis now being on the maintenance trade. There are now much more stringent controls over the management of asbestos in the workplace to ensure that its presence is identified and an appropriate management plan put into place to prevent exposure.

The legislation relating to the control of asbestos in the workplace is extensive and is supported by Approved Codes of Practice and HSE Guidance Notes. This policy provides a general overview of how to manage asbestos in the workplace but does not provide guidance as to the safe treatment or removal of asbestos due to the specialist nature of the work and its applicability to a minority of employers, who by

the very nature of their business have to be fully aware of the legislative requirements. There are two types of contractor, licenced and unlicensed. We have operatives who are task trained to carry out unlicensed works and often ask external contractors to do the same, even if they are unlicensed. We would not ask an unlicensed contractor to carry out licenced work. These employers must be licensed by the Health and Safety Executive to work with asbestos. Mid Devon District Council is not licensed and must therefore employ external properly licensed contractors where required by law (see section 7).

Asbestos only cause's problems when fibres are released into the atmosphere, such as when it is being worked on, disturbed by nearby maintenance work, or where the material is friable and may suffer abrasion or there are strong air currents. If the asbestos is in a good condition and protected against damage, the danger will be negligible unless the material is being worked on. It should be noted that potentially more problems can be caused by removing sound and protected asbestos than by leaving it in place so, if depending on risk assessment the risk is considered to be low, it is best left undisturbed.

The supply and use of asbestos and asbestos-containing products is prohibited (except for a limited number of specified uses). Asbestos-containing products in use before 1 January 1986 (blue and brown asbestos), 1 January 1993 (other forms of asbestos except white asbestos) and 24 November 1999 (white asbestos) were permitted to be used, but their replacement must be of an asbestos-free material. Once an asbestos material has been removed arrangements must be made for its safe disposal.

2. Responsibilities

Mid Devon District Council's policy on asbestos must ensure that type, condition and identified locations of asbestos are recorded and that this information is given to those persons who require it to protect not only themselves but others around them. The 'duty to manage non-domestic premises' requirement under Regulation 4 of the Control of Asbestos Regulations 2012 will apply.

The structure for delivering the "Duty to Manage" requirement is as follows;

The Council and the Chief Executive

The Council is the employer with legal responsibility for health and safety and is the duty holder. Through delegation the Chief Executive has overall responsibility for health and safety including the duty to manage Asbestos. Both must support this policy to manage Asbestos by ensuring the allocation of resources including an adequate budget, suitable and sufficient equipment, personnel, time and training. Ultimately it is the Council fixed with legal responsibility.

Director of Finances, Assets and Resources – Strategic Lead

The Strategic Lead has a responsibility to support this policy by ensuring the allocation of resources including an adequate budget, suitable and sufficient equipment, personnel, time and training.

The safe management and operation of Sites and Properties activities, including consideration of asbestos issues and compliance with the Asbestos Management Plan within the operational and investment estate.

Devolving the principal functions of Asbestos management to the Responsible Person for maintenance, projects and estates management.

Group Manager for Corporate Property and Commercial – Responsible Person

Maintain an Asbestos Register identifying the locations and types of asbestos that are within the Council's control.

Make a point of checking the relevant Asbestos Register at the point where works are planned.

Ensure that adequate resources are made available to enable the arrangements to be implemented. Arrangements include management surveys by competent persons, analysis and removal by a specialist licensed contractors.

Carry out a risk assessment for all non-license work to confirm if the work is notifiable to the HSE using form ASBNNLW1 form Prepare and revise as necessary the arrangements for managing work involving non licenced asbestos and appoint competent contractors to carry out said work. (see section 5)

Ensure licensed works involving asbestos are carried out by competent contractors who are licensed with the HSE Asbestos Licencing Unit and that the work is notified to the HSE using the FODASB5 notification form (see www.hse.gov.uk).

Ensure that where specialist technical expertise in relation to asbestos is not available within the Service, suitable arrangements are made to obtain this information as required.

Ensure that employees or relevant contractors are provided with all the appropriate information, instruction and training on work being undertaken in areas containing anything suspected of containing asbestos.

3. Health Effects of Asbestos

There are three main types of serious health risks associated with exposure to asbestos fibres:

Asbestosis – chronic obstructive lung disease.

Lung cancer – a fatal lung disease.

Mesothelioma – a fatal cancer of the outer lining of the lung and the peritoneum specific to asbestos exposure.

It is recognised that the largest group of workers at risk from asbestos exposure are workers involved in the repair and maintenance, refurbishment and demolition of buildings, including electricians, plumbers, joiners, and computer and telecommunication engineers – people who may encounter asbestos during their normal day to day work activities.

4. Legislation

The legislation relating to the management of asbestos in the workplace can primarily be found in:

- Health and Safety at Work etc. Act 1974 (general duties on employers and management of premises);
The general provisions of the 1974 Act are applicable to the management of asbestos in the workplace, particularly s 2 (duty towards employees), s 3 (duty to non-employees) and s 4 (duty of person having control of premises).
- Management of Health and Safety at Work Regulations 1999;
The Management Regulations require employers to undertake risk assessments of the risks to health and safety arising out of, or in connection with, their business.
Duties are also placed in respect of co-operation and co-ordination where persons are sharing a workplace.
- Workplace (Health, Safety and Welfare) Regulations 1992;
These Regulations place requirements on employers to maintain their buildings so as not to cause a risk to health and safety.
- Construction (Design and Management) Regulations 2015;
These Regulations require clients to provide pre-construction information to persons carrying out construction work. Such information would include the results of any asbestos surveys undertaken in the premises. There is also a requirement to ensure that the 'health and safety file' is prepared and maintained for future reference.
- Defective Premises Act 1972;
The Act places a duty on landlords to ensure that tenants and other persons are safe (so far as is reasonable) from personal injury or disease that results from the defective state of the premises.
- Control of Asbestos Regulations 2012.
The Regulations set out the duties relating to exposure to asbestos and its correct management. The Regulations include:
 - management in non-domestic premises (Reg 4);
 - identification of the presence of asbestos (Reg 5);
 - assessment of work that exposes employees to asbestos (Reg 6);
 - plans of work (Reg 7);
 - licensing of work with asbestos (Reg 8);
 - notification of work with asbestos (Reg 9);
 - information, instruction and training (Reg 10);
 - prevention or reduction of exposure to asbestos (Reg 11);
 - use of control measures (Reg 12);
 - maintenance of control measures (Reg 13);
 - provision and cleaning of protective clothing (Reg 14);
 - arrangements to deal with accidents, incidents and emergencies (Reg 15);
 - duty to prevent or reduce the spread of asbestos

- (Reg 16);
- cleanliness of premises and plant (Reg 17);
- designated area (Reg 18);
- air monitoring (Reg 19);
- standards for air testing and site clearance certification (Reg 20);
- standards for analysis (Reg 21);
- health records and medical surveillance (Reg 22);
- washing and changing facilities (Reg 23);
- storage, distribution and labelling of raw asbestos and asbestos waste (Reg 24);
- labelling of products containing asbestos (Reg 27);

There are no specific laws or regulations regarding asbestos in domestic properties other than in respect of the common parts which are covered under the same legislation as commercial properties. The Council has a responsibility as Landlord in respect of the state of repair of its housing stock although the presence of asbestos in a property does not in itself constitute disrepair. There may be a need for repair or removal if the asbestos containing material is damaged or deteriorates. A Landlord's obligations in respect of asbestos in residential properties arise under the following legislation:-

- Housing Act 2004
- Environmental Protection Act 1990
- Landlord and Tenant Act `1985
- Defective Premises act 1972

5. Asbestos Licensing

The 2012 regulations prohibit anyone from carrying out work with high risk asbestos e.g. insulation, asbestos coating or asbestos insulating board unless they hold a licence granted by the HSE (Health & Safety Executive). Therefore the Council's own services can only carry out work on non-licensed asbestos.

To be exempt from needing a licence the work must be:

- Sporadic and low intensity - to be considered sporadic and low intensity the concentration of asbestos in the air should not exceed 0.6f/cm³ measured over 10 minutes; and
- Carried out in such a way that the exposure of workers to asbestos will not exceed the legal control limit of 0.1 asbestos fibres per cubic centimetre of air (0.1 f/cm³); and
- Meet at least one of four other conditions:
 - It is a short non-continuous maintenance task, with only non-friable materials (friability describes how likely asbestos containing material is to release asbestos fibres when worked on, so non-friable materials will only release a small number of fibres during work); or if it is a removal

task, where the asbestos containing material is in reasonable condition and are not being deliberately broken up, and the asbestos fibres are firmly contained within a matrix, e.g. the asbestos is coated, covered or contained within another material, such as cement, paint or plastic; or

- It is a task where the asbestos containing material(s) are in good condition and are being sealed or encapsulated to ensure they are not easily damaged in the future; or
- It is an air monitoring and control task to check fibre concentrations in the air, or it's the collection and analysis of asbestos samples to confirm the presence of asbestos in a material.

6. Notification of Non-licensed asbestos work (NNLW)

The Control of Asbestos Regulations 2012 introduced the following requirements:

- Notification of certain types of relatively low-risk work on that does asbestos containing material not require the use of a licensed contractor. This notification is on-line here <https://extranet.hse.gov.uk/lfserver/external/asbnnlw1>
- Medical examination of those persons carrying out the work every 3 years (or shorter if advised by a doctor) while the employee continues to do NNLW
- Maintaining registers of work (health records)

Whether a type of asbestos work is either licensable, NNLW or non-licensed work has to be determined in each case and will depend on the type of work that is going to be carried out, the type of material being worked on, and its condition. The identification of the type of asbestos-containing material to be worked on and an assessment of its condition are important parts of the risk assessment that must be carried out before the work commences.

Work which does not usually require a licence includes:

- Small, short duration maintenance tasks where the control limits will not be exceeded
- Removing textured decorative coatings by any suitable dust-reducing method
- Cleaning up small quantities of loose/fine debris containing asbestos containing material dust (where the work is sporadic and of low intensity, the control limit will not be exceeded and it is short duration work)
- Work on asbestos cement products or other materials containing asbestos (such as paints, bitumen, resins, rubber, etc.) where the fibres are bound in a matrix which prevents most of them being released (this includes, typically, aged/weathered AC)
- Work associated with collecting and analysing samples to identify the presence of asbestos

See decision flow chart below.

7. Policy Application

The following arrangements consist of a series of procedures which are intended to safeguard persons who may encounter the possibility of discovering asbestos in the course of their work and to ensure the safety of any premises occupants who may be

affected by any associated works which may involve the disturbance of asbestos containing materials.

The Council will follow the same arrangements in respect of its housing stock as its commercial properties in order to protect its tenants and will ensure that it complies with its legal responsibilities as a Landlord of all Council assets including leisure centres and residential properties.

All reasonable practicable steps will be taken to ensure that Council employees, tenants, customers/visitors (e.g. leisure centre users) and contractors working on behalf of the Council will not be exposed to hazards associated with materials containing asbestos.

8. Asbestos Surveys

The Health and Safety Executive (HSE) publication HSG264 Asbestos: The Survey Guide sets out how to survey workplace premises for asbestos containing materials and how to record the results in a usable form. A decision needs to be taken at an early stage as to whether to carry out a management or refurbishment/demolition survey – or a mixture of the two.

Management Survey:

Seen as a standard survey (previously known as Type 1 and 2 asbestos surveys, type 3 was the demolition survey) – these are concerned with the risk management of asbestos in normal occupation and will be less expensive, intrusive and disruptive than the alternative. The emphasis is on identifying asbestos containing material as far as is reasonably practicable and assessing the potential for fibre release during normal occupancy of the building and the activities carried out there – including during routine maintenance and repair e.g. redecoration.

Refurbishment and Demolition Survey:

Where major refurbishment or demolition is planned, this is an intrusive examination of the building including sampling to identify and control the risks of asbestos release. Refurbishment can include projects where plant is removed from a building.

A systematic programme of surveying all Council owned domestic and corporate properties has been undertaken and as these are reviewed they will be brought into line with the current guidance HSG264.

9. Asbestos Register

Data collected on site has been inputted onto the corporate Asbestos Register. The register will be updated as and when required

The information includes:

- Property information;
- Inspection method;
- Surveyor's detail;
- Site plans;
- Material detail;
- Sample analysis results;

- Material assessment;
- Priority assessment;
- Risk rating;
- Management recommendations

10. Material Assessment

The condition of each asbestos element identified on site is assessed using the material assessment algorithm as defined in the HSE publication HSG264.

The assessment will depend on four different parameters:

- Product type
- Extent of damage
- Surface treatment
- Asbestos type

11. Assessment Score and Register

The total score of material assessment and priority assessment gives the risk rating which is high, medium, low, or very low.

This is used to determine the management actions necessary for ensuring safety.

- High - urgent action required
- Medium - remedial works required
- Low/very low - manage/maintain

All the information collected during the asbestos surveys will be recorded in the Asbestos Register.

The Asbestos Register of Council owned by the Group Manager Corporate Properties and Commercial and will be maintained in the Integrator software system.

Access to the Register will also be made available to property managers, Building Maintenance staff and contractors working on the property.

The public utility services, the fire brigade and others whose presence may expose them to possible risk from asbestos will have access to the council asbestos register as appropriate.

12. Information for Contractors

All officers with the responsibility for issuing works orders will ensure that prior to the works commencing the asbestos register is consulted and the existence of asbestos is brought to the attention of the contractors in writing, clearly identifying areas which are known/presumed to have asbestos containing materials. In addition a **“Permit to Work”** will be issued to all contractors prior to commencement of both licensed and non-licensed work activities.

Where contractors arrive on site, they must be under instruction to report their presence and identify the tasks that they are to carry out to the responsible property officer. At this point the Asbestos Register located at the Old Road or Phoenix House

must be accessed and the premises must be checked to confirm either way the information previously issued by the ordering officer.

Should the contractors discover any variances to the information contained in the asbestos register, this must be reported to the Manager responsible for Asbestos management to enable him to update the Register.

13. Asbestos Licensed Contractors

A system of vetting and appointing suitable applicants for inclusion on the Council's standing list of asbestos contractors is operated. Contractors carrying out work on behalf of the Council are subject to performance monitoring and recording.

Only contractors who have been vetted and approved by the Group Manager Corporate Properties and Commercial shall be eligible to tender for asbestos work. These contractors will be reviewed every five years.

The Group Manager Corporate Properties and Commercial shall ensure that prior to any asbestos removal works being undertaken, the appointed contractors provide all relevant documentation required for works with asbestos.

This shall include:

- ASB5 notification form and plan of work
- Copy of their Asbestos Licence
- Company insurance document
- Company Health and Safety policy
- CDM Health and Safety plan as notified to the HSE
- Training records
- Medical Certificates
- RPE face fit test certificates
- Plant examination and test certificates
- Permit to work
- COSHH data
- Waste disposal arrangements

Documentation required on completion of the removal works shall include:

- Site diary
- Site induction records
- Daily enclosure and air lock inspection records
- Daily negative pressure units and vacuum inspection records
- Respirator inspection records
- Daily decontamination unit inspection records
- Operative showering records
- Working platform inspections
- Air monitoring and clearance certificates
- Personal air monitoring records
- Asbestos exposure records
- Waste consignment notes

14. Disposal of Asbestos Waste

The contractor used for the disposal of asbestos must be licensed for this by the Environment Agency.

All asbestos containing material shall be disposed of by double wrapping in labelled 1000 gauge polythene sheeting or bags, and transported by a licensed carrier to a landfill site correctly licensed to receive asbestos waste.

The disposal of asbestos material shall be the responsibility of the appointed contractor. As such, evidence of appropriate documentation for the consignment and disposal of asbestos waste shall be required prior to payment.

15. Disposal of Fly-Tipped waste containing Asbestos

The Council (Group Manager Open Spaces and Waste Services) will be responsible for arranging for the removal of fly-tipped waste, which is suspected of containing asbestos. Where large amounts of fly-tipped waste (which is suspected of containing asbestos) are reported, the Environment Agency should be consulted on the collection and disposal methods to be used. A contractor appropriately licensed for the collection of this waste will be used and the costs of this re-claimed from the offender where possible.

16. Training

All staff who may encounter asbestos during the course of their work shall be given the necessary training to be able to identify the situations in which asbestos may be present, to be able to recognise asbestos or similar suspect materials and to set out safe working practice to minimise risks to health and safety.

Persons in charge of buildings will be provided with appropriate training and information regarding accessing information from the Asbestos Register.

Surveyors will hold the BOHS Proficiency Module P402: 'Building surveys and bulk sampling for asbestos' qualification.

Induction training will be provided to all new staff falling into these groups.

17. Advice

The Group Manager for Corporate Property and Commercial is responsible for Asbestos management, Group Manager for Public Health and Regulatory Services can be contacted for advice relating to management of materials suspected of containing Asbestos. If in doubt the rule is to leave it alone until risk assessed by a competent person.

If during the course of normal work practices suspected asbestos-containing material is encountered, the following procedures should be followed:

18. Contractors / Employees

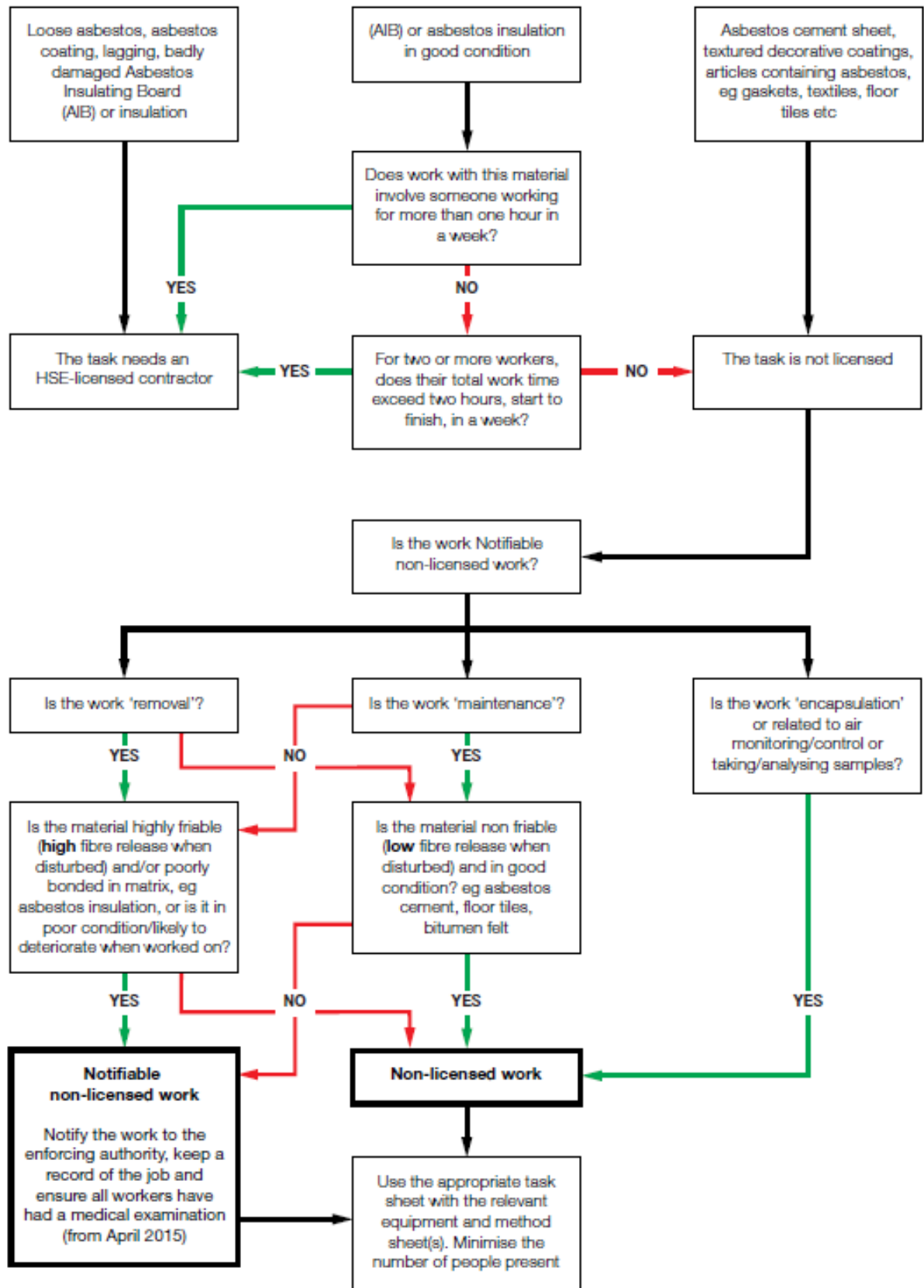
Action to take on the disturbance of asbestos containing materials:

1. **STOP ANY WORK**, remove and keep all persons out of the area. Where practicable close or seal or lock off the area. Do not remove any equipment or material.
2. Stop other people entering the area e.g. prepare and display a 'potential Asbestos hazard keep out' sign.
3. In the event of possible contamination with asbestos –do not panic; move to a safe area; wet affected clothing/footwear if possible; put on disposable RPE, coveralls and overshoes if available Seek advice from the Corporate H&S Officer.
4. Inform the line manager who will report the discovery to the Group Manager for Corporate Properties and Commercial who will inform the Corporate Health and Safety Officer.
5. The Group Manager for Corporate Properties and Commercial will arrange for the property to be inspected and for any samples or air tests to be taken if required and will keep the premises management and the Corporate Health and Safety Officer informed. Depending on the type and extent of the asbestos contamination - a specialist licensed asbestos contractor will be required to carry out the clean-up.
6. Following laboratory analysis the responsible Group Manager for Corporate Property and Commercial will advise the premises management and the Corporate Health and Safety Officer of the outcome and the proposed action.
7. On completion of any repair or removal work the Group Manager for Corporate Property and Commercial will advise the premises management and the Corporate Health and Safety Officer when the area has been made safe.
8. The Group Manager for Corporate Property and Commercial will ensure that all actions including areas where asbestos has been removed and analytical reports are included in the Asbestos register and advise the premises management and the Corporate Health and Safety Officer. In relation to the accidental exposure to asbestos, the employees' health records health records should be kept by Human Resources for 40 years after the date of any exposure or until the employee reaches the age of 80

For more information on asbestos go to www.hse.gov.uk/asbestos

Decision flow chart

Use this simple flow chart to help you decide who needs to do the work:

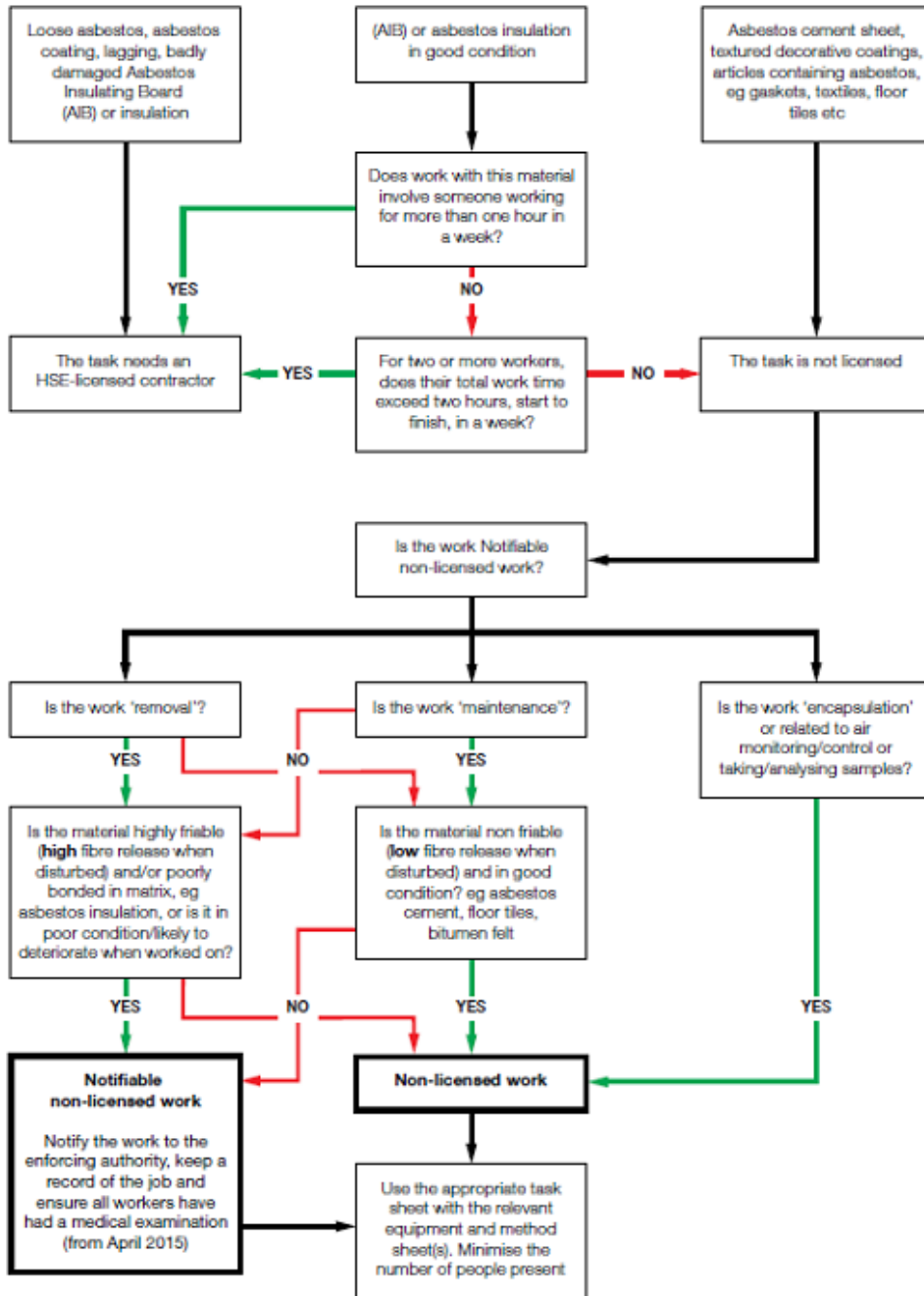


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ANNEX B: TABLE FLOW CHART 1.

Decision flow chart

Use this simple flow chart to help you decide who needs to do the work:



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CABINET
7 MAY 2020

MANAGEMENT OF LEGIONELLA

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

Cllr Simon Clist, Cabinet Member for Housing and Property Services

Responsible Officer: Andrew Busby Group Manager for Corporate property and Commercial assets.

Reason for Report: To provide Members with an update on the procedures for ensuring compliance with managing the risk of Legionella.

RECOMMENDATION: For Cabinet to adopt the updated policy for the management of Legionella for both our Corporate and Housing Assets.

Financial Implications: The costs for Legionella management including any cost of repair have been included in the 2020/21 financial year budget for both the General Fund and the Housing Revenue Account.

Budget and Policy Framework: Remedial works for Legionella have been budgeted for in the general fund for both corporate Assets and Housing. This policy supports the overarching Health and Safety policy.

Legal Implications: The Management of Health and Safety at Work Regulations 1999 requires employers to make a suitable and sufficient assessment of the risks to the health and safety of their employees while at work. Where this general assessment indicates the possibility of risks to employees and others from Legionnaires disease the Control of Substances Hazardous to Health Regulations 2002 is taken into account.

Risk Assessment: If the Council does not implement procedures and policy, further enforcement action could be undertaken by the HSE in the event of legionella failure.

Equality impact assessment: There is no negative impact as a result of this policy

Relationship to Corporate Plan: Property assets are linked to the delivery, vision and priorities of the Council. The way that the Council manages its land and property assets has a direct impact on the quality of services delivered, as well as maximising the value derived from our property holdings for the on-going contribution in balancing the Council's budget. To maximise the value derived from all Council property for its stakeholders, by delivering an efficient and fit for purpose corporate property solutions service.

Impact on Climate Change: The supply chain will be challenged to confirm that they operate an energy efficient fleet to control our scope 3 emissions. Routine

inspections are being undertaken by our Public Health team and is combined with asbestos testing.

1.0 Introduction/Background

- 1.1 Following the internal audit, this policy has been updated and shared with the Health and Safety committee. Improvements were recommended and have been actioned working with colleagues in Environmental Health and Building Services. As part of that audit, it was recommended that this policy is reviewed by committee.
- 1.2 The Council will, as far as is reasonably practicable, take appropriate precautions to reduce the risk of ill health caused by exposure to Legionella. This will be achieved through providing a framework of actions designed to assess, prevent or control the risk from the Legionella bacteria. To achieve this it will use the practical guidance contained in the Approved Code of Practice and guidance documents outlining assessing sources of risk, preparing a scheme to prevent or control risk, implementing, managing and monitoring precautions, keeping records of precautions and appointing a manager to be responsible.
- 1.3 The Council as a landlord also has legal responsibilities to ensure the health and safety of tenants (including housing stock tenants) by keeping the properties let safe and free from health hazards including Legionnaires disease. Section 3(2) of the Health and Safety at Work Act 1974 (HSWA) makes provision for relevant health and safety legislation to apply to landlords to ensure a duty of care is shown to their tenants' with regard to their health and safety including managing Legionnaires disease.

2.0 Definition

- 2.1 Legionella bacteria are widespread in natural water systems, e.g. rivers and ponds. However, the conditions are rarely right for people to catch the disease from these sources. Outbreaks of the illness occur from exposure to legionella growing in purpose-built systems where water is maintained at a temperature high enough to encourage growth, e.g. cooling towers, evaporative condensers, hot and cold water systems and spa pools used in all sorts of premises (work and domestic). People contract Legionnaires' disease by inhaling small droplets of water (aerosols), suspended in the air, containing the bacteria. However, some people are at higher risk, including:
 - people over 45 years of age;
 - smokers and heavy drinkers;
 - people suffering from chronic respiratory or kidney disease;
 - anyone with an impaired immune system;
- 2.2 Please refer to **Annex A** for the Legionella Management policy.

3.0 Responsibilities

The Council's policy on Legionnaires Disease must ensure the duty of care under the **HASWA** is met in respect of assessing and controlling the risk from exposure to legionella bacteria from work activities in relation to its Corporate

and Commercial properties. The Council achieves this through the following management structure:

3.1 The Council is the employer with legal responsibility for health and safety and is the duty holder. Through delegation the Chief Executive has overall responsibility for health and safety including the duty to manage Legionella. Both must support this policy to manage Legionella by ensuring the allocation of resources including an adequate budget, suitable and sufficient equipment, personnel, time and training. Ultimately it is the Council fixed with legal responsibility.

3.2 Deputy Chief Executive (S151).

The Strategic Lead has a responsibility to support this policy by ensuring the allocation of resources including an adequate budget, suitable and sufficient equipment, personnel, time and training. The safe management and operation of Sites and Properties activities, including consideration of Legionnaires Disease issues and compliance with the Legionella Management Plan within the operational and investment estate. Devolving the principal functions of Legionella management to the Responsible Person for maintenance, projects and estates management

3.3 Group Manager for Corporate Property and Commercial – Responsible Person

The Responsible Person ensures:

1. Risks assessment are carried out for all Council properties by a competent person
2. To record the significant findings of the risk assessment.
3. A written scheme for controlling the risk from exposure to the legionella bacteria is implemented and monitored.
4. There is a “responsible competent person” to implement and monitor the control scheme.
5. That where appropriate general microbiological sampling procedures are implemented.
6. Ensure a cleaning and disinfection process is implemented where required.
7. A record of all inspections, tests and sampling is maintained.

4.0 Hierarchy of Control

4.1 The Legionnaires’ disease Approved Code of Practise L8 states that;

Where the assessment shows that there is a reasonably foreseeable risk of exposure to legionella bacteria, the use of water systems, parts of water systems or systems of work that lead to exposure must be avoided so far as is reasonably practicable, where this is not reasonably practicable, there should be a written scheme for controlling the risk from exposure that should be properly implemented and managed. The written scheme should specify measures to take to ensure that it remains effective.

4.2 The risk from exposure will be controlled by measures which do not allow the growth of legionella bacteria in the system and which reduce exposure to

water droplets and aerosols. Precautions, where appropriate, include the following:

- Avoiding water temperatures between 20°C and 45°C and conditions that favour the growth of legionella bacteria and other microorganisms;
- Avoiding water stagnation which may encourage the growth of biofilm;
- Avoiding the use of materials that harbour bacteria and other microorganisms, or provide nutrients for microbial growth. The *Water Fittings and Materials Directory* 10 references fittings, materials, and appliances approved for their compliance with the UK legal requirements for plumbing fittings and water using appliances;
- Controlling the release of water spray;
- Maintaining the cleanliness of the system and water in it;
- Using water treatment techniques;
- Taking action to ensure the correct, safe operation, maintenance of the water system and monitoring of any control measures applied

4.3 The written scheme includes, where appropriate, and with reference to the risk assessment:

- An up-to-date plan showing the layout of the plant or water system, including parts temporarily out of use (a schematic diagram is sufficient);
- A description of the correct and safe operation of the system;
- The precautions to take;
- Checks to carry out to ensure the written scheme is effective and the frequency of such checks;
- The remedial action to take if the written scheme is shown to be not effective
- Action to be taken in response to microbiological results greater than 100 colony forming units per litre

4.4 Records will be maintained that include details about:

- The appointed responsible person(s) for conducting the risk assessment, managing, and implementing the written scheme;
- Any significant findings of the risk assessment;
- The written scheme and its implementation;
- Details about the state of operation of the water system, i.e. in use/not in use;
- The results of any monitoring inspection, test or audit carried out, and the dates.

4.5 These records will be retained throughout the period they are current and for at least two years afterwards. Records of any monitoring inspection, test or check carried out, and the dates, will be retained for at least five years.

5.0 Incident Reporting

5.1 All staff have a duty to report and complete an incident report form where an incident occurs that may lead to the possibility of exposure to Legionella i.e.

incorrect water temperatures, elevated counts of legionella bacteria in any samples taken.

5.2 Any case of Legionellosis in an employee linked to a work activity must be reported under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013.

5.3 Sickness absence will be monitored for any signs of symptoms that may be related to Legionnaires' disease.

6.0 Policy Monitoring & Review

6.1 The responsible person will audit the arrangements in place to control legionella in hot and cold water systems

6.2 A joint approach to reviewing the effectiveness of the policy will be undertaken involving, the Group Managers for Public Health and Regulatory and Corporate Property and Commercial, the Health and Safety Officer, Staff safety representatives, HR and, if required, Occupational Health. Monitoring will include:

- Analysing incident, accident and sickness statistics
- Observing the staff at work
- Consulting with staff
- Changes in legislation

7.0 Conclusion

7.1 This policy and the related guidance will be reviewed ahead of the stated date if there is a change in the related legislation or if an emerging risk is identified. This is to ensure the Council meets its requirements to protect the wellbeing of the public, and to have the appropriate procedures in place.

7.2 Future reporting of this Legionella policy in the event of no legal change will be reported via our Health and Safety policy.

Contact for more Information: Andrew Busby Group Manager Corporate Property and Commercial Assets – 01884 234948 abusby@middevon.gov.uk

Circulation of the Report: Cabinet, Leadership Team.

List of Background Papers: None

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Corporate Property and Commercial Policy

Version Control

Title: Management of Legionella

Purpose: Compliance with health and safety legislation

Owner: Andrew Jarrett

Date: March 2020

Version Number: 3.0

Status: Draft

Review Frequency: 3 years

Next review date: March 2023

Consultation

This document obtained the following approvals:

Who	Date	Version Approved
Leadership Team		
H&S Committee		
Cabinet	260320	

1. Introduction

The Management of Health and Safety at Work Regulations 1999 requires employers to make a suitable and sufficient assessment of the risks to the health and safety of their employees while at work. Where this general assessment indicates the possibility of risks to employees and others from Legionnaires disease the Control of Substances Hazardous to Health Regulations 2002 is taken into account

The Council as a landlord also has legal responsibilities to ensure the health and safety of tenants (including housing stock tenants) by keeping the properties let safe and free from health hazards including Legionnaires disease. Section 3(2) of the Health and Safety at Work Act 1974 (HSWA) makes provision for relevant health and safety legislation to apply to landlords to ensure a duty of care is shown to their tenants' with regard to their health and safety including managing Legionnaires disease.

The Council will (as an employer and as a landlord), as far as is reasonably practicable, take appropriate precautions to reduce the risk of ill health caused by exposure to Legionella. This will be achieved through providing a framework of actions designed to assess, prevent or control the risk from the Legionella bacteria. To achieve this it will use the practical guidance contained in the Approved Code of Practice and guidance documents outlined under 3 below aimed at identifying and assessing sources of risk, preparing a scheme to prevent or control risk, implementing, managing and monitoring precautions, keeping records of precautions and appointing a manager to be responsible for others.

2 Legislation

- Health and Safety at Work etc. Act 1974 (HASWA)
- Management of Health and Safety at Work Regulations 1999 (MHSWR)
- Control of Substances Hazardous to Health 2002 (COSHH)

3 Guidance

- Approved Code of Practise "Legionnaires' disease: The control of Legionella bacteria in water systems" L8
- HSG274 Part 1: The control of legionella bacteria in evaporative cooling systems
- HSG274 Part2: The control of legionella bacteria in hot and cold water systems
- HSG274 Part 3: The control of legionella bacteria in other risk systems
- Audit checklists: Control of legionella bacteria in water systems

4 Definition

Legionella bacteria are widespread in natural water systems, e.g. rivers and ponds. However, the conditions are rarely right for people to catch the disease from these sources. Outbreaks of the illness occur from exposure to legionella growing in purpose-built systems where water is maintained at a temperature high enough to encourage growth, e.g. cooling towers, evaporative condensers, hot and cold water systems and spa pools used in all sorts of premises (work and domestic). People contract Legionnaires' disease by inhaling small droplets of water (aerosols),

suspended in the air, containing the bacteria. However, some people are at higher risk, including:

- people over 45 years of age;
- smokers and heavy drinkers;
- people suffering from chronic respiratory or kidney disease;
- anyone with an impaired immune system;

4. Responsibilities

Mid Devon District Council's (MDDC) policy on Legionnaires Disease must ensure the duty of care under the HASWA is met in respect of assessing and controlling the risk from exposure to legionella bacteria from work activities in relation to its Corporate and Commercial properties. MDDC achieves this through the following management structure;

The Council and the Chief Executive

The Council is the employer with legal responsibility for health and safety and is the duty holder. Through delegation the Chief Executive has overall responsibility for health and safety including the duty to manage Legionella. Both must support this policy to manage Legionella by ensuring the allocation of resources including an adequate budget, suitable and sufficient equipment, personnel, time and training. Ultimately it is the Council fixed with legal responsibility.

Director of Finances, Assets and Resources – Strategic Lead

The Strategic Lead has a responsibility to support this policy by ensuring the allocation of resources including an adequate budget, suitable and sufficient equipment, personnel, time and training.

The safe management and operation of Sites and Properties activities, including consideration of Legionnaires Disease issues and compliance with the Legionella Management Plan within the operational and investment estate

Devolving the principal functions of Legionella management to the Responsible Person for maintenance, projects and estates management

Group Manager for Corporate Property and Commercial – Responsible Person

The Responsible Person ensures

1. risks assessment are carried out for all MDDC properties by a competent person
2. to record the significant findings of the risk assessment
3. a written scheme for controlling the risk from exposure to the legionella bacteria is implemented and monitored
4. there is a "responsible competent person" to implement and monitor the control scheme
5. that where appropriate general microbiological sampling procedures are implemented
6. ensure a cleaning and disinfection process is implemented where required

7. a record of all inspections, tests and sampling is maintained
8. that the control measures are regularly reviewed and updated

5 Hierarchy of Control

The Legionnaires' disease Approved Code of Practice L8 states that;

a) Where the assessment shows that there is a reasonably foreseeable risk of exposure to legionella bacteria, the use of water systems, parts of water systems or systems of work that lead to exposure must be avoided so far as is reasonably practicable. Where this is not reasonably practicable, there should be a written scheme for controlling the risk from exposure that should be properly implemented and managed. The written scheme should specify measures to take to ensure that it remains effective.

b) the risk from exposure will be controlled by measures which do not allow the growth of legionella bacteria in the system and which reduce exposure to water droplets and aerosols. Precautions, where appropriate, include the following:

- avoiding water temperatures between 20 °C and 45 °C and conditions that favour the growth of legionella bacteria and other microorganisms;
- avoiding water stagnation which may encourage the growth of biofilm;
- avoiding the use of materials that harbour bacteria and other microorganisms, or provide nutrients for microbial growth. The *Water Fittings and Materials Directory* 10 references fittings, materials, and appliances approved for their compliance with the UK legal requirements for plumbing fittings and water using appliances;
- controlling the release of water spray;
- maintaining the cleanliness of the system and water in it;
- using water treatment techniques;
- taking action to ensure the correct, safe operation, maintenance of the water system and monitoring of any control measures applied

c) The written scheme includes, where appropriate, and with reference to the risk assessment:

- an up-to-date plan showing the layout of the plant or water system, including parts temporarily out of use (a schematic diagram is sufficient);
- a description of the correct and safe operation of the system;
- the precautions to take;
- checks to carry out to ensure the written scheme is effective and the frequency of such checks;
- the remedial action to take if the written scheme is shown to be not effective
- action to be taken in response to microbiological results greater than 100 colony forming units per litre

d) Records will be maintained that include details about:

- the appointed responsible person(s) for conducting the risk assessment, managing, and implementing the written scheme;
- any significant findings of the risk assessment;
- the written scheme and its implementation;
- details about the state of operation of the water system, i.e. in use/not in use;

- the results of any monitoring inspection, test or audit carried out, and the dates.

e) These records will be retained throughout the period they are current and for at least two years afterwards. Records of any monitoring inspection, test or check carried out, and the dates, will be retained for at least five years.

7 III Health & Incident Reporting

All staff have a duty to report and complete an incident report form where an incident occurs that may lead to the possibility of exposure to Legionella i.e. incorrect water temperatures, elevated counts of legionella bacteria in any samples taken.

Any case of Legionellosis in an employee linked to a work activity must be reported under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013.

Sickness absence will be monitored for any signs of symptoms that may be related to Legionnaires' disease.

8 Policy Monitoring & Review

The responsible person will audit the arrangements in place to control legionella in hot and cold water systems

A joint approach to reviewing the effectiveness of the policy will be undertaken involving, the Group Managers for Public Health and Regulatory and Corporate Property and Commercial, the Health and Safety Officer, Staff safety representatives, HR and, if required, Occupational Health. Monitoring will include:

- Analysing incident, accident and sickness statistics
- Observing the staff at work
- Consulting with staff
- Changes in legislation

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MID DEVON DISTRICT COUNCIL – NOTIFICATION OF KEY DECISIONS

May/June 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)
3 Rivers Governance Report To consider a report of the Chief Executive with regard to 3 Rivers Developments Limited.	Cabinet	21 May 2020	Stephen Walford, Chief Executive Tel: 01884 234201	Leader of the Council (Councillor Bob Deed)	Fully exempt
S106 Governance To agree governance arrangements for S106 agreements	Scrutiny Committee	1 Jun 2020	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Graeme Barnell)	Open
	Cabinet	18 Jun 2020			
Statement of Community Involvement Review 2020 Report to seek authority to consult on the draft revised text.	Scrutiny Committee	1 Jun 2020	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Graeme Barnell)	Open
	Cabinet	11 Jun 2020			
	Council	1 Jul 2020			

Agenda Item 9.

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<p>Hydro Mills Project - Tiverton Weir To receive a report outlining the Tiverton Weir Hydro Mills project seeking approval and funding.</p>	<p>Economy Policy Development Group Cabinet</p>	<p>4 Jun 2020 11 Jun 2020</p>	<p>Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346</p>	<p>Cabinet Member for Planning and Economic Regeneration (Councillor Graeme Barnell)</p>	<p>Open</p>
<p>Revenue and Capital Outturn 2019/20 Report presenting the revenue and capital outturn figures for the financial year 2019/20.</p>	<p>Cabinet</p>	<p>11 Jun 2020</p>	<p>Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242</p>	<p>Cabinet Member for Finance (Councillor Alex White)</p>	<p>Open</p>
<p>Tiverton Town Centre Masterplan Stage II Consultation To request approval to go out to Stage II consultation on the masterplan documents</p>	<p>Cabinet</p>	<p>11 Jun 2020</p>	<p>Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346</p>	<p>Cabinet Member for Planning and Economic Regeneration (Councillor Graeme Barnell)</p>	<p>Open</p>
<p>Local Plan Review - Inspector's Report on Adoption To consider the Inspector's report on the adoption of the Local Plan Review</p>	<p>Cabinet Council</p>	<p>11 Jun 2020 1 Jul 2020</p>	<p>Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346</p>	<p>Cabinet Member for Planning and Economic Regeneration (Councillor Graeme Barnell)</p>	<p>Open</p>

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<p>Greater Exeter Strategic Plan To receive a report from the Head of Planning and Regeneration on the progress of the Greater Exeter Strategic Plan</p>	<p>Scrutiny Committee Cabinet</p>	<p>20 Jul 2020 6 Aug 2020</p>	<p>Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346</p>	<p>Cabinet Member for Planning and Economic Regeneration (Councillor Graeme Barnell)</p>	<p>Open</p>
<p>Climate Strategy and Action Plan To receive the 4 yearly review of the Climate Strategy and Action Plan from the Group Manager for Corporate Property and Commercial Assets.</p>	<p>Environment Policy Development Group Cabinet</p>	<p>14 Jul 2020 6 Aug 2020</p>	<p>Andrew Busby, Group Manager for Corporate Property and Commercial Assets Tel: 01884 234948</p>	<p>Cabinet Member for Climate Change (Councillor Elizabeth Wainwright)</p>	<p>Open</p>
<p>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.</p>	<p>Environment Policy Development Group Cabinet</p>	<p>14 Jul 2020 6 Aug 2020</p>	<p>Claire Fry, Group Manager for Housing Tel: 01884 234920</p>	<p>Cabinet Member for the Environment (Councillor Luke Taylor)</p>	<p>Open</p>

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
EHOD Economic Development Strategy To consider a review strategy	Economy Policy Development Group Cabinet	16 Jul 2020 6 Aug 2020	Adrian Welsh, Group Manager for Growth, Economy and Delivery Tel: 01884 234398	Cabinet Member for Planning and Economic Regeneration (Councillor Graeme Barnell)	Open
ASB Policy and Procedures To receive a report reviewing the Housing Services' Anti-Social Behaviour Policy and Procedures.	Homes Policy Development Group Cabinet	21 Jul 2020 6 Aug 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
Leasehold Management Policy To receive a report reviewing the Leasehold Management Policy.	Homes Policy Development Group Cabinet	21 Jul 2020 6 Aug 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
Tenancy Changes Policy To receive a report reviewing the Tenancy Changes Policy.	Homes Policy Development Group Cabinet	21 Jul 2020 6 Aug 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 Inspection Policy To receive a report reviewing the Tenancy Inspection Policy	Homes Policy Development Group	21 Jul 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel:	Cabinet Member for Housing and Property Services (Councillor Simon	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
	Cabinet	6 Aug 2020	01884 234381	Clist)	
Allocations Policy To receive a report from the Group Manager for Housing Services reviewing the Allocations Policy.	Homes Policy Development Group Cabinet	21 Jul 2020 6 Aug 2020	Claire Fry, Group Manager for Housing Tel: 01884 234920	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
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	28 Jul 2020 6 Aug 2020	John Bodley-Scott, Economic Development Team Leader	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
Community Safety Partnership To consider a report from the group Manager for Public Health and Regulatory Services outlining the Council's Community Safety Action Plan, and to seek Members recommendation to acknowledge and accept the priorities action plan	Community Policy Development Group Cabinet	28 Jul 2020 6 Aug 2020	Simon Newcombe, Group Manager for Public Health and Regulatory Services Tel: 01884 244615	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<p>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</p>	<p>Community Policy Development Group Cabinet</p>	<p>28 Jul 2020 6 Aug 2020</p>	<p>Simon Newcombe, Group Manager for Public Health and Regulatory Services Tel: 01884 244615</p>	<p>Cabinet Member for Community Well Being (Councillor Dennis Knowles)</p>	<p>Open</p>
<p>Use of CCTV Policy and Guidance To receive and approve the Use of CCTV Policy and Guidance</p>	<p>Community Policy Development Group Cabinet Council</p>	<p>28 Jul 2020 6 Aug 2020 26 Aug 2020</p>	<p>Andrew Busby, Group Manager for Corporate Property and Commercial Assets Tel: 01884 234948</p>	<p>Cabinet Member for Community Well Being (Councillor Dennis Knowles)</p>	<p>Open</p>
<p>Options for Accelerating Affordable Housing Delivery in the District To consider additional governance arrangements for housing delivery</p>	<p>Scrutiny Committee Cabinet</p>	<p>17 Aug 2020 3 Sep 2020</p>	<p>Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242</p>	<p>Cabinet Member for Housing and Property Services (Councillor Simon Clist)</p>	<p>Open</p>
<p>Beech Road, Tiverton - Design and Build Tender To consider the award of the tender</p>	<p>Cabinet</p>	<p>3 Sep 2020</p>	<p>Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242</p>	<p>Cabinet Member for Housing and Property Services (Councillor Simon</p>	<p>Part exempt</p>

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
				Clist)	
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
Annual Treasury Management Report Report providing Members with a review of activities and the actual prudential treasury indicators for 2019/20.	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 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
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

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)
Design Supplementary Planning Document - post consultation To consider the Supplementary Planning Document post consultation	Cabinet	3 Sep 2020	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Graeme Barnell)	Open
Private Sector Fees and Charges To consider a revised policy.	Homes Policy Development Group Cabinet	3 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
Joint Exeter and Heart of Devon (EHOD) Economic Development Strategy To consider a revised strategy	Economy Policy Development Group Cabinet	10 Sep 2020 1 Oct 2020	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Graeme Barnell)	Open
Aids and Adaptations Policy To receive a report reviewing the Aids and Adaptations Policy.	Homes Policy Development Group Cabinet	15 Sep 2020 1 Oct 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Introductory Tenancies Policy To receive a report reviewing the Introductory Tenancies Policy	Homes Policy Development Group Cabinet	15 Sep 2020 1 Oct 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
Service Standards Review To receive a report reviewing Service Standards in the Housing Service.	Homes Policy Development Group Cabinet	15 Sep 2020 1 Oct 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
Severe Weather Emergency Protocol and Extended Winter Provision Protocol To receive a report reviewing the Severe Weather Emergency Protocol and Extended Winter Provision Protocol.	Homes Policy Development Group Cabinet	15 Sep 2020 1 Oct 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
Devon District Council's Joint Safeguarding Policy and MDDC Guidance and Procedures Annually or whenever there is a change in the legislation.	Community Policy Development Group Cabinet	22 Sep 2020 1 Oct 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet for the Working Environment and Support Services (Councillor Nikki Woollatt)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Housing Revenue Account Asset Management Strategy To receive a report providing a review of the Housing Revenue Account Asset Management Strategy.	Homes Policy Development Group Cabinet	10 Nov 2020 3 Dec 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
Tenancy Policy review and Tenancy Strategy To receive a report reviewing the Tenancy Policy and Tenancy Strategy.	Homes Policy Development Group Cabinet	10 Nov 2020 3 Dec 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
Domestic Abuse Policy To receive a report reviewing the Domestic Abuse Policy	Homes Policy Development Group Cabinet	10 Nov 2020 3 Dec 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Simon Clist)	Open
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