Public Document Pack

Mid Devon District Council

Cabinet

Thursday, 7 January 2021 at 6.00 pm Remote Meeting

Next ordinary meeting Thursday, 4 February 2021 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.

Join Zoom Meeting

https://zoom.us/j/91860202359?pwd=SzVILytZbDN4bU85UnNaUTg4c3gvZz09

Meeting ID: 918 6020 2359

Passcode: 199902 One tap mobile

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Passcode: 199902

Find your local number: https://zoom.us/u/abl0tApJP3

Membership

Cllr R M Deed

Cllr R J Chesterton

Cllr R Evans

Cllr D J Knowles

Cllr B A Moore

Cllr C R Slade

Cllr Ms E J Wainwright

Cllr Mrs N Woollatt

AGENDA

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

Apologies

To receive any apologies for absence.

2. **Protocol for Remote Meetings** (Pages 5 - 10)

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 11 - 24)

Members to consider whether to approve the minutes as a correct record of the meeting held on 3 December 2020.

6. Use of CCTV Policy and Guidance (Pages 25 - 76)

Following consideration of a report of the Group Manager for Corporate Property and Commercial Assets, the Community Policy Development Group has made the following recommendations to Cabinet for a recommendation to Council:

- a) The CCTV Code of Practice be adopted; and
- b) The CCTV Policy be adopted; and
- c) The CCTV Action Plan be adopted.

7. Corporate Health and Safety Policy (Pages 77 - 84)

Following consideration of a report of the Group Manager for Performance, Governance and Data Security, the Community Policy Development Group has made the following recommendation: that the revised Health and Safety at Work Policy be adopted.

8. Recommendation from the Scrutiny Committee following a Call In-Land at Post Hill - to consider Development Options (Pages 85 -136)

To consider a recommendation from the Scrutiny Committee following the call in of the decision with regard to land at Post Hill made by Cabinet on 3 December 2020.

'That Cabinet reconsiders its decision on the delivery of Post Hill homes by a possible Teckal Company and that it instead substitutes it for a recommendation to Full Council'.

9. Utilising Community Payback Service Users in the District (Pages 137 - 140)

To consider a report of the Interim Group Manager – Street Scene and Open Spaces setting out the key aspects in utilising service users provided by DDCCRC (Dorset, Devon and Cornwall Community Rehabilitation Company).

10. Financial Monitoring

To receive a verbal report of the Deputy Chief Executive (S151) presenting a financial update in respect of the income and expenditure so far in the year.

11. **Budget 2021-22 Update** (Pages 141 - 152)

To consider a report of the Deputy Chief Executive (S151) requesting that the Cabinet review the revised draft budget changes identified and discuss any further changes required in order for the Council to move towards a balanced budget for 2021/22.

12. Cullompton Railway Station (Pages 153 - 160)

To consider a report of the Head of Planning, Regeneration and Economy updating members with regard to the Cullompton and Wellington new stations project and related service enhancements and to identify the next steps for taking the forward the project.

13. **Disposal of Park Road Nursery Depot** (Pages 161 - 196)

To receive a report of the Deputy Chief Executive (S151) requesting approval of the asset disposal of Park Nursery Depot, Park Road, Tiverton, EX16 6AU.

14. Annual Report of Compliments, Comments and Complaints (Pages 197 - 210)

To consider a report of the Group Manager for Business Transformation and Customer Engagement providing information on compliments, comments and complaints received as part of our 2 million plus contacts with customers in 2019/2020.

15. **Asbestos Surveying and Licensed Removal 2021 - 2024** (Pages 211 - 216)

To consider a report of the Repairs Manager advising Members on the results for the tendering of the Asbestos Surveying and Licensed Removal 2021-2024 and confirm the award of the contract.

16. Asbestos Surveying and Unlicensed Removal 2021-2024 (Pages 217 - 222)

To consider a report of the Repairs Manager advising Members on the results for the tendering of the Asbestos Surveying and Unlicensed Removal 2021-2024 and confirm the award of the contract.

- 17. **Notification of Key Decisions** (*Pages 223 234*) To note the contents of the Forward Plan.
- 18. **3 Rivers Development Limited Update** (*Pages 235 248*) To receive an update report.

Stephen Walford Chief Executive Wednesday, 23 December 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 E-Mail:sqabriel@middevon.gov.uk

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 the leave the room. For remote meetings, this means that they will be moved to a break-out room for the duration

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

10. The Meeting and Debate

The Council will not be using the Chat function.

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

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

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

11. Voting

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

12. Meeting Etiquette Reminder

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

13. Part 2 Reports and Debate

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

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

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

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

14. Interpretation of standing orders

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

15. Disorderly Conduct by Members

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

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

16. Disturbance from Members of the Public

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

17. After the meeting

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

18. Technical issues – meeting management

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

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

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

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

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

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

Phone only access to zoom meetings

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

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

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

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

• Enter Meeting ID followed by

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

Press

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

Enter 6 digit Meeting Password followed by

Wait for the following two messages:

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

Wait.....

"You have now entered the meeting"

Important notes for participating in meetings

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

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

Agenda Item 5.

MID DEVON DISTRICT COUNCIL

MINUTES of a MEETING of the CABINET held on 3 December 2020 at 6.00 pm

Present

Councillors R M Deed (Leader)

R J Chesterton, R Evans, D J Knowles, B A Moore, C R Slade, Ms E J Wainwright

and Mrs N Woollatt

Also Present

Councillor(s) G Barnell, S J Clist, Mrs C P Daw, R J Dolley, C J Eginton,

FW Letch, SJ Penny, RF Radford, BGJ Warren and

A Wilce

Also Present Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Jenny Clifford (Head of Planning, Economy and Regeneration), Jill May (Director of Corporate Affairs and Business Transformation), Darren Beer (Interim Group Manager Street Scene and Open Spaces), Andrew Busby (Group Manager for Corporate Property and Commercial Assets), Lisa Lewis (Group Manager for Business Transformation and Customer Engagement), Simon Newcombe (Group Manager for Public Health and Regulatory Services), Matthew Page (Group Manager for Human Resources), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Tristan Peat (Forward Planning Team Leader), Carole Oliphant (Member Services Officer) and Sally

Gabriel (Member Services Manager)

261. APOLOGIES

There were no apologies for absence.

262. PROTOCOL FOR REMOTE MEETINGS (00-03-12)

The protocol for remote meetings was **NOTED**.

263. PUBLIC QUESTION TIME (00-03-26)

The Chairman read a statement and a question on behalf of Mr Quinn referring to Item 11 (Land at Post Hill) on the agenda:

This report proposes that the Council builds 70 properties and asks Cabinet to agree that any new 'Teckal' company would deliver them.

It was only on 29 October that Cabinet agreed expenditure to: "secure legal advice on exploring the advantages of new governance arrangements to include a holding

company and Teckal-compliant subsidiary, in order to deliver the most benefits for Mid Devon". As I understand it, this advice has not yet been received by Cabinet.

Paragraph 3.5 states that to be a Teckal Company, the Council must "exercise a degree of control over the company similar to that exercised over its own departments". It is difficult for the public to understand how the Council would do this.

It seems to me that asking Cabinet to agree to give this development to this Teckal Company, before it has even been formed, is rather like "Putting the Cart before the Horse".

A high value development, like this one at Post Hill, is complicated and will obviously need careful and experienced management.

The projected timetable (at paragraph 11.3) does not seem to give sufficient time for Cabinet to receive and consider the report into a possible 'Teckal' Company and then, if it is approved, to bring the company legally into being and staff it sufficiently for it be able to properly manage the commencement of this development.

My questions are:

When is the report on the possible 'Teckal' Company expected to be brought before Cabinet?

And will this report be 'Open' - to allow for public scrutiny?

The Chairman indicated that a response to the question would be provided when the item was debated.

Mr Cashmore referring to Item 17/18 (3 Rivers Developments Limited) on the agenda stated that: We know that councillors are expected to abide by the 7 Nolan Principles of Local Government.

But were you also aware that council officers, from the (CEO down), as well as being expected to fulfil the terms of their employment contract, are also expected to abide by the 7 Principles of Decision Making? (as found in section 15.2 of your own constitution? 300+pages!). In particular, I draw your attention to para d) there is a presumption in favour of Openness in all decisions. & para g) the giving of reasons for the decision, and the proper recording of those reasons.

Therefore, Does this cabinet not agree with me that we should all be concerned of the motives of any elected councillor or official, (either working as an individual, or as part of a group) who, at face value, appears to be working hard to hide council information from public scrutiny?, - rather than taking every opportunity to publish it?

Last week I used Zoom to speak to the Governance working group, but was surprised to be told that the meeting was being recorded, only for the use of notetaking (!)

As all Mid Devon meetings are now being conducted virtually on Zoom, can you please list any reasons why this council should NOT go ahead and agree to publish ALL their virtual meetings live on YouTube?

This simple step was successfully implemented some months ago by East Devon District Council and I urge you all to have a look to see how it works. It could allow the public to actually see their own councillors at work, either live as it happens, or at any other time. It may also help you to improve engagement with our younger community.

Which now leads to my question regarding 3 Rivers. Does this cabinet share my concerns, that unless it starts to provide far greater transparency regarding the aspirations and plans for 3 Rivers then they should not really be surprised at the growing public disquiet regarding it's shocking performance to date.

Therefore my question is: When does this council expect 3RDL will be able to complete paying off its council loans and start returning a profit to the ratepayers of Mid Devon as originally intended?

The Chairman indicated that a written response would be provided.

264. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-09-36)

Members were reminded of the need to make declarations of interest when appropriate.

265. MINUTES OF THE PREVIOUS MEETING (00-09-55)

The minutes of the previous meeting were approved as a correct record.

266. REFUSE WASTE OPTIONS (00-10-29)

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

- The options in the report be considered; and
- Authority should be given for the Service to complete a trial to a limited number (around 1000) of households for a minimum of three months

The Cabinet Member for the Environment outlined the contents of the report stating that the suggested changes to the current scheme had been discussed with advisors and meetings had taken place with East Devon District Council with regard to the scheme that they were running and consideration of any best practice. Four options had been put forward, this was not about saving money but increasing recycling in line with Government guidelines to recycle 65% of household waste by 2035 and Devon's proposed 60% target by 2025. He outlined the proposed trial which would take place in urban and rural areas (which would include some specific areas that had special issues) and it was hoped that the trial would increase recycling which was cost effective.

Consideration was given to:

- Other districts that had implemented 3 weekly residual waste collections and whether they had fortnightly collections of recycling or whether they had weekly recycling collections
- The need for an additional option to include residual 3 weekly, chargeable garden waste - 2 weekly, food – weekly, recycling - weekly, with a residual waste - residents' receptacle or sacks, as there was a need to look at all the options for a complete trial. It was agreed that this should be considered as part of the trial.
- The cost implications of the various options
- Whether special circumstances would be considered depending on the number of people/children in a residence
- Capacity to store waste prior to collection
- Whether the amount of waste to be collected would be capped
- How the collection lorries would be used
- The amount of brown bins being stored at the depot
- Opportunities to reduce the current carbon footprint

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

(Proposed by Cllr C R Slade and seconded by Cllr Miss E Wainwright)

Reason for decision – there is a need to increase recycling in the District in line with Government guidelines to recycle 65% of household waste by 2035 and Devon's proposed 60% target rate by 2025.

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

267. COMMUNITY HOUSING FUND PROJECT GROUP REPORT (00-37-33)

Further to a report of the Head of Planning, Economy and Regeneration, the Homes Policy Development Group had made the following recommendation:

Section 11.1 of the Community-Led Housing Fund Guidance and Criteria (Appendix 2), which provides the framework for the allocation of grants, is amended so that the Community Housing Fund Project Group membership includes:

The Cabinet Member for Housing, the Cabinet Member for Planning and Economic Regeneration, the Group Manager for Housing Services, the Head of Planning, Economy and Regeneration and the Housing Enabling and Policy Officer.

The Cabinet Member for Housing and Property Services outlined the contents of the report stating that the report sought to amend the membership of the project group as this followed the Council's housing enabling role being moved from the Housing Service to the Planning Service. He highlighted that for the sake of clarity Appendix 2 would be renamed to Appendix A.

Consideration was given to:

- A request for information with regard to the monies spent from the fund and how they were spent
- The proposed appointment of the new officer

- The membership of the project group and whether elected members should be included
- The need for the new officer (when in post) to promote the scheme

RESOLVED that the recommendation of the Policy Development Group be approved subject to the reference to the framework for the allocation of the grants being in Appendix A of the document.

(Proposed by Cllr R B Evans and seconded by Cllr R J Chesterton)

Reason for decision – to amend the membership of the Community Housing Fund Project Group to reflect that the Council's housing enabling role has moved from the Housing Service to the Planning Service.

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

268. **STRATEGIC PLANNING (00-47-17)**

The Cabinet had before it a *report of the Head of Planning, Economy and Regeneration setting out options for future joint strategic planning arrangements with partner authorities in the Exeter Housing Market Area and Travel to Work Area.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that recent decisions made by East Devon District Council to withdraw from the preparation of the Greater Exeter Strategic Plan, and subsequently by this Council to prepare a revised joint strategic plan had meant that there was a need to consider alternative approaches for joint strategic planning across the Greater Exeter area.

The purpose of this report was to seek a recommendation from Cabinet to Council to support in principle a preferred alternative approach. This would involve the production of a joint non-statutory plan, to include joint strategy and infrastructure matters, for the Greater Exeter area in partnership with Exeter, East Devon, Teignbridge and Devon County Councils. He outlined options and stated that the there was significant benefit in continuing to work jointly on strategic planning across Mid Devon, East Devon, Exeter and Teignbridge. The city and 3 districts had shared housing market and travel to work areas, and there was a need for cooperation to help achieve a coordinated approach over cross-border strategic planning issues and the provision of infrastructure.

A non-statutory joint strategy and infrastructure plan would provide a co-ordinated response to the area's strategic economic, climate, housing, environmental and issues and help to secure central government investment.

A non-statutory joint strategy and infrastructure plan would be fundamentally different from the Greater Exeter Strategic Plan since it would not be subject to a formal plan making process, and it would not identify strategic site allocations. It would sit alongside the preparation of separate Local Plans prepared by each of the 4 Councils which would provide the statutory policies, development targets and site allocations for each district.

RECOMMENDED to Council that: in principle the production of a joint non-statutory plan be supported, to include joint strategy and infrastructure matters, for the Greater

Exeter area in partnership with Exeter, East Devon, Teignbridge and Devon County Councils. This will be subject to agreement of details of the scope of the plan, a timetable for its production, the resources required, and governance arrangements to be agreed at a later date.

(Proposed by Cllr R J Chesterton and seconded by Cllr C R Slade)

Reason for decision – To recommend to Council the most appropriate way to take forward sub-regional spatial planning and collaboration across the housing market area in light of previous Council decisions on this subject.

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

269. INFRASTRUCTURE FUNDING STATEMENT (00-52-36)

The Cabinet had before it a *report of the Head of Planning, Economy and Regeneration requesting approval of the list of Infrastructure items, including affordable housing to be included in the Council's Infrastructure Funding Statement, which was required to be published on the Council's website by 31 December 2020.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that there was a legal requirement for the Council to publish no later than 31December each year an annual Infrastructure Funding Statement. This included:

- a report relating to the previous financial year Community Infrastructure Levy (note the Council is not currently a CIL charging authority and so no CIL has been collected),
- a report relating to the previous financial year on planning obligations (Section 106 agreements and Section 278 highways agreements), and
- a report on infrastructure projects or types of infrastructure that the Council intends to find wholly or partly by the levy (excluding the neighbourhood proportion).

There was a need to seek approval for a list of infrastructure and affordable housing in Appendix 1 (Part B) that the Council intends to fund either wholly or partly by planning obligations and or a Community Infrastructure Levy and the future spending priorities on those.

The list in Appendix 1 (Part B – Infrastructure List) and the future spending priorities had been informed through previous work for the Council's Infrastructure Delivery Plan 2016. This was submitted to the Planning Inspectorate in March 2017 as a supporting document for the examination of the Mid Devon CIL draft charging schedule, and had been prepared in the context of infrastructure needs to support development identified in the recently adopted Mid Devon Local Plan.

The Mid Devon Infrastructure Funding Statement would use the same infrastructure priority criteria to reflect the importance of infrastructure in relation to the implementation of the adopted Mid Devon Local Plan.

The Cabinet Member requested that consideration be given to four amendments to the list of infrastructure in Appendix 1 (Part B- Infrastructure List) that have been suggested by Cabinet Members prior to the meeting:

 (Settlement / area) Rural, (Infrastructure item) Cycle route from Crediton to Sandford to connect to the Boniface Trail, (Type) Transport, (Strategic Priority) Local

The priority is 'local' since the plan and / or site allocations are not dependent on the delivery of this infrastructure item, and it would be beneficial to the local community as will the Boniface Trail

 (Settlement / area) Cullompton, (Infrastructure item) Sporting and leisure facilities, (Type) Community, (Strategic Priority) Local

The priority is 'local' since the plan and / or site allocations are not dependent on the delivery of this infrastructure item, and it would be beneficial to the local community

• (Settlement / area) Cullompton, (Infrastructure item) Improvement of local library services, (Type) Libraries, (Strategic Priority) Local

The priority is 'local' since the plan and / or site allocations are not dependent on the delivery of this infrastructure item, and it would be beneficial to the local community

 (Settlement / area) Cullompton, (Infrastructure item) strategic green infrastructure including public parkland, (Type) Community, (Strategic Priority) Local

The priority is 'local' since the plan and / or site allocations are not dependent on the delivery of this infrastructure item, and it would be beneficial to the local community

Consideration was given to:

- The primary school proposed for the Pedlars Pool site which was actually in the parish of Sandford
- The expansion of Haywards and Landscore Primary schools
- Strategic planning requirements for Crediton and the timetable for work to commence on a masterplanning exercise
- Whether funding could be used to improve existing green infrastructure in Cullompton
- That the infrastructure projects were proposed by area and not parish

RESOLVED that the following be approved:

- a) The list of infrastructure and affordable housing in Appendix 1 that the Council intends to fund, either wholly or partly, by planning obligations and / or a Community Infrastructure Levy, and the future spending priorities on these;
- b) The inclusion of Appendix 1 Infrastructure List in the Mid Devon Infrastructure Funding Statement to be published on the Council's website by 31December 2020 subject to the inclusion of

Settlement / area	Infrastructure Item	Туре	Strategic Priority
Rural	Cycle route from Crediton to Sandford to connect to the Boniface Trail	Transport	Local
Cullompton	Sporting and leisure facilities	Community	Local
Cullompton	Improvement of local library services	Libraries	Local
Cullompton	Strategic green infrastructure including public parkland	Community	Local

(Proposed by Cllr R J Chesterton and seconded by Cllr Mrs N Woollatt)

Reason for decision – The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 which exercises the powers of Part 11 of the Planning Act 2008 requires in each calendar year a contribution receiving authority to publish an annual infrastructure funding statement. The first annual infrastructure funding statement must be published by 31 December 2020.

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

270. COMMUNITY INFRASTRUCTURE LEVY (1-11-59)

The Cabinet had before it a *report of the Head of Planning, Economy and Regeneration considering options for the Mid Devon Community Infrastructure Levy in light of Government consultation proposals to reform the planning system in its White Paper and a recommendation to Council that the Mid Devon Community Infrastructure Levy draft Charging Schedule is withdrawn from examination and is no longer progressed.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the Government was intent on making fundamental changes to the planning system. This included a proposal to replace the current twin regime of S106 planning obligations and Community Infrastructure Levy with a consolidated national Infrastructure Levy.

The introduction of the reforms would mean that should the Council continue with the examination of its submitted CIL draft charging schedule and progress this to adoption and implement, a CIL regime in Mid Devon would have a limited lifespan. Little if any CIL money was likely to be paid for the first two years, and calculations showed that forecast overall developer contributions through both a CIL and S106

planning obligations for open space for example may be about the same as the forecast potential total S106 planning obligations secured without a CIL in place.

The Council's CIL draft charging schedule and supporting documentation was submitted to the Planning Inspectorate in March 2017 for examination. In September 2019, changes were made to the CIL regulations which removed the restriction placed on the pooling of S106 planning obligations where this was previously a maximum of 5 per project or infrastructure type. The removal of this pooling restriction had given the Council greater flexibility in securing the contributions needed, including where there was no CIL charging schedule in place.

RECOMMENDED to Council that the Mid Devon Community Infrastructure Levy draft Charging Schedule be withdrawn from its examination and is no longer progressed

(Proposed by Clir R J Chesterton and seconded by Clir C R Slade)

Reason for decision – In light of updated circumstances and in anticipation of reform, there is now a need to decide whether to proceed with the Community Infrastructure Levy given the pending examination in public of the submitted draft charging schedule.

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

271. LAND AT POST HILL, TO CONSIDER DEVELOPMENT OPTIONS (1-15-36)

The Cabinet had before it a *a report of Deputy Chief Executive (S151) providing options to progress the development of land at Post Hill, Tiverton.

The Cabinet Member for Housing and Property Services provided a response to the questions posed in public question time: he thanked Mr Quinn for his question and stated that he was quite right that a previous Cabinet decision provided for expenditure on advice regarding the possibilities of a Teckal-compliant company. That was why the wording of this evening's report did not assume that such an entity would exist in future and provided for a Cabinet decision to be made based on both possible outcomes.

So to answer Mr Quinn's specific questions; firstly the report was likely to be scheduled to come to Cabinet in January and he believed that the Council's forward plan was being published tomorrow (Friday) confirming this. And secondly, yes this would be listed as an open item.

He then outlined the contents of the report which provided background information with regard to the site and the need for financial diligence to protect the HRA, he felt that Option 4 would be the way forward.

Consideration was given to:

- The need for social housing as outlined in the Corporate Plan
- Funding streams for social housing
- The impact on the HRA
- The percentage of affordable housing on the whole site which was set at 21% and the viability issues which had lead to the figure

- The meaning of affordable housing
- The need for low carbon dwellings
- The housing need in the locality
- A proposal to use infill sites for social housing to be funded by the HRA across
 the district and not on one site (which would form another report to be
 presented to the Homes Policy Development Group and the Cabinet)
- Whether to consider a full tender exercise rather than consider the establishment of a Teckal compliant company
- Any Teckal company would be bound by procurement rules and the impact of Brexit on European procurement rules
- Further information required with regard to setting up a Teckal compliant company

RESOLVED that:

- 1) Authority be given to submit a planning application, subject to final design and based on:
 - (iii) Option 4-70 Affordable Homes

(Proposed by Cllr R B Evans and seconded by Cllr D J Knowles)

- 2) In the event that Cabinet proceeds in future to establish a new company structure, which
 - (i) is "Teckal" compliant; and
 - (ii) appropriate for the delivery of social/affordable housing

the Cabinet agrees that delivery of the housing will be through that new company, subject to advice received when establishing the new company and any other material factors.

(Proposed by Cllr R B Evans and seconded by Cllr B A Moore)

3) Recommendation 3 within the report be withdrawn following the debate and approval of recommendation 2 and that a further report with regard to the tender exercise for Post Hill, Tiverton be brought before the Cabinet at a future meeting.

(Proposed by the Chairman)

Reason for decision – A decision was required on what level and mix of housing would be provided on the recently acquired Post Hill development site and then what would be the most appropriate delivery mechanism to bring this forward.

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

272. FINANCIAL MONITORING (2-17-36)

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

The Cabinet Member for Finance outlined the contents of the report stating that the financial information provided was to the end of September 2020. The Covid 19 pandemic had continued to have a significant impact on the financial performance of the Council following the first lockdown period. The report outlined the significant variances within the General Fund and that the forecasted General Fund deficit was expected to be approximately £20k.

Consideration was given to the agency costs to cover the vacant Group Manager for Finance post.

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

273. MEDIUM TERM FINANCIAL PLAN (2-20-50)

The Cabinet had before it a *report of the Deputy Chief Executive (S151) producing an updated Medium Term Financial Plan (MTFP) which takes account of the Council's key strategies (i.e. the Corporate Plan, Business Plans, Treasury Management Plan, Asset Management Plan, Work Force Plan and Capital Strategy) and demonstrates it has the financial resources to deliver the Corporate Plan. This models potential changes in funding levels, new initiatives, unavoidable costs and proposed service savings.

The Cabinet Member for Finance outlined the contents of the report stating that the main purpose of the MTFP was to show how the Council would strategically manage its finances over the next four financial years in order to support the delivery of the objectives within the Corporate Plan. He stated that we were in uncertain times and that there was huge uncertainty with regard to several funding streams. There were concerns with regard to the ability to balance the budget gap in 2021/22 and savings would need to be identified.

Consideration was given to:

- Whether now was the time to consider growing the commercial property base
- What plans were in place to set a balanced budget for 2021/22
- The public sector pay freeze
- Ideas that were discussed in a budget workshop at the beginning of 2020 would be considered further
- Whether strategic services would need to be cut and consultation that would take place with the public
- The need to consider the Climate Change Declaration and how work with regard to this could be prioritised

RESOLVED that the updated Medium Term Financial Plan be noted and the proposed outlined in paragraph 8.2 be endorsed.

(Proposed by the Chairman)

Reason for decision – There is a need to show that the Council will strategically manage its finances over the next four financial years in order to support the delivery of the pledges/objectives detailed in the Corporate Plan.

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

274. PERFORMANCE AND RISK (2-43-05)

The Cabinet had before it a *report of the Group Manager for Performance, Governance and Data Security providing Members with an update on the performance against the Corporate Plan and local service targets and any recommendations from the Policy Development Groups with regard to the Corporate Plan performance framework.

Consideration was given to:

 Houses in Multiple Occupation – the number of inspections that had taken place, how many of them had been compliant, how many required action and the number of licences issued or removed

RESOLVED that the report be **NOTED** and that the measures suggested for inclusion in the Corporate Plan Performance Framework be approved.

(Proposed by the Chairman)

Reason for decision – there is a need to approve the measures suggested to align performance with priorities and targets laid out in the Corporate Plan

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

275. SCHEDULE OF MEETINGS 2021-22 (2-48-35)

The Cabinet had before it * a schedule of meetings for the municipal year 2021/22.

RECOMMENDED to Council that the Schedule of Meetings for the 2021/22 municipal year be approved.

(Proposed by the Chairman)

Note: *Schedule previous circulated, copy attached to minutes

276. NOTIFICATION OF KEY DECISIONS (2-51-50)

The Cabinet had before it and **NOTED** its rolling plan * for January 2021 containing future key decisions.

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

277. 3 RIVERS DEVELOPMENT LTD - UPDATE REPORT (2-54-52)

The Cabinet had before it and **NOTED** a *report from the Chief Executive providing an update on current project performance and any key risks.

The Cabinet Member for Housing and Property Services stated that updated information was before the meeting for consideration and would continue to be presented on a monthly basis as agreed.

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

278. EXECUTIVE FINANCE DIRECTOR AND NON EXECUTIVE DIRECTOR - 3 RIVERS DEVELOPMENTS LTD (2-54-27

The Cabinet had before it a *report of the Chief Executive complying with the requirements of the recommendations agreed by the cabinet, Scrutiny and Audit Committees that new Directors be appointed to 3 Rivers Developments Ltd.

It was **RESOLVED** that:

- a) John Riley be appointed to the post of Financial Director
- b) Bill Yardley be appointed to the post of Non-Executive Director

(Proposed by Cllr B A Moore and seconded by Cllr R B Evans)

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

(The meeting ended at 8.58 pm)

CHAIRMAN



Agenda Item 6.

COMMUNITY PDG 17 NOVEMBER 2020

CCTV CODE OF PRACTICE AND POLICY

Cabinet Member(s): Cllr Dennis Knowles, Cabinet Member for Community

Responsible Officer: Andrew Busby, Group Manager for Corporate Property

and Commercial Assets

Reason for Report: To present the updated CCTV Code of Practice and Policy to Members for Approval.

Recommendation: For Members to note the report and recommend to Cabinet the approval of the CCTV Code of Practice (Annex A), the CCTV policy (Annex B) and the action plan (Annex C).

Financial Implications: Contributions are received on an annual basis from Tiverton Town Council towards the maintenance and management of the system. All other Council CCTV systems are funded by operational revenue maintenance budgets.

A draft bid for submission to the Police Commissioner to seek capital funding for addressing any shortfalls with the Tiverton Town CCTV system has been prepared and is on target to be delivered by 31st December 2020.

Budget and Policy Framework: The CCTV code of practice and policy have been reviewed and updated for approval by Cabinet, the supporting action plan is shown at Annex C.

Legal Implications: There are various pieces of legislation that must be adhered to when considering the continued use of CCTV cameras, including the Data Protection Act 2018, the Regulation of Investigatory Powers Act 2000 and the Survellance Camera Code of Practice.

Risk Assessment: If Council CCTV systems are not fit for purpose their use cannot be justified in accordance with the Surveillance Code of Conduct and provisions of the Data Protection Act 2018. To do nothing will expose the Council to the risk of operating non-compliant CCTV systems.

Equality Impact Assessment: None identified

Relationship to Corporate Plan: None directly but there are implications for community safety.

Impact on Climate Change: None identified

1.0 Background

1.1. Property services instructed a suitably qualified consultant to review the Council's CCTV systems and recommend actions required ensuring ongoing compliance, there are will be a number of actions required and that will require funding.

- 1.2. The Council has limited maintenance budgets for ensuring on going compliance for our CCTV systems. There is currently no additional budget for capital budget for any CCTV system.
- 1.3. Property Services are aware of requests to consider the use of additional CCTV including mobile cameras and bodycams. Our revised code of practice captures the consideration of these and what protocols would need to be adopted prior to use. This also applies to CCTV within our fleet.
- 1.4. The Council must ensure the compliance of its existing CCTV systems before considering their expansion particularly in the light of the limited funding available.
- 1.5. The outline specification for CCTV system for the Multi Storey Car Park (MSCP) including the required Data Protection Impact Assessment (DPIA) has been completed prior to selecting an equipment installer in line with the relevant financial regulations. There is allocated budget from the refurbishment programme for installing new cameras that may need to be spread over a few financial years should there be a shortfall.

2.0 Stakeholders

- 2.1 Property Services continues to liaise with other agencies that have an interest in the Tiverton town CCTV system. This includes the police, town council and local traders.
- 2.2 As part as the funding agreement with Tiverton Town Council a meeting will be arranged when safe to do so to review the recommendations of the condition audit of the Town Council CCTV and to seek feedback on the Multi Storey Car Park installation.

3.0 Code of Practice and Policy

- 3.1 The Code of Practice draws on the Government guidance for the appointment of a Single Point of Contact (SPOC the government guidance is in a link in the footer). The establishment of the role of a SPOC within a local authority is the first step in demonstrating to the public that the local authority is committed to operating all surveillance camera equipment in compliance with the SC Code and key legislation such as RIPA, the GDPR and DPA, and Human Rights considerations, thereby building transparency, trust and confidence in its use. The Council has appointed a SPOC, the Facilities Manager for Corporate Property and Commercial Assets, who will have responsibility for the installation and operation of the Council's CCTV systems.
- 3.2 The CCTV Policy is an operational document for the operation of the Council's CCTV systems to ensure the tasks and documentation required by the Code of Practice are applied across all the Council's sites with CCTV on a consistent basis, with identified roles and responsibilities.

- 4.0 Action Plan
- 4.1 The MDDC CCTV action plan can be found at Annex C.
- 5.0 Conclusion and Recommendations
- 5.1 Given the on-going financial pressures, without a successful bid on improving the Town Centre(s) CCTV systems, the Council will have to reconsider the risks for their continued operation. The annual contribution of £6k made by Tiverton Town Council continues to be vital for the on-going operation of the Town Centre CCTV system. The budget for the indirect costs are circa £12k.
- 5.2 Members to note the report and recommend to Cabinet the approval of the CCTV Code of Practice, the CCTV policy and the action plan.

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

Circulation of the Report: Cabinet Member Cllr Dennis Knowles, Leadership Team

List of Background Papers:

Community PDG 22 September 2020 – CCTV Annual update





Code of Practice

for Surveillance Camera Systems operated by

Mid Devon District Council

October 2020

REVISION / REVIEW HISTORY				
Date	Summary of changes	Revision Number	Authored / Revised by	Approved by
09/09/20	Compilation of new Code	V 1.1	Derek Maltby – Global MSC Security	Keith Ashton (SPOC)
14/09/20	Accept changes to document	V 1.2	Derek Maltby – Global MSC Security	Keith Ashton (SPOC)
29/09/20	Changes to document	V 1.3	Derek Maltby – Global MSC Security	Keith Ashton (SPOC)
02/10/20	Changes to document	V 1.4	Derek Maltby – Global MSC Security	Keith Ashton (SPOC)
07/10/20	Changes to document	V 1.5	Derek Maltby – Global MSC Security	Keith Ashton (SPOC)

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Certificate of Agreement

The content of this Code is approved in respect of CCTV and surveillance systems owned and operated by Mid Devon District Council (MDDC) and as far as possible, will be complied with at all times by all who are involved in the management, operation and use of any MDDC CCTV systems.

Signed for and on behalf of	Mid Devon District Council	
Signature	Name	
Position	Dated da	y of 2020
Signed for and on behalf of	Devon and Cornwall Police	
Signature	Name	
Position	Dated da	y of 2020
Signed for and on behalf of		
Signature	Name	
Position	Dated da	y of 2020

Definitions and Abbreviations

Systems Owner

Mid Devon District Council (MDDC) owns public space CCTV and a wide range of other smaller surveillance systems (PSS) operated across council business areas. The MDDC Group Manager for Property and Commercial Assets undertakes the responsibilities of ownership on behalf of MDDC.

Senior Responsible Officer (SRO)

The SRO is the Solicitor, Legal Services and has strategic responsibility for compliance with the Protection of Freedoms Act 2012 (PoFA) in support of the Chief Executive in respect of all relevant surveillance camera systems operated by MDDC. The SRO will ensure that the interests of the council are upheld in accordance with this Code of Practice.

Data Protection Officer (DPO)

The MDDC Data Protection Officer ensures compliance with the EU General Data Protection Regulations (GDPR) and UK Data Protection Act 2018 (DPA18) and manages all rights of access to information on behalf of the Systems Owner.

Single Point of Contact (SPOC)

MDDC has appointed a CCTV SPOC: Facilities Manager for Corporate Property and Commercial Assets. The role is operational in support of the SRO and DPO for all matters relating to surveillance systems. The SPOC will act as the main contact point for anything related to a surveillance camera system and apply consistent policies and procedures to all systems at an operational level.

Responsible Officer (RO)

A Responsible Officer (RO) is appointed at all sites or business areas using surveillance systems. They are responsible for the day-to-day management of the CCTV system. The RO should support the SPOC in understanding any changes to their system, whether the system remains fit for purpose and whether a maintenance contract is still in place for the system.

Surveillance Camera Systems (SCS)

'SCS' has the meaning given by Section 29(6) of Protection of Freedoms Act 2012 and includes:

- 1. closed circuit television (CCTV) or automatic number plate recognition (ANPR) systems
- 2. any other systems for recording or viewing visual images for surveillance purposes
- any systems for storing, receiving, transmitting, processing or checking the images or information 3. obtained by 1 or 2
- 4. any other systems associated with, or otherwise connected with 1, 2 or 3

This excludes any camera system used for the enforcement of speeding offences.

CCTV Control Room (CR). A secure facility located within Tiverton where connected CCTV and surveillance systems are managed and operated in the day to day management of public areas.

CCTV Operator. The person responsible for watching, controlling equipment and recording the images produced by MDDC CCTV SCS linked to the CR and performing all CR duties.

1. Introduction

1.1 Explaining this Code of Practice (Referred to as 'the LA Code')

Mid Devon District Council (MDDC) is required to establish a Code of Practice which sets out the governance arrangements that all surveillance schemes operated by MDDC must comply with. This ensures the principles, purposes, operation, and management adopted by the main public-space CCTV system are mirrored across the whole local authority service delivery operational areas. This MDDC Code of Practice (LA Code) must set out the regulatory framework that each scheme must comply with, the internal assessment process that each scheme must undertake and the processes required to establish a new surveillance camera scheme or upgrade an existing scheme.

The LA Code explains the surveillance systems used by the Council. It seeks to provide accountability and reassurance to everyone affected using surveillance across Tiverton. It demonstrates that MDDC will comply with the law and ensure peoples' rights are respected. The LA Code will also outline how the public may access recorded information, make enquiries or complaints.

The SPOC will be responsible for maintaining the LA Code, and providing regular guidance and updates to Responsible Officers to ensure that all surveillance cameras schemes continue to be operated in full compliance with the regulatory framework governing its use.

1.2 MDDC use of Surveillance Camera Systems (SCS)

MDDC believes the use of SCS can be a necessary and proportionate way of helping with a wide range of issues that affect people in public places, buildings and vehicles for which MDDC has a responsibility. MDDC also values the use of CCTV to protect its staff where appropriate. We will consider the nature of the problems to be addressed and whether CCTV is a justified and effective solution, prior to any coverage being expanded. We will regularly evaluate whether it is necessary and proportionate to continue using it.

1.3 Regulatory Framework

All our surveillance camera systems will be operated on a lawful basis and fully compliant with the requirements of the General Data Protection Regulations (GDPR) and the Data Protection Act (DPA) 2018; known as the 'data protection laws'. It will also fully regard all laws that impact on surveillance operations:

- The Human Rights Act (HRA) 1998
- The Crime and Disorder Act (CDA) 1998
- Freedom of Information Act (FoIA) 2000
- Regulation of Investigatory Powers Act 2000
- Protection of Freedoms Act (PoFA) 2012
- Town and Country Planning Act 1990
- Other relevant legislation according to specific use of CCTV in special circumstances (i.e. Covert use)

Any use of surveillance camera systems (SCS) by MDDC will comply with the Surveillance Camera Code of Practice issued by the Home Office (Section 29 PoFA) and other relevant legislation listed above. If local authorities don't have a good understanding of the surveillance camera systems they operate, they can face financial, legal and reputational risk.

MDDC recognises surveillance technologies have significant capabilities to intrude upon the right to privacy. If not lawfully, responsibly, and ethically operated, this technology may adversely impact upon the public confidence which MDDC seeks to provide by using it in the first place. People must be satisfied there is robust and accountable management of surveillance in all MDDC operational areas of service delivery.

1.4 The Tiverton Public Space CCTV System (PSS CCTV)

The Tiverton Public Space Surveillance CCTV System comprises of 29 cameras (this number will change) installed at various strategic locations throughout the town centre, including streets, parks, public places and car parks. Additional cameras are intended to be installed in the Tiverton Multi-Storey Car Park (MSCP). The cameras offer full colour, pan, tilt and zoom (PTZ) capability, some of which may be automatically switched to compensate for low light conditions.

Images from these cameras are sent to the Control Room (CR) in Tiverton where they are monitored and recorded. The CR is staffed by an operator employed by the council.

All material controlled and managed at the CR remains the property of Mid Devon District Council.

1.5 Other Surveillance Camera Systems operated by the Council

Mid Devon District Council is also responsible for SCS installed and operated at other locations or by staff engaged in operational duties throughout the Borough; these include:

- a) Tiverton Town Centre CCTV System
- b) Tiverton Multi-Storey Car Park, Phoenix Lane
- c) Phoenix House
- d) Old Road Housing Depot
- e) Unit 3 Carlu Waste Depot
- f) Exe Valley Leisure Centre
- g) Lords Meadow Leisure Centre
- h) Culm Valley Sports Centre
- i) Pannier Market

1.6 Stakeholders

MDDC works closely with stakeholders to deliver CCTV services. Typically, but not limited to:

- Devon and Cornwall Police
- The Safer Tiverton Partnership

From time-to-time other local stakeholders may be involved in the use of CCTV. Details of roles and responsibilities for key personnel responsible for MDDC CCTV are shown in **Appendix A to** this Code.

1.7 Applying the LA Code of Practice

The LA Code will underpin oversight and day-to-day practice by all those managing and operating SCS. It will be supported by specific procedures in each operational area. Everyone connected with CCTV and surveillance camera systems operated by the Council will ensure that the principles and purposes outlined in this LA Code are always upheld. A copy of this Code will be available in Council offices, the CR, MDDC operational areas using SCS and on our website. If you would like a copy, please contact the SPOC.

Version: 1.6

2. Purposes of MDDC Surveillance Camera Systems

The main specific and explicit purposes of MDDC surveillance camera systems across all operational areas are one or more of the following:

- To provide a deterrent to crime, vandalism, nuisance and anti-social behaviour
- To assist the prevention and detection of crime and apprehending criminals and the prosecution of offenders
- To improve public safety by reducing the perceived fear of crime
- Protecting Property
- To provide public reassurance and help improve quality of life in Tiverton
- To help secure safer areas and environments for those who live, visit, work, trade in or enjoy leisure pursuits in Tiverton
- To provide building security and a safe working environment for council staff and visitors
- To provide MDDC vehicle fleet management information including the safety of staff and users of council vehicles and assist in managing reported incidents and complaints
- To assist the police, other emergency services and Mid Devon District Council with efficient management of resources
- To monitor traffic flow and assist in traffic management
- To assist with the Councils regulatory and statutory responsibilities, including revenues and benefits enforcement, civil parking enforcement
- To assist with the gathering and provision of evidence to support criminal and civil proceedings
- Support the management of public and commercial areas which are essential to commercial wellbeing of the community, including identifying bylaw contraventions
- To assist in civil emergencies and countering terrorism
- Providing assistance with issues relating to public safety and health
- Monitoring areas where the public could be vulnerable around swimming pools or other exercise equipment
- Providing assistance with civil claims
- Providing assistance and reassurance to the public in emergency situations
- In appropriate circumstances, assisting the investigation of damage only accidents in MDDC owned car parks

The Council's SRO and SPOC, after consultation with the DPO, may draw up other explicit purposes for specific deployments based on local concerns. These will be documented in operational and data protection impact assessments to justify deployment, made available as necessary and reviewed periodically.

The use of other surveillance technologies not currently used by MDDC such as Automatic Number Plate Recognition (ANPR)) and Body Worn Video (BWV), or covert deployments of any surveillance may also have specific purposes applied to each. Where appropriate, these will be highlighted in the respective content in Section 5; page 12 of this code.

The use of audio recording with surveillance technologies such as Body Worn Video (BWV), vehicle management CCTV and cameras inside the CR requires greater justification with clear and explicit purpose. Where appropriate, the purposes will be highlighted in the respective content in in this Code.

3. Principles for implementing and operating MDDC SCS

Throughout this Code it is intended, as far as possible; to balance the need for surveillance as a safety and security measure with the need to safeguard the individual's right to privacy. MDDC expects this to be a paramount consideration for all persons involved with any of its surveillance camera systems.

- 3.1 All MDDC surveillance operations will always comply with the data protection laws and follow the Information Commissioner's 2014 Code of Practice for surveillance systems and subsequent updates. Systems will be operated fairly, transparently, within the law, and only for the stated purposes in this Code. The ICO Surveillance Systems' Code is published on the Commissioner's website www.ico.gov.uk.
- 3.2 Local Authorities and Police in England and Wales are 'relevant authorities' who must pay due regard to the 12 Principles of the Surveillance Camera Code of Practice (SC Code) when operating surveillance camera systems, overtly, in public places and can be held accountable for failing to do so. In addition to the Tiverton PSS CCTV scheme, MDDC operates smaller schemes which are defined as public space schemes and listed at 1.5; page 7 of this Code. MDDC will apply the SC Code to all it use of surveillance systems. www.gov.uk/government/publications/surveillance-camera-code-of-practice
- 3.3 A Surveillance Camera Commissioner is appointed to oversee and promote compliance with the SC Code. A 'toolkit' of documents has been produced to assist authorities meet compliance requirements. In general, the SCC Code covers the role of surveillance from the beginning to the end; 'cradle to judgement' (courts or disposal). MDDC will apply the use of these documents in all operational areas. Every use of SCS will always be reasonable, necessary, and proportionate.
- 3.4 The decision to install new or updated surveillance camera systems (SCS) will be supported by operational needs-assessment documentation and a surveillance-specific Data Protection Impact Assessment (using templates issued by the regulators) to risk assess surveillance data processing and privacy issues. These documents will be completed <u>before</u> deciding to install. All installations must be justified to meet a 'pressing need' where it is being considered. Installation and use of SCS should be undertaken in consultation with the public, community organisations, council staff and the Police where appropriate.
- 3.5 Operating procedures relevant to individual operational areas will complement this Code and ensure responsible and accountable supervision of all types of MDDC surveillance operations. Evidence will be kept securely and made available to ensure everyone's right to a fair trial in the event of any court proceedings or tribunal.
- 3.6 Occasionally SCS may be required to assist with 'covert' directed operations (e.g. by police, councils, HMRC etc). Proper authority will be obtained and comply with the Regulation of Investigatory Powers Act 2000 (RIPA). The Office of Surveillance Commissioners (OSC) and subsequently the Investigatory Powers Commissioner (IPC) regulate and oversee how public authorities use their investigatory powers. When

undertaken solely by the Council, any covert directed surveillance authorised will meet the required 'crime threshold' and be further authorised by a Magistrates' Court (JP).

- 3.7 All processes related to use of SCS will be regularly reviewed, at least annually, to ensure continued use of surveillance remains justified. Managers in operational areas will be required to maintain documentation in a Code Assessment Pack (CAP) which will demonstrate that each scheme continues to operate in compliance with the LA Code, and present this to the SPOC at the annual desktop assessment.
- 3.8 Any major changes to the LA Code will only take place after consultation with key stakeholders in the operation of any specific CCTV system. Minor changes may be agreed between the persons nominated in Appendix A.

4. Data Protection Information

The EU General Data Protection Regulations (GDPR) were introduced in May 2018. The new Data Protection Act 2018 (DPA 2018) implements GDPR standards across all general data processing and provides clarity on the definitions used in the UK context. The UK will still have to look to the GDPR for most legal obligations. It is important the GDPR and the DPA 2018 are read in conjunction with each other. They are known collectively as the 'data protection laws'.

For processing to be lawful under Article 6 GDPR, organisations need to identify a lawful basis before processing personal data. MDDC consider their lawful basis to be 6(1)(e) 'Public task': the processing is necessary to perform a task in the public interest or for official functions, and either has a clear basis in law and when used away from official public tasks.

The Data Controller is the Council and the 'Senior Responsible Officer' for MDDC surveillance systems is the Group Manager for Property and Commercial Assets. Data Control has been further delegated to a Data Protection Officer (DPO) The Data Controller and DPO are responsible for:

- All copyright and ownership of all material recorded by virtue of the systems
- Full compliance with the GDPR and DPA 2018
- Ensuring the rights of access to personal data by individuals (Subject Access) is managed
- Ensuring all other requests for disclosure of data held on the systems is managed
- Ensuring auditable accountability through a range of policy and procedures
- Receive and deal with all complaints from the public relating to the systems

Please read Section 7 of this Code for more information on requests to view and disclosure of surveillance data. The Single Point of Contact (SPOC) is responsible for the day to day oversight of operational management of the surveillance systems.

5. Management and Operation of Surveillance Camera Systems

5.1 General

All equipment associated with either the MDDC public-space CCTV system (PSS) or the SCS operated in other service delivery operational areas, (regardless of whether it is connected to the CR), will only be operated by personnel who have been properly trained in its use and relevant operating procedures.

All staff responsible for any MDDC SCS will be careful about exercising personal prejudices which may lead to complaints about CCTV being used for purposes for which it is not intended. Staff may be required to justify their monitoring, recording, or disclosing of images of any persons, activity, or property at any time.

5.2 Deciding to use SCS and Camera Locations

Having considered Section 3; page 9 of this LA Code, if using surveillance is the most appropriate means of addressing a pressing need, cameras will be sited in positions to meet that need after preparing documents in 3.4. CCTV must be justified, meet the purpose for which it was installed, and recordings must be of an appropriate quality.

Cameras will be prominently placed in positions within public view. As far as possible cameras will not be hidden or obscured and be sited in positions that minimise risk to tampering, damage or destruction.

As far as is reasonable, all surveillance cameras must meet the purposes agreed for their use and recordings must be of an appropriate quality.

Cameras will be restricted to ensure they do not view areas that are not of interest and are not intended to be seen, e.g. an individuals' private property. Electronic 'privacy zones' may be used to ensure that the interior of any private property cannot be viewed. Individuals who have concerns over any potential intrusion of their privacy may request a review of camera locations by writing to the SPOC at the details given in **Appendix A** of this Code. The council will not use any 'dummy' cameras.

5.3 Signs

Signs will be placed in the areas covered by cameras to make people aware of CCTV surveillance.

Appropriate signs will be deployed on the main access routes into Tiverton in suitable positions to inform both vehicle drivers and pedestrians that CCTV operates in the area. Signs will be used at strategic locations around the town centre areas covered by cameras as reminders of CCTV in operation. Signs will also be positioned on and in buildings and vehicles owned and managed by MDDC where surveillance systems are used. The signs will indicate:

The presence of CCTV monitoring (typically using a graphic of a CCTV camera)

- The 'ownership' of the System (unless its plainly obvious)
- The intended purpose of the system (i.e. crime prevention; public safety and security)
- An up-to-date contact telephone number for further information and access to recordings

5.4 Transmission, Recording and Storing CCTV Images

CCTV cameras send images to the CR or direct to a local on-site recording device using a variety of methods. These include cables, wireless signals, and computer networks. Security of transmission remains paramount. Transmission will either be owned by the Council or provided under contract by an industry supplier.

MDDC uses Digital/Network Video Recorders (D/NVR's) to record the images from all cameras throughout every 24-hour period. The D/NVR's are either housed securely in the CR or in secure locations at specific MDDC sites. Recorded images are retained on the D/NVR's for no longer than 31 days. Retention periods may vary dependant on site specific issues, but it will not exceed this limit at any site. Future storage requirements may include cloud-based solutions. If so, data security measures will be employed to ensure the Council is compliant with the data protection laws.

All recordings stored at CR can be replayed on the dedicated computer workstations in this secure area. Only authorised staff can download copies of recorded images when required for approved purposes. These images will then be kept for longer in accordance with the rules of evidence.

After retention, the recorded images are erased using an automatic digital process called 'overwriting'. This meets the requirements of not keeping data for longer than necessary, a principle of data processing.

At any other MDDC site, any recording, viewing, and exporting of images will only be undertaken by trained and authorised staff. All MDDC staff acknowledge the public must have total confidence that information recorded about them will be treated with integrity and confidentiality.

5.5 Monitoring CCTV images

MDDC has a Control Room (CR) for the main public-space and MSCP CCTV system. The CR will only be staffed by trained operators in accordance with MDDC policy and operational procedures. (See Section 6; page 17 for details re CR).

At some MDDC sites where CCTV is installed and not linked to the CR, monitors are installed to provide authorised staff with the opportunity to watch 'live' or review recordings when necessary; for example some council sites and sports/leisure centres, etc.. Monitoring is not a prime function at these sites.

Staff at all sites (via the SPOC) will be fully conversant with this Code and their specific operational procedures which they will be expected to comply with as far as reasonably practicable at all times.

5.6 **ANPR**

MDDC does not use ANPR cameras at this time.

5.7 **Body Worn Video (BWV)**

MDDC does not use BWV cameras at this time.

BWV systems are more intrusive than the more 'normal' CCTV surveillance systems because of its mobility and use in 'close-up' situations with people. This technology is used regularly by law enforcement agencies.

5.8 **Audio Recording**

MDDC considers the use of audio recording, particularly where it is continuous, to be more privacy intrusive than purely video recording. Its use will therefore require much greater justification.

MDDC will not use sound recording facilities with their main public-space CCTV system. Audio recording may be used in other circumstances, where appropriate, for safeguarding or complaints. MDDC will only use audio recording where:

- A pressing operational need is identified, and other less intrusive methods have been explored
- The need cannot be appropriately addressed, and the only way is the use of audio recording
- Appropriate 'data protection by design' methods have been incorporated into the system

Where MDDC decides to use audio recordings in specific circumstances they will ensure:

- A thorough camera-specific data protection impact assessment will be carried out
- The system provides a high enough quality of recording to achieve the stated aim
- The most privacy friendly approach is used; where video and audio recording can be controlled and turned on and off independently of each other. These two types of data processing should be considered as separate data streams and should be controlled separately to ensure irrelevant or excessive data is not obtained and held
- It must be proportionate
- Consultation with staff in advance; where recording conversations between staff and particular individuals is needed for a reliable record of what was said and might be used as evidence in an investigation or audio recording is triggered due to a specific threat
- It is made clear to data subjects that audio recording is taking place, over and above any visual recording which is already occurring

Recording of two-way audio feeds from 'help points' covered by CCTV cameras is deemed acceptable where it meets an operational need and are activated by the person requiring assistance.

Signs will be prominently displayed indicating audio recording is used.

5.9 Redeployable CCTV

Although not yet used by the Council, redeployable CCTV (mobile) cameras can be moved from one location to another and fully operational within a short time. They are used to follow incident or crime hot spots whenever and wherever they appear. MDDC may use this technology when necessary; for example, environmental enforcement for fly-tipping.

Deciding to use and deploy this technology will require the same standards as set out in Section 3; page 9 and 5.2; page 12 of this LA Code, albeit in a suitable format to provide for speedy deployment when necessary. Use of redeployable (mobile) cameras will always be in accordance with the law, national and local guidance and accountable through specific operating procedures.

5.10 Access to Recordings and Audit Trail (Record keeping)

Access to any monitoring or recording equipment in any MDDC service delivery operational area is restricted to ensure security and confidentiality of the information processed. Only nominated key staff will be allowed to access equipment and recordings for proper reasons and must only be for the stated purposes of CCTV.

Access control measures will be used to ensure security and confidentiality where necessary. There will not be any public access to equipment or recordings at these sites. Individual subject access to 'personal data' is not affected by this clause.

There will be records kept, either paper-based or electronically on a computer, of all relevant activity associated with the operation and management of any such MDDC surveillance camera system. This will typically include but not limited to:

- Actions taken by operational staff and incidents reported to or seen by them
- Request, Review, Download and Release of any recorded images
- Fault reporting and rectification and the regular maintenance programme

Every recording or operational audit record has the potential of being required as evidence at some point.

All record keeping will be carried out in accordance with user-specific operating procedures overseen by individual Responsible Officers in each operational area.

5.11 Maintenance of SCS

MDDC will ensure all their surveillance camera systems are properly maintained in accordance with operational procedures and maintenance agreements. Maintenance agreements will make provision for regular/periodic service checks on the equipment which will include cleaning of all-weather domes or housings, checks on the functioning of the equipment and any minor adjustments that need to be made to the equipment settings to maintain picture quality. Agreements will also include regular periodic overhaul of all the equipment and replacement of equipment, which is reaching the end of its serviceable life.

Maintenance agreements should also provide for 'emergency' attendance by a specialist CCTV engineer to rectify any loss or severe degradation of image or camera control. Appropriate records will be kept by MDDC Responsible Officers and the maintenance contractor.

5.12 Discipline

Every individual with any responsibility for SCS under the terms of this LA Code or related user-specific procedures will be subject to agreed disciplinary procedures. Any breach of this Code or of any aspect of confidentiality may be dealt with in accordance with those disciplinary rules. A breach of the Code may result in criminal proceedings.

6. MDDC Control Room (CR)

6.1 **General principles**

The CR is a central facility for monitoring Tiverton public-space CCTV for recording and monitoring purposes. The Council 'contracts out' its CCTV monitoring and maintenance services to a specialist contractor. The Control Room (CR) is irregularly staffed by trained and accredited staff to provide fully specified MDDC services in accordance with MDDC CCTV/SCS policy and specific operational procedures.

All staff will be fully conversant with this Code and their operational procedures which they will be expected to comply with as far as reasonably practicable at all times.

The CR operator's main role is to continuously monitor, identify and respond to incidents. Operators using any MDDC cameras will always act with utmost integrity. The cameras and recordings will only be used for the purposes listed at Section 2.0 of this Code. All staff responsible for CCTV, will be careful about exercising prejudices which may lead to complaints about CCTV being used for purposes for which it is not intended.

Cameras will not be used to look into private residential property. Operators can be required to justify their interest in, or recording of, any individual, group of individuals or property at any time.

6.2 Private Security Industry Act 2001 and the Security Industry Authority (SIA)

Under the provisions of the Private Security Industry Act 2001 it is a criminal offence for staff to be 'contracted' as public space surveillance (CCTV) operators in England, Wales, and Scotland without a Security Industry Authority (SIA) licence. The SIA is responsible for regulating the private security industry. For more information visit: www.sia.homeoffice.gov.uk

Staff carrying out monitoring tasks for MDDC will not monitor SCS for third parties or other local authorities, otherwise an individual 'front-line' SIA CCTV Licence in compliance with this legislation will be required.

6.3 Staff Vetting

It will be a condition of employment that all staff being selected for a role in the CR are successful through locally agreed vetting procedures and those defined by the SIA for a CCTV Licence. As an 'Airwave' Police Digital Radio is installed, staff will be vetted to Non-Police Personnel standard as required by the National Police Chiefs Council (NPCC; previously ACPO) and Devon and Cornwall Police.

6.4 **Staff Training**

Every member of staff directly connected to the operation of CCTV or with responsibility for the CR will be trained appropriately for their role. As a minimum the SIA CCTV Licence demands a structured training programme that results in a recognised qualification. The Information Commissioners Surveillance Code requires all staff to be trained in their responsibilities for data management.

6.5 Access to and Security of CR

Access is restricted to ensure security and confidentiality of the information inside the CR. Robust access control measures will be used to restrict access to authorised CR or MDDC staff ensuring security, integrity, and confidentiality. If the CR is left unattended for any reason it will be secured. In the event of evacuation for safety or security reasons, standard operating procedures will be complied with.

General entry will not be allowed without sufficient reason and must only be for the stated purposes of CCTV. Any formal requests that are received from members of the public requesting entry to the control room will be dealt with by the MDDC Responsible Officer.

Except where used for training or demonstration purposes there shall be no public viewing of the monitors. Images of areas in which individuals would have an expectation of privacy will not be made available for these purposes nor will they be viewed by non-authorised persons.

Regardless of anyone's status, all access to the CR will be recorded in a Visitors Log. All visitors will be reminded of the need for confidentiality by displayed notices and a clause in the Visitors Log. Operational staff will ensure only authorised access and an accurate visitors log is maintained and enforced.

Operational staff, who frequently go into the CR as part of their daily duties are exempt from signing the Visitor Log providing, they have signed a Declaration of Confidentiality.

6.6 **Use by Law Enforcement Agencies**

From time to time arrangements may be made for law enforcement staff to be in the CR to support their operations with CCTV. If this involves 'covert' operations by specific law enforcement agencies, then on every occasion the SPOC must be satisfied that proper authority has been obtained under the Regulation of Investigatory Powers Act 2000 (RIPA). Only trained and authorised staff with responsibility for using the CCTV equipment will have access to the controls and operate the equipment. The presence of law enforcement agencies will always be supervised by an authorised user from within the CR and in accordance with this Code and agreed operational procedures. CR operations will always have primacy. Security, safety, and protection of the public will remain paramount.

6.7 **Declaration of Confidentiality**

Every individual with responsibilities connected to the CR or any surveillance system linked to it under this Code or related procedures will sign a declaration of confidentiality. The signed copy will be held by the MDDC Responsible Officer for the PSS SCS.

7. **Viewing and Disclosure of CCTV Recordings**

7.1 **General Principles**

Requests for access to, viewing and disclosure of recorded images from any MDDC CCTV or other surveillance camera system will be controlled in accordance with defined procedures and consistent with one or more of the purposes listed in Section 2 of this Code.

Safeguarding an individual's rights to privacy will always remain a priority.

CCTV and surveillance information will not be copied, sold, disclosed, or used for commercial or entertainment purposes. Occasionally recordings may be used by MDDC for:

- Training and demonstration purposes but the material will be selected by the MDDC Responsible Officer and its use will be strictly controlled
- to assist in the general planning and management of the areas of CCTV coverage
- to assist in identification and compiling of information relating to public safety
- to assist in the efficient management of service delivery in the areas of CCTV coverage

Written authorisation from the relevant MDDC Responsible Officer will be required before access for research purposes. The copying of material or its removal from any MDDC surveillance system for research purposes will only be permitted under exceptional circumstances and shall be fully documented.

Where necessary, final judgements about content of any third-party disclosure will be made by the Data Controller in consultation with the Data Protection Officer.

Author's Note: 'Detailed MDDC Guidance on Viewing and Disclosure to Third-Parties' should be prepared and read in conjunction with this LA Code. Only key aspects are covered in this section.

Copyright and ownership of all information relating to recordings from MDDC surveillance systems will remain with the Data Controller. Once CCTV images have been disclosed to another body (such as the police), then they become the Data Controller for their copy of the images. It is their responsibility to comply with the data protection laws in relation to any further disclosures.

7.2 Requests for Viewing of CCTV Recordings

Under Article 30 of the GDPR, larger organisations are required to maintain a record of their processing activities. Any request for viewing or access to any MDDC 'CCTV' data must be documented for accountability; a key principle of data processing and compliance with the DPA 2018. It allows MDDC to request information or details from individuals requesting information relating to recordings from surveillance systems.

All requests for viewing (and disclosure) of any MDDC 'CCTV' data will be in accordance with service delivery operational procedures. For PSS CCTV recordings held at the CR, the management of requests will be the responsibility of the Group Manager for Property and Commercial Assets. In other service delivery operational areas, requests for viewing (and disclosure) of CCTV images will be the responsibility of the Responsible Officer or nominated individual based and if necessary, in consultation with the MDDC SPOC.

All requesters will be encouraged to submit or complete documented requests. Requests from the police service will be 'in writing' but may be a specific document used by police forces and emailed to MDDC. A Council form is to be used for this purpose.

7.3 Disclosure to Members of the Public - Subject Access Requests

The Data Protection Act 2018 gives individuals rights of access to their personal information held by Mid Devon District Council. Subject access is a fundamental right for individuals but it is also an opportunity for the Council to provide excellent customer service by responding to Subject Access Requests (SAR's) efficiently, transparently and by maximising the quality of the personal information held. Requests by members of the public for CCTV images are limited to 'personal information' as required by DPA 2018. Third-party information (e.g. another's' identity or vehicle registration number) will not be disclosed through SARs. If other third-party information is shown with the images of the applicant, images will be suitably obscured.

A valid SAR must always be made in writing. This can be by letter, online form or via email to the Information Management Team: foi@middevon.gov.uk The applicant will be asked to complete a form with sufficient information to validate their identity and enable the data to be located. The council has a maximum of a month starting from the day the request and identification (if required) is received. This is a statutory requirement which must be adhered to. In exceptional circumstances an extension can be agreed with the Information Management Team.

Generally, information will be provided free of charge. There are exceptions.

SAR's will not be granted in circumstances that may prejudice the prevention or detection of crime and the apprehension or prosecution of offenders. Other disclosure rules may apply.

Further advice on SARs is given in the ICO CCTV Code of Practice and a Your Right of Access which are published on the Commissioner's website www.ico.gov.uk.

7.4 Disclosure to Members of the Public – Freedom of Information Act 2000

The Freedom of Information Act (FOIA) gives the public a general right of access to official information held by most public authorities (police or councils, etc.). It also applies to companies which are wholly owned by public authorities. Typically, it applies to information around decisions, statistics, spending money and effectiveness. Requests may be by letter or email. The public authority must state whether it holds the information and normally supply it within 20 working days in the format requested.

When responding to requests, there are procedural requirements set out in the Act which an authority must follow. There are also valid reasons for withholding information, which are known as exemptions. FOIA exemptions apply to disclosure of CCTV images.

If the images are those of the FOIA applicant - the information will be treated as a Subject Access Request as explained at 7.3 above. If the images are of other people/vehicles etc., these can only be provided if disclosing the information does not breach the data protection principles.

In practical terms, if individuals are capable of being identified from the relevant CCTV images, then it is personal information about the individual concerned. It is unlikely that this information can be disclosed in response to an FOIA request. The applicant could potentially use the images for any purpose and the individual concerned is unlikely to expect this and so it likely to be unfair processing breaching the Data Protection Act (DPA).

NOTE: No matter how a request is received there is no requirement for the requester to mention either the Data Protection Act or Subject Access for it to be a valid request. In some cases, the requester may even state the wrong legislation e.g. Freedom of Information Act, but the request will still be valid.

It is the responsibility of the officer dealing with it to appropriately recognise a request as one for personal data and refer it to the Information Management Team if they are not sure they should check before disclosing any information.

This guidance is not exhaustive. Full details on FOIA issues are found at the ICO website: www.ico.gov.uk.

7.5 **Disclosure to Other Third Parties**

Requests to view and disclosure of recorded images from any MDDC CCTV or other surveillance camera system will normally be granted to organisations or specific individuals (other Third Parties) that show they are a bona-fide applicants with a legitimate interest in the CCTV recordings and show valid reasons which must meet the purposes listed in Section 2 of this LA Code.

Where this is not an SAR or FOI, a charge may be applied on a case by case basis.

These are mainly (but not limited to) the following organisations:

- All UK police staff, (including Ministry of Defence and Military Police)
- Statutory authorities with powers to prosecute, (e.g. H.M. Revenue and Customs, councils, Trading Standards, Environmental Health, etc.)
- Solicitors or their legal representatives in criminal or civil proceedings

- Individuals representing themselves in judicial proceedings. Please be advised data will only be released in accordance with DPA guidelines
- Other agencies (e.g. Insurance companies) according to purpose and legal status. A fee may be charged to cover costs of searching, copying and disclosure. Some requests may be treated as a DPA Subject Access Request if an individual has authorised an SAR submission on their behalf

A third-party request (TPR) applicant should provide sufficient information to enable an assessment of type of request; [i.e.: is it a data subject access request for 'personal data' or a general access request from a bona-fide entity?] and the relevant data to be located. Information that is too broad or covers extensive time periods making it difficult to locate the data will need to be revised and more specific. All requests for information will be scrutinised in detail. Viewing and disclosure of information will not be unduly obstructed, but MDDC may refuse requests due to insufficient information or invalid reasons.

The correct disclosure form should be completed in every case.

If validated, the request will proceed. Access to and disclosure of CCTV data held on MDDC surveillance systems (data export) will come from a range of users.

7.6 Disclosure to the Media

Requests for CCTV images from the media will always be considered if it meets the stated purposes or is in the public interest to be disclosed. Judgements about disclosure to the media will be made by the MDDC CCTV SPOC in consultation with MDDC communications staff and Information Management where necessary. The disclosure will include a signed release document that clearly sets out what the data will be used for, the limits on its use and retention of editorial control by Mid Devon District Council.

Devon and Cornwall Police or other police force will be permitted to release recorded material to the media in connection with an investigation or detection of a crime without prior approval of MDDC. CCTV recordings subject to approved release should relate to specific incidents and only be released in accordance with the NPCC media guidance and Devon and Cornwall Police procedures. Strict copyright conditions that do not allow it to be used for entertainment or any other purposes will apply.

The MDDC CCTV SPOC and communications staff should be advised of the release of the recorded material to the media. Every effort should be made to give the notification prior to its release.

8. Reviews and Audits of MDDC Surveillance Camera Systems

8.1 General principles

- i. To ensure compliance with Data Protection and Protection of Freedoms laws and their Codes of Practice, the continued use of CCTV cameras requires periodic reviews. The Surveillance Camera Code of Practice requires effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports should be published. This will be coordinated by the SPOC who will set minimum expectations on who and how a CCTV system will be reviewed to assess system effectiveness and justify its continued use. This is recommended to be at least an annual desktop assessment.
- ii. In advance of the annual desktop assessment the SPOC will send a questionnaire to each site's RO for completion as part of the review process.
- iii. Regular checks and audits should be conducted more frequently by the RO in each service delivery operational area to ensure that policy and site procedures are always being complied with.
- iv. The process of using documented surveillance operational assessments and DPIA's will make the annual review more straightforward. Where evidence shows a CCTV camera location continues to be justified the camera will remain. Where evidence, gathered over a 12-month period, cannot be found to show that a CCTV camera location continues to be justified the camera use should be reconsidered by the Council in consultation with CCTV operational stakeholders.

8.2 Maintaining a Code Assessment Pack (CAP)

RO's in each operational area are required to maintain documentation in a Code Assessment Pack (CAP) which will demonstrate that their systems continue to be operated in compliance with this LA Code, and present their evidence to the SPOC at the annual desktop assessment. Typical CAP contents will be (but not limited to):

- Evidence of compliance with the principles of the SC Code and other relevant legislation such as GDPR, DPA, and Human Rights considerations including completing the Self-Assessment Tool
- Data Protection Impact Assessment (DPIA). This should be reviewed when changes are made to the system
- A list of all the documents that the RO must maintain
- An asset list
- Declaration of compliance
- · Records of the people authorised to access recordings
- Training records;
- · Records of access requests received
- Signage review

Any cyber considerations

Full details of the CAP can be found at: https://www.gov.uk/government/publications/introducing-a-single- point-of-contact-guidance-for-local-authorities/introducing-a-single-point-of-contact

8.3 **Annual Report**

Using the above review information, the SPOC will prepare and publish an annual report of MDDC surveillance camera systems. Within the main annual report there should be a subheading for the SPOC to set out the number of operational areas under their remit and to give a brief overview of any inspections, contracts associated with the schemes, number of compliments and complaints in relation to the schemes and details of the scheme's performance and priorities. This approach includes the wider issues for justifying continued of CCTV.

From time-to-time one or more systems will be independently audited to assess its overall performance.

9. Making Enquiries or Complaints about CCTV

A member of the public wishing to make enquires, compliments or a complaint about any aspect of an MDDC surveillance camera system may do so by contacting the SPOC. See **Appendix A**; page 24 of this Code.

All complaints will be treated seriously. They will be dealt with in the same way as the discipline and complaints procedures which apply to all staff employed by MDDC.

The SPOC will ensure that every complaint is acknowledged and include advice about the procedure to be undertaken. Details of all complaints and the outcome will be included in the CCTV annual report.

If the outcome from a complaint about how the CCTV system operates or how images (data) were handled is thought to be unsatisfactory this should be reported to the DPO as soon as possible, the Office of the Information Commissioner may investigate independently. Individuals have additional rights under DPA to prevent processing likely to cause substantial and unwarranted damage or distress and to prevent automated decision-taking in relation to the individual.

Visit www.ico.gov.uk; telephone 01625 545745 or write to:

Information Commissioner's Office Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF

Appendix A

Key Roles and Responsibilities

1. Ownership

The Owner of all MDDC surveillance camera systems is:

Mid Devon District Council Phoenix House Phoenix Lane Tiverton EX16 6PP

Tel. 01884 255255

https://www.middevon.gov.uk

Through the office of the Chief Executive, the Council will:

Determine the purposes, and the way, any surveillance camera system is established and be the data controller of any personal data is processed by them. The Council is the data controller of all personal data used and held within each individual department.

Appoint key roles to support the management of surveillance camera systems across its area of responsibility to ensure that all such equipment, it's siting, deployment, and management is compliant with a complex framework of legislation, regulation, and guidance

2. Management

2.1 Data Protection Officer (DPO)

The Council's Data Protection Officer will:

- i. Ensure compliance with the EU General Data Protection Regulations (GDPR) and UK Data Protection Act 2018 (DPA18) and is responsible for upholding data subject's rights in relation to various aspects of the Act on behalf of the Owner
- ii. Review completed surveillance camera specific data protection impact assessments (DPIA as set out in Article 35 of the GDPR and Section 64 DPA 2018) from each MDDC operational area and should advise on compliance and whether processing can proceed
- iii. Ensure that each Service Delivery Privacy Notice includes references to data processed by surveillance cameras to meet the principles of transparency and accountability

2.2 'Senior Responsible Officer' (SRO)

The SRO is the MDDC Solicitor, Legal Services and will:

- i. Take strategic responsibility for compliance with the Protection of Freedoms Act 2012 (PoFA) in support of the Chief Executive in respect of all relevant MDDC surveillance camera systems
- Ensure that the interests of the Council are upheld in accordance with the 12 principles of the ii. Surveillance Camera Code of Practice under Section 33(5) of the Protection of Freedoms Act 2012. MDDC is an organisation in England and Wales that must have regard to the Surveillance Camera Code of Practice
- iii. Be supported by a Single Point of Contact (SPOC) to ensure day-to-day compliance with the SC Code and all related matters
- If you have any concerns or questions about how we look after your personal information or ίV. compliance with the SC Code, please contact us at cfp@MDDC MOSS.mddc.ads or call 01884 255255.

2.3 Single Point of Contact (SPOC)

The SPOC is the MDDC Facilities Manager for Corporate Property and Commercial Assets and will:

- i. Be the day-to-day management and operational support to the SRO and DPO for all matters relating to any MDDC surveillance systems
- ii. Act as the main contact point for anything related to a surveillance camera system and apply consistent policies and procedures to all systems at an operational level
- iii. Establish and maintain an MDDC Code of Practice (this LA Code) which sets out the governance arrangements that all schemes must comply with and provide regular guidance and updates to RO's (2.4)
- iv. Carry out an audit of MDDC surveillance camera systems to find out exactly what type of systems are being used by the council across all operational areas; where all its cameras are located and who has responsibility for them
- v. Ensure that any MDDC staff operating surveillance cameras are properly trained, keep them up to date on changes to legislation and help them to develop
- vi. Standardise signage, set out clear roles and responsibilities, improve competence across the council and set up a governance board to scrutinise the use of CCTV across MDDC
- vii. Appoint Responsible Officers (2.4) for service delivery operational areas and advise on changes to schemes including adding or removing cameras, and where they are best located

The SPOC should read and understand their role as set out in 'Guidance: Introducing a Single Point of Contact (SPOC) https://www.gov.uk/government/publications/introducing-a-single-point-ofcontact-guidance-for-local-authorities/introducing-a-single-point-of-contact This document is primarily aimed at local authorities but can be utilised by any organisation operating video surveillance systems

If you have any concerns or questions about day-to-day MDDC CCTV operations or compliance with the SC Code, please contact us at cfp@MDDC MOSS.mddc.ads or call 01884 255255.

2.4 Responsible Officers (RO)

A Responsible Officer (RO) will be appointed at all MDDC service delivery operational areas using surveillance systems. They will:

- i. Fully comply with relevant laws, regulations, and the contents of this LA Code of Practice
- ii. Be responsible for the day-to-day management of their operational area use of CCTV
- iii. Support the SPOC understanding any changes to their system, whether the system remains fit for purpose and whether a maintenance contract is still in place for the system
- iv. Ensure audit trail documentation is maintained for image management activity
- v. Undertake regular reviews of operational procedures to ensure compliance
- vi. Maintain a Code Assessment Pack (CAP; at 9.2 of this Code), complete an annual questionnaire supplied by the SPOC and present their evidence to the SPOC at the annual desktop assessment

Full details of the CAP can be found at: <a href="https://www.gov.uk/government/publications/introducing-a-single-point-of-contact-guidance-for-local-authorities/introducing-a-single-point-of-contact-guidance-for-local-authorities/introducing-a-single-point-of-contact-guidance-for-local-authorities/introducing-a-single-point-of-contact-guidance-for-local-authorities/introducing-a-single-point-of-contact-guidance-for-local-authorities/introducing-a-single-point-of-contact-guidance-for-local-authorities/introducing-a-single-point-of-contact-guidance-for-local-authorities/introducing-a-single-point-of-contact-guidance-for-local-authorities/introducing-a-single-point-of-contact-guidance-for-local-authorities/introducing-a-single-point-of-contact-guidance-for-local-authorities/introducing-a-single-point-of-contact-guidance-for-local-authorities/introducing-a-single-point-of-contact-guidance-for-local-authorities/introducing-a-single-point-of-contact-guidance-for-local-authorities/introducing-a-single-point-of-contact-guidance-for-local-authorities/introducing-a-single-point-of-contact-guidance-for-local-authorities/introducing-a-single-point-of-contact-guidance-for-local-authorities/introducing-a-single-point-of-contact-guidance-for-local-authorities/introducing-a-single-point-of-contact-guidance-for-local-authorities/introducing-a-single-point-of-contact-guidance-for-guidance-gui

Appendix B

Mid Devon District Council Surveillance Camera Systems

1.0 MDDC SCS

The Council owns and operates a number of Surveillance Camera Systems in its towns, buildings and offices as part of its function to provide safe environments for all.

1.1 The Council has the following camera numbers at the following sites:

a)	Tiverton Town Centre CCTV System	29	
b)	Tiverton Multi-Storey Car Park, Phoenix Lane	23	
c)	Phoenix House	32	
d)	Old Road Housing Depot		8
e)	Unit 3 Carlu Waste Depot		24
f)	Exe Valley Leisure Centre		16
g)	Lords Meadow Leisure Centre	16	
h)	Culm Valley Sports Centre		17
i)	Pannier Market	4	

The Council owns a total of 169 surveillance cameras across 9 sites.

A list of all cameras for each of the above locations is retained by MDDC Property Services.

Mid Devon District Council

CCTV Policy

Policy Number: HSG

October 2020

Version Control Sheet

Title: CCTV Policy

Purpose: To ensure the principles, purposes, operation and management adopted by the main public-space CCTV system are mirrored across the whole of MDDC's service delivery operational areas.

Owner: Group manager for Corporate Property and Commercial Assets abusby@middevon.gov.uk

Telephone number 01884 234948

Date: October 2020

Version Number: 1.0

Status: Draft

Review Frequency: Every 3 years or sooner if required and in accordance with

legislation

Next review date: October 2023

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

Group Managers Cabinet Member Property Services Legal Services

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Document History

This document obtained the following approvals.

Title	Date	Version Approved
Group Managers		
Leadership Team		
Community PDG	November 2020	
Cabinet	January 2021	
Council		
External consultant		

Definitions and Abbreviations

Systems Owner

Mid Devon District Council (MDDC) owns public space CCTV and a wide range of other smaller surveillance systems (PSS) operated across council business areas. The MDDC Group Manager for Property and Commercial Assets undertakes the responsibilities of ownership on behalf of MDDC.

Senior Responsible Officer (SRO)

The SRO is the Solicitor, Legal Services and has strategic responsibility for compliance with the Protection of Freedoms Act 2012 (PoFA) in support of the Chief Executive in respect of all relevant surveillance camera systems operated by MDDC. The SRO will ensure that the interests of the council are upheld in accordance with this Code of Practice.

Data Protection Officer (DPO)

The MDDC Data Protection Officer ensures compliance with the EU General Data Protection Regulations (GDPR) and UK Data Protection Act 2018 (DPA18) and manages all rights of access to information on behalf of the Systems Owner.

Single Point of Contact (SPOC)

The role is operational in support of the SRO and DPO for all matters relating to surveillance systems. The SPOC will act as the main contact point for anything related to a surveillance camera system and apply consistent policies and procedures to all systems at an operational level.

Responsible Officer (RO)

A Responsible Officer (RO) is appointed at all sites or business areas using surveillance systems. They are responsible for the day-to-day management of the CCTV system. The RO should support the SPOC in understanding any changes to their system, whether the system remains fit for purpose and whether a maintenance contract is still in place for the system.

Surveillance Camera Systems (SCS)

'SCS' has the meaning given by Section 29(6) of Protection of Freedoms Act 2012 and includes:

- closed circuit television (CCTV) or automatic number plate recognition (ANPR) systems
- 2. any other systems for recording or viewing visual images for surveillance purposes
- 3. any systems for storing, receiving, transmitting, processing or checking the images or information obtained by 1 or 2

4. any other systems associated with, or otherwise connected with 1, 2 or 3

This excludes any camera system used for the enforcement of speeding offences.

Surveillance Camera Code of Practice (SC Code) Code of practice local authorities must pay due regard to when operating surveillance camera systems, overtly, in public places.

CCTV Control Room (CR).

A secure facility located within Tiverton where connected CCTV and surveillance systems are managed and operated in the day to day management of public areas.

1. Introduction

- 1.1. The decision to install new or updated surveillance camera systems (SCS) will be supported by operational needs-assessment documentation and a Data Protection Impact Assessment to risk assess surveillance data processing and privacy issues. These documents will be completed <u>before</u> deciding to install.
- 1.2. All installations must be justified to meet a 'pressing need' where their use is being considered. Installation and use of SCS should be undertaken in consultation with the public, community organisations, council staff and the Police where appropriate.
- 1.3. The use of SCS must be a necessary and proportionate way of helping with a range of issues that affect people in public places, buildings and vehicles for which MDDC has a responsibility. MDDC also values the use of CCTV to protect its staff where appropriate. MDDC must consider the nature of the problems to be addressed and that CCTV is justified as an effective solution where it is used. MDDC will regularly evaluate whether it is necessary and proportionate to continue using CCTV.
- 1.4. All processes related to use of SCS will be regularly reviewed, at least annually, to ensure continued use of surveillance remains justified.

2. Scope

 This policy applies to all MDDC owned public space CCTV and a wide range of other smaller surveillance systems (PSS) operated across Council business areas.

3. Related Documents

- a. CCTV Code of Practice
- b. Data Protection Policy
- c. Freedom of Information Policy

4. Single point of Contact (SPOC)

- 4.1. MDDC has appointed a CCTV SPOC, the Facilities Manager for Corporate Property and Commercial Assets.
- 4.2. The SPOC will act as the main contact point for anything related to surveillance camera systems, and will ensure consistent, procedures and signage are applied to all sites at an operational level.
- 4.3. The SPOC will carry out an audit of the local authority schemes to find out exactly what type of systems are being used by the local authority across all schemes (e.g. CCTV, BWV, ANPR, UAVs and dash cams), where all its cameras are located and who has responsibility for them.
- 4.4. The SPOC will be responsible for maintaining a central register of all the public space surveillance cameras equipment that the local authority operates. The

- register will include details of the location of each piece of equipment, its asset reference and the RO responsible for the equipment. This information will be collated from the individual asset lists provided through each site's CAP. The list should include cameras, monitors that display images and recording equipment. The SPOC will give each item of equipment an asset number so that it can be audited annually, and record if it is moved, removed etc. It is important to record whether or not the equipment is internal or external, and the purpose for each camera (e.g. crime reduction or public and staff safety)
- 4.5. The SPOC will maintain a register of the ROs appointed for each site. This is a record of the people authorised to access the system and the levels of access that have been approved. The SPOC is responsible for authorising individual's access levels and ensuring that regular reviews are undertaken to remove persons who no longer require the same or any level of access.
- 4.6. The SPOC will ensure that ROs are properly trained, keep them up to date on changes to legislation and help them to develop.
- 4.7. The SPOC must ensure all those who view images and/or operate cameras etc. have undertaken training on handling personal data and information security.
- 4.8. The SPOC must ensure that the Digital/Network Video Recorders (D/NVR's) used to record the images from all cameras are housed securely in the CR or in secure locations at the other MDDC sites.
- 4.9. The SPOC will carry out an annual desktop assessment of each site's Code Assessment Pack (CAP) to ensure it is complete and up to date.
- 4.10. The SPOC will complete an annual review to demonstrate that there is still a need to operate the scheme and all of the cameras connected to it, and that the scheme continues to be operated in compliance with relevant legislation and codes of practice. A questionnaire should be sent to each site's RO for completion on an annual basis.
- 4.11. Annual report within the main CCTV annual report there should be a subheading for the SPOC to set out the number of sites under their remit and to give a brief overview of any inspections, contracts associated with the scheme, number of compliments and complaints in relation to the scheme and details of the scheme's performance and priorities, etc.

5. Responsible Officers (ROs)

5.1. A Responsible Officer (RO) must be appointed at each site or business area using surveillance systems. All ROs must sign a confidentiality agreement. The RO is responsible for the day-to-day management of the CCTV system and completing the annual questionnaire which is sent to them by the SPOC. The RO should identify through the questionnaire any changes to the system, whether the system remains fit for purpose and whether a maintenance contract is still in place for the system.

- 5.2. The RO is responsible for keeping the CAP for their site up to date which will demonstrate that their system continues to be operated in compliance with the CCTV Code of Practice, and present their evidence to the SPOC at the annual desktop assessment.
- 5.3. Typical CAP contents will include (but not limited to):
 - Evidence of compliance with the principles of the SC Code and other relevant legislation such as RIPA, GDPR, DPA, and Human Rights considerations including completing the Self-Assessment Tool (provided by SPOC)
 - Data Protection Impact Assessment (DPIA) This should be reviewed whenever changes are made to the system (provided by SPOC)
 - Document overview This is a list of all the documents that the RO must maintain. They should record the date that they undertook the annual review of documents and any relevant comments
 - An asset list A list of the surveillance camera equipment that is used across
 the site. All surveillance cameras must meet the purposes agreed for their
 use and recordings must be of an appropriate quality so any issues should
 be communicated to the SPOC
 - Declaration of compliance Each RO must complete a declaration of compliance. They must confirm that the asset list is a complete list of all of the surveillance camera equipment on their site. This declaration must be completed annually (and on occasions where the RO changes)
 - Records of access requests received A log of who has asked to access CCTV images for the site
 - Training records The training the ROs have undertaken relevant to operating public space CCTV, and any standards required.
 - Signage review Annual review that all the signs which should be are in place and are not damaged. Signage should include details of the type of surveillance camera in use (e.g. CCTV, ANPR, etc.), the purpose of its use (e.g. to prevent and detect crime), that MDDC controls the scheme and contact details for further information.

6. Requests to access footage

- 6.1. The RO for each site must log all requests for access to information, this must include when the request was received, why and whether access was granted.
- 6.2. Access will be restricted; for example only allowing officers to view images on a monitor accompanied by the RO for the site, or an engineer might have access only under supervision.
- 6.3. Only ROs can download copies of recorded images when required for approved purposes, for example by the police or for a Freedom of Information (FOI) request. These images may then be kept (securely) for longer than the usual retention period in accordance with the relevant legislation.
- 6.4. Requests from the police should be referred to the CR and FOIs to Information Management who will both ensure that the correct disclosure request

- documentation has been provided and completed properly before footage is released
- 6.5. If there are any issues with the footage this should be communicated to the SPOC as recordings must be of an appropriate quality to meet the requirements of the SC Code.

7. Disciplinary matters

7.1. Every individual with any responsibility for SCS under the terms of this policy or the Code of Practice will be subject to the Council's disciplinary procedures. Any breach of confidentiality may also be dealt with in accordance with those disciplinary rules.

8. Legal Framework

- 8.1. All our surveillance camera systems will be operated on a lawful basis and fully compliant with the requirements of the General Data Protection Regulations (GDPR) and the Data Protection Act (DPA) 2018; known as the 'data protection laws'. It will also fully regard all laws that impact on surveillance operations:
 - The Human Rights Act (HRA) 1998
 - The Crime and Disorder Act (CDA) 1998
 - Freedom of Information Act (FOIA 2000
 - Regulation of Investigatory Powers Act 2000
 - Other Protection of Freedoms Act (PoFA) 2012
 - relevant legislation according to specific use of CCTV in special circumstances (i.e. Covert use)
- 8.1. MDDC SCS including CCTV, body worn video (BWV), automatic number plate recognition (ANPR) and cameras fitted to council vehicles, will all comply with the Surveillance Camera Code of Practice issued by the Home Office (Section 29 PoFA) and other relevant legislation listed above.

Annex A – Technical Information

Mid Devon District Council CCTV Policy - Technical Requirement

Establishing the Purpose for a CCTV Requirement

- 1. There are five categories for classifying the purpose for CCTV cameras: -
 - Monitoring: to enable viewing of the number, direction and speed of movement of people/traffic across a wide area, providing their presence is known to the operator
 - **Detecting:** to enable the operator to reliably and easily determine whether or not any target (e.g. a person or vehicle) is present
 - **Observe:** to enable characteristic details of an individual, such as distinctive clothing to be seen, whilst allowing a view of activity surrounding an incident
 - **Recognising:** to enable the operator to determine with a high degree of certainty whether or not an individual shown is the same as someone they have seen before
 - Identifying: to enable identification of an individual beyond reasonable doubt
- 2. The image quality required for each of these purposes varies; further information on this and assistance in selecting equipment is available from the British Security Association (BSIA).
- It should also be noted that if the equipment uses records sound/audio, this must not be used to record conversations between other people, although there are some limited circumstances in which audio recording might be justified, subject to sufficient safeguards.
- 4. The purpose of the CCTV scheme must be identified and documented, and also the reasons why CCTV is the most appropriate means of meeting the scheme's objectives.
- 5. CCTV schemes for Mid Devon District Council can be employed for the following purposes:-
 - To provide a deterrent to crime and anti-social behaviour
 - To assist the prevention and detection of crime and apprehending criminals
 - To improve public safety by reducing the perceived fear of crime
 - To provide public reassurance and help improve quality of life in the District
 - To help secure safer areas and environments for those who live, visit, work, trade in or enjoy leisure pursuits in the District
 - To provide building security and a safe working environment for council staff and visitors
 - To provide MDDC vehicle fleet management information including the safety of staff and users of council vehicles and assist in managing reported incidents and complaints
 - To assist the police, other emergency services and MDDC with efficient management of resources

- To assist with the Council's regulatory and statutory responsibilities, including revenues and benefits enforcement, civil parking enforcement
- To assist with the gathering and provision of evidence to support criminal and civil proceedings
- Support the management of public and commercial areas which are essential to commercial wellbeing of the community, including identifying bylaw contraventions
- To assist in civil emergencies and countering terrorism
- In appropriate circumstances, assisting the investigation of damage only accidents in MDDC owned car parks
- 6. Vehicle mounted CCTV is used to ensure the security and safety of the vehicle, employees, public and third party's property in the pursuance of delivering Council services and provide the driver with vision around the vehicle at all times. Surveillance Camera Systems mounted on vehicles may be used to enforce road traffic offences in the future.
- 7. Whilst body worn video (BWV) cameras and headcams are not strictly CCTV systems, the same restrictions with regard to the GDPR apply. Any Council service that is contemplating using BWV or headcams must consider whether there is a pressing need to capture images of people in this way. Videoing everyday life via such a system would be unjustified if there was no justification. The Information Commissioner expects any Council using BWV cameras to give people appropriate information that such a system is in use.
- 8. If covert cameras are to be used, this would need authorisation under the Regulation of Investigatory Powers Act (RIPA) 2000.
- 9. Once the purpose of the scheme has been identified it is necessary to: -
 - Ensure that everyone associated with the scheme is fully aware of its declared purpose, and the privacy implications of its use.
 - Ensure that the equipment is only used to achieve the declared purpose.
 - Decide whether constant real time recording is required or whether specific time periods may be more appropriate.
- 10. Cameras should only be used when necessary for the purpose(s) for which the system is being introduced. For example, if the cameras are used for enforcement purposes and to protect the safety of staff and the public, then officers would need to be provided with clear guidance on when to use the camera and how they should make the subjects of the surveillance aware that it is taking place.
- 11. If you are contemplating using such equipment, you must initially contact the MDDC SPOC propertyservices@middevon.gov.uk

Location of the Cameras

12. The location and siting of the Surveillance Camera System cameras is very important and must be designed carefully. The physical spaces to be covered must be clearly identified and the way in which images are recorded must comply with Data Protection Principles as follows:-

- Cameras must only be installed in line with The Town and Country Planning Act 1990
 https://www.legislation.gov.uk/uksi/2015/596/schedule/2/part/2/crossheading/clas s-f-closed-circuit-television-cameras/made
- Cameras must only monitor those spaces intended to be covered.
- Cameras must be situated to ensure that they will effectively capture images relevant to the scheme's purpose.
- If there is a risk of neighbouring spaces being monitored unintentionally the owner of such spaces must be consulted
- Adjustable cameras which can pan/tilt/zoom, must be restricted to prevent operators from being able to allow unintended spaces to be overlooked and/or recorded.
- Cameras must be able to produce images of sufficient size, resolution and imagesper-second (ips) adequate for the purposes and suitable to provide evidence
- Physical conditions and environment must be borne in mind when siting cameras, for instance taking into account lighting (or artificial enhancements with infrared/white light attached to the cameras) and the size of the area to be viewed and whether other obstructions such as trees will create blind hindrances.
- The transmission medium for the camera system must be fit for purpose and able to transmit images at the suitable resolution without the reduction in image quality.
- All necessary steps must be taken to protect the cameras from vandalism and theft.
- Consideration will also be made to protecting the column or other support or street furniture to vandalism, bill posting and spray painting
- 13. It should also be noted that some areas have heightened expectations of privacy, such as changing rooms and toilets, cameras must only be used in most exceptional circumstances to address very serious concerns.

Signage

- 14. In order to comply with the GDPR, areas covered by CCTV schemes must display signs warning members of the public that a Surveillance Camera System is in use. Clear and prominent signs are particularly important if cameras themselves are discreetly located.
- 15. A good ratio of signs to cameras should be at least two for every PSS camera and one sign for every camera in premises/buildings/leisure/sports centres. Where possible, details of the location of the signs should also be recorded.
- 16. The wording and location of signage must take into account the following points: -
 - Signs must clearly identify to the public when they are entering an area covered by CCTV. These signs should be supplemented with further signs inside the area of required.

- Signs must be clear, visible and legible both in terms of lettering and size, appropriate to the sign's location and who needs to see them (e.g car drivers or pedestrians)
- Signs must identify: -
 - Who is responsible for the scheme
 - o The scheme's purpose
 - o Details of who to contact about the scheme
- 17. In exceptional circumstances it may be agreed that signage may compromise the purpose of the scheme especially where covert cameras are used. In such cases the owner of the scheme must consult with the Mid Devon District Council Data Protection Officer and Legal Services, and must identify and document: -
 - A specific criminal activity
 - The need for CCTV to obtain evidence of that criminal activity
 - The reasons why signage would prejudice success in obtaining such evidence
 - How long the monitoring should take place to ensure it is not carried out for longer than necessary

Equipment Quality/Technical Standards

- 18. Procedures and systems must be established to ensure that CCTV equipment is adequately maintained and that the quality of images recorded consistently meets the purpose of the scheme:
 - Recorded pictures and prints as well as live screens must produce good quality images and the quality must be regularly monitored.
 - If the system records information such as date, time and camera location, this data must be accurate at all times.
 - Equipment must be capable of being set up in such a way as to avoid inadvertent corruption.
 - Selection of equipment must ensure that copies of a recording can be made easily if asked for by a law enforcement agency and their use of the images should be straightforward.
 - A maintenance log must be retained for all equipment associated with the scheme.
 - If a camera is damaged or fails to operate correctly, there must be clear procedures for:
 - o Defining who is responsible for ensuring repair/replacement.
 - Ensuring the camera is repaired/replaced within a specific time period.
 - Ensuring the monitoring and documentation of maintenance work is provided.

Data Storage and Access

- 19. Retention periods must be established for required and non-required images and secure and controlled storage and access arrangements for images in compliance with the principles of Data Protection. These must be discussed with the Data Protection Officer, and must take into account the following points: -
 - Non-required images must be erased/overwritten within the prescribed time, being permanently deleted through secure methods
 - Required images must be retained for a length of time appropriate to their purpose and the purpose of the scheme
 - Systematic checks must be carried out to ensure compliance with the agreed retention period
 - When the documented period of retention has been reached images must be removed/erased
 - Any images that are to be retained as evidence must be kept in a secure location with controlled access
 - When images are removed for use in legal proceedings the following information must be logged: -
 - Date on which images/data were removed
 - The reason why they were removed
 - Any relevant crime incident number
 - o The location of the images/data
 - Person taking custody of the images/data
 - Signature of the collecting police officer or other authorised person if appropriate
 - Monitors displaying images from areas where people would expect privacy must only be capable of being viewed by authorised employees of the User
 - Access to recorded images must be restricted to the designated member of staff responsible for the scheme who will decide whether to allow disclosure to third parties in accordance with the scheme's disclosures policy
 - Viewing of recorded images must take place in a restricted area with controlled access
- 20. When images are removed for viewing purposes the following information must be logged:-
 - Date and time of removal
 - Name of person removing the images
 - Name/s of the person/s viewing the images. If this includes third parties it must also include the third party's organisation
 - The reason for the viewing
 - The outcome, if any, of the viewing
 - The date and time images were returned to the system or to a secure area
 - All operators and others with access to images must be aware of the access procedures that are in place

Retention of Images Specific to the Use of Particular CCTV Systems

Recorded data relating to public space surveillance (PSS) systems should be kept no longer than 31 days before being overwritten unless this is saved to an external Hard Disc Drive (HDD)/USB or equivalent or other remote storage medium for evidential purposes. CCTV

systems other than PSS should be kept for between 21 days before being overwritten, dependent upon the Operational Requirement (OR) and Data Protection Impact Assessment (DPIA).

The Council will adopt a consistent recording policy across all cameras used and recorded in their Council area; this should apply to cameras using both PSS within town centres and those in standalone corporate premises.

Annex A - CCTV Action Plan 17th November 2020

	Action	When by	Updates	RAG Status
1	Collate all relevant existing policies, procedures and corporate documents relevant to CCTV	17 January 2020	Completed	
² Page	Review of asset list detailing all CCTV assets – location, purpose, direction of surveillance and equipment description (if fixed or pan tilt zoom (PTZ)	31 st December 2020	On going	
73	Take photographs of the CCTV assets in situation with signage and give them a reference number and plot on a plan/map	31 st December 2020	Create Data protection impact assessment for each camera 3 is part of 2 – this could be available by late November the target date for December remains in place	

4	Confirm who currently has access to CCTV images, how they are stored/retained, viewed	30 th November 2020	On target	
5 Page	Specifically consider mobile devices (e.g body cams, vehicle cams, in can and for reversing, portable CCTV) what is our stance/intention and what are the compliance issues – ICO, Commissioner, RIPA	3oth November 2020	Consider data protection implications	
746	Complete Surveillance Camera Commissioner's self-assessment tool	31 st December 2020	Subject to points 1-5 being completed	
7	Draw up action plan for matters arising from self-assessment	1 st January 2021	On target	

8	Review current policies and decide what amendments are needed or whether a new or consolidated policy is required	30 th September 2020	Completed	
9	Draft policy(s) and/or procedure(s) – circulate for discussion	17 th November 2020	On target	
10	Reassess training needs	1 st January 2020	On target	
¹¹ Page	Complete annual update report to PDG/Cabinet/Council	17 th November PDG	On target	
e ≯ 5	Implement any training/rollout of new policy/procedures once adopted by council	1 st January 2021	On target	

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COMMUNITY POLICY DEVELOPMENT GROUP 8 DECEMBER 2020

HEALTH & SAFETY POLICY REVIEW

Cabinet Member(s): Cllr Nikki Woollatt

Responsible Officer: Catherine Yandle, Group Manager for Governance,

Performance and Data Security

Reason for Report: To advise Members that, in accordance with the Health and Safety at Works Act 1974, the Council's Health and Safety at Work Policy has been reviewed by the Health and Safety Committee.

RECOMMENDATION: That the Community PDG approves the revised Health & Safety Policy and recommend it for approval to Cabinet.

Relationship to Corporate Plan: Health and safety impacts across all aspects of the corporate plan as there is an obligation on the Council to ensure that its activities do not adversely affect the health and safety of employees, members of the public, contractors and others with whom we interact.

Financial Implications: Failure to meet the Council's obligations could lead to serious financial implications. The maximum penalties for failing to discharge its duties are unlimited. In addition, litigation costs could be imposed through any civil action.

Legal Implications: Failing to comply with health and safety legislation and regulations could result in the Council being issued with Improvement/Prohibition Notices and/or prosecution. The Council would also be at risk of potential civil litigation.

Risk Assessment: Ensuring the Council has robust health and safety policies and procedures, which are proactively monitored, will ensure the health and safety of employees and those who are affected by its actions and also reduce the potential risk of legal challenges and civil litigation.

Equality Impact Assessment: The policy covers all employees across the organisation and aims to treat everyone fairly regardless of protected characteristic. It seeks to ensure that there are no barriers to anyone accessing and making use of the policy and related procedures. The policy as a whole seeks to advance equality of opportunity for and between different protected groups. The organisation has a range of other policies, projects and actions to help bring people together, e.g. Equality Training, Dignity at Work, Harassment Policy.

Impact on Climate Change: There are no implications regarding climate change.

1.0 Introduction

- 1.1 The Health and Safety Policy was approved by JNCC on 4 September 2018.
- 1.2 The revised Health & Safety Policy was approived by the Health & Safety Committee on 22 October 2020.

2.0 Future actions

2.1 In accordance with the Health and Safety at Works Act 1974, the Safety Representatives and Safety Committee Regulations, Mid Devon District Council will continue to review the Health and Safety Policy on an annual basis.

3.0 Conclusion

3.1 That the Community PDG approves the revised Health & Safety Policy and recommend it for approval to Cabinet.

Contact for more Information: Chris Hodgson, Health and Safety Officer, chodgson@middevon.gov.uk

Circulation of the Report: Members of Community PDG, Cllr Woollatt, Leadership Team



Health & Safety Policy

Version Control

Title: Mid Devon District Council Health and Safety Policy

Purpose: Health and Safety

Owner: Stephen Walford, Chief Executive

Date: 2021

Version Number: v4.0

Status: Draft

Review Frequency: Every three years

Next review date: January 2024

Consultation

This document obtained the following approvals:

Who	Date	Version Approved
Leadership Team		4
JNCC		4
H&S Committee	22/10/2020	4
Community PDG	17/10/2020	4
Cabinet		4

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- 3. General Statement of the Policy
- 4. Organisation
- 5. Arrangements
- 6. Monitoring
- 7. Emergency Procedure

1. Introduction

1.1 Mid Devon District Council (MDDC) has a duty under the Health and Safety at Work etc. Act (1974) to prepare, implement and revise as necessary a health and safety policy. MDDC's Health and Safety Policy sets out how the Council will discharge its duties in relation to the management of occupational health, safety and wellbeing of all staff.

2. Scope

2.1 The Health and Safety Policy sets out the arrangements for management of health and safety at MDDC. This policy statement has been agreed by the Leadership Team, Joint Negotiation Committee (JNCC), Health and Safety Committee, Community PDG and Cabinet.

3. General Statement of the Policy

- 3.1 MDDC is committed to providing an environment where the health, safety and welfare of all staff, contractors and visitors are maintained. MDDC commits to keeping up to date with safety legislation and best practice in all areas of health, safety and welfare and will review arrangements, with the aim to drive towards continuous improvement. We recognise that the best performing management systems have good arrangements for employee engagement and will consult with employees and/or their representatives on health and safety issues to ensure that they are able to raise and resolve, as far as is reasonably practicable, such issues with senior management.
- 3.2 MDDC will comply with the requirements of the Health and Safety at Work, etc. Act (1974) and other statutory provisions.
- 3.3MDDC will provide and maintain safe and healthy working conditions, equipment and systems of work and will provide appropriate training, information, instruction and supervision for staff, contractors and visitors.

- 3.4 MDDC will make arrangements for the provision of an occupational health service appropriate for the risks faced by employees and to provide them with services to promote health and wellbeing.
- 3.5MDDC will discharge its duty of care to any person who may be affected by the work of the Council. It will ensure that there are appropriate measures to control risk to the health and safety of the employees, contractors, visitors and members of the public and that these are acted upon.
- 3.6 MDDC will ensure that there appropriate arrangements in place for dealing with incidents such as fire or medical emergencies.
- 3.7MDDC will encourage a positive health and safety culture through securing the commitment and involvement of all employees and those we work with through effective consultation and communication.

4. Organisation

- 4.1 Elected members:
- 4.1.1 Will ensure that there is suitable organisational structure and adequate resources to implement this policy and to operate effective risk control systems.

4.2 The Chief Executive:

- 4.2.1 Has responsibility for the management of health and safety and will sign the policy.
- 4.2.2 Will delegate implementation of the policy through the line management structure.
- 4.2.3 Shall make arrangements for the provision of competent advice on matters of health and safety policy, guidance and monitoring.
- 4.2.4 Will delegate, with the assistance of competent advice, the preparation of a Health and Safety Strategy that will include key safety performance indicators.
- 4.2.5 Will ensure that the attention of Councillors is drawn to information regarding health, safety and welfare where this has a bearing on their decisions.

4.3 Individuals

- 4.3.1 It is the responsibility of Council employees, visitors and contractors to ensure that their activities or behaviour do not knowingly create hazards for themselves or others. Failure to comply with the requirements of any part of the Health and Safety Policy is a disciplinary matter.
- 4.3.2 In particular they will be required to:

- take reasonable care for the health, safety and welfare of themselves and of other persons who may be affected by their acts or omissions at work:
- cooperate with management to enable the employer to carry out their legal duties or any requirements as may be imposed;
- not intentionally or recklessly interfere with or misuse any item provided in the interest of health and safety;
- bring any deficiencies in health and safety arrangements to the attention of their employer;
- report all accidents, incidents and near-misses through the Council's accident reporting system and additionally ensure that their line management are aware of any such events.

4.4 Managers and Supervisors

- 4.4.1 In addition to the responsibilities of Individuals, managers and supervisors will:
 - foster safety awareness by personal interest and example and encourage a 'Safe Working' ethos and actively work towards a positive safety culture;
 - supervise the implementation of any safety policies or procedures where responsibility has been delegated through the line management structure;
 - ensure their staff understand the Council's Health and Safety Policy and that they comply with the associated rules relating to their work;
 - ensure that all their staff are competent and trained to do their work and have sufficient information, instruction and training to be fully aware of the hazards and risks associated with their work;
 - ensure that the appropriate risk assessments for their work activities are prepared and reviewed as necessary;
 - ensure that safety practices and procedures are observed and that suitable measures and protective equipment is worn or used where appropriate;
 - ensure that deficiencies found during inspections, reviews and audits are corrected, reviewed, repaired or replaced;
 - continually develop and monitor safety practices and procedures;
 - consult with their employees on all matters relating to health and safety and be responsible for bringing H&S information to their attention;
 - set meaningful health and safety objectives for themselves and their team members through the annual appraisal process.

4.5 Senior Management

- 4.5.1 Senior Managers and Directors will be fully aware of the general duties under the Health and Safety at Work etc. Act 1974 and will ensure that in all functions under their control the Council's Health and Safety Policy is effectively implemented.
- 4.5.2 In addition to the responsibilities of managers and supervisors they will:

- foster safety awareness by personal interest and example and encourage a 'safe working' ethos and actively work towards a positive safety culture;
- cooperate with the corporate health and safety officer during safety inspections, reviews and audits;
- endorse the findings of such inspections, reviews and audits and prioritise corrective actions;
- where appropriate, review reports of accidents, incidents and near misses, and ensure corrective action has been taken to prevent or reduce the probability of reoccurrence;
- ensure that, in consultation with HR, sufficient personnel are nominated for safety roles within their area. These include First Aiders, Fire wardens and Service Area Health and Safety advisors.

5. Arrangements

- 5.1 Risk Assessments
- 5.1.1 MDDC will ensure risks are assessed across all activities of the Council. The Chief Executive will delegate responsibility for the completion of risk assessments through the line management structure.
- 5.1.2 The risk assessments will be recorded SharePoint and, where they meet the criteria, SPAR.
- 5.2 Consultation with employees
- 5.2.1 MDDC recognises Unison as the union that represents employees for consultation on Health and Safety under the Safety Representatives and Safety Committee Regulations 1977 (as amended) and the Health and Safety (Consultation with Employees) Regulations 1996 (as amended).
- 5.2.2 MDDC will consult with employees routinely on health and safety matters as they arise and formally at the review of this policy
- 5.3 Training
- 5.3.1 MDDC will ensure there are Health and Safety inductions for all staff and contractors and will provide appropriate health and safety training.
- 5.3.2 MDDC will support training provision through HR and the Council's Learning and Development Officer. Training records will be maintained by HR and reviewed by the Health and Safety Officer and internal audit.

6. Monitoring

- 6.1 The Council, will through the Corporate Health and Safety Officer:
- 6.1.1 Carry out regular workplace inspection.
- 6.1.2 Investigate any accidents or reports of ill health.
- 6.1.3 Regularly review policies and procedures whenever necessary.

7. Emergency procedures – fire and evacuation

- 7.1 Group Managers, Supervisors and Team Leaders with responsibility for the buildings they are operating in must ensure that:
- 7.1.1 There are emergency plans in place to deal with any potential emergency.
- 7.1.2 Emergency evacuation procedures are developed and implemented.
- 7.1.3 All fire safety checks are completed in accordance with the fire risk assessment.
- 7.1.4 Emergency evacuation procedures are tested from time to time.

Call in 3 Post Hill

On 3rd December Cabinet resolved that:

- 1) Authority be given to submit a planning application, subject to final design and based on Option 4- 70 Affordable Homes
- 2) In the event that Cabinet proceeds in future to establish a new company structure, which:-
 - (i) is "Teckal" compliant; and
 - (ii) appropriate for the delivery of social/affordable housing the Cabinet agrees that delivery of the housing will be through that new company, subject to advice received when establishing the new company and any other material factors.

Reasons for Call in:-

Lack of consideration of alternative options;

- 1. The building of more Social Rented Homes is a key priority of the Corporate Plan recently agreed by Full Council. The development of the Post Hill site presents an important opportunity to build a significant number both of Affordable Rented and of Social Rented Homes in Tiverton and thereby address the local gap in affordability that impacts most on families with a low income.
- 2. The options presented to and considered by Cabinet included three options:
 - a. Option 2-For 50 Social and 20 Affordable Homes
 - b. Option 3- For 50 Social, 15 Affordable Homes and 5 Self Build Homes
 - c. Option 4- 70 Affordable Homes
- 3. The report to cabinet recommended Option 4 on the basis of budgetary considerations. External and expert financial assessments were appended to the report to explain these issues.
- Cabinet were asked only to consider options that were posed at opposite ends of a continuum of possible mixes of tenure. It should also have considered other options that may well have presented very different assessment and comparisons of affordability.
- 5. There were other options that were not presented that would have allowed Cabinet to consider and compare the financial implications of different mixes or proportions of Affordable rented and Social rented housing.
- 6. Such options might have included, say, a 35/35 split between affordable rented and social rented homes and also a 20/50 split. Either option would still yield a significant addition on the Council's stock of Social Rented Housing.
- 7. Finally the report to Cabinet presented only a single set of proposals on the numbers of housing units of a particular size. This proposal did not relate to the analysis of need for particular size of dwelling as presented in the report. No other options were considered even though different options would have a significant impact on costs and forecast returns.
- 8. We are, therefore asking that Cabinet consider other options for the mix of Social Rented and Affordable Rented Homes and also for the mix of the size of units. This will allow Cabinet to carry out more reasonable analysis and comparisons of both cost and returns.

Pre-determination of a future decision of Full Council

1) A decision to set up a TECKAL compliant company to deliver some or all of the Council's Housing services is a major step that has yet to be made and that will require a decision of Full Council. This decision will need to be supported by a full

- business case setting out elements of the Councils services that are to be managed and delivered by the SPV and include an assessment of the risks and opportunities involved.
- 2) The range of services that might be transferred to the proposed TECKAL company might include the full range of the Councils Housing services. On the other hand it might be limited to include only the remit to develop new affordable and social rented housing.
- 3) The Cabinet decision that the delivery of 70 units of affordable rented housing will be through any new TECKAL company clearly pre-empts a future decision of Full Council on the scope of the MDDC services and activities to be transferred to such a Company.
- 4) This decision is unnecessary and unconstitutional. Cabinet could have decided instead to recommend that the delivery of the Post Hill homes be though a future TECKAL company.

Called in by:-Cllr Graeme Barnell Cllr Ben Holdman Cllr Sion Clist Cllr Alex White

CABINET

DATE: 3 DECEMBER 2020

TO CONSIDER DEVELOPMENT OPTIONS ON LAND AT POST HILL, TIVERTON

Cabinet Member(s): Cllr Bob Evans, Cabinet Member for Housing and Property

Services & Deputy Leader and Cllr Richard Chesterton Cabinet Member for Planning and Economic Regeneration

Responsible Officer: Andrew Jarrett, Deputy Chief Executive (S151). Deputy Chief Executive (S151)

Reason for Report: To provide Cabinet with options to progress the development of land at Post Hill, Tiverton.

RECOMMENDATION:

- 1) For Cabinet to give authority to submit a planning application, subject to final design and based on:
 - (i) Option 2-For 50 Social and 20 Affordable Homes
 - (ii) Option 3- For 50 Social, 15 Affordable Homes and 5 Self Build Homes
 - (iii) Option 4-70 Affordable Homes
- 2) That, in the event that Cabinet proceeds in future to establish a new company structure, which
 - (i) is "Teckal" compliant; and
 - (ii) appropriate for the delivery of social/affordable housing

the Cabinet agrees that delivery of the housing will be through that new company, subject to advice received when establishing the new company and any other material factors.

3) If Cabinet does not agree recommendation 2), Property Services are instructed to proceed with a full tender exercise as soon as design work is completed and full planning permission obtained.

Relationship to Corporate Plan: Homes: Deliver more affordable housing and greater numbers of social rented homes.

Financial Implications: Please refer to Part 2 Annex A.

Budget and Policy Framework: The construction of the new homes has been identified on the Capital Medium Term Financial Plan. The cost for the on-going maintenance of the asset will be met from the Housing Revenue Account.

Legal Implications: Please refer to para 3.0.

Risk Assessment: This land has development value. The risks to the Council of retaining the asset are the repair, maintenance and other ongoing costs including insurance. There is also the additional reputational risk in sitting on land which has been acquired for the delivery of affordable housing as part of the Tiverton EUE, as well as the delivery of housing to meet targets in the Council's newly adopted Local Plan.

Equality Impact Assessment: Any design will consider the needs of all and will be controlled via the planning application process. Our Housing Need has been considered as detailed on Table 1.

Impact on Climate Change: All options will consider the potential impact of construction with associated CO2 emissions and aim to be carbon neutral.

1.0 Introduction

- 1.1 The Council had an agreement with the landowner and Barratt & David Wilson Trading limited to purchase this land for the delivery of 70 affordable dwellings to meet the policy requirements and wider aspirations of the Tiverton Eastern Urban Extension. This report proposes potential next steps available to the Council with regard to the development of this land that is now in Council ownership, a location map is attached to the report as Annex B.
- 1.2 Land was allocated East of Tiverton for mixed-use development within the Allocations and Infrastructure Development Plan Document (AIDPD), adopted in October 2010. Under policy AL/TIV/1, the 153ha allocation of mixed-use development is as follows:
- a) From 1550 2000 dwellings;
- b) A proportion of affordable housing (subject to further viability assessment) including at least five pitches for gypsies and travellers;
- c) From 95,000 130,000 sq meters of employment floorspace;
- d) Transport provision to ensure appropriate accessibility for all modes
- e) Environmental protection and enhancement;
- f) Community facilities to meet local needs arising;
- g) Carbon reduction and air quality improvements;
- h) An agreed phasing strategy to bring forward development and infrastructure in step and retain overall development viability;
- i) A public master planning exercise (before any planning application is made).
- 1.3 The Tiverton Eastern Urban Extension Masterplan (Supplementary Planning Document) was adopted on the 30 April 2014. This plan was subsequently amended and a revised masterplan was adopted on 14 June 2018. More detailed master planning of Area B is now well advanced. The Adopted Masterplan SPD will guide development in the area and have a significant bearing on the consideration of planning applications. A Design Guide for the Tiverton Eastern Urban Extension (EUE) has also been produced.

2.0 Background

- 2.1 The planning history for this land started with application 13/01616/MOUT for the development of up to 330 dwellings together with public open space, associated infrastructure and other works including vehicular access, pedestrian/cycle links and highway improvements. Land at NGR 298671 113603 Uplowman Road Tiverton Devon.
- 2.2 The outline permission was granted in September 2015 and this permission covered the area of land shown below including Post Hill Park.



- 2.3 In August 2018 Barrett David Wilson Homes gained reserved matters planning permission for the following: 18/00133/MARM Reserved Matters application, pursuant to Outline application 13/01616/MOUT, for the construction of 248 dwellings, 3 Gypsy and Traveller pitches, public open space, landscape planting, pedestrian, cycle and vehicular links and associated infrastructure. Non Material Amendment 19/00607/NMA that was granted on 13/05/2019. This permission does not include all the area covered by the Outline permission referred to above.
- 2.4 The outline planning permission (13/01616/MOUT) has not lapsed, it remains valid for the development being undertaken in compliance with the permission (because the reserved matters were submitted in time in compliance with the planning condition) and the section 106 agreement is enforceable in respect of it. In the event of the Council not completing the purchase, the Owner would have had to apply for a fresh full planning permission for the Post Hill parcel of land, because the original permission required submission of all reserved matters in a certain timeframe.

3.0 Legal position

3.1 The retained land and the land the Council has purchased was granted outline permission on 18 September 2015 under 13/01616. This permission was subject to a standard condition requiring the submission of all reserved matters for approval within 3 years. The seller obtained reserved matters for the retained land on 29 August 2018.

- 3.2 The Council would need to apply afresh for the grant of planning permission on this land, although the principle of development and policy aspirations are clear. Any determination of an application will still look to the development plan policy and the number of affordable dwellings required across the entire wider allocation. The negotiations back in 2015-2017 resulted in an agreement that 'the Council's site' would take the entire affordable housing provision. Accordingly, no affordable dwellings has been built on the retained land.
- 3.3 The options for delivery give rise to important considerations. The Council can develop the land itself and invite tenders. 3RDL could bid in the usual way for this contract for works. The Council could instead transfer the Land to 3 Rivers for them to proceed with a scheme which meets the overall aspirations (planning policy and delivery) of the Council, but great care would need to be taken in drawing up any agreements underpinning such transfer to ensure that a development agreement is not really a contract for works by another name this can arise where such agreements are overly specific in what they expect the purchaser/delivery partner to achieve.
- 3.4 A further alternative is that, in the event that the Cabinet at a future date decides to proceed with a holding company and Teckal subsidiary ("NewCo") (see paragraph 5.2), that this may be the preferred vehicle, whether through a direct award of a contract for works (permitted under the Teckal exemption), or through the transfer of the land to the NewCo with a clear specification on delivery and future arrangements. It is important to recognise that (and it is firmly acknowledged) a decision on setting up NewCo has yet to be taken the Cabinet has asked for legal advice on the advantages and disadvantages of doing so and this will be brought forward in early 2021.
- 3.5 For clarity and as a very brief summary, a Teckal company has the perceived advantage of enabling direct award of contracts and commercial arrangements between public authorities and their commercial entities, without being subject to the full public procurement regime. The core principles are that, to be a Teckal company, the company must be owned and controlled by the public authority which is seeking to award a contract and
 - The public authority exercises a degree of control over the company similar to that exercised over its own departments; and
 - The company carries out at least 80% of its activity for the public authority and there is no private sector participation in the company

4.0 Land Purchase

- 4.1 The Planning Committee on the 6 July 2016 resolved to discharge market housing developers from all affordable housing requirements, upon the completion of the Council's land purchase of part of the site in order for the Council to be the affordable housing provider.
- 4.2 It was then proposed at the Planning Committee on 29 March 2017 that land for the affordable housing be transferred to the Council and that that all affordable houses are constructed by the Council, in order that the provision of affordable

housing and their timing would remain within the Council's control. It was therefore resolved that:

"The agreed terms of the S106 be amended to discharge market housing developers from all affordable housing requirements upon completion of the Council's land purchase of part of the site."

It also resolved that the S106 be amended to require no more than 260 dwellings (rather than 200) be occupied until the traveller pitches have been constructed and are ready for occupation in accordance with the traveller pitch scheme.

- 4.3 In December 2017 a S106 Deed of Variation was approved which amended the threshold to 300 dwellings be occupied before the trigger for the construction of the gypsy and traveller site.
- 4.4 The transfer of the land was completed on 6th October 2020. The value of the land purchase is shown on Part 2 Annex A.

5.0 Project Delivery

- 5.1 It was originally thought that 3 Rivers Development Limited (3RDL) would be the developer and might sell or lease the affordable dwellings back to the Council or to a third party housing association. For this reason the contract provided for the sale to be made to the Council or to 3RDL as its nominee.
- 5.2 The benefit of the contract was originally assigned to 3RDL, but the assignment was reversed last year, not through any definite change of plan by 3RDL. There is nothing to prevent the Council from transferring the land to 3RDL. Alternatively, the Council may decide in future to create a holding company with an affordable housing subsidiary. The precise structure and relationship to both the Council and 3RDL would need to be thought through at that time noting that legal advice is to be sought in relation to this. Such advice will also need to address various implications, including those relating to public procurement.
- 5.3 There would be a reduction in outlay in Employers Agent and other management fees that are set out in para 10.2 and 11.2. In the event of 3RDL being instructed to proceed with the development, including controlled uplift percentages on Employers instructions.
- 5.4 Alternatively, the Council could look to
 - (a) collaborate with another housing subsidiary to secure delivery; or
- (b)deliver the scheme in house.
- 5.6 Selling onto another affordable housing provider would mean losing the asset and the Council would be unlikely to recoup its costs. Delivering the scheme in house would involve setting up a suitability resourced team with independent support from an employer's agent (lead consultant).

6.0 Affordable Housing

- 6.1 The requirement to provide affordable housing is explicit in the local plan policy and this is consistent with National Policy. As referred to above the Council is in a position to meet the affordable housing requirement of 21.5% affordable (S106 Deed of Variation -December 2017). This equates to approximately 70 dwellings.
- 6.2 The local housing need shown on Table 1 below sets out housing need as captured by the Mid Devon Housing team from the Devon Home Choice Monitoring report as of April 2020.
- 6.3 Please note that Table 1 includes those registered and these figures alone demonstrate that there is sufficient need in the Tiverton area to ensure that the 70 dwellings would be occupied. It also shows that there is particular need for 1, 2 and 3 bed properties, however some people will express a preference to live in multiple areas. Homes are advertised on Devon Home Choice with the rent shown so people will know when they bid how much they will be required to pay on a weekly basis if successful. Table 1 shows an absolute number of people who wish to live in a particular area with no differentiation between preference for Social or Affordable rent.

Table 1

		Housing Needs Requirement Size			ze		
Band	Housing Type	1BH	2BH	ЗВН	4BH	5BH	6BH
	General Needs	118	45	48	15	5	0
Total	Step Free	28	7	3	2	0	0
Total	Max 3 Steps	4	2	2	0	1	0
	Wheelchair 12 4	4	0	2	1	0	
	Grand Total	162	58	53	19	7	0

	General Needs	0	0	0	0	0	0
А	Step Free	0	0	0	0	0	0
	Max 3 Steps	0	0	0	0	0	0
	Wheelchair	0	0	0	0	0	0
	General Needs	17	10	6	1	2	0
В	Step Free	8	2	0	0	0	0
	Max 3 Steps	2	1	2	0	1	0
	Wheelchair	5	1	0	1	0	0
	General Needs	7	17	41	11	2	0
С	Step Free	11	2	3	2	0	0
	Max 3 Steps	2	1	0	0	0	0
	Wheelchair	6	1	0	1	1	0
	General Needs	94	18	1	3	1	0
D	Step Free	9	3	0	0	0	0
	Max 3 Steps	0	0	0	0	0	0
	Wheelchair	1	2	0	0	0	0

Breakdowns of One Bedroom Need

Age	16-35	36-54	55+
1 Bedroom Need	72	42	48

- 6.4 As Members will be aware there are a number of different ways of providing affordable homes such as social rented and affordable rented, to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.
- 6.5 Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.
- 6.6 Since 2001, rents for properties let on 'social rent' have been based on a formula set by Government. This creates a 'formula rent' for each property, which is calculated based on the relative value of the property, relative local income levels, and the size of the property. Annual rent changes were limited and landlords were expected to move from the actual rent of the property to the formula rent. This approach was designed to ensure that similar rents were charged for similar social rent properties. From April 2016, the Welfare Reform and Work Act 2016 required social landlords to reduce their rent by 1% each year for the four years between April 2016 and March 2020. In October 2017, the Government announced its intention to set a long term rent deal for local authority landlords and housing associations. This would permit annual rent increases on social rent of up to the Consumer Price Index (CPI) plus 1 percentage point from 2020, for a period of five years.

For 2020/21, the Council agreed to increase social rent for each property by 2.7%, (CPI at September 2019 1.7% plus 1%). The actual average social rent charged by the Council will be £79.44 per week (over 52 weeks).

- 6.7 The Council currently has 2,911 socially rented properties.
- 6.8 The Council currently has 85 affordable rented properties.
- 6.9 Table 2 details average rent charges for Social and Affordable rents within Tiverton.

Tiverton Parish - Average Rent Charges for 2019/20

	Social Rents		Affordable Rents	
	Weekly (Over 48 weeks)	Annual Charge	Weekly (Over 48 weeks)	Annual Charge
One Bed	£77.72	£3,730.56	£86.82	£4,167.36
Two Bed	£83.53	£4,009.44	£106.01	£5,088.48
Three Bed	£89.35	£4,288.80	£136.89	£6,570.72
Four Bed	£95.17	£4,568.16	£144.09	£6,916.32

- 6.10 Building Services will be bringing forward a report in quarter four of the 2020/21 financial year to Homes PDG on where the Council can construct Social Homes on land already within their ownership in various locations across the District.
- 6.11 It is important that future HRA budget is available to fund this project at circa £2 Million. We are actively looking for potential infill sites and have currently identified over 30, with many more opportunities coming forward in the months to come. We have estimated that we may be able to find as many as 100 sites that will be considered. A full report to the Homes PDG that will be presented in quarter 4 of 2020/21.
- 6.12 The Building Services team are also considering options to provide modular buildings, potentially on garage sites.
- 6.13 Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).
- 6.14 Officers have been investigating whether some of the 70 plots could be provided as custom self-build plots custom self-build as shown on option 3.

7.0 Options on Design

- 7.1 A working group has been working on potential options to how this development forward could be brought forward, subject to settling the delivery vehicle (who) and the desired outcome (options).
- 7.2 A full financial analysis has been provided for each option on Part 2 Annex A.

7.3 **Option 2**

- -50 Socially rented dwellings including 48no 3 Bed dwellings and 2no 4 Bed dwellings
- -20 Affordable rent dwellings including 14no 3 Bed dwellings and 6no 4 Bed dwellings

Total 70 dwellings.

7.4 **Option 3**

- 50 Social rented dwellings including 48no 3 Bed dwellings and 2no 4 Bed dwellings
- 15 Affordable rented dwellings including 10no 3 Bed dwellings and 5no 4 Bed dwellings.
- -5 Self Build dwellings including 4no 3 Bed dwellings and 1no 4 Bed dwellings-Total

Total -70 dwellings.

7.5 **Option 4**

-A third option is being presented for 70 Affordable Homes 21No. 1 bed units, 21No. 2 bed units, 20No. 3 bed units and 8No. 4 bed units.

8.0 Financial Analysis

- 8.1 Property Services worked with an employers agent on calculating estimated costs for each option as shown below. The costs will be subject to final design, planning conditions and tender and are an indication of the overall cost of the scheme that includes an estimated sum for a communal heating system and carbon/sustainable measures that will be value engineered at all stages of the design to improve value for money.
- 8.2 Option 2- Estimated costs have been provided in Part 2.
- 8.3 Option 3- Estimated costs have been provided in Part 2.
- 8.4 Option 4- Estimated costs have been provided in Part 2.
- 8.5 A full procurement exercise will be taken prior to Contract Award for both project delivery options, value engineering will also take place and a project contingency sum will be a minimum of 5%.
- 8.6 The Council is committed to be Carbon zero by 2030 and this build would contribute towards our emissions and therefore needs to aim to be Carbon Neutral.
- 8.7 Once the 25 year loan value on an annuity repayment basis has been paid off, the HRA will then have an asset.
- 8.8 In 2020/21, the Council allows a budget of circa £1.157 million towards our 30-year life cycle maintenance programme and it is essential that funds are kept available for this programme.
- 8.9 Financial modelling has been calculated on the assumption of grant funding at the outset on each option.
- 8.10 Part 2 Annex C, D and E attached to this report will provide detail to the financial analysis of each option the working group decided to explore further.
- 8.11 It was also identified that there should be a pedestrian crossing allowed for to ensure our tenants have safe access to play facilities.
- 8.12 The financial return on each option including maintenance costs are provided in Part 2 and Table 2 below identifies average rent charges for social and affordable property.

- 8.13 The Capital Medium Term Financial Plan allocated to bring this development forward identifies expenditure in the following financial years:
 - 2020/21 £3.605 (currently £2.506 Million will slip to 2021/22).
 - 2022/23- £6.5 Million
 - 2023-24- £2.650 Million
 - 2024-25- £2.645 Million

Remaining allocation total -£14.301 Million.

9.0 Considerations

- 9.1 Affordable dwellings can be eligible for grant funding from Homes England. In this case as the social or affordable housing is in lieu of developer contributions grant monies is not available, however a grant from the One Public Estate and the Local Regional Fund is being sought and this is detailed in Part 2.
- 9.2 This development could provide an opportunity for a District heating scheme, which can be an effective way of cutting carbon emissions and this will be explored further as part of the design stages and will be presented as an option prior to Contract Award.
- 9.3 This development could provide an opportunity to provide a high quality carbon neutral construction and low energy housing option. This may increase the cost per square on construction, however this would provide tenants with low energy costs throughout the year.

10.0 Site Layout

- 10.1 Attached to this report are examples of the design for the development, the site layout for option 4 will be the same as option 2 (Annex F). We have utilised the two entrances from the neighbouring developments to maximise the site's efficiency and fluidity however, we have designed it in such a way that only one entrance would be sufficient if required. The water main and its easement has been accommodated under the eastern access road which is standard practise, we have located the Public Open Space centrally in the site and along a north south access in order to maximise views to the north due to the site levels. The western and eastern boundaries have dwellings facing out to act as a frontage and utilise the green aspects of the swales to the west and golf course boundaries to the east. All dwellings have been sized to meet national space standards and benefit from south facing gardens to maximise direct sunlight with the exception of two plots.
- 10.2 In order to provide Cabinet with costs of the development, the Council continue to work with an Employers Agent who are following the Royal Institute of British Architects (RIBA) design stages. There will be other related professional fees for either option as we progress to stage 2 at an approximate cost of circa £300k this cost will be met from existing budget from the Capital programme.

11.0 Conclusion

- 11.1 It is Officers' recommendation that the Council proceed with option 4 and to proceed to RIBA Stage 2 with a view of submitting a planning application as soon as possible by either instructing the existing Employers Agent via the South West procurement framework or a housing subsidiary under 3 Rivers Development Limited.
- 11.2 To proceed to tender the development with a Traditional Design & Contract JCT 2016 with amendments that will be checked by independent construction solicitors that will be subject to obtaining full planning permission at a cost of circa £100k.
- 11.3 Table 3 Estimated timetable for delivery for instructing Property Services.

Complete Land transaction	06/10/20	
Cabinet Meeting to proceed with design and	03/12/20	
tender		
Issue Instruction for suitable Procurement	11/12/20	
framework process		
Set up design workshops with the working group	15/12/20	
Complete Design and submit planning application	Dec 2020-April 2021	
Planning Application Process	April 2021- June 2021	
Prepare Tender documents including Employers	April 2021-June 2021	
Requirements		
Confirm type of construction contract	February 2021	
Issue tender documentation via sw portal	May 2021	
Tender verification	July 2021	
Value engineering meetings	July 2021	
Cabinet Contract Award	August 2021	
Estimated start on site date	October /November 2021	

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

Circulation of the Report: Cabinet, Leadership Team.

List of Background Papers: None















By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted



CABINET 7 JANUARY 2021

UTILISING COMMUNITY PAYBACK SERVICE USERS IN THE DISTRICT

Cabinet Member(s): Cllr Colin Slade, Cabinet Member for the Environment Responsible Officer: Darren Beer, Interim Group Manager - Street Scene

and Open Spaces

Reason for Report: This report sets out the key aspects in utilising service users provided by DDCCRC (Dorset, Devon and Cornwall Community Rehabilitation Company)

Recommendation: That the Cabinet adopts the proposal to utilise community payback service users in the District.

Financial Implications: MDDC will pay for sundry items, such as paint and waste bags and the disposal of waste from site.

Budget and Policy Framework: None directly as DDCCRC are an external provider of the service users.

Legal Implications: None, as DDCCRC would take full responsibility of the service users.

Risk Assessment: None, as the DDCCRC would take full responsibility of the service users.

Equality Impact Assessment: None, as DDCCRC would take full responsibility of service users.

Relationship to Corporate Plan: Priorities within the Corporate Plan are economy, homes, community and environment. The Street Scene Service is a frontline service, which works throughout the district ensuring cleanliness and attractiveness of our public realm through both education and enforcement to assist in upholding these priorities.

Impact on Climate Change: There are no climate change implications associated with this project. However, MDDC is committed to working with its local residents, business and volunteer communities to provide a safe, healthy and fair living, working and trading environment. Where it can the Council will provide practical and proactive help and advice to all parties to helps them achieve compliance with the law ensuing minimal impact to climate change.

1.0 Introduction/Background

1.1 Community Payback is a punishment and a way individuals can pay back to the community. The courts sentence individuals to between 40-300 hours depending on the seriousness of the crime and the service user's record. Service users carrying out Community Payback must work at least seven hours - or one full day - per week, either as part of a group or on a single placement.

- 1.2 DDCCRC provides Community Payback services across the counties of Dorset, Devon and Cornwall for service users supervised by DDCCRC and by the National Probation Service, who are sentenced to an unpaid work requirement.
- 1.3 Unpaid Work is a sentence of the Court which delivers punishment by depriving service users of free time, while ensuring payback to the community. It promotes public understanding and confidence in community sentences, while enabling the individual to gain work related skills in a positive, law abiding environment.
- 1.4 Work undertaken on Community Payback projects is intended to benefit and improve local communities and does not provide profit for DDCCRC or MDDC.
- 1.5 Community payback does not replace paid employment of others but may add value to work undertaken by the Beneficiary.
- 1.6 DDCCRC carries full public liability, employer's liability and professional indemnity Insurance.

2.0 **Projects and Placements**

- 2.1 People on Community Payback undertake all kinds of projects which provide value to communities. They do not, however, undertake work that would replace that of anyone in paid employment. At present group transport is unable to be provided due to Covid-19, therefore placements will take place in a town/village close to the service user's home. A project may commence once an assessment of the work requested is completed, the conditions are agreed and there is adequate availability (up to eight) of service users for that project.
- 2.2 Workers have various levels of skills and aim for a high quality of work which is always overseen by trained supervisors; work includes:
 - Landscaping, forestry and litter picking
 - Building and maintenance
 - Painting and decorating
 - Customer service/retail work

3.0 Why do DDCCRC provide this service?

- Has a genuine community benefit
- Is visible and demanding of service users, so as to be perceived as a credible and suitably demanding punishment by members of the public
- Motivates service users to change their patterns of behaviour
- Increases the service user's sense of worth
- Provides opportunities to develop new skills which are useful for future employment

4.0 Conclusions

4.1 For this to be a successful relationship between MDDC and DDCCRC, Members must support and provide viable projects for service users to complete.

Contact for more Information: Darren Beer, Interim Group Manager - Street Scene and Open Spaces dbeer@middevon.gov.uk

Circulation of the Report: Cllr Colin Slade, Cabinet, Leadership Team



Agenda Item 11.

CABINET 07 JANUARY 2021

BUDGET 2021/22 - UPDATE

Cabinet Member Cllr Andrew Moore, Cabinet Member for Finance **Responsible Officer** Andrew Jarrett, Deputy Chief Executive (S151)

Reason for the report: To review the revised draft budget changes identified and discuss any further changes required in order for the Council to move towards a balanced budget for 2021/22.

RECOMMENDATION: To consider the updated budget proposals for 2021/22 included in Appendix 1 and the Capital Programme included in Appendix 3 and agree to circulate to the Policy Development Groups for further input prior to the formal recommendation back to Cabinet and Council.

Reason for the recommendation: The Local Government Finance Act 1992 places a legal requirement on the Council to approve a balanced budget. The first draft of the General Fund budget for 2021/22 indicated a deficit of £3.012m. This latest version proposes measures to reduce this deficit to £490k and considers other measures to achieve the statutorily required neutrality.

Relationship to the Corporate Plan: To deliver our Corporate Plan's priorities within existing financial resources.

Financial Implications: The current budget for the General Fund shows a deficit of £490k. In addition we are predicting a funding deficit of c£2m on our General Fund in 2022/23. This highlights the need to take steps to plan for further reductions to our ongoing expenditure levels.

Legal Implications: None directly arising from this report, although, as above, there is a legal obligation to balance the budget. There are legal implications arising from any future consequential decisions to change service provision, but these would be assessed at the time.

Risk Assessment: In order to comply with the requirement to set a balanced budget, management must ensure that the proposed savings are robust and achievable. We must also ensure that the assumptions we have used are realistic and prudent. Failure to set a robust deliverable budget puts the Council at risk of not being able to meet its commitments and casts doubt on its "going concern" and VFM status.

Equality Impact Assessment: There are no Equalities Impact implications relating to the content of this report.

Climate Change Assessment: The allocation of resources will impact upon the Council's ability to implement/fund new activities linked to climate change.

1.0 Introduction

- 1.1 On 19 October the first draft of the 2021/22 General Fund budget was presented to Cabinet. It indicated a looming deficit of £3.012m; a position arising significantly due to income losses as service activity has reduced due to the pandemic. Other factors were rising operational costs including an estimated inflation factor; cyclical essential maintenance costs relating to our property assets and reduced utilisation of ear marked reserves (EMRs) (NHB, NNDR smoothing reserve and the property maintenance reserve).
- 1.2 Apart from some small gains in Waste Services income relating to garden waste and the Shared Savings Agreement (SSA) with Devon County, the main area offering mitigation of these losses were Treasury ie interest receivable and interest payable. A capital accounting review also enabled us to recognise a reduced MRP provision.
- 1.3 It is worth reiterating that the 2020/21 budget, completed as it was around this time last year, does not imagine any of the impacts of Covid 19. In comparing the 2020/21 budget with the (draft) budget for 2021/22 we are comparing a pre-Covid budget with a Covid recovery budget. That is, this budget draft assumes that income streams will continue their current recovery trajectories into next year. Time will tell, how reasonable this proves to be. Covid 19 is nothing if not persistent. Whilst news of a vaccine is heartening, the discovery of new strains and announcement of tighter controls over Christmas advise caution in our expectations. Serious deterioration from the current situation would impact the achievability of this budget.
- 1.4 The "Provisional local government finance settlement: England, 2021 to 2022" has just been published (17 December) giving further funding information for next year. The government have indicated that core spending power will rise by an average of 4.5% on the assumption that Councils raise their council tax by the maximum permitted without a referendum. This includes social care authorities who may raise council tax by up to 5%, and so the benefit to district councils is demonstrably lower. After accounting for inflation and cost pressures arising from Covid 19 the true uplift to us will be marginal.
- 1.5 The Chancellor has, however, recognised that Council services have been and continue to be undeniably critical in the fight against COVID-19 with further funding to manage the budgetary impacts of the pandemic. The Government's commitment to work with local government on the lasting impact of this crisis is to be welcomed. It will be vital that the Government guarantees the financial challenge facing councils as a result of COVID-19 will be met in full, including funding for cost pressures and full compensation for lost income and local tax losses.

2.0 2021/22 General Fund Budget – Revised Position

2.1 The draft budget gap has been fallen from £3.012m in round 1 to £490k – a reduction of £2.52m. How this has been achieved is explained below. The Funding Settlement details have allowed us to reflect any changes arising and present more robust numbers in some important areas.

2.2 This movement is summarised in Table 1 below:

Table 1 – 2021/22 Draft Budget Gap Reduction – Round 2			
Movements	Notes	Amount (£k)	
21/22 Budget Shortfall (Cabinet Report 29/10/20)		3,012	
Further Net Cost Pressures identified	6	128	
Net write back of annual salary increment further to the funding review		(207)	
Pay award provision (LA award not set centrally)		50	
Vacancy management factor		(150)	
Property Maintenance specific projects review (see para 4.4)		(246)	
3 weekly waste savings (Oct-Mar)		(75)	
Leisure centre dual use recharge		(20)	
Revised HRA Recharges		9	
Treasury Update	4	(105)	
Minimum Revenue Provision (MRP) reduction		(136)	
EMR Amendments	6		
NNDR Smoothing Reserve		(450)	
EMR Surrender Review		(224)	
Property Maintenance Annual Provision Forfeit		(182)	
New Homes Bonus	3	124	
NNDR - 21/22 deficit	1	400	
Council Tax Forecast Adjustment	2	(76)	
Income Protection Scheme (Apr-Jun)	1/5	(220)	
Collection Fund Protection Scheme	1	(350)	
Funding Settlement 17/12/20			
Lower Tier Services Grant		(179)	
NHB (increase from £777k to £959k = £182k - see note)	3	(182)	
Rural Services Delivery Grant increment		(23)	
Covid 19 Non Ring-fenced Grant		(408)	
Draft Budget Gap for 2021/22 (Cabinet		490	

Table I	Notes:
1	These lines are particularly subject to a financial health warning. They are the best estimates of the s151 officer based on the advice received from central government at the current time. Any adverse movement in these numbers will require support from general fund reserves in order to balance this budget.
2	The total budgeted Council share of Council Tax Net Collectable Debt is included in this budget at £6,114,620. This based on a collection rate of 96%. The increment of £76k in this round of the budget draft represents an increase in the collection rate from 95% to 96%. In non Covid times the collection rate would be expected to be 98%. If a collection rate of 98% were applied to this draft, the Net Collectable Debt would rise by £127,400 to £6,242,020.
	The Funding Settlement has also confirmed that Councils may increase Council Tax by 1.99% or £5. The benefit arising to MDDC from this increment is £24k. Subject to Council approval, round 1 of the budget already included an increment of £5 (Band D increases to £213.84), so no further amendment is required.
	Dana 440

MDDC: Budget 2021/22 Page 143

3	The Funding Settlement announced an increase to NHB funding and an extension to the scheme for another year. MDDC will therefore receive an additional £182k in 2021/22. New Homes Bonus has the benefit of being available for revenue or capital expenditure and so on receipt are moved to reserves to be drawn down upon in due course according to requirement.
4	This reflects a reduction in interest payable partly offset by an decrease in interest receivable further to an update of spending plans and recognition of falling interest rates.
5	The Funding Settlement also announced an extension to the Income Protection Scheme (IPS) for 3 months. The 2020/21 year scheme compensates for 75% of calculated losses. Details of the extended scheme will be published in June 2021.
6	"Further Net Cost Pressures Identified" includes net reduction in EMR utilisation of £58k.

3.0 Funding Settlement Impacts

- 3.1 It was confirmed that Councils could raise Council Tax by 1.99% or £5 whichever is higher. As the £5 allowance was already included in budget draft round 1, this confirms that treatment. The additional funding accruing to MDDC from this dispensation is £24k.
- 3.2 A new Lower Tier Services Grant has been introduced £111m of which MDDC share is £179k. This partly in response to the current circumstances and there is no guarantee that it will be ongoing.
- 3.3 New Homes Bonus grant has been revisited with a total allocation in England of £196m. MDDC will receive an additional £182k in 2021/22 ie total £959k. This scheme had previously been scheduled to end in 2023/24. However, the Government has now set out an intention to hold a consultation on the future of the New Homes Bonus, with a view to implementing reform in 2022/23.
- 3.4 The Rural Services Delivery Grant will be £85 million in 2021/22. This is an increase of £4 million compared to 2020/21. The Government is minded to retain the current method of distributing the grant ie the bottom line to MDDC is an additional £23k over round 1 (which was set up par with 2020/21).
- 3.5 Government has released a series of tranches of non-ring fenced Covid 19 grants to allow Councils to counter the impacts of the pandemic. The first was released in March 2020 and the total to date is £1.2m. A further tranche of £1.55 billion has been announced to meet expenditure pressures in 2021/22, distributed using the "COVID-19 Relative Needs Formula." Hence, this Council's share will be £408k.
- 3.6 The Government has proposed a continuation of the Sales, Fees, and Charges compensation scheme for the first three months of 2021/22 and to use a quarter of each council's 2020/21 budgeted income as the baseline from which to assess losses. Using this basis a prudent estimate of £220k receivable has been included in this round.
- 3.7 The Income Compensation Scheme for 2020/21 is now live. The first return has been submitted and £530k received in response. The second return was due on 23 December with £740k under claim. Prudent interpretation of the guidelines which accompany this scheme indicate that MDDC will receive

- c£1.6m. However this will not be confirmed until the final reconciliation which was scheduled for May 2021.
- 3.8 The Funding Settlement also shared details of how losses in scope of the guarantee to compensate for 75 per cent compensation of irrecoverable 2020/21 business rates and council tax losses will be measured. Whilst there is no explicit mention of this scheme applying to 2021/22, it is conceivable that support will be forthcoming to alleviate pressures arising here.

4.0 Other Impacts

- 4.1 Recent confirmation that the public sector pay rise for next year would be limited to a £250 increment for those earning less than £25k gives a strong indication how the Local Authority settlement will be made. As such the 2% provision made in round 1 has been reversed (whilst providing for the £250 uplift where applicable) reducing the gap by £207k. However, in recognition that Local Authority rises are settled independently of the public sector generally, provision is made for a reduced settlement.
- 4.2 A £150k provision is also made to accommodate a vacancy management factor. Indeed, services often hold open vacancies whilst they evaluate their ongoing requirement and of course, the recruitment process has its own lead time. In many ways therefore, this is simply formal recognition of current practice.
- 4.3 In round 1 the net collectable debt for Council Tax was based on a collection rate of 95%. Recent collection performance suggests this is slightly pessimistic. Hence this rate has been raised to 96% resulting in an additional £76k funding to MDDC. NNDR numbers remain subject to revision when the NNDR1 form is completed in January. This will then be available for the final draft of this budget.
- 4.4 The Council has a 30 year cyclical programme of essential property maintenance. This contributed £830k of cost to the round 1 draft. After close scrutiny, it is felt that elements of this programme can be delayed until future years. This has benefited the gap by £246k although there are caveats due to the safety implications. As this expenditure will still need to be incurred, it is not an overall saving and will not be a benefit during the period of the MTFP.
- 4.5 Transition to 3 weekly waste collection is estimated to save this Authority £150k per year along with environmental benefits not least increased recycling. MDDC are initiating a 3 month trial in June which, if it is subsequently rolled out, would save c£75k next year.
- 4.6 Further MRP savings of £136k are recognised further to a review of finance leases, with part of the benefit relating to the delay in the implementation of International Financial Reporting Standard 16 Lease Accounting (IFRS 16).
- 4.7 Falling interest rates and an update of the Council's borrowing requirement, particularly in the light of 3 Rivers' aspirant activity have reduced net cost by £105k.
- 4.8 Further cost pressures of £128k include confirmation of the terms of the Climate and Sustainability Specialist role and a rework of expected Covid 19 income losses due to the impacts of the November lockdown on their recovery, along with numerous smaller budgetary refinements.

4.9 A review early this year of EMRs held, highlighted some small areas where they were not required and so available for release. Recognising these now has funded £224k of deficit.

5.0 Capital Programme

5.1 A revised version of the capital programme is included in appendix 3. This includes the latest data in respect of 3 Rivers Development Limited with those items subject to approval noted accordingly.

6.0 Conclusion

- 6.1 Along with many Local Authorities, the financial challenges facing this Council are immense. A difficult position with significant uncertainties surrounding future funding, has been compounded by the need to maintain essential services whilst losing critical income streams.
- 6.2 There has been some recognition of this from Government and it has contributed to substantial progress being made in reducing the budget gap for 2021/22 to £490k. This does however, represent a significant remaining challenge.
- 6.3 Councils, however, need clarity and certainty about how all local services will be funded over the next few years and beyond. Next year we need a multi-year settlement which must reflect an understanding of the lasting impact the COVID-19 pandemic has had on both service demands and revenue raising.
- 6.4 Moving forward Members and officers need to look to the pressures over the next few years reflected in our MTFP and our need to address ongoing pressures which cannot be satisfactorily addressed by the one-off use of reserves.
- In order to conclude the statutory budget setting process, this updated draft budget position will go through Cabinet, another round of PDG's, Scrutiny, and a final meeting of the Cabinet before being agreed at Full Council on the 24 February 2021. During this period officers will continue to identify and examine further savings possibilities that can reduce the current budget gap.

Contact for more information: Andrew Jarrett – Deputy Chief Executive (S151) /

ajarrett@middevon.gov.uk / 01884 234242

Background Papers: Provisional Settlement Email

LGA Provisional Local Government Finance Settlement 2021/22 On the Day Briefing

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

and Group Managers

GENERAL FUND REVENUE ACCOUNT DRAFT BUDGET SUMMARY 2021/22

		Budget 2020/2021	Movement	Draft Budget 2021/2022	Movement	Draft Budget 2021/2022
				Round 1		Round 2
	Notes	£	£	£	£	£
Cabinet	2	5,433,721	292,620	5,726,341	1,028,662	6,755,003
Community		2,890,445	1,546,959	4,437,404	(1,403,213)	3,034,191
Economy		(549,012)	261,002	(288,010)	(29,340)	(317,350)
Environment		3,736,850	318,215	4,055,065	(242,356)	3,812,709
Homes		303,880	69,180	373,060	19,950	393,010
TOTAL NET DIRECT COST OF SERVICES	1/4	11,815,884	2,487,976	14,303,860	(626,297)	13,677,563
		(4.404.000)	(44.440)	(4.500.050)	50.000	(4.400.040)
Net recharge to HRA		(1,481,630)	(44,449)	(1,526,079)	58,069	(1,468,010)
Provision for the financing of capital spending		1,052,154	(184,144)	868,010	(136,290)	731,720
NET COST OF SERVICES		11,386,408	2,259,383	13,645,791	(704,518)	12,941,273
PWLB Bank Loan Interest Payable		40.040	444.070	450.440		450 440
Finance Lease Interest Payable		48,340	111,070	159,410	-	159,410
Interest from Funding provided for HRA		(49,000)	2,600	(46,400)	(470,000)	(46,400)
Interest Receivable / Payable on Other Activities	3	439,878	(122,998)	316,880	(176,360)	140,520
Interest Received on Investments	_	(568,322)	(135,968)	(704,290)	71,120	(633,170)
Transfers into Earmarked Reserves	5	2,597,050	(639,978)	1,957,072	404,300	2,361,372
Transfers from Earmarked Reserves	5 5	(1,369,370)	(169,025) 522,040	(1,538,395)	(679,545)	(2,217,940)
Proposed Contribution from New Homes Bonus Reserve TOTAL BUDGETED EXPENDITURE	5	(960,540) 11.524.444	1,827,124	(438,500) 13.351.568	(1,085,003)	(438,500) 12.266.565
TOTAL BUDGETED EXPENDITURE		11,524,444	1,021,124	13,351,566	(1,065,003)	12,200,303
Funded by: -						
Revenue Support Grant		-	-	-	-	-
Lower Tier Services Support Grant		-	-	-	(179,252)	(179,252)
Rural Services Delivery Grant		(466,700)	-	(466,700)	(23,042)	(489,742)
Covid19 Non Ringfenced Grant		-	-	-	(407,699)	(407,699)
Covid19 Income Compensation Schemes	12	-	-	-	(570,000)	(570,000)
New Homes Bonus	6	(1,418,190)	641,440	(776,750)	(182,000)	(958,750)
Retained Business Rates	7/8	(3,312,727)	255,320	(3,057,407)	(3)	(3,057,410)
Business Rates Pooling Dividend	9	(150,000)	150,000	- 1	-	_
CTS Funding Parishes		- '	-	-	-	-
Collection Fund Surplus/Deficit	11	(112,000)	112,000	-	-	-
Council Tax (28,239.34 x £213.84)	10	(6,064,827)	26,127	(6,038,700)	(75,920)	(6,114,620)
TOTAL FUNDING		(11,524,444)	1,184,887	(10,339,557)	(1,437,916)	(11,777,473)
REQUIREMENT TO BALANCE THE BUDGET			3,012,011	3,012,011	(2,522,919)	489.092
NEGOTIVE TO DALANCE THE BODGET		-	0,012,011	3,012,011	(2,022,919)	409,032

Current Assumptions: -

- 1. The annual salary increment has been reduced in line with public sector arrangements detailed in the Funding Settlement.
 2. Income flows have been reviewed and adjusted for changes in demand and unit price. Provision has been made to reflect the estimated impacts of the pandemic assuming recovery continues according to current trends in this line.
- Investment income has been based upon the existing lending criteria now in force.
 Support services have been calculated in accordance with the annual process.
- 5. All earmarked reserves have been reviewed and adjustment made based upon existing need.
- 6. New Homes Bonus receipts based on the latest announcements in the Funding Settlement.
- 7. Retained Business Rates s31 grant relating to 100% relief for Retail, hospitality and Leisure in 2020/21 will compensate for deficit brought forward and has been included
- 8. Any business rates deficit brought forward from 2020/21 is expected to be funded from EMR and so is not included as a pressure here.
- 9. It is assumed that in the shadow of Covid 19, there will be no dividend from the Devon Business Rates Pool in 2021/22.
- 10. Council Tax has been increased by £5 (the higher of £5 or 2%) from £208.84 to £213.84. Confirmation of this treatment was received in the Funding Settlement.
- 11. As with NNDR, any Council Tax deficit brought forward from 2020/21 is expected to be funded from EMR and so is not included as a pressure above.

 12. This line relates to receipts in respect of compensation schemes for revenue losses arising in year from the pandemic. It is subject to a financial health warning and represents the best estimates of the s151 officer based on the advice received from central government at the current time. Any adverse movement in these numbers will require support from general fund reserves in order to balance this budget.



2021-22 BUDGETS Appendix 2

Transfers into Earmarked Reserves

SERVICE	EMR		Total	PLANT BUDGET	EQUIPMENT	VEHICLES	OTHER	NEW HOMES
					BUDGET	BUDGET	BUDGET	BONUS
E435	EQ653	NEW HOMES BONUS GRANT	958,752					958,752
E440	EQ659	NNDR Smoothing EMR	400,000				400,000	
PS990	EQ685	FORE STREET MAINT S.FUND	0					
PS992	EQ685	MARKET WALK MAINT S.FUND	0					
CP540	EQ686	PAYING CAR PARKS (MACHINE REPLACEMENT SINKING FU	3,000		3,000			
LD201	EQ720	ELECTION COSTS - DISTRICT	25,000				25,000	
LD300	EQ721	DEMOCRATIC REP & MANAGEMENT	5,000				5,000	
PR810	EQ728	STATUTORY DEVELOPMENT PLAN	100,000				100,000	
EQ754	EQ754	PHOENIX PRINTERS EQUIP SFUND	2,200		2,200			
EQ755	EQ755	ICT EQUIPMENT SINKING FUND	189,500		189,500			
EQ756	EQ756	FLEET CONTRACT FUND	559,600			559,600		
T300	EQ759	MOBILE PHONE CONTRACT	5,000		5,000			
GM960	EQ760	GROUNDS MAINTENANCE	15,820	15,820				
EQ761	EQ761	RECYCLING PLANT SFUND	20,000	20,000				
EQ763	EQ763	RECYCLING MAINTENANCE SINKING FUND	0					
PS880	EQ765	BUS STATION	0					
ES100	EQ766	CEMETERIES	0					
ES450	EQ767	PARKS & OPEN SPACES	0					
RS140	EQ837	LEISURE SINKING FUND	75,000		75,000			
PS980	EQ837	Property maintenance - new	0					
WS710	EQ839	WASTE PRESSURE WASHER	2,500		2,500			
		TOTAL	2,361,372	35,820	277,200	559,600	530,000	958,752
2020/2021	Budget	_		24 260	272 200	EE0 600	120,000	1 419 100
2020/2021	. buaget			34,360	272,200	559,600	130,000	1,418,190
Movement	t			1,460	5,000	-	400,000	(459,438)

Transfers from Earmarked Reserves

	SERVICE	EMR	Description	TOTAL	UTILISE NHB	OTHER
	EQ638	EQ638	DEV CONT LINEAR PARK	(4,170)		(4,170)
	EQ640	EQ640	W52 POPHAM CLOSE COMM FUND	(1,950)		(1,950)
	EQ641	EQ641	W67 MOORHAYES COM DEV FUND	(1,630)		(1,630)
	EQ642	EQ642	W69 FAYRECROFT WILLAND EX WEST	(4,620)		(4,620)
	EQ643	EQ643	W70 DEVELOPERS CONTRIBUTION	(6,650)		(6,650)
	EQ644	EQ644	DEV CONT WINSWOOD CREDITION	(3,080)		(3,080)
	ES733	EQ652	PUBLIC HEALTH	(53,130)		(53,130)
	PR402	EQ652	CULLOMPTON HAZ	(15,000)		(15,000)
	CD200	EQ653	COMMUNITY DEVELOPMENT	(45,000)	(45,000)	
	PR400	EQ653	BUSINESS DEVELOPMENT	(80,000)	(80,000)	
	EQ755	EQ653	ICT EQUIPMENT SINKING FUND	(189,500)	(189,500)	
_	PR402	EQ653	CULLOMPTON HAZ	(124,000)	(124,000)	
a)	IE440	EQ659	NNDR Smoothing EMR	(3,537,610)		(3,537,610)
O E	PR402	EQ722	CULLOMPTON HAZ	(30,000)		(30,000)
Ф	PR810	EQ726	BROWNFIELD SHARED PLAN	(36,263)		(36,263)
	PR400	EQ728	BUSINESS DEVELOPMENT	(60,000)		(60,000)
5	PR810	EQ728	STATUTORY DEVELOPMENT PLAN	(86,270)		(86,270)
_	PR810	EQ729	CUSTOM & SELF BUILD	(45,000)		(45,000)
	HG320	EQ742	HOMELESSNESS EMR	(178,740)		(178,740)
	FP100	EQ755	ICT EQUIPMENT SINKING FUND	(20,000)		(20,000)
	EQ756	EQ756	FLEET CONTRACT FUND	(524,060)		(524,060)
	CS932	EQ776	CUSTOMER FIRST	(19,362)		(19,362)
	IE420	EQ777	C/Tax Smoothing EMR	(101,530)		(101,530)
	PR810	EQ821	NEIGHBOURHOOLD PLANNING FUNDING	(13,200)		(13,200)
	PR225	EQ824	GARDEN VILLAGE PROJECT	(338,000)		(338,000)
	LD100	NEW	ELECTIONS	(45,000)		(45,000)
			RELEASING OF RESERVES TO SUPPORT THE GENERAL FUND IN			
		EQ653	THE FIRST YEAR OF REDUCTION OF HRA RECHARGES	(58,069)	(58,069)	
		EQ660	RELEASING OF RESERVES TO FUND THE 21/22 GF BUDGET	(223,746)		(223,746)
		EQ700	RELEASING OF RESERVES TO FUND THE 21/22 GF BUDGET	-		
			TOTAL	(5,845,580)	(496,569)	(5,349,011)

2020/2021 Budget (960,540) (1,369,370)

Movement 463,971 (3,979,641)

Major repairs to Housing Stock

Renewable Energy Fund Home Adaptations - Disabled Facilities

* Housing Development Schemes

HRA Building Schemes - to be identified (note slippage from 20/21 will fund schemes in 21/22) Garages Block - Redevelopment

Affordable Housing/ Purchase of ex RTB

Waddeton Park, Post Hill, Tiverton (note slippage from 20/21 will fund planned spend in 21/22)

* Proposed Council House Building / Other schemes subject to full appraisal

GRAND TOTAL HRA PROJECTS

2,275

250

300

0

408

500

3,733

17,386

0

FUNDING

MDDC Funding Summary

General Fund

General Fund	2021/22
EXISTING FUNDS	2021/22 £k
Capital Grants Unapplied Reserve	577
Capital Receipts Reserve	88
NHB Funding	1,014
Other Earmarked Reserves	150
HIF Funding	8,358
Subtotal	10,187
NEW FUNDS	
PWLB Borrowing	3,466
Subtotal	3,466
Total General Fund Funding	13,653
Housing Revenue Account	
	2021/22
EXISTING FUNDS	£k
EXISTING FUNDS Capital Receipts Reserve	£k 951
EXISTING FUNDS Capital Receipts Reserve NHB Funding	£k 951 21
EXISTING FUNDS Capital Receipts Reserve NHB Funding HRA Housing Maintenance Fund	£k 951 21 88
EXISTING FUNDS Capital Receipts Reserve NHB Funding HRA Housing Maintenance Fund Other Housing Earmarked Reserves	£k 951 21 88 2,673
EXISTING FUNDS Capital Receipts Reserve NHB Funding HRA Housing Maintenance Fund	£k 951 21 88
EXISTING FUNDS Capital Receipts Reserve NHB Funding HRA Housing Maintenance Fund Other Housing Earmarked Reserves Subtotal	£k 951 21 88 2,673
EXISTING FUNDS Capital Receipts Reserve NHB Funding HRA Housing Maintenance Fund Other Housing Earmarked Reserves Subtotal NEW FUNDS	£k 951 21 88 2,673 3,733
EXISTING FUNDS Capital Receipts Reserve NHB Funding HRA Housing Maintenance Fund Other Housing Earmarked Reserves Subtotal NEW FUNDS PWLB Borrowing	£k 951 21 88 2,673
EXISTING FUNDS Capital Receipts Reserve NHB Funding HRA Housing Maintenance Fund Other Housing Earmarked Reserves Subtotal NEW FUNDS PWLB Borrowing Revenue Contributions	£k 951 21 88 2,673 3,733
EXISTING FUNDS Capital Receipts Reserve NHB Funding HRA Housing Maintenance Fund Other Housing Earmarked Reserves Subtotal NEW FUNDS PWLB Borrowing	£k 951 21 88 2,673 3,733
EXISTING FUNDS Capital Receipts Reserve NHB Funding HRA Housing Maintenance Fund Other Housing Earmarked Reserves Subtotal NEW FUNDS PWLB Borrowing Revenue Contributions Subtotal	£k 951 21 88 2,673 3,733
EXISTING FUNDS Capital Receipts Reserve NHB Funding HRA Housing Maintenance Fund Other Housing Earmarked Reserves Subtotal NEW FUNDS PWLB Borrowing Revenue Contributions	£k 951 21 88 2,673 3,733
EXISTING FUNDS Capital Receipts Reserve NHB Funding HRA Housing Maintenance Fund Other Housing Earmarked Reserves Subtotal NEW FUNDS PWLB Borrowing Revenue Contributions Subtotal	£k 951 21 88 2,673 3,733

CABINET 7 JANUARY 2021

REPORT OF THE HEAD OF PLANNING, ECONOMY AND REGENERATION

CULLOMPTON AND WELLINGTON NEW RAILWAY STATIONS PROJECT UPDATE

Cabinet Member(s): Councillor Richard Chesterton, Cabinet Member for

Planning and Regeneration

Responsible Officer: Jenny Clifford, Head of Planning, Economy and

Regeneration

Reason for Report:

1. To update Members with regard to the Cullompton and Wellington new stations project and related service enhancements; and

2. To identify the next steps for taking forward the project.

RECOMMENDATION:

- 1. That Members note the contents of this report; and
- 2. That Officers continue to explore funding opportunities for the next stages of the project.

Financial Implications:

In May 2020, the partnership was successful in securing funding of up to £50k from the Department for Transport's "Restoring your Railway" Ideas Fund. This funding has supported the development of the Strategic Outline Business Case (SOBC) referred to in more detail in the main body of the report. The "Restoring Your Railways – Ideas Fund" provides 75% of the cost of preparing the SOBC the remainder has been funded from existing budgets previously set aside for the project along with contributions from partners.

The SOBC is the first phase of work for any major transport infrastructure intervention and at the time of writing is in the process of being finalised and submitted to the Department for Transport (DfT). We can expect a decision in early 2021 by DfT on whether it is appropriate to progress to the next stage of the project and enter the next stage of the Rail Network Enhancements Pipeline described below.

The Government recently announced alongside its Comprehensive Spending Review its intention to invest in the railway network and Officers are working closely with the DfT in anticipation of a fourth round to the "**New Stations Fund**" in 2021. The third round having been expanded in November 2020.

In addition to the Strategic Outline Business Case other development works are necessary to support a bid to the New Stations Fund. For the Cullompton Station element it is estimated to cost approximately £200,000 to prepare the bid material

and complete other rail industry requirements. Officers are currently investigating external funding opportunities to finance this work as part of an integrated transport approach to facilitate the delivery of the Culm Garden Village.

The detailed capital costs of delivering a new station at Cullompton is currently unknown; however initial estimates would suggest that it would be in the order of £16 million. If the station reinstatement was supported by DfT through the New Stations Fund process the typical level of government contribution would be 75% of the delivery costs. This would leave a shortfall of approximately £4 million. Officers are currently investigating where these funds could be secured. It is likely that it would be through a combination of s106 contributions, partnership investment and other external funding mechanisms.

Budget and Policy Framework: The Strategic Outline Business Case has been funded primarily through the Restoring Your Railways fund alongside partner contributions including Mid Devon District Council from previously pledged and allocated funding within the budget for 2020/2021. Funds for future stages of the project have yet to be identified. Members however will be updated once a clearer idea of a possible funding package emerges.

The Mid Devon Local Plan 2013-2033 includes a site allocation for a Cullompton Railway Station. The Cullompton area is the largest focus for strategic growth in the Local Plan accommodating 50% of planned growth during the plan period. The station and service enhancement will form part of a wider multi modal approach to transport in and around Cullompton and the proposed garden village scheme.

Legal Implications: No significant legal implications are anticipated at this time. Legal implications could arise as part of any bid to the New Stations Fund. Should these arise they will be reported to Cabinet through future update reports.

Risk Assessment:

Robust, suitable and appropriate governance arrangements for the new stations project are necessary to drive the project progress, allow it to operate efficiently and to build relationships with stakeholders. Project risks are reviewed regularly by the steering group and a risk assessment is an important part of the SOBC.

Effective governance arrangements will also ensure that best use is made of funding opportunities and provide a structure within which the project will develop and be accountable.

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

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

Relationship to Corporate Plan: The proposal for a new railway station contributes to all four corporate priorities of economy, homes, community and environment and

is central to the delivery of many of aims identified within the Corporate Plan. It is a significant strategic project which could have a national profile.

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

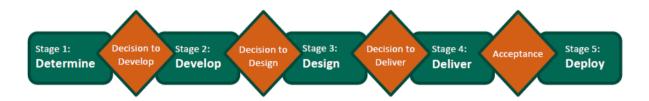
1.0 Introduction/Background

- 1.1 There have been long established aspirations to reinstate stations at Cullompton and Wellington. A key impetus for delivering these projects is that both areas are proximate to significant planned growth. It is considered that this can be part of a more general enhancement to the rail service between Bristol and Exeter. Within our submission to the new stations fund the service enhancements were deemed to be the most appropriate in order to meet the needs of stakeholders' aspirations of an hourly service at Cullompton and Wellington was the extension of Cardiff to Taunton services to Exeter. However this could be supplemented by a Taunton Exeter shuttle.
- 1.2 Across the South West Peninsula, there has been a significant growth in rail Journey to Work trips to Exeter, growing by 181% between 1991 and 2011, compared with just 30% by car (driver). This has provided an important context to the desire to examine the potential for reopening a station at Cullompton particularly given the scale of growth planned for the area. Cullompton has experienced significant population growth since the closure of the station in 1964. This trend is continuing given the focus of growth in the Cullompton Area in the Local Plan along with the Garden Village proposal.
- 1.3 Work on this project was initially based on meetings held by the Devon and Somerset Metro Officer meeting with the occasional meeting with MPs. This has been the basis for the subsequent forming of a strong partnership between the County, District and Town Councils, the rail industry (both Network Rail and TOCs) and the Local Enterprise Partnership. The Members of Parliament for Tiverton and Honiton and Taunton Deane have also jointly sponsored the project. Members may recall that these partnership governance arrangements have recently been formalised to give the project a firmer footing with the creation of a Project Board and Officer Steering Group as agreed by Cabinet at its meeting of 23rd April 2020.
- 1.4 It has also been decided that in recognition of the respective County Council's (i.e. Devon County Council & Somerset County Council) being unable to commit sufficient time/resource to be the project sponsor, that the two District Councils (Somerset West & Taunton Council & Mid Devon District Council) would undertake this role for the initial stages of this project.
- 1.5 A site for a new railway station, north of Station road in Cullompton, is allocated within the Local Plan. Network Rail carried out a timetable study in 2017 to explore whether a service could be provided calling at Cullompton and Wellington. In January 2019 an initial feasibility study was undertaken by WSP Consulting to check whether station arrangements fit within the allocated footprint and to assess if there are any signal issues. The results from these initial studies suggest that there would be a sound value for money

case and that it should be feasible to provide a suitable train service without adverse impacts upon other services using this part of the main line. It was also concluded that subject to topographical, structural and ground investigation surveys, a new station at Cullompton could be accommodated. Signal D181 would however need to be relocated. Similarly Wellington was also assessed favourably. The potential service patterns and frequencies is shown diagrammatically in Appendix 1. The opportunity to reopen these stations is particularly timely, as it aligns well with the work which Network Rail has already committed to conduct for the Bristol to Exeter corridor, through its Continuous Modular Strategic Planning process. It should also be noted that the Cullompton scheme could form part of wider rail service improvements in Devon with the recent announcement of the restoring rail links to Oakhampton.

2.0 OVERVIEW OF THE PROCESS Rail Network Enhancement Pipeline

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



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

2.2 The Cullompton and Wellington Railway Stations Re-instatement project is currently at stage 1. A key requirement before a project can progress to the next stage is the development of a Strategic Outline Business Case (SOBC). The SOBC then has to be agreed by Government before it will engage in "Decision to Develop" discussions.

Strategic outline Business Case (SOBC)

2.3 Mid Devon District Council, in partnership Somerset West and Taunton Council, submitted a bid to the New Ideas Fund in March 2020, seeking support to develop the technical work required to progress the two station proposals to SOBC stage. Subject to approval of the SOBC by the Department for Transport (DfT) this would provide a basis for entering into

- discussions regarding progressing into the next stage (Stage 2 Develop) of the Rail Network Enhancements Pipeline (RNEP).
- 2.4 WSP consulting was appointed to undertake the SOBC work in September 2020. The Strategic Outline Business Case is a technical piece of work and your Officers have been contributing to its development through active participation on the project steering group and through direct engagement with the consultants. The Project Board chaired by the two Local MPs (Neil Parish MP and Rebecca Pow MP) has reviewed work at its last meeting and considered significant progress had been made to move the project forward.
- 2.5 At the time of writing the SOBC is nearing completion and is on schedule for submission to DfT in December 2020.

New Stations Fund

- 2.6 The Government recently announced (November 2020) alongside its Comprehensive Spending Review its intention to invest in the railway network with the third round of the New Stations Fund having been expanded by £32 million. Officers are working closely with the DfT in anticipation of a fourth round to the "New Stations Fund" in 2021 so that the project might be in the best position to make a strong application for further funding. It is encouraging that in the recently published National Infrastructure Strategy that new stations for Cullompton and Wellington are explicitly referenced.
- 2.7 Sufficient information needs to be prepared alongside the Strategic Outline Business Case to form a credible bid to the New Stations fund, which we anticipate could be required by the end of quarter two 2021/2022. The likely costs of this work is approximately £200,000 to prepare the bid material and complete other rail industry requirements. Officers are currently investigating live external funding opportunities to help finance this work as part of an integrated transport approach to facilitate the delivery of the Culm Garden Village.

3.0 NEXT STEPS

- 3.1 The next steps to advance the project are as follows:
 - DfT to consider the SOBC and to meet with the partners to consider next stages including whether the project will proceed. This decision will precede any formal entry onto the next stage of the rail enhancement pipeline (Develop);
 - Continue positive contact with senior officials within the rail industry and the DfT to continue to raise the profile of the project;
 - Development of a bid for the New Stations Fund in the event of a fourth round being announced in 2021;
 - Continue to seek funding opportunities,
 - Ensure that there is engagement with Network Rail through the Continuous Modular Strategic Planning (CMSP) process;
 - Review governance arrangements at next key stage in the project.

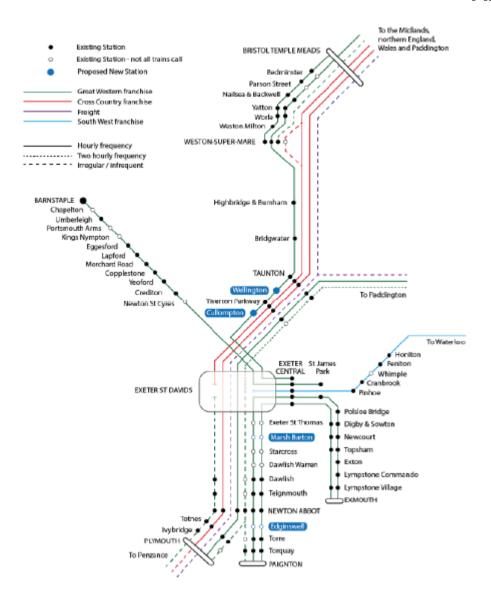
Contact for more Information: Adrian Welsh, Group Manager – Growth, Economy and Delivery 01884 234398 awelsh@middevon.gov.uk

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

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

Cabinet Report of the Head of Planning, Economy and Regeneration Cullompton and Wellington New Railway Stations Project – Governance, Process, Project Funding and Next Steps (23 April 2020) https://democracy.middevon.gov.uk/documents/s17182/Cullompton%20Station%20Update%20and%20Rail%20Governance%20FINAL.pdf

APPENDIX 1



Service patterns and frequencies



CABINET 7 JANUARY 2021

DISPOSAL OF PARK NURSERY, PARK ROAD, TIVERTON - A REVIEW OF OPTIONS

Cabinet Member(s): Cllr Bob Evans, Cabinet Member for Housing and Property Services.

Responsible Officer: Andrew Jarrett, Deputy Chief Executive (S151).

Reason for Report: For Cabinet to approve the asset disposal of Park Nursery Depot, Park Road, Tiverton, EX16 6AU.

RECOMMENDATION:

To delegate authority to the Cabinet Member for Housing and Property Services and the Deputy Chief Executive (S151) to complete the asset disposal of Park Nursery Depot, Park Road, Tiverton, EX16 6AU:

1. In accordance with Table 1 – Option 2, proceed with the marketing process and sale the existing buildings and land to the best value offer via a sealed bid process.

Or

2. That 3 Rivers Developments Limited are given first opportunity to acquire the site, on the condition that full market valuation is offered in accordance with an independent valuation in order to demonstrate public value and transparency. It should be noted that 3 Rivers Developments Limited is a separate legal entity and is not under any obligation to bid for any land the Council may wish to dispose of and that any offer below the valuation will trigger recommendation 1.

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. It is, therefore, important that efficient and effective use is made of our asset portfolio to support corporate and service objectives.

Financial Implications: Disposal of the freehold interest in the land and buildings will realise a capital receipt, please refer to Part 2 Annex A for details of the values reported prior to full panning permission being obtained.

Legal Implications: A local authority has a statutory duty to dispose of the land or property for the best price that can reasonably be obtained. Part of the land is public open space for the purposes of the Open Spaces Act 1906. Pursuant to section 123(A) of the Local Government Act 1972 the Council has advertised its intention to dispose of the site and had invited the public to submit any objections.

Risk Assessment: This land has development value, the risks to the Council of retaining it are (1) the repair, maintenance and other ongoing costs including insurance and (2) the loss of a profitable sale transaction.

Equality Impact Assessment: Please refer to Annex B.

Impact on Climate Change: The existing planning permission takes into account the environmental impact, seeking to reduce such effects as much as possible.

1.0 Introduction

- 1.1 Previously, the Park Road Nursery was used by the Grounds Maintenance Service. The decision was made to close the depot and relocate to Carlu Close in order to consolidate the provision of the service in one location with modern welfare facilities. Due to the relocation, the buildings and land are no longer required.
- 1.2 The existing depot buildings comprise of an original park keepers workshop building, a porta-cabin, a range of rendered block/profile tin stores and a basic timber and corrugated iron shed. The whole site is fenced, in part with galvanised palisade style fencing, and the outer boundary is comprised of trees, with some remnants of a former post and wire fence suggesting the plan boundary may extend to this older fence line. We estimate the total site area to be 0.452 ha/1.12 acres. The site is within the defined Tiverton settlement boundary where residential development is permitted, in principle by policies S1 and S10 of the Mid Devon Local Plan 2013-2033. This would contribute to meeting the housing needs of the District as set out in policy S3 of the Local Plan.
- 1.3 The Council had three independent valuations carried out during 2019 and prior to full planning permission, validated on 29.06.20 and permitted with conditions to discharge on 06.11.20 detailed on Annex C. The valuations had been prepared in accordance with the Royal Institution of Chartered Surveyors Valuation and the valuers had confirmed that they have sufficient knowledge of the particular market and skills and understanding to undertake the valuation competently, each valuation included a potential value range for obtaining planning permission for a residential redevelopment.
- 1.4 Following the Cabinet decision on 16th January 2020, the Council achieved full planning permission to construct three 3-bedroom houses and six 4-bedroom houses, in three terraces. The properties are of a highly sustainable and low carbon design based on Passivhaus principles and attached to this report as Annex D is a site plan.
- 1.5 The permission is for the provision of nine new houses in three terraces throughout the site. The site has a relatively narrow road frontage but widens out significantly into the site where it adjoins the People's Park to the south. The topography of the site drops significantly to the west with the three dwellings nearest the road being sited between two and three metres below the existing road levels. The remaining six properties will have a finished floor at ground level approximately five metres lower than the road level. A further lower ground floor will be even lower within the site.

1.6 Mains electricity, water and foul sewerage are available to the property.

2.0 Legal position regarding disposal of land and buildings

- 2.1 A local authority is in the position of trustee in relation to land or property that it owns on behalf of the community, and under S.123 of the Local Government Act 1972 it has a statutory duty to dispose of the land or property for the best price that can reasonably be obtained. The General Disposal Consent 2003 permits sale at an under value, provided such an under value is under £2 million and the disposal will help to secure the promotion or improvement of economic, social or environmental well-being of its area.
- 2.2 Part of the land is public open space for the purposes of the Open Spaces Act 1906 and the Council has completed the advertisement of the disposal in accordance with section 123(2A) of the Local Government Act 1972 (for two consecutive weeks) and the consideration of the objections were reviewed by Cabinet on 22nd August 2019. The land and buildings are not currently accessible to the public and are not in current use as public space.
- 2.3 There are no covenants registered against the title which prevent the Council from disposing of this land or which restrict its current or potential use.
- 2.4 In the event of Cabinet resolving on recommendation 1 and to market the site, the agent would have to be made aware of the legal restriction around planning permissions granted by local authorities for their own land. The revised valuations will take this into account.
- 2.5 The Council has clearly demonstrated that residential development has been shown to be permissible and the fact that there is a ready scheme that meets the approval of the planners, however it is important to note that no third party can simply take the benefit of the planning permission and commence works. A buyer would need a fresh planning permission that can be achieved in a number of ways, including an application to vary some element or a condition to the current planning permission.

3.0 Revised Land Valuation

3.1 Revised valuation figures are attached to this report on Part 2 Annex A.

4.0 Budget Position

- 4.1 There has been no budget set for the Park Road Nursery Depot for 2019/20 or 2020/21 and standing charges for utilities are being met by the surplus sites cost code.
- 4.2 The sale of the property would be exempt of VAT, as this land has not been opted to tax.

4.3 Cabinet had set a budget of circa £20k for obtaining full planning permission and current costs are circa £25k.

5.0 Marketing and sale options

5.1 The Council then has a number of options as to the manner in which to proceed with a sale that are detailed on Part 2 Annex A.

6.0 Table 1 – A review of options

6.1 There remain three options available concerning the future of the land as shown in Table 1.

Table 1

Option	Benefits	Risks
1. Retain the asset and continue with the running costs for future use.	The asset would be retained for a potential future use.	The financial liability for the repair and maintenance, standing charges and capital expenditure for the existing buildings. The Council does not secure a commercial offer.
2. To proceed with placing the asset on the open market for an immediate sale and to receive sealed bids.	Opportunity to realise a capital receipt. The Council lose all responsibility and future liability for the repairs and maintenance of this land and buildings.	With this option officers see little to no risk.
3. Offer the property to 3 Rivers at full market valuation, which will minimise risk to the council while securing value for money. In the event that 3 Rivers declines to purchase the site at the independently assessed value, the Council would market the site.	Opportunity to realise a capital receipt. The Council lose all responsibility and future liability for the repairs and maintenance of this land and buildings.	With this option officers see little to no risk.

7.0 Conclusion

- 7.1 To capitalise on this commercial opportunity, it is the officers' recommendation that the Council should proceed with Option 2 or 3.
- 7.2 It is recommended to delegate authority to the Cabinet Member for Housing and Property Services and the Deputy Chief Executive (S151) to proceed with the asset disposal.

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

Circulation of the Report: Cllr Bob Evans, Cabinet Member for Housing and Property Services, Cabinet, Leadership Team.

List of Background Papers:

Cabinet Part 2 Report - 27th June 2019 Cabinet Part 2 Report - 22nd August 2019 Cabinet Part 2 Report - 16th January 2020



By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted



Equality Impact Assessment Form and Action Table 2015

(Expand the boxes as appropriate, please see guidance

"I shall try to explain what "due regard" means and how the courts interpret it. The courts have made it clear that having due regard is **more than having a cursory glance** at a document before arriving at a preconceived conclusion. Due regard requires public authorities, in formulating a policy, to give equality considerations the weight which is **proportionate in the circumstances**, given the potential impact of the policy on equality. It is not a question of box-ticking; it requires the equality impact to be **considered rigorously and with an open mind**."

Baroness Thornton, March 2010

What are you completing the Impact			A review of options for the disposal of Park			
Assessment on (which policy,			Nursery Depot, Park Road, Tiverton.			
service, MTFP referen	ce etc)?	c)? EX16 6AU.				
Version	1	D	Date	07.12.20		

Section 1 – Description of what is being impact assessed

A review of options for the disposal of Park Nursery Depot, Park Road, Tiverton. EX16 6AU.

Section 2A – People or communities that are **targeted or could be affected** (taking particular note of the Protected Characteristic listed in action table)

There is no public access or staff based at the site. No employees will be impacted by a disposal.

The planning permission that has been granted has also considered the impact on the area.

Section 2B – People who are **delivering** the policy or service

Section 3 – **Evidence and data** used for the assessment (Attach documents where appropriate)

The planning committee report reference 20/00858/FULL dated 6th November 2020.

Section 4 – Conclusions drawn about the equalities impact (positive or negative) of the proposed change or new service/policy:
There is no public access or staff based at the site.

If you have identified any negative impacts you will need to consider how these can be mitigated to either reduce or remove them. In the table below let us know what mitigation you will take. (Please add rows where needed)					
Identified issue drawn from your conclusions	Actions needed – can you mitigate the impacts? If you can how will you mitigate the impacts?	Who is responsible for the actions? When will the action be completed?	How will it be monitored? What is the expected outcome from the action?		
Age					
Different approaches and mechanisms are required for engaging with and representing, people of different ages, in particular children and young people.	N/A	N/A	N/A		
Disability	<u> </u>		<u> </u>		
Different approaches and mechanisms may be required for engaging with and representing, people with a range of disabilities depending on their individual needs.	N/A	N/A	N/A		
Gender Reassignment			,		
It is very important that the specification does not discriminate against those who are or have undergone gender reassignment who currently use the service or may wish to use it in the future.	N/A	N/A	N/A		
Marriage and Civil Partners	hip				
No issues identified	N/A	N/A	N/A		

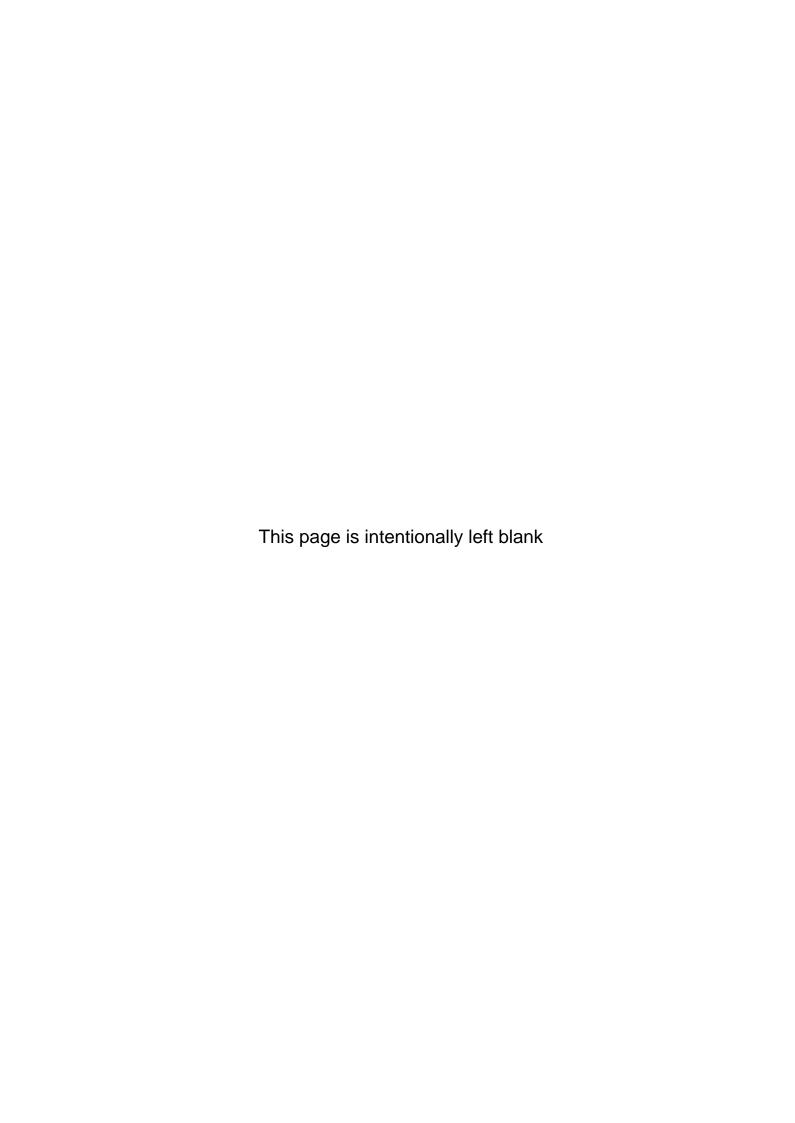
Pregnancy and Maternity			
It is very important that the specification does not discriminate against those who are pregnant, who use the service or who wish to use it in the future.	N/A	N/A	N/A
Race (including ethnicity or	national origin, colour, natior	nality and Gypsies and	Travellers)
It is very important that the specification reflects the particular needs of people from all backgrounds who currently use the service or may wish to use it in the future.	N/A	N/A	N/A
Religion and Belief			
It is very important that the specification reflects the particular needs of people irrelevant of their religions and beliefs who currently use the service or may wish to use it in the future.	N/A	N/A	N/A
Sex	<u>I</u>		<u> </u>
It is very important that the specification reflects the particular needs of people irrelevant of their sex who currently use the service or may wish to use it in the future.	N/A	N/A	N/A
Sexual Orientation			
It is very important that the specification reflects the particular needs of people irrelevant of their sexual orientation who currently use the service or may wish to use it in the future.	N/A	N/A	N/A

Other (including caring resp	_		
Rurality	N/A	N/A	N/A
It is important that the service is able to engage			
with and represent individuals who live in rural areas and / or have limited			
access to public transport.			

Section 6 - How will the assessment, consultation and outcomes be published and communicated? E.g. reflected in final strategy, published. What steps are in place to review the Impact Assessment

Any future development of the site will be controlled via the planning process and Ward Members would be kept informed.

Completed by:	Andrew Busby
Date	07.12.20
Signed off by:	
Date	
Compliance sign off Date	
To be reviewed by: (officer name)	
Review date:	



Reference No: 20/00858/FULL

Parish: Tiverton 52



TOWN AND COUNTRY PLANNING ACT 1990

APPROVAL OF FULL PLANNING APPLICATION

Name and Address of Applicant:

Mr Tim Powell, Mid Devon District Council

Phoenix House Phoenix Lane Tiverton Devon

EX16 6PP

Name and Address of Agent:

Mr Tomas Gaertner

SE3D

Home Field View Prockters Farm Offices

Taunton Somerset TA2 8QN

Date Registered: 29th June 2020 Date of Permission: 6th November 2020

Proposal: Erection of 9 dwellings with associated car parking and access **Location:** Mid Devon District Council Park Road Nursery Park Road Tiverton

Site Vicinity Grid Ref: 295613/113473

MID DEVON DISTRICT COUNCIL HEREBY GRANTS FULL PLANNING PERMISSION FOR THE ABOVE DEVELOPMENT

Subject to the following conditions:

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
- 3. Details of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of each element of the proposal respectively;
 - a) details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs, including details of roof verge finishes;
 - b) details of the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including any roof lights) and doors;
 - c) details of position and colour finish of meter cupboards, gas boxes, rainwater goods, soil and waste pipes (soil and waste pipes are expected to be run internally);
 - d) details of all boundary treatments.

Once approved such details shall be fully implemented and thereafter shall not be altered without the prior written consent of the Local Planning Authority.

4. Prior to commencement of the development, details of the final landscaping scheme including the location, species, size and location of replacement trees and hedges, and any earth re-profiling, shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding, and earth works comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the

occupation of the dwelling or substantial completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species

- 5. The development hereby permitted shall be carried out in strict accordance with the schedule of tree works and protection measures contained within the submitted 'Arboricultural Report', prepared by Advanced Arboriculture, dated 17th June 2020, The approved tree protection measures shall be installed in their entirety prior to commencement of the development, any site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, and shall remain implemented in their entirety for the duration of the construction of the development and may only be moved, removed or dismantled with the prior consent of the Council in-writing.
- 6. No work shall commence in relation to the construction of the dwellings hereby permitted unless details of foul and surface water drainage to serve the development, including details to prevent the discharge of surface water onto the highway, have been submitted to and approved in writing by the Local Planning Authority. Such details shall include details of gullies, connections, soakaways and means of attenuation on site. The approved drainage details shall be completed and become fully operational before any of the dwellings hereby permitted is first occupied. Following its installation such approved scheme shall be permanently retained and maintained thereafter.
- 7. The development hereby permitted shall be carried out in accordance with the recommendations detailed in the submitted Preliminary Ecology Appraisal (prepared by Seasons Ecology dated March 2020) covering avoidance of harm to protected species and nesting birds. Final details of mitigation, compensation and enhancement measures detailed in Section 6 (Recommendations) of the submitted Preliminary Ecology Appraisal) shall be submitted to and approved in writing by the Local Planning Authority prior to the development hereby permitted being first commenced. The approved scheme shall be implemented in accordance with the approved details occupied unless otherwise approved in writing by the Local Planning Authority.
- 8. Before the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. In respect to the protection of residential amenity and the local environment, the CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include details of the hours of operation and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. The following specific details should also be included in respect to highway safety:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance; (e) the number and sizes of vehicles visiting the site in connection with the development and
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with

confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (I) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

Once approved the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

- 9. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
- 10. There shall be no obstruction to visibility greater than 600mm above adjoining road level forward of the visibility splays shown on the approved plans. Such visibility shall be fully provided before any of the dwellings hereby permitted are first occupied and shall thereafter be maintained at all times.
- 11. The area allocated for parking on the submitted plans shall be kept clear of obstruction and shall not be used other than for parking of vehicles in connection with the development hereby permitted.
- 12. Before the development hereby approved is commenced, a site investigation and risk assessment shall be carried out to determine the nature and extent of land contamination that may be present and the likely impact on all receptors that may result. A full report of the investigation and risk assessment shall be forwarded to the Local planning Authority for approval. No work shall proceed on site until either the Local planning Authority grants written consent for the development to commence or the requirements of condition 13 below are met.
- 13. Where actual or probable significant pollutant linkages are found following the investigation and risk assessment required by condition 12 above, the applicant shall submit a remediation statement together with a timescale for completion of the required works for approval in writing by the Local Planning Authority.
- 14. Following completion of any works required by condition 13 above, a remediation validation report shall be submitted to the Local Planning Authority for approval in writing. Occupation on the site, or parts of the site affected by land contamination, shall not take place until approval of the validation report has been granted.
- 15. The lodge building to be retained shall only be used for purposes incidental to the enjoyment of the residential use of the dwellinghouse referred to as 'Unit 1' on the approved plans. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) the building shall not be extended or altered without the Local Planning Authority first granting planning permission

16. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development of the types referred to in Classes A, B, C and E of Part 1, or Class A of Part 2 of Schedule 2 relating to the enlargement, improvement or other alteration of a dwellinghouse, addition or alteration to the roof, provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool, container for domestic heating purposes for storage of oil of liquid petroleum gas or the erection of a gate, fence wall or other means of enclosure, shall be undertaken within the application site without the Local Planning Authority first granting planning permission.

REASONS FOR CONDITIONS:

- 1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2. For the avoidance of doubt and in the interests of proper planning.
- To ensure the use of materials appropriate to the development in order to safeguard the
 visual amenities of the area in accordance with policies S1, S9 and DM1 and DM25 of the
 Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning
 Policy Framework.
- 4. To safeguard the visual amenities of the area in accordance with policies S1, S9 and DM1 and DM25 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.
- 5. To preserve the health, structure and amenity value of existing landscape features (trees and hedges) to safeguard the visual amenities of the area in accordance with policies S1, S9 and DM1 and DM25 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.
- 6. To ensure that the site is adequately drained, in the interests of public safety and to prevent damage to the highway, in accordance with policies S9, DM1 and DM3 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.
- 7. For the conservation and protection of legally protected species and for the enhancement of biodiversity, in accordance with policies S9 and DM1 of the Mid Devon Local Plan 2013-2033, the provisions of the National Planning Policy Framework, and to ensure compliance with The Wildlife and Countryside Act 1981 (as amended).
- 8. In the interests of residential amenity, in the interests of public safety and to prevent damage to the highway, in accordance with policies S9, DM1 and DM3 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.
- 9. In the interests of highway safety, in accordance with policy DM3 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.
- 10. In the interests of highway safety, in accordance with policy DM3 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.
- 11. In the interests of highway safety, in accordance with policies DM3 and DM5 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.

- 12. In the interests public safety and the health of future residents, in accordance with policies S9, DM1 and DM4 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.
- 13. In the interests public safety and the health of future residents, in accordance with policies S9, DM1 and DM4 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.
- 14. In the interests public safety and the health of future residents, in accordance with policies S9, DM1 and DM4 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.
- 15. To safeguard the visual amenities of the area in accordance with policies S1, S9 and DM1 and DM25 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.
- 16. To safeguard the visual amenities of the area in accordance with policies S1, S9 and DM1 and DM25 of the Mid Devon Local Plan 2013-2033 and the aims and objectives of the National Planning Policy Framework.

INFORMATIVE NOTES:

- If you are planning a new development or extending an existing property over, or within 3 metres of public assets you need to contact South West Water.
 Note: South West Water will not permit building within 4.5 metres of public water mains, sewage rising mains or sewers on a new development or redevelopment site. For more information please refer to the information on their website:
 Clean water https://www.southwestwater.co.uk/buildover

 Waste water https://www.southwestwater.co.uk/buildover
- Please note that the grant of planning permission does not grant the right to close, alter or build over a right of way in any way, even temporarily, this includes, for example, a change in the surface, width or location. Nothing should be done to divert or stop up a public right of way without following the due legal process, including confirmation of any permanent diversion or stopping-up order and the provision of any new path. In order to avoid delays this should be considered at an early opportunity.

If a temporary closure is required during construction works, e.g. for safety reasons, the applicant would need to apply to the County Council for a Temporary Traffic Regulation Order.

Further information about public rights of way and planning is available on our website here.

If permission is granted, please include as footnotes in the decision notice:

The alignment, width, and condition of public rights of way providing for their safe and convenient use shall remain unaffected by the development unless otherwise agreed in writing by the Public Rights of Way Team.

Nothing in this decision notice shall be taken as granting consent for alterations to public rights of way without the due legal process being followed

3. Public Health have stated; "Recommend extending the hallway at ground floor to ensure the stairs from the lower level in plots 3, 4, 5, 6, 7, 8 and 9 lead to a safe means of escape from fire. Currently classed as inner rooms as the stairs descend to a high risk area."

Applicants are reminded that this decision does not grant consent that may be necessary under any other Regulations, including the Building Regulations.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed development comprising the provision of 9 dwellinghouses within the Tiverton defined settlement limits, is considered to be acceptable. The proposal by virtue of its siting and design will appropriately respect and relate to the character and appearance of the surrounding development, will preserve the character and setting of the adjoining conservation area and the significance of other heritage assets, and would have no unacceptable impact on the private amenities of the occupiers of neighbouring properties. The properties created will be of a suitable size for its future occupants, and is not considered to cause demonstrable harm to highway safety, local ecology or increase the risk of flooding locally. It is considered appropriate to recommend approval with conditions necessary to ensure the success of the development in this location. As such, it is considered that the proposed development is in accordance with policies S1, S3, S5, S9, S10, DM1, DM3, DM5 and DM25 of the Mid Devon Local Plan 2013 and the National Planning Policy Framework

Statement of Positive Working

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, in determining this application the Local Planning Authority has worked proactively and positively with the applicant to ensure that all relevant planning considerations have been properly resolved. This has included further discussion and negotiations to address issued raised.

In accordance with the National Planning Policy Framework, the Local Planning Authority has also involved the community in the consideration of this application.

DEVELOPMENT PLAN POLICIES:

Mid Devon Local Plan 2013 - 2033

S1 - Sustainable development priorities

S3 - Meeting housing needs

S5 - Public open space

S9 - Environment

S10 - Tiverton

DM1 - High quality design

DM3 - Transport and air quality

DM4 - Pollution

DM5 - Parking

DM25 - Development affecting heritage assets

Relevant Plans

The plans listed below are those approved. No substitution shall be made.

Plan Type	Reference	Title/Version	Date Received
Proposed	Si-13	Road Levels	17/09/2020
Existing	P-09	Keepers Lodge	06/10/2020
Proposed	Si-11	Site Plan	29/06/2020
Site Location Plan	01	Existing	04/06/2020
Proposed	E-01	Units 1-3 Elevations	04/06/2020

Proposed	E-02	Units 4-6 Elevations	04/06/2020
Proposed	E-03	Units 7-9 Elevations	04/06/2020
Proposed	P-01	Units 1-3 Ground Floor	04/06/2020
Proposed	P-02	Units 1-3 First Floor	04/06/2020
Proposed	P-03	Units 4-6 Ground Floor	04/06/2020
Proposed	P-04	Units 4-6 Lower Ground Floor	04/06/2020
Proposed	P-05	Units 4-6 First Floor	04/06/2020
Proposed	P-06	Units 7-9 Ground Floor	04/06/2020
Proposed	P-07	Units 7-9 Lower Ground Floor	04/06/2020
Proposed	P-08	Units 7-9 First Floor	04/06/2020
Proposed	Si-05	Site Sections	04/06/2020
Proposed	Si-06	Site Elevations	04/06/2020
Proposed	S-01	Units 1-3 Sections	04/06/2020
Proposed	S-02	Units 4-6 Sections	04/06/2020
Proposed	S-03	Units 7-9 Sections	04/06/2020
Proposed	Si-03	Site Roof Plan	10/09/2020
Proposed	Si-04	Site Ground Floor Plan	10/09/2020

A copy of the approved plans will be available on Mid Devon's online planning facility.

Website: http://www.middevon.gov.uk/planning

Signed:

Mrs Jenny Clifford Head of Planning and Regeneration

Date: 6th November 2020

THIS DECISION IS NOT A DECISION UNDER BUILDING REGULATIONS AND SEPARATE CONSENT MAY BE REQUIRED. PLEASE CONTACT OUR BUILDING CONTROL DEPARTMENT FOR MORE INFORMATION.

Please refer to notes attached

NOTE – Failure to adhere to the details of the approved plans or to comply with the above conditions constitutes a contravention of the Town and Country Planning Act, 1990 in respect of which enforcement action may be taken.

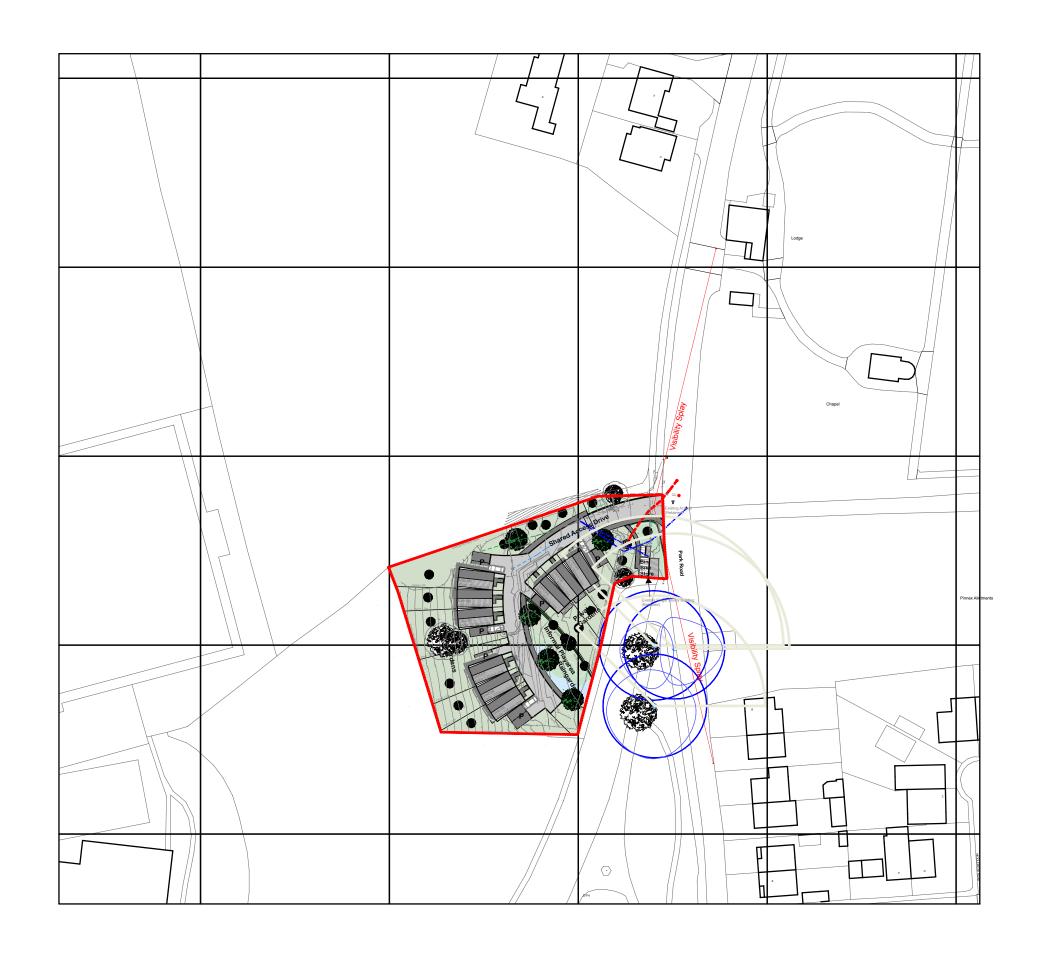
TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against your local planning authority's decision on your application, then you must do so within:
 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If you want to appeal against the Local Planning Authority's decision then you must do so within 6
 months of the date of this notice.
- If this is a decision for a minor commercial application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision for the display of an advertisement and you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at www.planningportal.gov.uk/pcs.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally
 be prepared to use this power unless there are special circumstances which excuse the delay in
 giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the
 local planning authority could not have granted planning permission for the proposed development
 or could not have granted it without the conditions they imposed, having regard to the statutory
 requirements, to the provisions of any development order and to any directions given under a
 development order.

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or
 grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably
 beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the
 carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
- In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable is set out in Section 114 of the Town and Country Planning Act 1990.



Site Plan Key

Site



Hedge planting

Utilities (Existing)



Tree Constraints

- T1 Category A tree
- T1 Category B tree
- Category C tree
- T1 Category U tree
- Crown spread
- Root protection area
- BS5837:2012 shade path

2004 - SE3 - - - A

Unit Mix

Unit 01	3b4p	90 sqm GIA
Unit 02	3b4p	90 sqm GIA
Unit 03	3b4p	90 sqm GIA
Unit 04	4b6p	135 sqm GIA
Unit 05	4b6p	135 sqm GIA
Unit 06	4b6p	135 sqm GIA
Unit 07	4b6p	135 sqm GIA
Unit 08	4b6p	135 sqm GIA
Unit 09	4b6p	135 sqm GIA
Total		



Si-11

RevID	Issue ID	Issue Na	me	Issu	e Date	Issued By	Status	Approved by
Drawing Number								
project	originator	zone	level	type	role	num	ber	rev

status Scales @ A3

Project No. 1:1000

SE2004

Purpose of Issue

MDDC Nursery Site 43 Park Road

Mid Devon District Council

Site Plan

Layout Title

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted



By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted



By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted



Agenda Item 14.

CABINET 7TH JANUARY 2021

ANNUAL REPORT ON COMPLIMENTS. COMMENTS AND COMPLAINTS

Cabinet Member(s): Cllr N Woollatt

Responsible Officer: Lisa Lewis, Group Manager for Business Transformation and

Customer Engagement

Reason for Report: Annual report on compliments, comments and complaints received as part of our 2 million plus contacts with customers in 2019/2020.

RECOMMENDATION: to note the record of compliments, comments and complaints

Financial Implications: None

Legal Implications: None

Risk Assessment: Accurate recording and monitoring of complaints is good practice and ensures openness and accountability to all customers.

Equality Impact Assessment: Compliments, comments and complaints are received by a variety of means which ensures that there is equality of opportunity for all customers. In addition, where there is a need Customer Services staff will always assist in the recording of these communications and complaints. There is also an interpretation service available

Relationship to Corporate Plan: To ensure that the Council provides access to services for customers in whatever way they choose to transact with us. Ensuring extended access via digital means and improving the way that we hold information and deliver our services to customers, placing them at the centre of what we do.

Impact on Climate Change: None

1.0 Introduction/Background

1.1 The Council receives contact from customers in a variety of ways for all services. The table below shows the overall number of contacts for each method for the last two years covering 2019 and 2020 to date.

Contact Method	01 December 2018 – 30 November 2019	01 December 2019 – 30 November 2020
Number of visitors to the office for enquiries	14789	5333
Telephone Payments (including automated)	60784	47698
Calls to call centre	106662	96381
Calls to direct lines (not including calls to mobiles)	340888	300345
Emails Received	Over 1 million	Over 1.4 Million
Digital Payments	89477	98063
Kiosk Payments	15857	6352

Online- forms submitted	41413	44101
Planning Applications	1001	1081

- 1.2 Traditionally this has been an annual retrospective. However, due to the pandemic and busy cabinet agendas this report has been postponed a number of times. The figures therefore also include Apr20 Nov20; a period which covers the recent months of the pandemic and can be used as a measure of how we have been providing services over this period.
- 1.3 This report provides a summary of the number of complaints, compliments and comments received for each service from 1 April 2019 to 30 November 2020 (see **Appendix 1**). An official complaint is recorded when a customer has been unable to resolve their issues with the service concerned or where the issue is more serious than a normal service request that can be resolved by officers as part of their day to day activities.
- 1.4 Compliments, comments and complaints are recorded on the CRM in accordance with our corporate complaints policy. The name, address and contact details of the complainant, the nature of the complaint and the outcome of the complaint investigation are all recorded.
- 1.5 Feedback recorded is not the totality of the expression of dissatisfaction with service delivery. For example, Customer Services record many service requests and services also record contacts/service requests in their own ICT systems. These include routine enquiries, requests for service and logging service failures which can be resolved quickly to the customers' satisfaction.
- 1.6 Members are provided with performance statistics for complaints via the six weekly PDG Performance Management reports and as part of the Audit cycle.

2.0 Performance Statistics

- 2.1 Feedback is recorded on the CRM, based on the information recorded we are able to extract the number of complaints raised at each level. Level 1 complaints are investigated the Service Manager and Level 2 Complaints are investigated by Group Managers/member of Leadership Team.
- 2.2 Numbers of complaints upheld is recorded within the CRM.
- 2.3 As a measure of performance with complaint handling, the number acknowledged within 3 working days and resolved within timescales is recorded and reported on monthly as mentioned at 1.5.

3.0 What does feedback tell us?

- 3.1 As a result of complaints made, service managers have made changes to the working practices within service areas. These are also recorded in the CRM. Feedback where a change can be identified is an excellent way to improve services and respond to the needs of our customers.
- 3.2 Compliments received are often for members of staff who customers feel have done a good job. These are fed back to staff by line managers and in where appropriate in staff communications.

- 3.3 2020 has been a difficult and an unusual year for everyone due to Covid. We witnessed a decrease in customer contacts across most channels during the 1st lockdown in March. Surprisingly, even online transactions and phone calls went down as we reduced our hours for Face-to-Face contact and our customers adjusted to a very different way of life. There inevitably followed a decrease in the number and complexity of complaints that were reported.
- 3.4 The analysis of why customer transactions and complaints initially decreased has yet to be assessed in detail. But it does indicate customer behavioural change due to shifting priorities within the pandemic.
- 3.5 Additionally, as the customer transactions increased as we came out of the first lockdown we can see our customers moving away from the traditional telephony method of communication. Email became an important tool, but this can be a time consuming and inefficient way for customers to transact with us. This will be something that we need to consider as we review our customer based policies and consider the case for a new Customer Service system.
- 3.6 Overall feedback numbers are down by 16%. Despite the decrease in overall comments, the public have increased the number of compliments they have reported to us. That is testament to the hard work of staff over the last few months in continuing to provide a high level of service, even as it has been delivered slightly differently. It also indicates the value that our customers have placed on that. Samples of compliments received can be found at **Appendix 5**.
- 3.7 The Complaints Policy and Customer Care Policy are due for review in 2021 and this opportunity will be used to examine how we are managing complaints and the performance measures we have in place. Additional guidance in the management of Housing complaints has also been received, so the policy review will be brought forward to ensure that the guidance is appropriately reflected and communicated to staff.
- 3.8 In light of the above policy review, and as part of the Customer Service training requested following Scrutiny and Cabinet recommendations, the authority will be reviewing complaints training for managers as a substantive part of that work.

4.0 Referrals to the Ombudsman complaints service

- 4.1 11 complaints were made to the ombudsman by residents. Only one of these was upheld by the ombudsman. A summary of complaints to the Ombudsman 2019-20 (the latest available) is provided at **Appendix 2**.
- 4.2 The Local Government Ombudsman Annual review letter is provided at **Appendix 3.**
- 4.3 For comparison, a table of neighbouring authorities and their ombudsman cases has been provided at **Appendix 4**.

Contact for more Information: Lisa Lewis, Group Manager for Business Transformation and Customer Engagement

Circulation of the Report: Cabinet Member

Feedback recorded on CRM

Feedback Received	01 December 2018	01 December 2019
	to	to
	30 November 2019	30 November 2020
Complaints received	556	247
Invalid or withdrawn complaints	0	0
Comments received	114	106
Compliments received	90	113
Number of complaints at level 2	45	25
Number of complaints at level 2 upheld	10	10
Number of complaints at level 1 upheld	67	68
Number where a change was made to the service	14	6
procedures as a result of the complaint		
Open at start of date range	123	152
Open at end of date range	205	205

Fig. 1 Percentage change 2018/19 – 2019-20 – Processed and/or Completed

Complaints	30%	DECREASE
Compliments	25%	INCREASE
Comments	9%	DECREASE

Fig.2

Feedback by service – Processed and/or Completed

Feedback Processed	01 December 2018 to 30 November 2019		
Service	Complaints	Compliments	Comments
Bulky Waste		2	
Business Rates			1
Car Parks	3		2
Community Alarms	2	1	
Community Safety	1		
Council Tax Billing	12		5
Council Tax Recovery	7	1	
Customer Services	9	8	8
Democracy and Members			11
Dog Strays or Fouling			2
Economic Development			
Electoral Register	1		1

01 December 2019 to 30 November 2020			
Complaints	Compliments	Comments	
1	1		
1			
5		2	
3			
2		1	
2		1	
13	8	7	
1			
1		2	
1			

Totals	352**	90	116
Uncategorized			2
Waste Transfer Station		1	
Trade Waste	1		
Street Cleansing	4	4	2
Refuse Collection	64	10	17
Recycling	38	8	12
Property Services	10	1	2
Private Sector Housing	4		
Pollution Inc. Noise			
Planning - Forward Planning			
Planning - Development Control	28	2	1
Payments	2		2
Parks and Flower Beds	1	1	1
Monitoring Officer	1		
Leisure	14		6
Legal Services	1		
Human Resources			
Housing Tenancy	37	10	2
Housing Repairs	85	29	26
Housing Benefits	7		
Homelessness	6	6	3
High Hedges			
Health & Safety			
Grass Cutting	5	5	
Garden Waste	7		10
Finance			
Environmental Services	2	1	

3		1
1		
5	1	10
6	2	3
3		
1		
4	8	1
1	2	1
59	35	28
50	23	1
1		
		1
3	1	
1		1
23	*	2
1		
2		
3		
9		3
19	8	15
21	18	21
1	6	5
245**	113	106

Fig.3

Fig.3 relates to comments processed through to completion. The totals will differ based on a number of cases (particularly complaints) remaining 'active' on the dates selected for reporting. Complaints can take a number of days to complete.

^{*}Compliments not recorded in CRM – recording process to be amended going forward.

^{**}Fig.1 relates to items received.

Ombudsman Decisions 2019-20

Category	Decided	Decision	Decision Reason
Planning & Development			
	22/08/2019	Closed after initial enquiries	Not warranted by alleged injustice
Environmental Services & Public Protection & Regulation			
- asiio i rotoction a regulation	07/05/2019	Not Upheld	no mal
Planning & Development			
	15/08/2019	Upheld	mal & inj - no further action, BinJ already remedied
Planning & Development			
	01/04/2019	Closed after initial enquiries	S27 not by member of the public
Housing	09/10/2019	Not Upheld	Other reason not to continue with investigation
Highways & Transport		•	
	01/07/2019	Referred back for local resolution	Premature Decision - advice given
Planning & Development			
	05/11/2019	Closed after initial enquiries	Not warranted by alleged mal/service failure
Environmental Services & Public Protection & Regulation			
_	17/10/2019	Referred back for local resolution	Premature Decision - advice given
Planning & Development	11/12/2019	Referred back for local resolution	Premature Decision - referred to BinJ
Housing			
3	18/11/2019	Referred back for local resolution	Premature Decision - advice given
Planning & Development			
	28/02/2020	Closed after initial enquiries	Not warranted by alleged mal/service failure



22 July 2020

By email

Mr Walford Chief Executive Mid Devon District Council

Dear Mr Walford

Annual Review letter 2020

I write to you with our annual summary of statistics on the decisions made by the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2020. Given the exceptional pressures under which local authorities have been working over recent months, I thought carefully about whether it was still appropriate to send you this annual update. However, now, more than ever, I believe that it is essential that the public experience of local services is at the heart of our thinking. So, I hope that this feedback, which provides unique insight into the lived experience of your Council's services, will be useful as you continue to deal with the current situation and plan for the future.

Complaint statistics

This year, we continue to place our focus on the outcomes of complaints and what can be learned from them. We want to provide you with the most insightful information we can and have made several changes over recent years to improve the data we capture and report.

We focus our statistics on these three key areas:

Complaints upheld - We uphold complaints when we find some form of fault in an authority's actions, including where the authority accepted fault before we investigated. A focus on how often things go wrong, rather than simple volumes of complaints provides a clearer indicator of performance.

Compliance with recommendations - We recommend ways for authorities to put things right when faults have caused injustice. Our recommendations try to put people back in the position they were before the fault and we monitor authorities to ensure they comply with our recommendations. Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

Satisfactory remedies provided by the authority - We want to encourage the early resolution of complaints and to credit authorities that have a positive and open approach to resolving complaints. We recognise cases where an authority has taken steps to put things right before the complaint came to us. The authority upheld the complaint and we agreed with how it offered to put things right.

Finally, we compare the three key annual statistics for your authority with similar types of authorities to work out an average level of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

This data will be uploaded to our interactive map, <u>Your council's performance</u>, along with a copy of this letter on 29 July 2020, and our Review of Local Government Complaints. For further information on how to interpret our statistics, please visit our <u>website</u>.

Resources to help you get it right

There are a range of resources available that can support you to place the learning from complaints, about your authority and others, at the heart of your system of corporate governance. Your council's performance launched last year and puts our data and information about councils in one place. Again, the emphasis is on learning, not numbers.

You can find the decisions we have made, public reports we have issued, and the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

I would encourage you to share the tool with colleagues and elected members; the information can provide valuable insights into service areas, early warning signs of problems and is a key source of information for governance, audit, risk and scrutiny functions.

Earlier this year, we held our link officer seminars in London, Bristol, Leeds and Birmingham. Attended by 178 delegates from 143 local authorities, we focused on maximising the impact of complaints, making sure the right person is involved with complaints at the right time, and how to overcome common challenges.

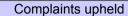
We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. During the year, we delivered 118 courses, training more than 1,400 people. This is 47 more courses than we delivered last year and included more training to adult social care providers than ever before.

To find out more visit www.lgo.org.uk/training.

Yours sincerely,

Michael King

Local Government and Social Care Ombudsman Chair, Commission for Local Administration in England





33% of complaints we Investigated were upheld.

This compares to an average of 45% in similar authorities.

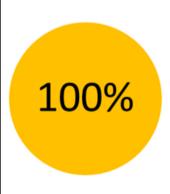
Upheld decision

Statistic are based on a total of 3 detailed investigations for the period between 1 April 2019 to 31 March 2020

Compliance with Ombudsman recommendations

No recommendations were due for compliance in this period

Satisfactory remedies provided by the



In 100% of upheld cases we found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of 20% in similar

Satisfactory remedy decision

Statistics are based on a total of 3 detailed investigations for the period between 1 April 209 to 31 March 2020

Appendix 4

Local Authority Benchmarking

Authority	Number of Complaints Referred	Complaints Upheld
East Devon	7	2
Mid Devon	11	1
North Devon	5	3
South Hams	3	2
Teignbridge	5	0
Torridge	18	2
West Devon	4	1

Appendix 5

Sample Compliments received – names and addresses have been removed but all other content as received.

Customer Services

October 2020

I just wanted to pass on my thanks to XXXXX, who works in your customer service department and answered the 'phone to me on two separate occasions last week,

My guery was regarding Council Tax and was a bit convoluted, but both times Emma was so helpful and friendly, taking the time to really look into the issue and ensure that i had the right advice. Due to her help, the issue is now being resolved and I'd like to thank her and also say that as far as customer service goes, Emma is a complete star! In these days when unfortunately excellent customer service isn't always given the recognition it deserves, the Council should be very proud of the level of service provided by Emma. It makes a real difference. Thanks again. XXXXXX

October 2020

Mrs XXXXXX has called in to thank us for helping sort out her communal aerial problem. The engineer has called and she can now watch TV. She says she could hug us all

November 2020

Good morning My name is XXXXXXXXX my account number is XXXXXXXX

Ive just got off the phone with one of your staff members named Andrea who advised me her role was customer service, pressing number 4 to speak to some one regarding me bill and payments

I would like to send back some feedback about this human being... This lady has gone above and beyond to comfort me and respect me, she has made me feel relaxed and showed alot of compassion and empathy she respected me with integrity and dignity,... She has explained in great detail how she was able to help me today with my bill... Has provided me with reassurance that I will be okay and restored my faith in businesses and more importantly people today... I cannot speak highly enough of this wonderful women and would like to thank her ever so much for respectly leaving me with dignity reassuring me there is support available and comforting me when I showed concern

Many Thanks

MDDC for such fantastic customer Service and once again... A VERY passionate and caring member of your company:)

Waste & Recycling

August 2020

Would like to pass on thanks for their superb conduct during these unprecedented times. The refuse and recycling teams have all been marvellous.

November 2020

A big thankyou to all refuse and recycling collectors. Unsung heroes in our opinion. My husband is

81 and finds difficulty in walking but carefully sorts our recycling and puts out the boxes each fortnight. The collectors carefully stack the emptied boxes making it easier for him to take in. Please pass on a BIG THANKYOU from us. Stay safe!

Street Cleaning

September 2020

We have just had the road sweeper (XXXXXX) in our close (XXXXXXX) and I just wanted to say how brilliant the operator was. All the areas that the vehicle could not reach - he got out of his cab and swept manually (and there was a lot of sweeping). I was really impressed with how the driver went above and beyond what they normally do and it has been noted and appreciated. Please pass the message onto the driver.

July 2020

I wish to send my compliments to the MDDC street cleaner in Cullompton. This morning a huge amount of refuse was on the streets when I passed at 6.00am. When I returned at 8.00 the refuse had been collected and the town centre was immaculate no litter or windblown refuse could be seen. Also thanked him for keeping the Mill stream both clean and tidy. He deserves to receive good feedback for his efforts

Housing Tenancy

June 2020

Can you pass on to the CEO and your line manager that I am really pleased with the action you have taken and the way you have had open communication with me. This is a completely different way of dealing with MDDC and has exceeded my expectations.

October 2020

Thank you so much for all your help today. You've gone above and beyond and I really appreciate it. I'm such a worrier and I'm sorry I've been a pest and asked lots of questions!

November 2020

No Many Thanks to you XXXXX! I think today from yourself has been the best experience of communication Iv had at all from MDDC in all! And I'm very glad we have been able to get to the bottom of the rent situation!

Many thanks again

Building Services

September 2020

I would like to thank you and your team

On the efficient way my request for repair was dealt with.

James and his apprentice solved the Ongoing 'hot water' problem efficiently and with courtesy.

Very grateful for a wonderful service!

June 2020

I would just like to thank you for getting this job done today. (XXXXXXXXXX) was initially booked in for the 4th July 2020 so was surprised when he rang the buzzer this afternoon!

The workman arrived at 1pm and completed the job within 10minutes tops. Very happy with the outcome, he was very considerate and social distanced perfectly!

Thank you again, it is very much appreciated!

Grounds Maintenance

January 2020

The customer wishes to thank the people that came and cleared her garden and cut the hedges and bushes as they have done a great job and left it lovely,. This is the customers allocated garden withtin the communal area

May 2020

Mrs Cxxxxxx rang to thank you for doing a very job cutting the hedge at the front of the house. She said that you did a wonderful job and brushed and tidied up after themselves. She just wanted to pass her compliments to you

Garden Waste

March 2020

Mr Bxxxxx would like to thank the operatives who went out on Friday and collected his bin and put the permit on.

They also wheeled the bin back inside his garden boundary which he is thankful for as he has some back problems at present.

May 2020

I just wanted to thank the refuse collectors for their really helpful and intelligent approach to collecting our garden waste today 15 04 20.

Because we were unable to access the Punchbowl Recycling centre and missed collections due to Covid 19, we had a couple of bins with garden waste along with our brown bin. Everything was collected.

This makes life a little easier for us. Once again thank you.

CABINET 7 JANUARY 2021

Asbestos Surveying and Licensed Removal 2021-2024, Award

Cabinet Member: Cllr Bob Evans, Cabinet Member for Housing & Property

Responsible Officer: Mike Lowman, Repairs Manager

Reason for Report and Recommendations: To advise Members on the results for the tendering of the Asbestos Surveying and Licensed Removal 2021-2024 and confirm the award of the contract.

RECOMMENDATION: It is recommended that the new three year Asbestos Surveying and Licensed Removal Contract is awarded to Contractor 3

Financial Implications: The budget for the works is £60,000.00 per annum. The management of asbestos is a legal requirement, which will also result in lower revenue costs in in coming years and enable the Building Service to operate more effectively and manage future maintenance costs.

Legal Implications: We have a legal duty to manage asbestos and meet the Decent Homes Standard. The contract is a JCT Minor Works Contract 2016, combined with the specific contractual requirements.

Risk Assessment: The principal risk is failing to limit costs due to additional works. The performance of the contract shall be monitored monthly; corrective action will be taken where performance falls below Key Performance Indicator Targets. These include: 1) Customer satisfaction; 2) Variations and extras; 3) Number of defects; 4) Managing Health and Safety.

Equality Impact Assessment: All staff have received Equality and Diversity awareness training. MDDC discuss equality and diversity at the progress meetings and encourage the contractor to carry out awareness training.

Relationship to Corporate Plan: To contribute towards meeting the Decent and Affordable Homes target by making best use of the existing stock.

Impact on Climate Change: Investment in the MDDC stock will lower the amount of fossil fuels used to run and maintain the homes.

1.0 Introduction

- 1.1 The term of this contract is three years, with the option to terminate the contract at the end of each year subject to performance.
- 1.2 Due to the nature and value of this procurement, the appropriate procedure was an open tender process. This means that anyone who expressed an interest in the contract would be invited to tender.

1.3 To ensure quality of contractors, a number of minimum requirements were set out within the ITT. Any contractor failing to meet these would be disqualified.

2.0 Procurement Process

- 2.1 Licensed asbestos works are a particular category of asbestos removal works covered by the Control of Asbestos Regulations 2012 and can legally, only be carried out by a licensed contractor. By splitting out the licensed and unlicensed works within separate contracts we are aiming to make savings on the costs of these works.
- 2.2 Expressions of interest were invited via a notice in the Supplying the South West Procurement Portal published on the 23 July 2020.
- 2.3 Evaluation criteria set out in the ITT:

2.4

Quality	60%
Mobilisation of the works	20%
Diversity, challenges and complaints	20%
Works to void properties	10%
Response to defects	10%
Price	40%

- 2.5 Responses were required by midday on 4 September 2020.
- 2.6 There were a total of 26 expressions of interest of which 9 submitted their tenders on time, but 1 was not complete, 2 opted out and 15 did not respond. The reason for opting out given by one contractor was that they were unable to be competitive; the other contractor did not provide a reason. Following the submission date, one contractor withdrew from the tender process.
- 2.7 Evaluations were carried out during September and October 2020, by representatives from Mid Devon District Council's Building Service.
- 2.8 The price was based a schedule of rates within the tender. The lowest priced tender was awarded 40% and the higher priced tenders were awarded the percentage difference.
- 2.9 The outcome of the evaluation is shown below:

	SCORE		
CONTRACTOR	PRICE	QUALITY	TOTAL
Contractor 1	32.89%	28.50%	61.39%
Contractor 2	35.97%	25.50%	61.47%
Contractor 3	40.00%	24.50%	64.50%
Contractor 4	32.26%	16.00%	48.26%
Contractor 5	27.41%	33.50%	60.91%

Contractor 6	32.44%	27.00%	59.44%
Contractor 7	37.93%	25.50%	63.43%

3.0 Conclusion

- 3.1 The outcome of the tender process shows Contractor 3 as the winning bidder.
- 3.2 Approval is required from Cabinet for this contract to be formally awarded.
- 3.3 Following the decision, there will be a compulsory 10 day standstill period after which the contract will be awarded.
- 3.4 The contract will not commence until 1 April 2021

Contact for more Information: Christopher Davey, Procurement Manager (01884)

234228 / cdavey@middevon.gov.uk

Circulation of the Report: Leadership Team, Cllr Bob Evans, Cabinet

List of Background Papers: PART II - Confidential



By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted



CABINET 7 JANUARY 2021

Asbestos Surveying and Unlicensed Removal 2021-2024, Award

Cabinet Member: Cllr Bob Evans, Cabinet Member for Housing & Property

Responsible Officer: Mike Lowman, Repairs Manager

Reason for Report and Recommendations: To advise Members on the results for the tendering of the Asbestos Surveying and Unlicensed Removal 2021-2024 and confirm the award of the contract.

RECOMMENDATION: It is recommended that the new three year Asbestos Surveying and Unlicensed Removal Contract is awarded to Contractor 2

Financial Implications: The budget for the works is £60,000.00 per annum. The management of asbestos is a legal requirement, which will also result in lower revenue costs in in coming years and enable the Building Service to operate more effectively and manage future maintenance costs.

Legal Implications: We have a legal duty to manage asbestos and meet the Decent Homes Standard. The contract is a JCT Minor Works Contract 2016, combined with the specific contractual requirements.

Risk Assessment: The principal risk is failing to limit costs due to additional works. The performance of the contract shall be monitored monthly; corrective action will be taken where performance falls below Key Performance Indicator Targets. These include: 1) Customer satisfaction; 2) Variations and extras; 3) Number of defects; 4) Managing Health and Safety.

Equality Impact Assessment: All staff have received Equality and Diversity awareness training. MDDC discuss equality and diversity at the progress meetings and encourage the contractor to carry out awareness training.

Relationship to Corporate Plan: To contribute towards meeting the Decent and Affordable Homes target by making best use of the existing stock.

Impact on Climate Change: Investment in the MDDC stock will lower the amount of fossil fuels used to run and maintain the homes.

1.0 Introduction

- 1.1 The term of this contract is three years, with the option to terminate the contract at the end of each year subject to performance.
- 1.2 Due to the nature and value of this procurement, the appropriate procedure was an open tender process. This means that anyone who expressed an interest in the contract would be invited to tender.

1.3 To ensure quality of contractors, a number of minimum requirements were set out within the ITT. Any contractor failing to meet these would be disqualified.

2.0 Procurement Process

- 2.1 This report covers the unlicensed asbestos works, however licensed asbestos works are a particular category of asbestos removal covered by the Control of Asbestos Regulations 2012 and can legally, only be carried out by a licensed contractor. By splitting out the licensed and the unlicensed works within separate contracts we are aiming to make savings on the costs of these works.
- 2.2 Expressions of interest were invited via a notice in the Supplying the South West Procurement Portal published on the 23 July 2020.
- 2.3 Evaluation criteria set out in the ITT:

2.4

Quality	60%
Mobilisation of the works	20%
Diversity, challenges and complaints	20%
Works to void properties	10%
Response to defects	10%
Price	40%

- 2.5 Responses were required by midday on 4 September 2020.
- 2.6 There were a total of 24 expressions of interest of which 12 submitted their tenders on time, but 10 were not complete, 2 opted out and 10 did not respond. The reason for opting out given by one contractor was that they were unable to be competitive; the other contractor did not provide a reason.
- 2.7 Evaluations were carried out during September and October 2020, by representatives from Mid Devon District Council's Building Service.
- 2.8 The price was based a schedule of rates within the tender. The lowest priced tender was awarded 40% and the higher priced tenders were awarded the percentage difference.
- 2.9 The outcome of the evaluation is shown below:

	SC	ORE	
CONTRACTOR	PRICE	QUALITY	TOTAL
Contractor 1	30.54%	30.00%	60.54%
Contractor 2	40.00%	25.00%	65.00%

3.0 Conclusion

- 3.1 The outcome of the tender process shows Contractor 2 as the winning bidder.
- 3.2 Approval is required from Cabinet for this contract to be formally awarded.
- 3.3 Following the decision, there will be a compulsory 10 day standstill period after which the contract will be awarded.
- 3.4 The contract will not commence until 1 April 2021

Contact for more Information: Christopher Davey, Procurement Manager (01884)

234228 / cdavey@middevon.gov.uk

Circulation of the Report: Leadership Team, Cllr Bob Evans, Cabinet

List of Background Papers: PART II - Confidential



By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted



MID DEVON DISTRICT COUNCIL - NOTIFICATION OF KEY DECISIONS

February 2021

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)
Draft Interim Devon Carbon Plan Group to discuss and review the draft plan with a view to recommend to Cabinet any inor amendments on behalf of the Council.	Environment Policy Development Group Cabinet	12 Jan 2021 4 Feb 2021	Andrew Busby, Group Manager for Corporate Property and Commercial Assets Tel: 01884 234948	Cabinet Member for Climate Change (Councillor Elizabeth Wainwright)	Open
Management Strategy for Devon and Torbay To receive a report which outlines the new draft Resource and Waste Management Strategy for Devon and Torbay. Following its approval at the DASWC meeting on 15th October 2020, the draft Strategy requires the approval of the individual local authorities for proceeding to public consultation.	Environment Policy Development Group Cabinet	12 Jan 2021 4 Feb 2021	Darren Beer, Interim Group Manager Street Scene and Open Spaces	Cabinet Member for the Environment (Councillor Colin Slade)	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)
Regulation of Investigatory Powers To receive the annual update of Regulation of Investigatory Powers	Scrutiny Committee Community Policy Development Group Cabinet	18 Jan 2021 26 Jan 2021 4 Feb 2021	Kathryn Tebbey, Head of Legal (Monitoring Officer)	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
Trass Verges on HRA Cand Working Group Report A	Homes Policy Development Group Cabinet	19 Jan 2021 4 Feb 2021	Claire Fry, Group Manager for Housing Services Tel: 01884 234920	Cabinet Member for Housing and Property Services (Councillor Bob Evans)	Open
HRA Medium Term Financial Plan To consider a MTFP for the HRA.	Homes Policy Development Group Cabinet	19 Jan 2021 4 Feb 2021	J P McLachlan, Principal Accountant	Cabinet Member for Finance (Councillor Andrew Moore)	Open
Single Equalities Policy and Equality Objectives To receive the Annual review of the Single Equalities Policy and Equality Objective	Community Policy Development Group Cabinet	26 Jan 2021 4 Mar 2021	Catherine Yandle, Group Manager for Performance, Governance and Data Security Tel: 01884 234975	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)
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	26 Jan 2021 4 Feb 2021	John Bodley-Scott, Economic Development Team Leader	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
Corporate Recovery Policy Vecommendation from the Audit Committee to the Cabinet)	Audit Committee Cabinet	26 Jan 2021 4 Mar 2021	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Open
Rivers Development Limited - Business Plan and Appraisal for the 9 dwellings at Bampton To consider a business plan and appraisal for the Bampton site.	Cabinet	4 Feb 2021	Stephen Walford, Chief Executive Tel: 01884 234201	Cabinet Member for Housing and Property Services (Councillor Bob Evans)	Part exempt
Information with regard to the possible creation of a Teckal compliant company To consider advice surrounding the possibility of creating a new Teckal-compliant company entity.	Cabinet	4 Feb 2021	Stephen Walford, Chief Executive Tel: 01884 234201	Cabinet Member for Housing and Property Services (Councillor Bob Evans)	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)
Budget To receive proposals for the General Fund and Housing Revenue Account for 2021/22	Cabinet Council	4 Feb 2021 24 Feb 2021	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Open
Tax Base Calculation To consider the deatils of the deatilt of the	Cabinet Council	4 Feb 2021 24 Feb 2021	Dean Emery, Group Manager for Revenues and Benefits	Cabinet Member for Finance (Councillor Andrew Moore)	Open
National Non-Domestic Rates To provide an update of the income generation and financial implications of the number of Business Rate properties in Mid Devon and to approve the NNDR1 (estimated income to be generated in 2021/22 from business rates).	Cabinet	4 Feb 2021	Dean Emery, Group Manager for Revenues and Benefits	Cabinet Member for Finance (Councillor Andrew Moore)	Open
Cullompton Conservation Management Plan To consider a draft	Cabinet	4 Feb 2021	Jenny Clifford, Head of Planning, Economy and	Cabinet Member for Planning and Economic	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)
Cullompton Conservation Management Plan for public consultation			Regeneration Tel: 01884 234346	Regeneration (Councillor Richard Chesterton)	
Shopfront Design Guide To consider a draft shopfront design guide for public consultation D a	Cabinet	4 Feb 2021	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Asset Management and Mapital Strategy Plan 2021-2025 To consider the revised strategy	Cabinet	4 Feb 2021	Andrew Busby, Group Manager for Corporate Property and Commercial Assets Tel: 01884 234948	Cabinet Member for Housing and Property Services (Councillor Bob Evans)	Open
Cullompton Town Centre Masterplan To consider a report with regard to the stage 2 public consultation.	Cabinet	4 Feb 2021	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	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)
Tax Strategy and Policy Policy and procedures for tax affairs of the Council.	Cabinet Council	4 Feb 2021 24 Feb 2021	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Open
Capital Programme To seek approval of the 2021/22 Capital Programme and to note the draft 2022/23, 2023/24 and 024/25 programmes	Cabinet Council	4 Feb 2021 24 Feb 2021	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Open
To consider issues and options for the next review of the Local Plan in Mid Devon	Cabinet	4 Feb 2021	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Local Development Scheme To update the Local Development Scheme	Cabinet	4 Feb 2021	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	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)
Capital Strategy To request agreement of the proposed Capital Strategy for 2021/22.	Cabinet Council	4 Feb 2021 24 Feb 2021	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Open
Treasury Management Strategy and Annual Investment Strategy To seek agreement of the Groposed Treasury Management Strategy and Annual Investment Strategy Nor 2021/22.	Cabinet Council	4 Feb 2021 24 Feb 2021	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Open
Policy Framework To consider the Policy Framework	Cabinet Council	4 Feb 2021 24 Feb 2021	Stephen Walford, Chief Executive Tel: 01884 234201	Leader of the Council (Councillor Bob Deed)	Open
The Establishment Report of the Group Manager for Human Resources informing Members of the overall structure of the Council showing the management and deployment of officers.	Council Cabinet	4 Feb 2021 24 Feb 2021	Matthew Page, Group Manager for Human Resources	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)
Pay Policy To consider a report relating to senior pay in particular the role of the Chief Executive, Directors and other senior officers.	Cabinet Council	4 Feb 2021 24 Feb 2021	Matthew Page, Group Manager for Human Resources	Cabinet for the Working Environment and Support Services (Councillor Nikki Woollatt)	Open
3 Rivers Development Umited - Business Plan O consider the Business O lan	Cabinet	4 Feb 2021	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Housing and Property Services (Councillor Bob Evans)	Part exempt
Tiverton Town Centre Masterplan To consider a draft masterplan for public consultation	Cabinet	4 Mar 2021	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Crediton NHS Hub Phase 2 To consider a funding request.	Cabinet	4 Mar 2021	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Open
Beech Road, Tiverton - Design and Build Tender To consider the award of the	Cabinet	4 Mar 2021	Andrew Jarrett, Deputy Chief Executive (S151)	Cabinet Member for Housing and Property Services	Part exempt

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
tender			Tel: 01884 234242	(Councillor Bob Evans)	
Bereavement Services Fees & Charges To receive the annual review of Bereavement Services Fees & Charges from the Group Manager for Corporate Property and Commercial Assets	Environment Policy Development Group Cabinet	9 Mar 2021 8 Apr 2021	Andrew Busby, Group Manager for Corporate Property and Commercial Assets Tel: 01884 234948	Cabinet Member for the Environment (Councillor Colin Slade)	Open
RHOD Economic Development Strategy Co consider a review Strategy	Economy Policy Development Group Cabinet	11 Mar 2021 8 Apr 2021	Adrian Welsh, Group Manager for Growth, Economy and Delivery Tel: 01884 234398	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Options for Accelerating Affordable Housing Delivery in the District To consider additional governance arrangements for housing delivery	Scrutiny Committee Cabinet	15 Mar 2021 8 Apr 2021	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Housing and Property Services (Councillor Bob Evans)	Open
Housing Revenue Account Asset Management Strategy	Homes Policy Development Group	16 Mar 2021	Jill May, Director of Corporate Affairs and Business	Cabinet Member for Housing and Property Services	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)
To receive a report providing a review of the Housing Revenue Account Asset Management Strategy.	Cabinet	8 Apr 2021	Transformation Tel: 01884 234381	(Councillor Bob Evans)	
Devon Home Choice Policy Review To review the policy	Homes Policy Development Group Cabinet	16 Mar 2021 8 Apr 2021	Claire Fry, Group Manager for Housing Services Tel: 01884 234920	Cabinet Member for Housing and Property Services (Councillor Bob Evans)	Open
Air Quality Action Plan oreceive the 4 yearly Neview of the Air Quality Action Plan from the Group Manager for Public Health and Regulatory Services	Community Policy Development Group Cabinet	23 Mar 2021 8 Apr 2021	Simon Newcombe, Group Manager for Public Health and Regulatory Services Tel: 01884 244615	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
Town and Parish Charter To receive the 3 yearly review of the Town and Parish Charter	Community Policy Development Group Cabinet	23 Mar 2021 8 Apr 2021	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
Community Engagement Strategy (Including Action Plan) To receive the 2 yearly	Community Policy Development Group	23 Mar 2021	Lisa Lewis, Group Manager for Business Transformation and	Cabinet Member for Community Well Being (Councillor	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)
review of the Community Engagement Strategy and Action Plan	Cabinet	8 Apr 2021	Customer Engagement Tel: 01884 234981	Dennis Knowles)	
Corporate Anti Social Behaviour Policy To receive the 3 yearly review of the Corporate Anti Social Behaviour Policy	Community Policy Development Group Cabinet	23 Mar 2021 8 Apr 2021	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
ଫ୍ଟree Policy ଓ yearly review N ଧ	Environment Policy Development Group Cabinet	Not before 25th May 2021 Not before 30th Jun 2021	Andrew Busby, Group Manager for Corporate Property and Commercial Assets Tel: 01884 234948	Cabinet Member for the Environment (Councillor Colin Slade)	Open
Outturn report 2020/21 To receive the outturn for the financial year 2020/21	Cabinet	Not before 10th Jun 2021	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Open
Annual Treasury Management Report To consider the annual report	Cabinet	Not before 16th Jun 2021	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Open

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CABINET 7 JANUARY 2021

3 Rivers Developments Limited - Performance Update

Cabinet Members: Councillor Bob Evans – Cabinet member for Housing & Property Services and Councillor Andrew Moore – Cabinet member for Finance

Responsible Officers: Chief Executive – Stephen Walford

Reason for Report: To provide Cabinet an update on current project performance and any key risks.

RECOMMENDATION: That Cabinet note the update report on current performance and key risks.

Relationship to Corporate Plan: 3 Rivers Developments Limited's (3Rivers) primary objective is to generate future returns in order to grow the business and to recycle monies made back to the Council to mitigate some of the cuts in Government funding.

Financial Implications: The Council has a duty to obtain value for money. All financial interactions between the Council and 3Rivers are carried out at commercially evidenced rates and subject to individual loan agreements.

Legal Implications: None to this report, however this report is prepared in accordance with the Shareholder Agreement, Company's Memorandum and Articles of Association and currently Approved Business Plan.

Risk Assessment: Detailed within the report.

Equality impact assessment: No equality issues identified for this report.

Impact on climate change: 3Rivers is a commercial organisation and where deliverable sustainable options are available they are utilised; however, as a commercial organisation it is acknowledged that where there is a significant cost differential and what the market will sustain that this plays heavily in the choices made.

1.0 Introduction

1.1 This is now the 4th in a series of monthly updates on the progress of 3 Rivers since the recommendations made by the Cabinet at its meeting on the 13 July 2020. This report continues to provide the Council with a regular update on company performance, including associated risks and also gives a progress update on the recommendations made at the aforementioned Cabinet meeting.

2.0 Company Update

- 2.1 Attached to this report is the company update provided by the Directors of 3Rivers Developments Limited for Cabinet's consideration. In order to provide members and the public more insight into the company's operations this report continues with the process of including an overarching part 1 summary of activities and a detailed part 2 report from the company.
- 2.2 Below shows a brief overview of project progress and any associated issues as at the end of November, which is the last full financial month of company accounting information.

2.3 Current Projects

- 2.3.1 The Orchard, Halberton 4 semi-detached market houses and a barn conversion the 4 semis are virtually complete and 1 offer has been accepted with another offer subject to their sale. Work has just started on the new barn and is estimated to be completed by May 2021.
- 2.3.2 St Georges Court, Tiverton 39 market flats/houses work is progressing, with the main podium deck estimated to be completed by the end of the first week in January 2021. Estimated completion of the whole project is planned for March 2022.

2.4 Rental properties

2.4.1 Banksia Close/Cemetery Lodge, Tiverton – all rental payments up to date

2.5 <u>Future Schemes</u>

2.5.1 At the October Cabinet meeting a recommendation was made to advance the company £1.4m in order to provide sufficient working capital and undertake project recommencement and necessary due diligence on the 4 previously identified projects to progress actions for the remainder of the financial year. This work is ongoing.

2.6 Financial Overview

2.6.1 No sales have been made (completed) since the last update. However, the company has now accepted an offer on one unit and has received another subject to their sale on the Halberton project.

2.7 Project and Company Risk Analysis

2.7.1 This information is provided within the company report and reflects on changing markets, land availability, changes to the prevailing economic position, etc.

3.0 Progress on Cabinet Recommendations

- 3.1 Since the last Cabinet report the following actions have been progressed:
 - Offer letters have been sent out to the two new Directors
 - The two Cabinet ambassadors continue to hold detailed monthly progress meetings on all aspects of company activities.
 - Quotes for additional internal and external audit work have been received.
 - A funding decision flow chart has been drafted
 - Work on the revised Shareholder agreement is still progressing.
- 3.2 Most if not all of the other recommendations are either a work in progress or are conditional upon a prior action being completed. Further progress will be provided at future Cabinet meetings.

4.0 Conclusion

4.1 Members will be aware the Company is working towards providing an updated Business Plan for Council consideration at the Cabinet meeting in February 2021.

Contact for more information: Stephen Walford, Chief Executive (swalford@middevon.gov.uk)

Circulation of the report: Leadership Team and Cabinet



By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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