

Public Document Pack

MID DEVON DISTRICT COUNCIL

A MEETING of the **MID DEVON DISTRICT COUNCIL** will be held remotely on Wednesday, 24 February 2021 at 6.00 pm

ALL MEMBERS of the **COUNCIL** are summoned to attend for the purposes of transacting the business specified in the Agenda which is set out below:

[The next meeting is scheduled to be on Wednesday, 28 April 2021 at 6.00 pm]

STEPHEN WALFORD

Chief Executive

16 February 2021

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

To join this meeting, please click the following link:

Join Zoom Meeting

<https://zoom.us/j/93791465294?pwd=ckI3TEFUVFNlUjB0IRMHpQWjVybUI2QT09>

Meeting ID: 937 9146 5294

Passcode: 874379

One tap mobile

08002605801,,93791465294#,,,,*874379# United Kingdom Toll-free

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Dial by your location

0 800 260 5801 United Kingdom Toll-free

0 800 358 2817 United Kingdom Toll-free

0 800 031 5717 United Kingdom Toll-free Meeting ID: 937 9146 5294

Passcode: 874379

Find your local number: <https://zoom.us/u/adFee7N4QL>

AGENDA

1 Apologies

To receive any apologies for absence.

2 Protocol for Remote Meetings (*Pages 9 - 14*)

Members 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 the reason for that interest, either at this stage of the meeting or as soon as they become aware of that interest.

5 **Minutes** (*Pages 15 - 26*)

Members to consider whether to approve the minutes as a correct record of the meeting held on 6 January 2021.

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

6 **Chairman's Announcements**

To receive any announcements which the Chairman of the Council may wish to make.

7 **Petitions**

To receive any petitions from members of the public.

8 **Notices of Motions**

(1) Motion 564 – (Councillors Miss E Wainwright and Miss J Norton

The following motion (1-3 and 5-7) had been referred to the Standards Committee for consideration and report

Council resolves to:

1. Practice equality, fairness and inclusion, and to play its part in creating an equal society for all. There is no place for sexism, racism, bigotry, discrimination or intolerance of any form in our society.
2. Acknowledge that language is a powerful tool for change and inspiration, as well as ignorance, oppression and damaged relationships, and should be used thoughtfully and respectfully. Many people who do not have a voice in the public domain have to suffer the consequences of inaccurate or insulting language.
3. Review and, if needed, update member training, to equip all members with the language and tools needed to actively promote diversity and inclusivity.

5. Ask that the Chairs of the Equality Forum and Community PDG identify and discuss approaches to reaching hard-to-reach communities in Mid Devon.
6. Show leadership by creating a diversity and inclusion strategy, and seek input from residents and local organisations that have expertise, to ensure the council is inclusive towards diverse and hard-to-reach communities in its recruitment, member representation and service provision. As part of this, review and update the MDDC equalities policy.
7. Explore further opportunities to increase inclusivity, diversity and representation in Mid Devon District Council, including but not limited to amongst women, minority ethnic communities, young people, and carers.

(1) The Fawcett Society and Local Government Information Unit report, 'Does Local Government Work for Women?' found that structural and cultural barriers hold back women's participation in local government. The practices and protocols of local government create unnecessary barriers to participation particularly for women with caring responsibilities. <https://www.fawcettsociety.org.uk/does-local-government-work-for-women-final-report-of-the-local-government-commission>

The Standards Committee at its meeting on 3 February 2021 considered the Motion and following discussion **RECOMMENDED** to Council

- a) Motion 564 (1-3 and 5-7) be supported; and
- b) In addition, that point (3) of the motion should include members and officers and the review should include all Council conventions and that in relation to point (5) the Equality Forum and the Community Policy Development Group should be consulted as a whole and not just the Chairs.

(2) Motion 566 – (Councillors: G Barnell and S J Clist – 17 December 2020)

The following motion had been referred to the Cabinet for consideration and report:

This Council agrees to commission, as a matter of urgency, a plan based on evidence of local housing need for the delivery of affordable rented and social rented housing across Mid Devon. This plan should make best use of the Government's Affordable Housing programme 2021/26 and be presented to Council by June 2021.

The Cabinet at its meeting on 4 February 2021 considered the Motion and following discussion **RECOMMENDED** to Council that Motion 566 **not be supported** as the timeline proposed within the motion was not

achievable, there were already strands of work taking place with a planned programme already set out.

(3) MOTION 568 - (COUNCILLOR A WILCE – 8 FEBRUARY 2021)

The Council has before it a **MOTION** submitted for the first time:

That, to prevent further ambiguity by making the wording more concise, this Council resolves to amend Rule 14.4 (Automatic reference to Committee) by removing the reference to '**Council**' and replace it with '**Chairman**' and to insert after 'report' '**unless an alternative proposition is put forward and is accepted**'

So as to read:

14.4 Automatic Reference to Committee

If the subject matter of any Motion, of which notice has been duly given, comes within the province of the Cabinet or any Committee or Committees it shall, upon being formally moved and seconded, shall stand referred, without the mover or seconder of the Motion speaking on the substance of the Motion and without any other discussion, to the Cabinet or such Committee or Committees, or to such other Committee or Committees as the **Chairman** may determine, for consideration and report, **unless an alternative proposition is put forward and is accepted**; and that the mover (or in his absence, the seconder) of the Motion should be invited to the Meeting of the Cabinet, Committee or Committees to amplify the Motion, but without any right to vote except as a Member of such Committee. Provided that the Chairman may, if he considers it convenient and conducive to the despatch of business allow the Motion to be dealt with at the meeting, at which it is brought forward.

In accordance with Procedure Rule 14.4, the Chairman of the Council has decided to allow this motion (if moved and seconded) to be dealt with at this meeting.

(4) MOTION 569 - (COUNCILLOR A WILCE – 8 FEBRUARY 2021)

The Council has before it a **MOTION** submitted for the first time:

That this Council resolves to ask the Standards Committee to review Rule 14.4 (Automatic Reference to Committee) and to recommend whether this Council should either:

- a) completely remove rule 14.4 or
- b) amend the rule to re-enable the Member putting a Motion forward, and the Member Seconding that Motion, to speak to that Motion (and for any further discussion to take place on that Motion that the Chairman may see fit), before that Motion shall stand referred to a Committee or
- c) make no changes

In accordance with Procedure Rule 14.4, the Chairman of the Council has decided that this Motion (if moved and seconded) to be dealt with at this meeting.

(5) MOTION 570 - (COUNCILLOR A WILCE – 8 FEBRUARY 2021)

The Council has before it a **MOTION** submitted for the first time:

That, to improve local planning consultation processes and to regularise current Planning Committee practises, this Council resolves to amend Rule 27.5 as follows:

After (Appendix J to the Constitution), is inserted: in addition, the Chair will also permit the following to speak for no more than 3 minutes, without prior notice being required,

1 Adjacent Ward Members

2 Any Member having previously submitted a comment to that application that permission to speak being limited solely to the raising of material planning considerations relating to directly their Ward, or else to any relevant planning policy or plan appertaining to this Council.

So as to read:

27.5 Any Councillor may attend any meeting of a committee of the Council and may speak on any agenda item for that meeting. However, in relation to the Planning Committee, the right to speak on a planning application, enforcement item, or other report relating to a particular ward of the Council shall be limited to the rights of a Ward Member to speak as set out in paragraphs 9.2 and 9.3 of the Protocol of Good Practice for Councillors Dealing in Planning Matters (Appendix J to the Constitution); *in addition, the Chairman will also permit the following to speak for no more than 3 minutes, without prior notice being required:*

1 Adjacent Ward members

2 Any Member having previously submitted a comment to that Application that permission to speak being limited solely to the raising of material planning considerations relating to directly their Ward, or else to any relevant planning policy or plan appertaining to this Council.

In accordance with Procedure Rule 14.4, the Chairman of the Council has decided that this Motion (if moved and seconded) will be referred without discussion to the Standards Committee unless there is an alternative proposition.

9 **Reports (a) (Pages 27 - 212)**

To receive and consider the reports, minutes and recommendations of the recent meetings as follows:

(1) Cabinet

- 7 January 2021
- 4 February 2021
- 18 February 2021 – to follow

10 **Council Tax Resolution 2021/2022** *(Pages 213 - 224)*

To consider a report of the Deputy Chief Executive (S151) setting out the formal Council Tax Resolution for 2021/22.

11 **Reports (b)** *(Pages 225 - 292)*

To receive and consider the reports, minutes and recommendations of the meetings as follows:

2) Scrutiny Committee

- 18 January 2021
- 15 February 2021 – to follow

3) Audit Committee

- 26 January 2021

4) Environment Policy Development Group

- 12 January 2021

5) Homes Policy Development Group

- 19 January 2021

6) Economy Policy Development Group

- 14 January 2021

7) Community Policy Development Group

- 26 January 2021

8) Planning Committee

- 13 January 2021
- 10 February 2021

9) Standards Committee

- 3 February 2021

12 **Questions in accordance with Procedure Rule 13**

To deal with any questions raised pursuant to Procedure Rule 13 not already dealt with during the relevant Committee reports.

13 **Leader's update to Council** *(Pages 293 - 322)*

The Leader will address the Council.

14 **Special Urgency Decisions**

Decisions taken under Rule 16 (of the Constitution) Special Urgency – since the previous meeting.

There have been no such decisions in this period.

15 **Governance Working Group Update** *(Pages 323 - 324)*

To receive and consider a paper from the Chairman of the Working Group

16 **Questions to Cabinet Members**

Cabinet Members will answer questions from Members on their Portfolios.

17 **Members Business**

To receive any statements made and notice of future questions by Members.

Note: the time allowed for this item is limited to 15 minutes.

- **Members Business**

To receive any statements made and notice of future questions by Members.

Note: the time allowed for this item is limited to 15 minutes.

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, or

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

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

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

10. The Meeting and Debate

The Council will not be using the Chat function.

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

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

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

11. Voting

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

12. Meeting Etiquette Reminder

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

13. Part 2 Reports and Debate

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

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

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

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

14. Interpretation of standing orders

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

15. Disorderly Conduct by Members

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

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

16. Disturbance from Members of the Public

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

17. After the meeting

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

18. Technical issues – meeting management

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

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

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

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

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

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

Phone only access to zoom meetings

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

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

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

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

- **Enter Meeting ID followed by #**

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

- **Press #**

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

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

Wait for the following two messages:

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

Wait.....

"You have now entered the meeting"

Important notes for participating in meetings

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

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

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COUNCIL** held on 6 January 2021 at 6.00 pm

Present

Councillors

L J Cruwys (Chairman)
Mrs E M Andrews, G Barnell, E J Berry,
W Burke, J Cairney, R J Chesterton,
S J Clist, Mrs C Collis, Mrs F J Colthorpe,
D R Coren, N V Davey, Mrs C P Daw,
R M Deed, R J Dolley, J M Downes,
C J Eginton, R Evans, Mrs S Griggs,
B Holdman, T G Hughes, D J Knowles,
F W Letch, B A Moore, Miss J Norton,
S J Penny, D F Pugsley, R F Radford,
C R Slade, Mrs M E Squires, R L Stanley,
L D Taylor, Ms E J Wainwright,
B G J Warren, A White, A Wilce,
Mrs N Woollatt, J Wright and A Wyer

103 **Apologies (00-08-12)**

There were no apologies.

104 **Protocol for Remote Meetings (00-08-18)**

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

105 **Public Question Time (00-08-37)**

The Chairman read a statement on behalf of Mr Quinn concerning agenda item 9 (5):
Report of Homes PDG - 10 Nov 2020

At the 10th of November meeting of the Homes PDG, I pointed out that the draft minutes of the previous meeting were incorrect.

The PDG Members agreed that the draft minutes did require correction and Minute 31 of this report shows the words they approved for this purpose.

However, the uncorrected minutes of that September PDG meeting are still being shown on the Council Website as the: 'Printed Minutes'.

An item called "Amendment to Minutes 21 and 17" has been published - but the minutes shown on that page have not been corrected.

Asking the public to open two documents and work out the correct form of the minutes for themselves is both confusing and bad practice.

It seems to me that, there should only ever be one set of minutes published for any meeting – the Correct Ones!

If the Members, of any meeting, agree that the draft minutes require amendment, then the draft minutes should be removed from the Website, corrected, and then published as the agreed minutes of the meeting.

My question is:

Does this Council agree that: where the draft minutes of any meeting have been amended, then the corrected minutes should be published on the council's website?

The Head of Legal (Monitoring Officer) in response stated that the physical minutes would continue to be amended by hand, however electronic minutes were amended by addendum and highlighted within the minutes of the following meeting. Tracked changes to the original minutes did not work in the publishing system but she was happy to look at other ways to overcome this issue if members thought that was necessary.

106 Declarations of Interest under the Code of Conduct (00-13-58)

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

Councillor Mrs E M Andrews declared a personal interest in Minute 258 (19 High Street, Cullompton) of the Cabinet Minutes of 29 October as a Town Councillor and a Member of the Town Team.

107 Minutes (00-15-03)

The minutes of the meeting held on 28 October 2020 were agreed as a correct record.

108 Chairman's Announcements (00-15-42)

The Chairman had the following announcements to make:

- He had attended alongside a representative of the RBL and the Mayor of Tiverton a short wreath laying commemorative event for Armistice Day. He also thanked Councillors J M Downes and R F Radford for laying a wreaths in Crediton and Cullompton.
- He had written a short piece in the Members weekly information sheet with regard to the death of former councillor Tony Bush who had passed away before Christmas and informed the meeting that he had been invited to attend the funeral where he would represent the District Council.
- He thanked Members who had contacted him for their kind wishes following the death of his mother.

109 Petitions (00-18-13)

No petitions had been presented.

110 Notices of Motions (00-18-32)

(1) Motion 565 – (Councillors: G Barnell and LD Taylor – 17 December 2020)

The Council had before it a **MOTION** submitted for the first time:

This Council understands that an updated Business Case from 3RDL will be submitted to Cabinet in February or March. The recent financial information provided to members on the financial performance of the Company and, in particular, on the substantial losses arising from the development of the St George's Court site in Tiverton, do not give confidence that the Company has a future as a viable entity or that further investment of taxpayers money is warranted.

This Council agrees that members must have independent and expert advice on all the options open to the Council about the future of 3RDL and that this advice be made available to all members of the Council at the same time as the new business case is presented .

In order to inform the wider-decision making of the Council beyond the shareholder function performed by Cabinet, this Council, therefore, resolves to:-

1. Commission an independent appraisal of the Company's new business plan by a company or by individuals experienced in the business of speculative property development.
2. Commission an independent report on the options for the liquidation or winding up of the Company from a suitable professional entity experienced in such matters.
3. Ensure the presentation of the new 3RDL Business Case is made at the same time as the above reports both to the Council's Audit Committee and also to the Scrutiny Committee before the matter is subject to Cabinet consideration and decision

The **MOTION** was **MOVED** by Councillor G Barnell and seconded by Councillor L D Taylor.

In accordance with Procedure Rule 14.4, the Chairman of the Council had ruled that the matter be discussed at this meeting.

Consideration was given to:

- The updated business plan for 3RDL which was due to be submitted to the Cabinet in February
- The need for due diligence prior to further investment in the company and for further external advice to be received
- The independent reports previously commissioned and the 33 recommendations that had followed and the involvement of the Scrutiny Committee and Audit Committee in those recommendations
- The recruitment of 2 new directors who had only just taken up their posts
- The controls already in place for any investment in projects
- The cost of further independent reports
- The need to allow time to consider the business plan and possible pre-scrutiny of the plan prior to a Cabinet decision

Councillor R B Evans **MOVED** in accordance with Procedure Rule 19.4

'THAT the vote in respect of this **MOTION** shall be by Roll Call'

A roll call of Members present at the meeting was then taken:

Those voting **FOR** the **MOTION**: Councillors: G Barnell, J Cairney, S J Clist, J M Downes, B Holdman, F W Letch, L D Taylor, A White, J Wright and A Wyer.

Those voting **AGAINST** the **MOTION**: Councillors: Mrs E M Andrews, E J Berry, W Burke, R J Chesterton, Mrs C A Collis, Mrs F J Colthorpe, D R Coren, N V Davey, Mrs C P Daw, R M Deed, C J Eginton, R B Evans, Mrs S Griggs, T G Hughes, D J Knowles, B A Moore, S J Penny, D F Pugsley, R F Radford, C R Slade, Mrs M E Squires, B G J Warren, A Wilce and Mrs N Woollatt.

Those **ABSTAINING**: Councillors: L J Cruwys, R J Dolley, Miss J Norton and Miss E Wainwright

The **MOTION** was declared to have **FAILED**

Notes:

- i) Councillor R L Stanley declared a Disclosable Pecuniary Interest with regard to his involvement with 3 Rivers Developments Limited and left the meeting for the discussion and vote;
- ii) Councillor Mrs S Griggs declared a personal interest as an employee of Seddons Estate Agents who had involvement with the company.

(2) Motion 566 – (Councillors: G Barnell and S J Clist – 17 December 2020)

The Council has before it a **MOTION** submitted for the first time:

This Council agrees to commission, as a matter of urgency, a plan based on evidence of local housing need for the delivery of affordable rented and social rented housing across Mid Devon. This plan should make best use of the Government's Affordable Housing programme 2021/26 and be presented to Council by June 2021.

The **MOTION** was **MOVED** by Councillor G Barnell and seconded by Councillor S J Clist

In accordance with Procedure Rule 14.4, the Chairman of the Council ruled that the **MOTION STAND REFERRED** to the Cabinet for consideration and report.

(3) Motion 567 – (Councillors: J Wright and Miss E Wainwright, R Dolley and Mrs C P Daw – 18 December 2020)

The Council had before it a **MOTION** submitted for the first time:

This Council:

- Welcomes and appreciates the work that has gone in to developing our climate action plan so far, especially in the context of the Covid pandemic, which stretched capacity and resources.

- Welcomes the recruitment of a Climate and Sustainability Officer, to develop our work.
- Requests that once in place, the new Climate and Sustainability Specialist focuses on further development to our climate action plan, so that it shows the priority actions for the short, mid and longer term, covering the entire period to 2030 and beyond. Plans should outline the strategic actions we need to take to be on track to meet this target.
- Requests that officers explore opportunities to develop the Net Zero Advisory Group, so that it has more authority and responsibility for our climate strategy, and so that the public can access it (e.g. via agendas published online, and being able to attend meetings).
- Requests that budget be created and ring-fenced for developing our climate work - through a mixture of funding bids; income generation; prioritisation; partnerships; and 'spend to save' schemes.

The **MOTION** was **MOVED** by Councillor J Wright and seconded by Councillor Miss E Wainwright.

In accordance with Procedure Rule 14.4, the Chairman of the Council had ruled that the matter be discussed at this meeting.

Following a discussion with regard to:

- The impact of climate change and the need to address matters
- The role of the specialist officer to support the work with regard to climate change
- Working with Devon County Council with regard to the Devon Carbon Plan
- The involvement and support required from the Environment Policy Development Group
- Funding streams available
- Work already in hand with regard to climate change issues
- How the Cabinet Member for Climate Change could progress funding through the budget setting process
- The acknowledgement of the work undertaken by the Corporate Manager for Property, Leisure and Climate Change

Councillor A Wilce **MOVED**, seconded by Councillor B A Moore that in accordance with Procedure Rule 15.1(e) that the Motion be referred to the Environment Policy Development Group for consideration and report.

Upon a vote being taken, the referral of the Motion to the Policy Development Group was **AGREED**.

111 **Cabinet - Report of the meeting held on 29 October 2020 (1-55-00)**

The Leader presented the report of the meeting of the Cabinet held on 29 October.

1. Treasury Management Strategy and Mid Year Review (Minute 255)

The Leader **MOVED** seconded by Councillor C R Slade:

THAT the recommendations of the Cabinet as set out in Minute 255 be **ADOPTED**.

Upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

Reason for the Decision – in line with CIPFA guidance, the Council must agree a Treasury Management Strategy.

Note: Councillor Mrs E M Andrews declared a personal interest in Minute 258 (19 High Street, Cullompton) as a member of the Town Council and a member of the Town Team.

112 **Cabinet - Report of the meeting held on 3 December 2020 (2-01-55)**

The Leader presented the report of the meeting of the Cabinet held on 29 October.

1. Strategic Planning (Minute 268)

The Leader **MOVED** seconded by Councillor R J Chesterton:

THAT the recommendations of the Cabinet as set out in Minute 268 be **ADOPTED**.

Upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

Reason for the Decision – there was a need to agree 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 the subject.

2. Community Infrastructure Levy (Minute 270)

The Leader **MOVED** seconded by Councillor R J Chesterton:

THAT the recommendations of the Cabinet as set out in Minute 270 be **ADOPTED**.

Upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

Reason for the Decision – In anticipation of reform, the Council needed to decide whether to proceed with the Community Infrastructure Levy given the pending examination in public of the submitted draft charging schedule.

3. Schedule of Meetings 2021-22 (Minute 275)

The Leader **MOVED** seconded by Councillor R B Evans

THAT the recommendations of the Cabinet as set out in Minute 275 be **ADOPTED**.

Upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

Reason for the Decision – there was a need to agree the schedule of meetings for the next municipal year.

113 Scrutiny Committee - Report of the meeting held on 9 November 2020 (2-16-02)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 9 November 2020.

114 Scrutiny Committee - Report of the meeting held on 14 December 2020 (2-16-53)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 14 December 2020.

The Council had before it questions* referring to Minute 124 submitted by Councillor G Barnell in accordance with Procedure Rule 13.2, together with responses from the Cabinet Member for Housing and Property Services and the Cabinet Member for Planning and Economic Regeneration.

Note: *Questions and written responses attached to minutes

115 Audit Committee - Report of the meeting held on 17 November 2020 (2-19-09)

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 17 November 2020.

116 Environment Policy Development Group - Report of the meeting held on 3 November 2020 (2-19-48)

The Chairman of the Environment Policy Development Group presented the report of the meeting of the Group held on 3 November 2020.

117 Homes Policy Development Group - Report of the meeting held on 10 November 2020 (2-20-41)

The Chairman of the Homes Policy Development Group presented the report of the meeting held on 10 November 2020.

118 Economy Policy Development Group - Report of the meeting held on 5 November 2020 (2-21-38)

The Chairman of the Economy Policy Development Group presented the report of the meeting of the Group held on 5 November 2020.

119 Community Policy Development Group - Report of the meeting held on 17 November 2020 (2-22-17)

The Chairman of the Community Policy Development Group presented the report of the meeting of the Group held on 17 November 2020.

120 Community Policy Development Group - Report of the special meeting held on 8 December 2020 (2-23-30)

The Chairman of the Community Policy Development Group presented the report of the special meeting of the Group held on 8 December 2020.

121 Planning Committee - Report of the meeting held on 4 November 2020 (2-24-12)

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 4 November 2020.

122 Planning Committee - Report of the special meeting held on 13 November 2020 (2-24-52)

The Chairman of the Planning Committee presented the report of the special meeting of the Committee held on 13 November 2020.

123 Planning Committee - Report of the meeting held on 2 December 2020 (2-25-20)

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 2 December 2020.

124 Questions in accordance with Procedure Rule 13 (2-26-08)

There were no questions submitted under Procedure Rule 13.2.

125 Special Urgency Decisions (2-26-30)

With regard to any decisions taken under Rule 16 (of the Constitution) Special Urgency taken since the last meeting. The Chairman informed the meeting that no such decisions had been taken in that period.

126 Independent Remuneration Panel Report(2-26-39)

The Council had before it a *report of the Head of Legal (Monitoring Officer) informing Members of a review undertaken by the Independent Remuneration Panel and their recommendations.

The Leader **MOVED** seconded by Councillor R J Dolley, **THAT**:

- a. The Basic Allowance to be paid to all Councillors remains at the current level of £5252.70 p.a., with any increases being linked to, but not greater than, the staff pay award.
- b. Special Responsibility Allowances ("SRA") be paid to the following Members at the levels indicated:

Position	Weighting basic	x	SRA
Leader of the Council	3.00		£15,758.10
Deputy Leader	1.50		£7,879.05
Cabinet Member	1.25		£6,565.88

Scrutiny Committee Chair	1.25	£6,565.88
PDG Chair	0.75	£3,939.53
Audit Committee Chair	0.75	£3,939.53
Planning Committee Chair	1.25	£6,565.88
Licensing/Regulatory Chair	0.25	£1,313.18
Standards Chair	0.25	£1,313.18
Chairman of the Council	0.50	£2,626.35

- c. No Member should be entitled to claim more than **one** Special Responsibility Allowance.
- d. Carers' allowances be calculated on the current basis namely, the actual expenditure up to the national living wage of a person over 25.
- e. That travel allowances be linked to HMRC rates and calculated at the national levels indicated, currently:

- 45p per mile for the first 10,000 miles
- 25p per mile thereafter
- 5p per mile per passenger carried (up to a maximum of 4 passengers, payable to the driver)
- 25p per mile for push bikes
- 24p per mile for motorcycles

NB: To be increased in line with HMRC rates from 1 April 2021 once known.

- f. That subsistence allowances only be paid when councillors are conducting approved duties outside of the Mid Devon District Council area (where refreshments are not provided by the host) and that they be linked to those of the staff, currently these are as follows in each case up to a maximum of:

- Breakfast £7.87
- Lunch £10.86
- Tea £4.27
- Dinner £13.44

NB: To be increased in line with HMRC rates from 1 April 2021 once known.

- g. That all claims for travel and subsistence reimbursement be accompanied by an appropriate receipt.
- h. That an annual digital allowance of £150 continues to be paid to Members using digital devices only.
- i. That the Chief Executive or Monitoring Officer may consider the payment of any additional claims or support arrangements that fall outside the scope of the scheme to support Members with additional needs.

- j. That Members of the Authority are not entitled to pensions and neither the basic allowance nor SRA be treated as an allowance in respect of which pensions are payable.

Upon a vote being taken, the **MOTION** was declared to have been **CARRIED**.

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

127 **Outside Body Appointments (2-32-02)**

There was a need to seek nominations for the following:

- One Member of the Council to the Heart of the South West Local Enterprise Partnership Joint Scrutiny Committee to replace Councillor Richard Chesterton (the Terms of Reference state that this must not be a Cabinet member or a County Councillor). The Joint Scrutiny Committee will provide a strategic overview and scrutiny of the activities of the Heart of the South West Local Enterprise Partnership (LEP).

Councillor R B Evans **MOVED**, seconded by Councillor C R Slade that Councillor C J Eginton be nominated for the role.

Councillor L D Taylor **MOVED**, seconded by Councillor F W Letch that Councillor S J Clist be nominated for the role.

Upon a vote being taken it was **RESOLVED** that Councillor C J Eginton be appointed as the representative to the Heart of the South West Local Enterprise Partnership Joint Scrutiny Committee

- One Member of the Council to the Mid and East Devon Children's Centres Advisory Board to replace former Councillor Mrs Irene Hill who resigned in June 2020.

Councillor R B Evans **MOVED**, seconded by Councillor C R Slade that Councillor Mrs M E Squires be nominated for the role.

RESOLVED that Councillor Mrs M E Squires be appointed to the Mid and East Devon Children's Centres Advisory Board.

128 **Governance Working Group Update (2-47-51)**

The Council had before it a *briefing paper from the Chairman of the Governance Working Group.

Councillor B A Moore outlined the contents of the paper highlighting the work that had taken place to date.

In accordance with Procedure Rule 15.1(d) Councillor A Wilce **MOVED** seconded by Councillor B A Moore that: Council supports the conclusions as set out in the report and agrees that the Working Group proceeds on this basis.

Upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

Note *Briefing paper previously circulated, copy attached to minutes.

129 Questions to Cabinet Members (2-56-14)

There were no questions to Cabinet Members.

130 Members Business (2-56-55)

Councillor A Wilce addressed the Council stating that he was elected to represent the Council for CPRE Devon, but the fact was that the Council was not a member of CPRE and so he had not been able to represent it on that body. The CPRE Devon had been actively campaigning against the proposed Government changes to the planning system and had been able to show that 300,000 new homes could be built, without building on green-field sites in Devon. They continued to campaign about littering, the effects of plastic waste and other impacts upon the countryside.

He thanked all the COVID19 support volunteers working within in our communities. He knew how much work was taking place and he wanted to give particular thanks to Lou Carnall, in Cullompton.

He stated that he was a representative from MDDC to the Councillor Advocate Scheme of the Office of the Police and Crime Commissioner. Any member could be a Councillor Advocate and he was aware that other members had already joined the scheme, he would forward information to all members. He added that so far as the aims of the scheme were concerned, he regretted to inform members that it had not been a success locally. Local police had not fulfilled any of their obligations under the scheme and nor had anyone within Devon and Cornwall Police responded to requests for contact under the scheme; he felt that there had been little or no community engagement, certainly in Cullompton if not in Mid Devon.

He added that he would ask members to note that there were no recommendations coming forward from the last round of meetings of the Scrutiny and Audit committees, and requested that members reflect on whether everything in the garden was rosy, or if everything was not as it should be?

Councillor Dolley raised the issue of the state of the roundabout leading to Phoenix House from Blundells which he felt was a disgrace and referred to the big tree lodged in the River Exe on Great Western Way. Councillor Slade as County Councillor stated that he would look into the matter.

The Leader and Councillors: S J Clist, R F Radford, A Wilce, Mrs C A Collis, Miss J Norton and G Barnell thanked Councillor B G J Warren for his hard work during the recent planning appeal. Councillor Warren responded stating that he had been representing the Planning Committee and thanked the Head of Legal (Monitoring Officer) for her work.

Councillor B Holdman requested that the Council recognise the work of the Covid-19 support groups within Tiverton.

(The meeting ended at 9.07 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 7 January 2021 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, F W Letch
and B G J Warren.

(Amendment – add Cllr Wilce who was omitted from the
original list)

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy
Chief Executive (S151)), Kathryn Tebbey (Head of Legal
(Monitoring Officer)), Jenny Clifford (Head of Planning,
Economy and Regeneration), Andrew Busby (Corporate
Manager for Property, Leisure and Climate Change),
Catherine Yandle (Group Manager for Performance,
Governance and Data Security), Adrian Welsh (Strategic
Manager for Growth, Economy and Delivery), Lisa Lewis
(Corporate Manager for Business Transformation and
Customer Engagement), Darren Beer (Operations
Manager for Street Scene), Stephen Bennett (Building
Surveyor), Carole Oliphant (Member Services Officer) and
Sally Gabriel (Member Services Manager)

279. APOLOGIES (00-03-36)

There were no apologies for absence.

280. PROTOCOL FOR REMOTE MEETINGS (00-03-43)

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

281. PUBLIC QUESTION TIME (00-04-00)

There were no questions from members of the public present.

282. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-04-16)

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

283. MINUTES OF THE PREVIOUS MEETING (00-04-31)

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

284. USE OF CCTV POLICY AND GUIDANCE (00-05-00)

Following consideration of a report of the Corporate Manager for Property, Leisure and Climate Change, the Community Policy Development Group had 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.

The Cabinet Member for Community Well-Being outlined the contents of the report stating that the Council owned public space CCTV and a wide range of other smaller surveillance systems operated across council business areas. The code set out the governance arrangements that all surveillance schemes operated by the authority must comply with. He outlined the main specific and explicit purposes of MDDC surveillance camera systems across all operational areas and highlighted that the Council's Senior Responsible Officer and the Single Point of Contact may after consultation with the Data Protection Officer draw up other explicit purposes for specific deployments based on local concerns. He explained the details of the live funding bid.

Consideration was given to:

- The need for any funding bid to be finalised prior to the PCC elections in May
- The possible use of CCTV to combat fly-tipping and dog fouling
- Bodycams were not included in the policy
- The need for the policy to be flexible
- How CCTV would be used in the main towns and whether the bid for funding covered all the main towns in the district

RECOMMENDED TO COUNCIL that

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

(Proposed by Cllr D J Knowles and seconded by Cllr C R Slade)

Reason for the decision: There is a need to have an updated CCTV code of practice and policy in line with legislation.

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

285. MEETING MANAGEMENT

The Chairman indicated that he would take item 8 as the next item of business as the Cabinet Member responsible for item 7 had lost connection at the present time.

286. RECOMMENDATION FROM THE SCRUTINY COMMITTEE FOLLOWING A CALL IN- LAND AT POST HILL - TO CONSIDER DEVELOPMENT OPTIONS (00-21-56)

Following the call-in of the decision with regard to land at Post Hill made by Cabinet on 3 December 2020.

The Scrutiny Committee at its meeting on 14 December had made the following recommendation:

‘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’.

The Cabinet Member for Housing and Property Services stated that he was confused by the recommendation from the Scrutiny Committee as any decision with regard to the formation of a Teckal Company had not yet been considered. With regard to development at Post Hill, there was no project plan and that any design work had yet to be completed. He emphasised that he would be happy that any decision to be made on the formation of a Teckal Company would be a Council decision.

Consideration was given to:

- The views of the Scrutiny Committee with regard to the previous decision and whether that was predetermination of a decision with regard to the formation of a Teckal Company
- The delivery of affordable housing on the Post Hill site.

RESOLVED that following Cabinet consideration of the formation or not of a Teckal Company that the decision and relevant papers are taken to Full Council for consideration and deliberation.

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

Note: Papers previously circulated copy attached to minutes

287. CORPORATE HEALTH AND SAFETY POLICY (00-34-48)

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

The Cabinet Member for the Working Environment and Support Services outlined the contents of the report stating that the revised Health and Safety Policy had been considered by the Health and Safety Committee and the Policy Development Group. She corrected an error in the report stating that the policy would be reviewed on a three yearly basis and not annually.

Consideration was given to who would investigate any accidents or reports of ill health, it was confirmed that this would be the Health and Safety Officer who would report to the Health and Safety Committee and Leadership Team.

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

(Proposed by Cllr Mrs N Woollatt and seconded by Cllr B A Moore)

Reason for decision: the Council is obliged to have an up-to-date Health and Safety Policy

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

288. **UTILISING COMMUNITY PAYBACK SERVICE USERS IN THE DISTRICT (00-39-19)**

The Cabinet had before it a *report of the Operations Manager for Street Scene setting out the key aspects in utilising service users provided by DDCCRC (Dorset, Devon and Cornwall Community Rehabilitation Company).

The Cabinet Member for the Environment outlined the contents of the report stating that the scheme was of benefit to councillors, the people of Mid Devon and also those who were serving punishment as the scheme delivered punishment by depriving service users of free time, allowing the individual to gain work related skills in a positive law abiding environment. There was little cost to the Council as the scheme would be run by the National Probation Service.

Consideration was given to:

- Local Projects
- The potential for the scheme to dovetail with climate work with regard to tree planting
- The scheme did not replace paid employment by others
- How Parish Councils could apply to the scheme for local projects
- Ward Members would be requested (on behalf of their communities) to put forward local projects
- Whether the scheme could be linked into local projects already being undertaken by the Duke of Edinburgh Scheme

RESOLVED that the proposal to utilise community payback service users in the District be approved.

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

Reason for decision: to utilise the scheme would be of community benefit and provide opportunities for those involved to develop new skills.

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

289. **FINANCIAL MONITORING (00-53-04)**

The Cabinet received a verbal update from the Deputy Chief Executive (S151) who stated that having considered all the service budgets across the authority, it had been agreed that at the current time the authority was very close to balancing the budget with a deficit of £20k, however this did depend on the timeliness of Government support with regard to the income protection scheme and the future claim of approximately £1.6 m which would be made in April which should offset the financial loss with regard to car parking, planning, leisure services and trade waste which had all been impacted by the pandemic. The impact of the current lockdown had yet to be assessed and consideration was being given to redeployment /furlough of leisure staff and the provision of assistance with the vaccination programme.

290. **BUDGET 2021-22 UPDATE (00-58-36)**

The Cabinet had before it 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.

The Cabinet Member for Finance outlined the contents of the report stating that the figures before members were a current snapshot of where the council was at the current time, the deficit was down to £490k but that there was more work to do. He had tasked the S151 officer to look at unpalatable options to reduce the balance to zero.

The Deputy Chief Executive (S151) stated that work was ongoing and outlined the key movements and assumptions shown within the report highlighting the Government income protection, the Autumn Statement, the funding settlement, the New Homes Bonus and the Lower Tier Service Grant

Consideration was given to:

- Vacancy management
- Whether there would be reoccurrences of funding
- Slippage within the Housing Revenue Account Medium Term Financial Plan
- The various earmarked reserves for the Cullompton HAZ
- The estimate of savings with regard to the waste trial
- The need for serious decisions to be made

RESOLVED that having considered the updated proposals for 2021/22 and the Capital Programme, the report now be circulated to the Policy Development Groups for further input prior to the formal recommendation back to the Cabinet and Council.

(Proposed by Cllr B A Moore and seconded by Cllr C R Slade)

Reason for decision: to allow the Policy Development Groups to consider the budget proposals prior to the February meetings of Cabinet and Council.

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

291. CULLOMPTON RAILWAY STATION (1-25-39)

The Cabinet had before it 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 project forward..

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that 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 had supported the development of the Strategic Outline Business Case (SOBC). The report referred to an intention to submit the SOBC to DfT by the end of 2021. The SOBC had been delayed by a couple of weeks as there were a few changes that partners were keen to make to further enhance the business case. Officers understanding was that this project was still the most advanced of all the 'ideas fund' projects nationally. It was also understood that the formal DfT consideration of submissions was due to commence in February/March. Officers continued to meet regularly with the Department for Transport, those meetings had proven to be very positive.

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 of development. If the project were to progress to the next stage this could be very timely should there be a fourth round of the New Stations Fund announced later in the year.

Discussion took place with regard to the positive information and the need to include Okehampton on the map within the report.

RESOLVED that the report be noted and that officers continue to explore funding opportunities for the next stages of the project.

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

Reason for Decision: to continue to move the project forward.

Note: *Report previously circulated, copy attached to minutes

292. DISPOSAL OF PARK ROAD NURSERY DEPOT (1-32-30)

The Cabinet had before it a * report of the Deputy Chief Executive (S151) requesting approval of the asset disposal of Park Nursery Depot, Park Road, Tiverton, EX16 6AU.

The Cabinet Member for Housing and Property Services outlined the contents of the report highlighting the history of the site, the decision of the previous Cabinet that planning permission be sought for the development of the site for housing and the detail of the revised valuations within the agenda pack.

Consideration was given to:

- A query with regard to the legal restriction around planning permissions granted for local authorities for their own land
- The principle of development on the land
- Who could take part in the sealed bid process

RESOLVED that delegated authority be given 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 :In accordance with Table 1 – Option 2, proceed with the marketing process and sale of the existing buildings and land to the best value offer via a sealed bid process.

(Proposed by Cllr R B Evans and seconded by Cllr Mrs N Woollatt)

Reason for Decision: to achieve best value for money via an open market process.

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

293. **ANNUAL REPORT OF COMPLIMENTS, COMMENTS AND COMPLAINTS (1-44-47)**

The Cabinet had before it and **NOTED** a *report of the Corporate Manager for Business Transformation and Customer Engagement providing information on compliments, comments and complaints received as part of the 2 million plus contacts with customers in 2019/2020.

The Cabinet Member for the Working Environment and Support Services outlined the contents of the report highlighting the complaints, compliments and comments that had been received, the content of the Ombudsman report and the increase in digital activity from members of the public.

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

294. **ASBESTOS SURVEYING AND LICENSED REMOVAL 2021 - 2024 (1-47-33)**

The Cabinet had before it a * report of the Building Services Operations Manager advising Members on the results for the tendering of the Asbestos Surveying and Licensed Removal 2021-2024 and requesting them to confirm the award of the contract.

The Cabinet Member for Housing and Property Services outlined the contents of the report highlighting the difference between the tender for licensed and unlicensed removal of asbestos.

Consideration was given to the procurement process and the balance of value versus quality and how that weighting was applied.

RESOLVED that the new three year Asbestos Surveying and Licensed Removal Contract be awarded to Contractor 3.

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

Reason for Decision: there was a need to confirm the award of the tender so that the specified work could be progressed.

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

295. **ASBESTOS SURVEYING AND UNLICENSED REMOVAL 2021-2024 (1-56-52)**

The Cabinet had before it a * report of the Building Services Operations Manager advising Members on the results for the tendering of the Asbestos Surveying and Unlicensed Removal 2021-2024 and requesting them to confirm the award of the contract.

Consideration had been given to the differences between licensed and unlicensed removal of asbestos in the previous item along with the procurement process.

RESOLVED that the new three year Asbestos Surveying and Unlicensed Removal Contract be awarded to Contractor 2.

(Proposed by Cllr R B Evans and seconded by Cllr C R Slade)

Reason for Decision: there was a need to confirm the award of the tender so that the specified work could be progressed.

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

296. **NOTIFICATION OF KEY DECISIONS (1-57-51)**

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

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

297. **3 RIVERS DEVELOPMENT LIMITED UPDATE (1-59-15)**

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 the information within the report provided an up to date reflection on the progress made. The impact of the ongoing pandemic and the current lockdown would need to be considered as this could impact on all development companies and that supply chains could be disrupted. The new directors were in post and he looked forward to their input into the company.

Consideration was given to the actions taken since the last report which included quotes for additional internal and external audit work.

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

(The meeting ended at 9.05 pm)

CHAIRMAN

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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 Surveillance 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 will be a number of actions required and these 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

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Code of Practice

For Surveillance Camera Systems operated by

Mid Devon District Council

February 2021

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)

22/11/20	Changes for PDG	V 1.6	Keith Ashton (SPOC)	Andy Busby
08/02/21	Updates Post PDG	V 1.7	Keith Ashton (SPOC)	Andy Busby

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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 ____ day of _____ 2020

Signed for and on behalf of Devon and Cornwall Police

Signature _____ Name _____

Position _____ Dated ____ day of _____ 2020

Signed for and on behalf of _____

Signature _____ Name _____

Position _____ Dated ____ day 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
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.

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, and 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 District; 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.

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 its 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 before 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. All surveillance cameras 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.

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
- ii. Ensure that the interests of the Council are upheld in accordance with the 12 principles of the 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
- iv. If you have any concerns or questions about how we look after your personal information or 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-of-contact-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: <https://www.gov.uk/government/publications/introducing-a-single-point-of-contact-guidance-for-local-authorities/introducing-a-single-point-of-contact>

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.

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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

..

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:

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
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 before 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

- 2.1. 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).
3. 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/ukxi/2015/596/schedule/2/part/2/crossheading/class-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 images-per-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
 - The scheme's purpose
 - 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:
 - 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
 - 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 8th February 2021

	Action	When by	Updates	RAG Status
1	Collate all relevant existing policies, procedures and corporate documents relevant to CCTV	17 January 2020	Completed	
2	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	Completed	
3	Take photographs of the CCTV assets in situation with signage and give them a reference number and plot on a plan	31 st December 2020	Completed	

4	Confirm who currently has access to CCTV images, how they are stored/retained, viewed	1 st March 2021	On target	
5	Specifically consider mobile devices (e.g body cams, vehicle cams, in cab and for reversing, portable CCTV) what is our stance/intention and what are the compliance issues – ICO, Commissioner, RIPA	1 st March 2021	DPO to consider data protection implications.	
6	Complete Surveillance Camera Commissioner's self-assessment tool	31 st March 2021	Subject to points 1-5 being completed	
7	Draw up action plan for matters arising from self-assessment	31 st March 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	31 st March 2021	On target	
11	Complete annual update report to PDG/Cabinet/Council	17 th November 2020 PDG	On target	
12	Implement any training/rollout of new policy/procedures once adopted by council	1 st January 2021	On target	

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 4 February 2021 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, J Cairney, S J Clist, Mrs C P Daw, R J Dolley,
J M Downes, F W Letch, R F Radford, B G J 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), Kathryn Tebbey (Head of Legal (Monitoring Officer)), Jill May (Director of Business Improvement and Operations), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Lisa Lewis (Corporate Manager for Business Transformation and Customer Engagement), Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Matthew Page (Corporate Manager for People, Governance and Waste), Tristan Peat (Forward Planning Team Leader), Catherine Yandle (Group Manager for Performance, Governance and Data Security), John Bodley-Scott (Economic Development Team Leader), Fiona Wilkinson (Principal Revenues & Benefits Officer), Tim Powell (Corporate Projects Officer) and Sally Gabriel (Member Services Manager).

Also in

Attendance:

Nick Sanderson (Acting Managing Director of 3 Rivers Developments Ltd), Bill Yardley (Non-Executive Director – 3 Rivers Developments Limited) and John Riley (Finance Director – 3 Rivers Developments Limited)

298. APOLOGIES (00-03-00)

There were no apologies for absence.

299. PROTOCOL FOR REMOTE MEETINGS (00-03-07)

The protocol for remote meetings was noted.

300. PUBLIC QUESTION TIME (00-03-30)

The Chairman read a statement on behalf of Mr Quinn

Concerning Agenda Items: 18 (Pay Policy) and 20 (Key Decisions)

Within the Pay Policy papers, there is reference to a retention payment being made to the Deputy Chief Executive - of £5,000.

The Pay Supplement Policy states that “Retention payments will only be authorised on the basis of the provision of robust evidence amounting to a material factor” and “A clear business case detailing the significant impact on service delivery will be required for submission to the Pay and Grading Group, following authorisation by Director or the Chief Executive”.

My questions on this item are:

- a) How many retention payments were made to other staff over this period?
- b) Can the Business Case, used to substantiate the award of this payment, be made available to the public?

Turning to Key Decisions: At the Cabinet meeting on 29 October 2020, expenditure was agreed 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”.

At the Cabinet meeting on 3 December 2020, I asked: “When the report on the ‘Teckal’ Company was expected to be brought before Cabinet?” and “Will this report be ‘Open’ – to allow for public scrutiny?”

The Cabinet Member for Housing and Property Services replied: “The report was likely to be scheduled to come to Cabinet in January” and “Yes this would be listed as an open item”.

Just two weeks ago, the key decisions list provided to Scrutiny Committee showed that the open report would be coming to this meeting of Cabinet.

But it is not here – and the new key decisions list does not show the report being rearranged. So my questions on this item are:

- c) What has happened to this report?
- d) What has happened to the money that was appropriated for it?
- e) Has the idea of a ‘Teckal’ company been dropped?

The Chairman stated that the questions would be answered when the items were discussed.

301. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-06-47)

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

The following interests were reported:

Item 9 Grant payments to external organisations:

Cllr C R Slade declared a personal interest as he was the Devon County Council representative for INVOLVE, the Chairman of the Grand Western Canal Joint Advisory Committee and a Trustee of the Tiverton Museum.

Cllr D J Knowles declared a personal Interest as he was a Life Member of the Tiverton Museum and a Trustee of INVOLVE.

Cllr B A Moore declared a personal interest as he was the Mid Devon Representative for INVOLVE.

302. MINUTES OF THE PREVIOUS MEETING (00-08-22)

Subject to the inclusion of Cllr A Wilce in the attendance list, the minutes of the previous meeting were approved as a correct record.

303. MOTION 566 (COUNCILLORS: G BARNELL AND S J CLIST - 17 DECEMBER 2020) - (00- 09-00)

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

This Council agrees to commission, as a matter of urgency, a plan based on evidence of local housing need for the delivery of affordable rented and social rented housing across Mid Devon. This plan should make best use of the Government's Affordable Housing programme 2021/26 and be presented to Council by June 2021.

The Lead Member for the Motion was invited to address the Cabinet: Cllr G Barnell then addressed the meeting stating that the motion was proposed as a call for action from the minority group asking for a plan within 6 months for delivery of social and affordable rented housing. It did not ask for the delivery of a joint Local Housing Needs Assessment or a new Housing Strategy both of which were not necessary for the delivery of more social rented housing. He referred to the priorities within the Corporate Plan and explained that there was a growing gap in social rented housing in the district. He referred to registered providers who wanted to deliver social rented housing, the impact of the 'Right to Buy' scheme and the modest programme of return on social rented housing. He referred to national studies and the programme for housing for social rented and affordable rented homes and MDDC's performance figures against those studies. He referred to monies allocated within the Medium Term Financial Plan set aside for the construction of additional affordable rented homes which could yield an additional seven or eight homes and that this would not keep pace with homes being released under 'Right to Buy'; there was no mention of socially rented homes. He then referred to funding streams available and the urgent need for an ambitious plan for the delivery of a programme of social rented housing across Mid Devon.

Cllr Clist was then invited to address the meeting: he stated that the Cabinet Member for Housing and Property Services was aware of the need for social rented housing

and following the pandemic the need would be greater.

The Cabinet Member for Housing and Property Services responded stating that he felt that the motion was unnecessary, it was a duplication of the work that was already underway, and that there was a need for a realistic plan, for the authority to take advantage of other funding opportunities and to have a proper evidence based assessment of the need, together with evidence of the type of accommodation required, construction type, wider infrastructure costs and land availability. He was working with officers on a 15 month fully evidenced plan. He referred to funding streams available and the time limits on those, the money that had had to be returned and a request to the HMCLG for an extension of time

Consideration was given to:

- The New Homes Bonus and that it was not a fund for building new homes, it had been set up as a bonus grant to benefit the community, keep Council tax low and boost front line services.
- The timing of the Housing Need Assessment and the production of a Housing Strategy
- A timeline for reports coming forward to the Cabinet on this subject
- The production of a 3 year rolling plan
- The need to look at all available channels for funding
- The date proposed in the motion of June 2021 was unrealistic
- Small funding sources were not enough, there was a need for large investment into a programme of building social rented homes
- The need to understand the housing need

RECOMMENDED to Council that Motion 566 not be supported as the timeline proposed within the motion was not achievable, there were already strands of work taking place with a planned programme already set out.

(Proposed by Cllr R B Evans and seconded by Cllr C R Slade)

304. **NEW MID DEVON LOCAL PLAN (00-50-23)**

The Cabinet had before it a *report of the Head of Planning, Regeneration and Economy considering options available to Council for the scope, approach and timetable for the preparation of a new Local Plan for Mid Devon.

The Cabinet Member for Planning and Economic Regeneration stated that there was a legal requirement for the Council to complete a review of the Mid Devon Local Plan 5 years from the date of its adoption. The current Mid Devon Local Plan was adopted in late July 2020 and was examined through transitional arrangements in relation to the 2012 NPPF.

In order to meet the legal requirement for a review there was a need to start preparing a new local plan for the district now which would

- be in conformity with current national planning policy in the 2019 NPPF,
- maintain a 5 year supply of housing sites to meet future housing needs,

- provide planning policy for the Culm Garden Village proposal; and
- which could respond to the Council's policy priorities.

There was also a need to start preparing a new Local Plan following the decisions made by Councils not to progress the Greater Exeter Strategic Plan and for a joint non-statutory strategy and infrastructure plan to be prepared instead.

The paper before members also considered the merits of 6 alternative approaches for preparing a new Local Plan. These included an option for no review needed, a partial plan review and a full plan review. These are weighed up in terms of their advantages and disadvantages. The report also highlighted:

- that a delay to plan making could risk the strategic policies for Mid Devon becoming out of date, an inability to demonstrate a 5 year supply of housing land and the 'tilted balance' being applied to planning decisions for housing proposals on sites not identified in the Local Plan; and
- that while future planning reforms set out in the Government's White Paper could affect a number of the options, the Government had strongly encouraged local authorities to continue the preparation and adoption of local plans and not to delay this in the expectation of those future planning reforms

He outlined the recommendation within the report stating that this could be achieved through current resourcing and budgetary provision, with a potential adoption in mid-2025.

He added that the report also recommended that a non-statutory interim policy statement on planning for climate emergency be prepared alongside the new Local Plan – Option 3. This could supplement current adopted Local Plan policies and help inform the policies in a new local plan.

Consideration was given to:

- The involvement of the Planning Policy Advisory Group in bringing the report forward
- The interim policy statement for climate emergency would act as a bridge and that the new Climate Change officer would guide this further
- The timeline for the plan and whether it would take too long and that key issues should be considered within a shorter timeframe

RESOLVED that:

The preparation of a new Local Plan for Mid Devon following the approach set out in Option 6b: Full Local Plan (enhanced consultation) be approved together with Option 3: Non-statutory interim policy statement on planning for the climate emergency set out in Table 1.

(Proposed by Cllr R J Chesterton and seconded by Cllr D J Knowles)

Reason for Decision – There is a need to begin a review of the adopted Local Plan as soon as practicable and to prepare a new Local Plan for Mid Devon

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

305. **LOCAL DEVELOPMENT SCHEME (1-04-04)**

The Cabinet had before it a *report of the Head of Planning, Regeneration and Economy updating the Local Development Scheme and providing a timetable for the production of a new Local Plan for Mid Devon.

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 have a Local Development Scheme, which must be made publicly available and kept up to date.

The adoption of the Mid Devon Local Plan in late July 2020 and decisions made by Councils not to progress the Greater Exeter Strategic Plan meant that there was a need for the Local Development Scheme to be revised.

The report sought Cabinet approval for a revised Local Development Scheme to come into effect on the 11th February. The scheme set out the timetable for preparing a new Local Plan for Mid Devon which followed the option 6b full plan review with enhanced consultation that was recommended in the preceding Cabinet report.

The revised Local Development Scheme no longer included a timetable for preparing the Greater Exeter Strategic Plan, and did not include a timetable for preparing a joint non-statutory strategy and infrastructure plan since this would not be subject to a formal process for plan making.

There was no requirement to consult on revisions to the Local Development Scheme. Once approved and brought into effect, the revised Local Development Scheme would be published on the Council's website.

RESOLVED that the revised Local Development Scheme attached at Appendix 1 be approved to come into effect on 11 February 2021.

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

Reason for decision: A Local Development Scheme is required under section 15 of the Planning and Compulsory Purchase Act 2004 as amended by Section 111 of the Localism Act 2011.

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

306. **GRANT PAYMENT TO EXTERNAL ORGANISATIONS (-07-30)**

Following consideration of a report of the Head of Planning, Economy and Regeneration, the Community Policy Development Group had made the following recommendation:

- 1) A one year grant award be made for 2021-2022, with a review in the autumn of 2021;
- 2) Grants to be made on a 1 year settlement basis, to be reviewed annually each autumn;

- 3) The £9650 previously offered to Age UK Mid Devon be identified as a saving;
- 4) The grant payments for 2021 – 2022 to the Council's other strategic partners should remain at the same levels as 2020-2021;
- 5) The levels recommended were:

Organisation	2021-2022 Grant
Churches Housing Action Team (CHAT)	£12,500
Citizens Advice	£15,500
Involve – Voluntary Action in Mid Devon	£12,000
Mid Devon Mobility	£22,000
Grand Western Canal	£45,000
Tiverton Museum of Mid Devon Life	£27,500
Tourist Information Service	£4,000
Total Grants	£138,500
Savings	£9,650

- If the Cabinet were minded to reduce the grant payment awards in 2021-2022 the Community Policy Development Group would recommend that the organisations which directly supported vulnerable residents should have their grant payments protected, namely:
 - Churches Housing Action Team (CHAT)
 - Citizens Advice
 - Involve – Voluntary Action in Mid Devon
 - Mid Devon Mobility

The Cabinet Member for Community Well-Being outlined the contents of the report stating that many of the strategic partners had found new funding streams which could be used in addition to the grants available from the authority. He highlighted the closure of Age UK (Mid Devon) and that this money could be used as a potential saving. He explained the impact of the pandemic on many of the grant recipients and how they would be important in the future.

Consideration was given to:

- The need to consider a longer term settlement for grant recipients in the future, rather than a one year settlement
- A typographical error with regard to the 2019/20 funding for the Citizens Advice Bureau
- How vital the recipients were to the community and the role they were playing during the pandemic

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

(Proposed by Cllr D J Knowles and seconded by Cllr C R Slade)

Reason for the Decision – So that the allocation of grants could continue to support external agencies delivering services to enhance the Council's Homes, Community and Economy priorities

Notes:

- i) Cllr D J Knowles declared a personal Interest as he was a Life Member of the Tiverton Museum and a Trustee of INVOLVE;
- ii) Cllr B A Moore declared a personal interest as he was the Mid Devon Representative for INVOLVE;
- iii) Cllr C R Slade declared a personal interest as he was the Devon County Council representative for INVOLVE, the Chairman of the Grand Western Canal Joint Advisory Committee and a Trustee of the Tiverton Museum;
- iv) *Report previously circulated and attached to the minutes

307. 3 RIVERS DEVELOPMENT LIMITED - BUSINESS PLAN (1-21-40)

The Cabinet had before it a * report of the Chief Executive providing Cabinet with a 5 year Business Plan.

The Cabinet Member for Housing and Property Services introduced the 2 new directors that had joined the company:

- Mr Bill Yardley – Non Executive Director
- Mr John Riley – Finance Director

and welcomed them to the meeting.

A Member posed a series of questions which were answered by the Deputy Chief Executive (151) at this point in the meeting:

With regard to interest received, the Deputy Chief Executive (S151) stated that all the interest was shown in the top part of the table, monies were earned and recharged and the money came from cash balances not the PWLB.

With regard to MDDC recharges – these amounts related to costs of MDDC officer time, office accommodation, IT support etc, and whether the council recharges the company at cost, the Deputy Chief Executive (s151) stated that the Councillor was correct, all amounts were recharged at cost, but that it was a financial benefit to the Council.

With regard to loans advanced - clarity was sought with regard to the loan figures and a statement by the Chief Executive which differed in amounts and whether the loans were properly secured– the Deputy Chief Executive (S151) stated that – this has nothing to do with working capital, the loan was £9,611,100 – the difference was the timing difference on the VAT on Knowle Lane and with regard to securing the loan – this was in hand at the present time.

Repaid – if the VAT refund was £550,000 would this not have allowed 3RDL to pay the Council back the single working capital loan it was using to fund its normal

operations. The Deputy Chief Executive (S151) stated that the overall loan request for the Knowle Lane site initially included the £550k VAT charged on the land purchase. This sum was fully repaid by the company once they had recovered the VAT from HMRC.

How the working capital loan had been paid off? – the Deputy Chief Executive (S151) to provide this information. (Answer supplied - The working capital advance(s) are being recharged back to the company over a 4 year period which is based on the estimated breakeven timetable).

Why impairments had been considered a direct financial benefit to the Council – The Deputy Chief Executive (S151) stated the report did not state impairments were a financial benefit, but there was a financial benefit in the table – loans and impairments could be signified at the bottom of the table.

Discussion then took place with regard to:

- impairments and how they were reported
- the need for proper scrutiny of the business plan prior to a decision of the Cabinet
- The presentations made to the informal workshop for the Scrutiny and Audit Committees and the work that was taking place to include the Audit Committee in the risk aspect of the business
- Whether there should be more information within the business plan with regard to climate change
- The business plan was a set of ambitions, the allocation of money for projects would require individual business cases which would need to be approved
- The opportunities for 3 Rivers to make money and recycle profit to protect against service cuts for the council

The Chairman then indicated the need to go into Part II to consider the Business Plan in details it was therefore **RESOLVED** that:

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

(Proposed by the Chairman)

Following lengthy discussion on the contents of the Business Plan, the meeting returned to open session and it was:

RESOLVED that: the 3 Rivers Development Ltd Business Plan be approved; with the inclusion of the associated borrowing requirement of £14.74m shown for 2021/22 in the Council's General Fund, Capital Programme and Treasury Strategy budgets. Also that the total gross funding envelope included for 2022/23 to 2025/26 of £64.69m be noted

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

Reason for the decision: the approval of the Business Plan is required in line with the Council's obligations under the existing shareholder agreement and in order to make appropriate provision in the Budget for 2021/22

Note: *Report previously circulated copy attached to minutes.

308. **TAX BASE CALCULATION (1-58-12)**

The Cabinet had before it a * report of the Deputy Chief Executive (S151) detailing the statutory calculations necessary to determine the Tax Base for the Council Tax. The calculations made follow a formula laid down in Regulations.

The officer outlined the contents of the report stating that every year each billing authority was required to calculate and approve its Band D equivalent Council Tax base. The figure for the coming year was 28,594,38 properties which amounted to £6,114,620 being raised by Council Tax for the district. The report set out the key information and the exemptions/ appeals allowance/discounts that were applicable and which impacted on the return. He added that the collection rate was normally 98% but had been reduced to 96% because of the pandemic.

RECOMMENDED to Council that:

1. That the calculation of the Council's Tax Base for 2021/22 be approved in accordance with The Local Authorities (Calculation of Tax Base) (England) Regulations 2012 at **29,040.56** an increase of circa 206 Band D equivalent properties from the previous financial year.
2. That the current collection rate of 98% be reduced to 96% detailed in paragraph 2.

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

Reason for decision: Mid Devon District Council is a Statutory Billing Authority and must set its Council tax each year.

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

309. **NATIONAL NON-DOMESTIC RATES (2-06-32)**

The Cabinet had before it a * report of the Deputy Chief Executive (S151) providing Members with an update of the income generation and financial implications of the number of Business Rate properties in Mid Devon and to approve the NNDR1 (estimated income to be generated in 2021/22 from business rates).

The officer outlined the contents of the report stating that again this was a statutory requirement for setting the business rate property base. The net yield from 3350 business rated properties amounted to £15,501,737. A large amount of the receipt went into the Central Government pool and was redistributed, the approximate figure kept by Mid Devon was £3.3m. Again exemptions/allowances and reliefs applied and these are all verified by the Revenues Team and checked by the Accountancy Team. He reported that there may be a delay in the billing exercise due to the timing of the Chancellor's budget announcements.

RECOMMENDED to Council that:

1. That the calculation of the NNDR1 net yield of £15,501,737m from 3350 Business Rated properties is noted and approved for 2021/22;
2. That the proportions distributed to the respective authorities and Central Government be allocated as per the statutory regulations; and
3. That Members note that Central Government will reimburse the Council through a Section 31 grant to compensate it for the reduction in collectable business rates as a result of introducing reliefs.

(Proposed by Cllr B A Moore and seconded by Cllr C R Slade)

Reason for decision: This is a statutory function and is a legal requirement. The Council must set its budget annually based on the tax base and the NNDR1 projected values.

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

310. **FINANCIAL MONITORING (2-11-40)**

The Cabinet had before it and **NOTED** a * 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 officer outlined the contents of the report explaining how the current year had been unprecedented, but to date the General Fund deficit was predicted at £89K. The Council had received 4 tranches of Government support and it was estimated that the Government would pay £1.6m in income protection to mitigate losses in leisure, planning, car parking etc. and that they had also stated that they would honour 75% of any lost revenue from Council Tax and Business Rates, but that guidance was still awaited. 2 claims for income protection had been made and a final one would be made at the end of May.

Consideration was given to:

- The pressure on staff at the current time and the support given by managers and senior officers
- The savings made on vacancies
- Prioritisation of service delivery

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

311. **BUDGET (2-25-30)**

The Cabinet had before it a * report of the Deputy Chief Executive (S151) providing the budget proposals for the General Fund and the Housing Revenue Account for the year 2021/22.

The Cabinet Member for Finance outlined the contents of the report stating that the proposed budget had been discussed at numerous meetings throughout the year which had included review by the Policy Development Groups and the Scrutiny Committee. He explained that there was a need for a temporary transfer from the New Homes Bonus of £385K to cover the deficit. He referred to the budget gap predicted for 2022/23 and the work that had to take place with regard to this.

The Deputy Chief Executive (S151) reported that the settlement to be received from the Government was in line with the figures stated in the report

Consideration was given to:

- The savings required for the financial year 2022/23
- The need for a conversation on climate change priorities going forwards and the schemes that had already been highlighted
- News of external funding that had been achieved that day from the Decarbonisation Fund which would help improve the leisure centres, the multi-storey carpark and other portfolio assets

RECOMMENDED to Council that:

1. Council Tax is increased by £5 (2.39%) on a Band D property to £213.84.
2. General Fund budget for 2021/22 is approved.
3. The 2021/22 budget requires no transfer from the General Fund Balance.
4. The General Fund Budget requires a temporary transfer of £386k from the New Homes Bonus EMR.
5. HRA budget for 2021/22 be approved – Appendix 5.
6. HRA fees/charges are approved based on the attached Appendix 5b.
7. Work on strategic planning for delivering balanced budgets in the future is commenced in the Spring.

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

Reason for decision – there is a need to make a recommendation to Council requesting that a balanced budget be set.

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

312. **CAPITAL PROGRAMME (2-44-11)**

The Cabinet had before it a *report of the Deputy Chief Executive (S151) seeking approval of the 2021/22 Capital Programme and note the draft 2022/23, 2023/24 and 2024/25 programmes and make recommendation to Council.

The officer outlined the contents of the report stating that most members had been able to challenge the contents of the Capital Programme through various meetings. He outlined the material items within the report that of the hydro mills project, 3 Rivers funding, ongoing financial support for the HIF Scheme and HRA build and property maintenance.

RECOMMENDED to Council that:

1. The detailed Capital Programme for 2021/22 be approved and the estimated amounts for 2022/23, 2023/24 and 2024/25 be noted.
2. To agree to earmark New Homes Bonus (NHB) monies of £0.790m to support the 2021/22 Capital Programme (see para 2.3).

(Proposed by Cllr B A Moore and seconded by Cllr C R Slade)

Reason for the decision: There is a need for a balanced Capital Programme to be agreed by Council.

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

313. **TAX STRATEGY AND POLICY (2-47-45)**

The Cabinet had before it a *report of the Deputy Chief Executive (S151) informing Members that the Council's tax risk exposure has changed and having tax policies and procedures in place helped to mitigate this risk.

The officer outlined the contents of the report stating that this was a new policy to comply with the Criminal Finances Act 2017 which introduced a corporate offence, which applied to relevant bodies including local authorities. This offence could occur where an associated person of a local authority, which could include suppliers had committed tax evasion offences and the local authority was held guilty of failure to prevent. There was a need for due diligence to protect the authority against any offence, with reasonable measures in place to mitigate the risk.

| **RECOMMENDED** to Council that: the Tax Strategy be approved.

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

Reason for decision – there is a need to have such a strategy in place.

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

314. **POLICY FRAMEWORK (2-54-43)**

The Cabinet had before it a * report of the Chief Executive with regard to the Policy Framework and requesting the Cabinet to make recommendation to Council.

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

(Proposed by the Chairman)

Reason for the decision – the Constitution states that the Policy Framework must be approved by Council each year.

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

315. **PAY POLICY (2-57-32)**

The Cabinet had before it a * report of the Corporate Manager for People, Governance and Waste complying with the legislative requirements of the Localism Act 2011 relating to senior pay in particular the role of the Chief Executive, Directors and other senior officers.

Responding to a question raised in public question time with regard to a retention payment being made, the Leader stated that: the retention payment was made to retain a critical member of the Leadership Team at a time when the Council was about to lose a number of staff to an adjacent local authority, given that that authority's pay bands for that equivalent post were significantly higher than Mid Devon's as a result of its enlarged size due to a merger of two authorities

The Cabinet Member for the Working Environment and Support Services outlined the contents of the report stating that the Pay Policy appended to the report was to be noted as a draft, pending formal review by both management team, unions and the staff consultative group. The Pay Policy would be approved at the Joint Negotiation and Consultative Committee which she attended.

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

(Proposed by the Chairman)

Reason for the decision: The Localism Act 2011 requires an annually published Pay Policy which has been adopted by the full Council.

Note: *Report previously circulated, copy attached to minutes

316. **THE ESTABLISHMENT (3-01-30)**

The Cabinet had before it a * report of the Corporate Manager for People, Governance and Waste informing Members of the overall structure of the Council showing the management and deployment of officers.

The officer outlined the contents of the report stating that it set out the new senior management structure, performance of the workforce and sickness absence statistics

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

(Proposed by the Chairman)

Reason for the decision: The Constitution states that the Establishment should be received by Council annually.

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

317. **NOTIFICATION OF KEY DECISIONS (3-05-25)**

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

Providing answers to questions posed in public question time with regard to a report on a 'Teckal' company, the Cabinet Member for Housing and Property Services stated that the report had been moved to the April meeting of Cabinet and could be found on page 226 of the agenda pack. The budget for this work would be carried forward into the next financial year and no, the idea had not been dropped, the Council would be considering a number of options for social housing.

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

318. **3 RIVERS DEVELOPMENT LIMITED - UPDATE REPORT (3-08-54)**

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 the information within the report provided an up to date reflection on the progress made by the company.

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

(The meeting ended at 10.11 pm)

CHAIRMAN

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CABINET

4th February 2021

Tax Base Calculation 2021/22

Cabinet Member: Cllr Andrew Moore
Responsible Officer: Andrew Jarrett s151 & Deputy CEO

Reason for Report: This paper details the statutory calculations necessary to determine the Tax Base for the Council Tax. The calculations made follow a formula laid down in Regulations.

RECOMMENDATIONS:

1. That the calculation of the Council's Tax Base for 2021/22 be approved in accordance with The Local Authorities (Calculation of Tax Base) (England) Regulations 2012 at **28,594.38** an increase of circa 206 Band D equivalent properties from the previous financial year.
2. That the current collection rate of 98% be reduced to 96% detailed in paragraph 2.

Relationship to Corporate Plan:

1. This report sets out how the Tax Base is calculated for 2021/22. This calculation is then used as a basis to set the Council's budget for the forthcoming year.
2. This report is in line with the Council's Corporate Plan objectives.

Financial Implications: Mid Devon District Council is a Statutory Billing Authority and must set its Council tax each year. If it were not to set a Council Tax then the Authority and all Precepting authorities would be unable to raise money to pay for all the services they provide.

Legal Implications: This is a statutory function and is a legal requirement. The Council must now set its budget annually using Council Tax information as at 30th November each year in accordance with The Local Authorities(Calculation of Council Tax Base)(England) Regulations 2012 calculating the relevant amount by applying the formula set out in the above regulations.

Risk Assessment: If the Council fails to carry this duty out then the Council Tax cannot legally be set. In accordance with the LGF Act 2012 above and SI 2914 of 2012 The Local Authorities(Calculation of Council Tax Base)(England) Regulations 2012, The Council Tax Base calculation includes a deduction for the Council Tax Reduction scheme within its Tax Base calculation.

1.0 Introduction

- 1.1 Every year each billing authority is required to calculate and approve its Band 'D' Equivalent Council Tax base. For 2020/21 this technical calculation is as follows:

2.0 The Collection Rate calculation (A)

2.1 It is necessary to estimate a 'collection rate', which is the proportion of Council Tax due that will actually be paid. It is recommended that a collection rate of 96.0% be estimated for the year 2021/22, which is a reduction on previous year's collection rates. The COVID pandemic has had an adverse effect on the overall collection rate for the current financial year and there is no reason to suppose that there will be a significant improvement in circumstances going into the new financial year. It is therefore prudent to reduce the forecasted expected income

2.2 Any variation from the collection rate of 96% is pooled in a collection fund, which is distributed in the next financial year to all precepting authorities.

3.0 **Calculation of the relevant amount (B)**

Number of Properties per Valuation Band

3.1 The starting point will be the total number of properties within Mid Devon set out in the Valuation List.

Less Exemptions

3.2 Properties are exempt from Council Tax under certain circumstances. The calculated tax base uses the information currently held in deciding the level of exempt properties that are likely to apply for 2021/22.

Add Appeals, new properties and deletions from the Valuation List

3.3 The Valuation Officer has dealt with the vast majority of Council Tax appeals to date and so no further allowance is believed to be necessary at this time. At the **7th October 2020** we have estimated a net increase in properties within Mid Devon of **50** properties to go live on or before 1st April 2021 and a further **155** properties during the financial year, totalling **(206)**. This estimate is based on the current number of reports outstanding with the Valuation Officer.

Disabled Allowance (move down a Band)

3.4 Where a disabled resident has made structural alterations to their property to help with their disability or they use a wheelchair internally at the premises, the property is entitled to a reduction and is afforded by moving the property to the next lowest band. Existing Band A properties are also entitled to a reduction by reducing the 6/9ths charge down to 5/9ths Charge.

Less 25% Discounts

Single Persons Discounts

3.5 If only one (adult) person lives in the dwelling as their "sole & main residence" then a discount of 25% is allowed.

Less 50% discount

- 3.6 A discount of 50% is allowed where two or more persons who can be disregarded for Council Tax purposes occupy the property, e.g. care workers.

Second homes now pay full Council tax.

Long Term Empties

- 3.7 After a three month free period no further discount is allowed.

With effect from the 1st April 2019 100% premium after 2 years

With effect from the 1st April 2020 200% premium after 5 years

With effect from the 1st April 2021 300% premium after 10 years

- 3.7.1 Currently if a property remains empty of furniture and residents for two years or more, the Council will apply an additional 100% premium to the Council tax charge, so the Charge payer will have to pay 200% of the Council Tax charge in that area. With effect from the 1st April 2020 a premium of 200% can be levied so the Charge payer will have to pay 300% of the Council Tax in that area after a period of five years and with effect from the 1st April 2021 a premium of 300% can be levied so the Charge payer will have to pay 400% of the Council Tax in that area. The Regulations detailing the additional premium are **Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018**.

- 3.7.2 For clarity you will see in table **Calculation of the Relevant Amount** this will affect 213 properties.

4.0 Estimated cost of the Council Tax Reduction Scheme (CTR)

- 4.1 Before we convert the properties to Net Band D equivalents we must reduce the total properties by the estimated cost of the Council Tax Reduction Scheme

- 4.2 The criteria for the CTR scheme is that everyone should pay something (with the exception of those protected by legislation namely pensioners in receipt of guaranteed pension credit).

- 4.3 All working age claimants are required to pay a contribution towards their Council Tax.

- 4.4 Support is restricted to 85% i.e. the claimant will be required to pay 15% of their Council Tax.

- 4.5 Support is limited to Band D charges so claimants in a higher banded property will receive CTR up to 85% of a band D and be required to pay the balance of additional banding in full.

- 4.6 Savings limited to £6,000.

- 4.7 Changes were made to the CTRS in April 2017 to align it with Universal Credit.

- 4.8 For your information Mid Devon's CTR scheme for 2021/22, is estimated to cost in the region of **£4.73m**, based on the new schemes criteria.

4.9 CTR has been included within the tax base calculation and applied to each band and parish individually then a band D equivalent calculation has been used to arrive at a final figure.

4.10 The cost of the CTR scheme must be reflected in the Tax Base calculation so the following calculation is carried out for each valuation band to arrive at the net chargeable Dwellings:

Calculation of the Relevant Amount

	2020/21	2021/22
Number of properties per valuation list	36,621.00	36,947.00
Exemptions	--521.00	-528.00
Single occupiers and 25% disregards	--2816.00	-2878.00
50% discount	-30.00	-25.00
100% exempt 3 months only	-58.00	-57.00
Additional LTE at 200%	+115.00	+99.00
Additional LTE at 300%		+114.00
Additional net new properties	+205.00	+206.00
Class D 50% loss	-27.00	-29.00
Annexes (new)	-25.00	-29.00
Chargeable dwellings before conversion to Band D equivalent	33,464.00	33,820.00

Conversion to Band D equivalents

4.11 The net chargeable dwellings are then converted to Band D equivalents. This is carried out by multiplying the Net chargeable dwellings by the appropriate factor (A=6, B=7, C=8, D=9, E=11, F=13, G=15, H=18) for the band and dividing by that for Band D (9). The Table below details the Net Chargeable Dwellings converted to Band D equivalents.

4.12 The calculation shows the estimated annual cost of the CTR scheme, shown as the number of Band D equivalents. For the 2021/22 year this is estimated as 2,343.55 Band D equivalent properties.

4.13 The Tax Base is finally calculated by applying the collection rate to the total Band D equivalents when summarised below for the 2021/22 financial year.

Band D equivalent properties	CTR properties	Revised properties
@ 7.53	-3.64	3.89
A 3,572.65	-907.63	2,665.02
B 6,407.14	-748.10	5,659.04
C 5,795.76	-374.02	5,421.74
D 5,997.00	-182.08	5,814.92
E 5,429.39	-84.35	5,345.04
F 3,342.80	-32.27	3,310.53

G	1,474.14	-10.54	1,463.60
H	103.00	-0.93	102.07
	32,129.41	-2,343.55	29,785.86

- 4.14 To clarify the table detailing the **Calculation of the Relevant Amount** is based on actual properties and the final calculation above is based on a Band D equivalent of actual properties.
- 4.15 Therefore, based on the above detailed calculations in accordance with SI 2914 of 2012 the Tax Base is to be calculated as: Total relevant amounts (A) **29,785.86** multiplied by the estimated collection rate (B) (96%)
- 4.16 Mid Devon District Council's Council Tax Base for 2021/22 will be **28,594.38**.

Contact for more information: Fiona Wilkinson 01884 234329 / fwilkinson@middevon.gov.uk

Background Papers: CTB1 and supporting documentation

File Reference: FW/G/CTB1

Circulation of Report: Cabinet Member for Finance, Leadership Team

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CABINET
4 Feb 2021

NNDR 1 for 2021/22

Cabinet Member: Cllr Andrew Moore – Cabinet Member for Finance

Responsible Officer: Andrew Jarrett - Deputy Chief Executive (S151)

Reason for Report: To provide Members with an update of the income generation and financial implications of the number of Business Rate properties in Mid Devon and to approve the NNDR1 (estimated income to be generated in 2021/22 from business rates).

RECOMMENDATIONS:

1. That the calculation of the NNDR1 net yield of £15,501,737m from 3350 Business Rated properties is noted and approved for 2021/22;
2. That the proportions distributed to the respective authorities and Central Government be allocated as per the statutory regulations; and
3. That Members note that Central Government will reimburse the Council through a Section 31 grant to compensate it for the reduction in collectable business rates as a result of introducing reliefs.

Relationship to Corporate Plan:

1. This report sets out the estimated net business rates for 2021/22; the estimate will then be used in the calculation of future Council business rates budgets.
2. This report is in line with the Council's Corporate Plan objectives and is essential to delivering the necessary funding to balance the 2021/22 General Fund Revenue budget.

Financial Implications: Mid Devon District Council is a Statutory Billing Authority and has a duty to carry out this task each year as part of the budgetary process.

Legal Implications: This is a statutory function and is a legal requirement. The Council must set its budget annually based on the tax base and the NNDR1 projected values.

Risk Assessment: If the Council fails to carry out this duty, then it will not be able to forecast its future budget positions. The calculation of the NNDR1 involves a number of estimates made by professional officers, but due to the volatility and uncertainty of Business Rates appeals and Central Government retention policies, the Council holds a Business Rates Smoothing Reserve which can be used to mitigate fluctuations in Business Rates receipts.

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

1.0 Introduction

- 1.1 Prior to 1 April 2013, all billing authorities collected the business rates in their area and passed this money onto a Central Government pool. The pool was then redistributed to local authorities throughout the country based on their needs, resources and the services they provide to their community. For example, one billing authority may collect £15m and only require £10m to run its services, whereas another billing authority may collect £10m and require £15m to run its services. The shortfall and excess was then redistributed by Central Government through a fixed sum as part of the Formula Grant Settlement.

2.0 Business rates retention scheme

- 2.1 From 1 April 2013, Central Government changed the way this financing is distributed. Each billing authority now has to forecast the amount of revenue it will generate from business rates and then redistribute that income between Central Government, the county council, the fire authority and itself, based on a centrally prescribed formula (see below). The Business Rates Retention Scheme as it is now known, also allows the billing authority to keep a share of the increase in revenue it generates, therefore encouraging billing authorities to encourage business growth in its area. However, the converse of this applies and if a billing authority's business rates decline, the District Council (i.e. MDDC) will see a proportionate drop in revenue.
- 2.2 This is the key difference between the old and new schemes. As under the old business rates scheme, the level of funding was determined at the beginning of the year and was fixed thereafter.
- 2.3 In order to assist local authorities in retaining revenue within the counties, Central Government allowed county councils and district councils to join together to pool their growth and offset the growth of one area against a decline in another area. Effectively, this creates a larger critical mass across the county to alleviate exposure to individual authority losses, thus enabling counties and districts to retain more of the rates collected instead of contributing this money to the central pool. Mid Devon District Council joined the Devon County-wide pool in 2014 and will remain in the pool for 2021/22.
- 2.4 This report details the calculations necessary to determine the estimated debit the Council is expected to collect in business rates for the 2021/22 year. The net collectable debit is then split proportionally in accordance with the provisions of the Local Government Finance Settlement issued in December 2020 which enables the whole of Devon to have a 50% rates retention, subject to tariffs or levies. The Council continues its Pool membership with the other Devon councils to maximise the amount of Business Rates it can retain. As detailed in 3.5, the Pool was given "Pilot" status in 2018/19 and we were able to retain 100% of Business Rates growth income but unfortunately this was a one year only arrangement and we were unsuccessful in our bid for a 75% Pilot in 2020/21. Therefore, we revert to the 2017/18 distribution arrangements. The tier split for Devon is as follows:

- 9% is distributed to Devon County Council
- 40% is kept by Mid Devon District Council
- 1% is distributed to the Devon & Somerset Fire & Rescue Authority

2.5 The New 2017 Valuation list took effect from 1st April 2017

3.0 S31 Grant Reliefs (funded reliefs)

- The Government will continue the £1,500 business rates discount for office space of **local newspapers** in 2021/22

3.1 The following reliefs will also continue:

- **Rural Rate Relief** which was previously doubled will continue.
- The **Small Business Rate Relief** scheme has seen the eligible RV threshold doubled to £12,000 and is now permanent. These ratepayers will receive 100% relief. All ratepayers whose RV is between £12,000 and £15,000 will receive tapered relief and all those ratepayers between RV £15,000 and RV £51,000 will pay their rates based on the lower multiplier.

3.2 The Council is notionally able to keep 40% of the total business rates it collects and this would generate an estimated £6,200,695m (less tariff and Levy). MDCC gets £115,396 as a cost of collecting the years' business rates and will continue to retain the income from renewable energy schemes of £134,167k in 2021/22.

4.0 Possible amendments to grant and reduced business rates income

4.1 The Chancellor will be delivering the budget on the 3rd March 2021 and it's likely that revised or new reliefs will be announced, this will require modelling and revising financial figures shown in this report.

5.0 Conclusion

5.1 Due to the associated volatility and significant sums of revenue involved, we will continue to maintain a Business Rates Smoothing Reserve and provide Members with regular updates on the level of business rates being collected during 2021/22.

Contact for more information: Dean Emery 01884 234328
demery@middevon.gov.uk

Background Papers: NNDR1 and supporting documentation

Circulation of Report: Cllr Andrew Moore, Andrew Jarrett and Leadership Team

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Cabinet

04 February 2021

Budget for 2021/22

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

Reason for Report: This report provides the budget proposals for the General Fund and the Housing Revenue Account for the year 2021/22.

RECOMMENDATIONS:

That the Cabinet recommend to Full Council that:

1. Council Tax is increased by £5 (2.39%) on a Band D property to £213.84.
2. General Fund budget for 2021/22 is approved.
3. The 2021/22 budget requires no transfer from the General Fund Balance.
4. The General Fund Budget requires a temporary transfer of £386k from the New Homes Bonus EMR.
5. HRA budget for 2021/22 be approved – Appendix 5.
6. HRA fees/charges are approved based on the attached Appendix 5b.
7. Work on strategic planning for delivering balanced budgets in the future is commenced in the Spring.

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

Legal Implications: None directly arising from this report, although 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 21/22 budget has included specific provision for a climate change coordinator; a new investment for the Council. This role will help shape and move forward a significant programme of work required in order for the Council to deliver on its carbon neutrality pledge. Some of this work can be achieved through changes to existing work streams and processes, others will require future consideration of investment options to maintain progress on the Council's carbon reduction activities.

1 Introduction

- 1.1 The balancing of the Council's budget continues to be a challenge year on year following the Government's austerity measures and the subsequent reduction in our funding. Further, the financial impacts of Covid 19, which wreaked havoc in

2020/21, will continue to disrupt in 2021/22 whilst government support recedes (insofar as it has been announced to date).

- 1.2 It should be remembered that the Council has already secured and delivered significant savings during the past 10 years in order to “balance the books” and maintain service delivery. Therefore, to secure further substantial savings from 2021/22 onwards will not be possible without making some difficult decisions that will alter the shape/quality/quantity/frequency of services in the future.
- 1.3 Leadership Team, Group Managers and the Finance Team have been involved in discussions to secure savings, without reducing service delivery. However it is now becoming a more difficult challenge year on year and therefore, looking to the future, a new more strategic process will be required to match service provision to available funding.
- 1.4 The draft budget considered at PDG and Cabinet meetings in October and November showed a budget deficit of £3,012k, based upon a number of key assumptions (e.g. Government funding, inflation rates, pay award, Council Tax level, use of balances/reserves, Covid 19 etc.), and embraced a number of savings, income swings and offsetting cost pressures and funding reductions.

2 January PDGs and Cabinet – Budget Update

- 2.1 The subsequent PDG and Cabinet meetings in January received an update report on the draft budget position which highlighted a reduced budget gap of £490k. This accounted for a number of additional changes to service costs/incomes.
- 2.2 It was also able to incorporate measures announced in the Provisional Settlement from Central Government on 17 December. This included details of Covid 19 non ring-fenced grant funding, an extension to the Income Compensation Scheme until the end of June and an enhancement to the New Homes Bonus (NHB).

3 The Corporate Plan

- 3.1 The new Corporate Plan was presented to Cabinet on 16 January 2020. It sets the overarching direction of travel for the Council and will guide all future decision making for the next four year cycle.

4 Key Assumptions for the 2021/22 Budget

- 4.1 The Council has carefully scrutinised all existing budgets and the service risks associated with delivering them. It has also examined all material income sources, especially the ones which are most at risk, due to the continuing fluctuations in demand and price movements e.g. recycling products; planning and; leisure services income. In addition to the above, regard has been made to our existing and future levels of balances which are required. We have a number of ongoing commitments already made against this balance (e.g. future capital contributions, economic development and building projects, “spend to save” projects, business transformation, town centre regeneration, future grant settlements).

- 4.2 The reference to income appraisal above is especially relevant to the ongoing Covid 19 pandemic. The suspension of service delivery and the resultant income losses has had a significant impact on this Authority's finances. In such rapidly and frequently changing circumstances (not to mention unprecedented) assumptions soon become superceded by events. To arrive at a final budget we must draw a line somewhere. Given the vaccine programme rolling out across the country, it does not seem unreasonable to assume that "things" will slowly start returning to some version of normal in the latter half of 2021. This budget therefore assumes that early in the budget year we will enter a recovery phase, services will resume with activity and income growing accordingly. The rates of recovery applied reference the experiences of the past year whilst the calculation basis applied to Income Compensation Scheme receipts assumes no change.
- 4.3 However, given the prevalence of uncertainty, it should be noted this budget includes several numbers which may well vary to a material extent. The Deputy Chief Executive has included them on the basis of the information that is available at this time and his judgement of the most likely outcomes. Any adverse movement in these numbers will require support from general fund reserves in order to balance this budget.
- 4.4 In January 2019 Cabinet amended the minimum level of general reserves required to be maintained to £2m. This was felt to be prudent due to the resilience offered by the level of earmarked reserves which the council holds for specific projects. Using these reserves to fund recurrent general fund expenditure must be considered an option of last resort. It is inherently unsustainable (they can only be spent once) and with the financial challenges this Council will face in the coming years, post Covid, it is imperative that they are maintained at the highest level possible.
- 4.5 With regard to all items of expenditure and income, Group Managers in conjunction with the Finance Team, review all areas for known increases/decreases based on both prevailing and predicted changes in demand, price inflation, contractual obligations, etc., when proposing the 2021/22 budget. More volatile budgets are subject to sensitivity analysis and a reasonably prudent assessment is made.
- 4.6 We have also now completed our Business Rates NNDR1 return which will accompany this report. This has shown a reduction in our Business Rates, partly arising as the NNDR multiplier was not increased in the funding settlement. The ever-present risk of appeals, which the Valuation Office consider on a daily basis, necessitates that we prudently set aside significant funds in a provision in our Business Rates Smoothing Reserve to mitigate this risk.

5 Local Government Finance Settlement

- 5.1 The 2021/22 Provisional Settlement was received on the 17 December 2020.
- 5.2 The Settlement confirmed our previous assumptions and included further measures which were included in the second version of this draft budget which was presented to Cabinet 7 January:

- Covid 19 non ring fenced grant - £408k
- Lower Tier Services Grant - £179k

- Changes to the New Homes Bonus grant scheme - raised £182k to £959k.
- Extension of the Income Compensation Scheme relating to Covid 19 service income losses to the end of June. The value of this extension has been estimated at £220k for the purposes of setting this budget.

6 Requirements for Council Tax Setting

- 6.1 In recent years the Government (via the MHCLG) has become far more prescriptive with regard to acceptable levels of Council Tax increase. The implementation of the Localism Act has effectively replaced Government set “capping limits” and replaced them with principles that allow the local electorate to call for a referendum if the Council is planning to increase its Council Tax above an acceptable level. The level for District Councils announced as part of the Settlement was set at a maximum of the greater of 2% or £5 for the 2021/22 budget year.
- 6.2 The ‘acceptable level’ is defined by the Chancellor as part of the national budget-setting process and all government calculations on ‘spending power’ of local authorities are on the basis that authorities increase council tax to the maximum amount permitted.
- 6.3 The Council Tax income included in the proposed budget includes a £5.00 (2.39%) increase. This equates to a band D charge of £213.84. (A 1% variation to our Council Tax changes the income generated by approximately £60k).

7 General Fund Budget 2021/22

- 7.1 The proposals contained in this report result in a balanced budget for the General Fund (see Appendix 1). After the updated budget report was considered by the PDGs and Cabinet in January there was still an outstanding budget gap of £490k. The following table shows the amendments to the position presented to PDGs and to Cabinet.

Table 1 – Reconciliation of further movements

Movements	Amount £k
2021/22 Budget Shortfall (Cabinet Report 07/01/20)	490
Business Rates Retention forecast post NNDR1	-93
Community grants reductions	-16
Software savings	-9
Capital element of 3 weekly waste collection savings	14
Draft budget gap for 2021/22 (see 7.4)	386

- 7.2 Despite additional analysis work and discussions with Members and Budget Holders, it was not possible to reduce this gap further, in the very short term. Proposals requiring additional work over the coming months include a range of revenue-raising options where expansion and commercialisation of services may reduce the net revenue requirement, and these will be considered over the coming months to explore where incomes can be generated to reduce the need to cut public-facing services. Given the significant financial variances that could impact the council’s budget during 21/22, there will be a need for much earlier intervention on reducing spend if financial monitoring indicates a shortfall position at the year end.

- 7.3 It is clear that members' preference is to explore all revenue-raising options before cutting services. However, this year's budget also includes a structural staff saving of £150k which means that there will likely be periods of staff vacancy as turnover permits, in order to achieve this target. A close eye will need to be kept on operational impacts to determine how sustainable this is, the extent to which this impacts on statutory or local performance targets and of course the potential ability to implement these savings on a permanent basis should they prove manageable.
- 7.4 The gap to close to ensure we set a balanced budget is such that we will have a requirement to take an additional £386k from the New Homes Bonus Earmarked Reserve.

8 Future Funding Concerns/Cost Pressures

- 8.1 Due to the increasing pressures on our budgets and the continuing reduction in our Central Government funding, the Council will need to reassess its overall corporate priorities and therefore where it allocates future budgets, it will also need to consider:
- Statutory vs Discretionary service provision
 - Reaffirm resident priorities
 - How it can work more closely with Towns/Parishes
 - Take on more commercial opportunities (but be aware of risks)
 - Continue to consider any partnership possibilities
 - Review Treasury options
 - Maximise all income possibilities
 - Impact of funding changes: Fair Funding Review; NNDR baseline reset; changes to NHB.
 - Ongoing impacts of Covid 19 especially with regard to service income losses and recovery periods which in some cases may be measured in years rather than months.
 - The need to create investable propositions for our carbon reduction ambitions
- 8.2 The Council has stated its intent to try and achieve a net zero carbon operation by 2030. While early work has been around the formulation of a carbon action plan alongside continued investment in additional carbon reduction measures, there nevertheless remains a substantial challenge ahead if this target is to be achieved. From a carbon accounting perspective, the fact that we retain direct control (and ownership) over the majority of services means that while our influence is unfiltered by long-term commissioning or contractual arrangements, we retain ownership of the significant challenges around decarbonisation. Not least in the area of social housing provision, where we have to balance the long-term viability of our social housing stock for the needs of future generations, with the need to invest substantially to reduce emissions (housing stock makes up the bulk of MDDC emissions). Changes to vehicles, operations and processes can all deliver incremental gains, and we have an important scheme planned to deliver hydroelectric power from the river Exe, as well as various tree-planting projects to help offset emissions. However, with no long-term investment from government currently on offer, in the short term we will be trying to achieve the maximum possible locally, while taking every opportunity

to bid into future funding pots as they arise. The investment in a dedicated climate officer will help us identify and maximise these opportunities.

- 8.3 The NHB grant monies have been considered at risk for some time. It had been expected that 2022/23 may be the final year for the scheme. However, as announced in the Funding Settlement, the MDCC allocation for 2021/22 has increased (£182k) and an intension was expressed to review the funding from this scheme in 2022/23 and 2023/24. It is unclear what will happen after this. What is clear is that local authorities are in desperate need of a multi-year funding agreement rather than the current year to year arrangements which do not allow a considered medium term view of the resources that will be available, and, how these may be managed to optimise service provision within the scope of the corporate plan.
- 8.4 The government has stated, again, its intention to consult on changes to the New Homes Bonus scheme to make it more effective. While we do not yet know what these changes might include, it can be assumed that meeting and exceeding our growth targets will be critical to ensuring that we access whatever revised distribution methodology the government comes up with.
- 8.5 It's important to highlight how much New Homes Bonus is being used to help fund our General Fund and Capital Budgets in 2021/22. Appendix 4 shows a total transfer of £850k to contribute towards various General Fund projects. This includes £190k towards the ICT equipment sinking fund and £80k towards Business Development; in addition to the £386k transfer referred to in recommendation 4 of this report to close the budget gap. The NHB used to fund the Capital Programme amounts to £1.035m, (please see individual report also on this agenda) which gives a total of £1.885k to be utilised in 2021/22. Our allocation for 2021/22 reduced to £959k. With the future of the scheme at risk within the current MTFP period, Council will need to be mindful of the future funding available and agree service level changes accordingly.

9 Overall General Fund (GF) position at 31 March 2021

- 9.1 The monthly monitoring report to the end of December tabled to this Cabinet meeting shows an estimated GF overspend of £89k by the end of 2020/21. This will result in the Council ending this financial year with the General Fund balance showing £2.162m. This will be higher than the proposed minimum level of £2.0m. It may therefore be possible to make a transfer of the excess to an earmarked reserve.

10 Transfers to and from earmarked reserves

- 10.1 Appendix 3 shows in detail which amounts are being contributed to various earmarked reserves in 2021/22 and Appendix 4 shows which amounts are expected to be taken from earmarked reserves in 2021/22. These include £338k to fund the Culm Garden Village Project and £524k which funds our new vehicle contract.

11 General Fund Budget Summary

- 11.1 The final budget summary for the 2021/22 General Fund is as follows:

- To provide a balanced budget after the temporary utilisation of a transfer from the New Homes Bonus Reserve
- To ensure that the General Fund Balance is maintained at or above the currently agreed level of £2m
- To increase Council Tax by £5 i.e. 2.39%
- To continue to provide the current level of service provision broadly.

12 Housing Revenue Account Budget 2021/22

- 12.1 The Housing Revenue Account (HRA) is ring fenced and accounts for the income and expenditure associated with the Council's statutory housing obligations to its tenants.
- 12.2 The recent budget proposals that went before the Homes PDG have resulted in a balanced draft budget for the Housing Revenue Account for 2021/22 as shown at Appendix 5.
- 12.3 The main proposals for the 2021/22 budget can be summarised as follows:
- Following new legislation an increase of CPI plus 1% (1.5%) is proposed to on existing rents
 - Garage rents will remain unchanged at £10.71 per week
 - Garage plot ground rents to remain at £275 per annum.
- 12.4 A more detailed analysis of the proposed rent increase can be found in Appendix 5a that shows that the average housing rent will increase to £80.70 on a 52 week basis.
- 12.5 The overall HRA budget has been constructed on a detailed line by line examination of expenditure and income, having regard to last year's outturn, this year's forecast position and the on-going improvement of the housing service.
- 12.6 Some items of expenditure can be defined quite accurately whilst others require managers to exercise business judgement based upon their experience, particularly in the case of new commitments. Where such judgement has been applied the proposals before Members are based upon realistic assumptions.
- 12.7 The main factors influencing this year's budget are broken down between the key national and local issues that are pertinent to next year's housing business plan as detailed below.

13 Key National Issues affecting the Housing Revenue Account

- 13.1 The key issues affecting the budget for the HRA are detailed below:
- Formula Rent (FR) increasing by 1% plus CPI
 - Right to buy (RTB) discounts, resulting in higher sales volumes
 - Universal Credit
 - New government legislation announced relating to stock condition and tenancy involvement.

- 13.2 In the Government budget announcement made in July 2015, we learnt that FR would reduce by 1% each year for the subsequent four years. Until that point, we had expected it to increase by CPI + 1% each year for the next nine years. Since dwelling rent is the largest number in the HRA, the impact was significant and we estimate that we lost c£2m in rental income for the period.
- 13.3 The single biggest issue facing social housing is welfare reform. The roll-out of Universal Credit in Mid Devon continues and we continue to monitor the impact.
- 13.4 Current legislation on Right to Buy means that we're likely to sell several properties in future years. This will have an impact on our rent income, which in turn affects our ability to fund property maintenance and development as well as servicing any existing or new debt.

14 Key Local Issues affecting Mid Devon's HRA

- 14.1 The key local issues facing the HRA are as follows:

- Building more stock
- Review our investment levels based on our 30 year Business Plan – in line with projected future demand
- Demand for increased housing stock and funding to deliver it
- Carbon reduction work programme

- 14.2 The prospect of building new social housing raises the issue of significant financing requirements. It means that reserves may need to be built up or additional debt taken on in the near future, increasing the need to manage the impact on the revenue budget each year.

15 HRA - Capital Works and Planned Maintenance

- 15.1 The major repairs allowance is determined by the level of depreciation charged on our properties. The Authority's profiled works programme identifies a need to spend on average £5.27m over the next 30 years, meaning any operating surpluses or savings generated by the Self Financing system should be directed here

16 Housing Benchmarking

- 16.1 The Council continues to undertake valuable benchmarking work in conjunction with Housemark. These findings are then used to inform the budget setting process. In doing so, MDDC are able to better identify their position in relation to other authorities in the sector and identify areas for improved efficiency.

17 Overall Financial Position of the Housing Revenue Account

- 17.1 It has been deemed as prudent to maintain the HRA reserve balance at £2.0m and it is expected to remain so throughout 2020/21. At the start of 2020/21 other HRA reserves totalled £18.31m
- 17.2 This included £14.20m in the Housing Maintenance Fund (HMF); £0.67m in the Renewable Energy Fund (REF) and £0.55m in Major Repairs Reserve. It is

intended that any expenditure funded from the REF monies be used on renewable energy schemes.

18 Housing Revenue Account Budget Summary

- 18.1 The final budget summary for the 2021/22 HRA is shown in Appendix 5. It will continue to provide for an enhanced housing service which will allow for more capital investment and additions to our existing stock.

19 GF and HRA - Capital Programme 2021/22

- 19.1 This is discussed in a separate agenda item which shows that the 2021/22 programme totals £17.705m. The most significant funding source required to support this programme is the £11.878m of borrowing from the Public Works Loan Board (PWLb). There are a number of projects proposed in the Capital Programme including the Cullompton Town Centre Relief Road (£450k) funded from HIF monies; 75 Affordable homes at Post Hill (£3.217m); £2.411m to fund other 3 Rivers Projects across the district subject to business plan approval; £2.275m to repair existing Housing Stock (HRA) and £408k to refurbish HRA garage stock.

20 Conclusion

HRA

- 20.1 The HRA has an obligation to provide a high quality, value for money service for its tenants coupled with affordable rent levels. The Government's recent change back to CPI + 1% for 4 years is welcomed after statutory cuts to housing rents by 1% over the previous 4 year period which had reduced the available income to fund both revenue and capital expenditure. Also the removal of the borrowing cap appears to be good news on face value, but as ever the constraint on increasing stock is still an issue of affordability, not the access to borrowing. In addition, the impact of the full roll-out of Universal Credit is a watching brief. We do however anticipate that this may have a significant impact upon revenue into the HRA due to the expected rise in the level of rent arrears, combined with the ongoing Covid implications.

General Fund

- 20.2 The General Fund budget has been set against a back drop of 10 consecutive years of cuts to Public Sector funding. Uncertainty is still the prevailing factor in Local Government funding as we await the Fair Funding Review and potential changes to both business rates and New Homes Bonus. These changes, already delayed, have been suspended further due to Covid 19. In something of a perfect storm, the pandemic adds further ambiguity as income losses grow each time the government extends its containment measures, whilst central support, as far as it has been announced to date, is reducing.
- 20.3 We need to prepare for the future in a timely manner and this is why we will continue to discuss how we can provide a wide range of services in a much reduced funding envelope. The process will continue to involve all staff, Members and our local residents/businesses.

Capital Programme

- 20.4 With few disposable assets and a greater reliance on Government grants our future capital programmes will come under greater pressure. Using a proportion of New Homes Bonus to help balance the General Fund reduces the amount available to help fund our annual capital programmes in the district. With the possible cessation of New Homes Bonus in future years we will need to start planning the affordability of revenue contributions for capital, to maintain the level of our capital programme.

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Circulation of the Report: Leadership Team, Cabinet

Background Papers: Oct, Nov & January Cabinet & PDG's (Budget Draft, MTFP and Budget Update reports)

GENERAL FUND REVENUE ACCOUNT DRAFT BUDGET SUMMARY 2021/22

		Budget 2020/2021	Movement	Draft Budget 2021/2022 Round 1	Movement	Draft Budget 2021/2022 Round 2	Movement	Draft Budget 2021/2022 Round 3
	Notes	£	£	£	£	£	£	£
Cabinet	2	5,433,721	292,620	5,726,341	1,028,662	6,755,003	-	6,755,003
Community		2,890,445	1,546,959	4,437,404	(1,403,213)	3,034,191	62,850	3,097,041
Economy		(549,012)	261,002	(288,010)	(29,340)	(317,350)	-	(317,350)
Environment		3,736,850	318,215	4,055,065	(242,356)	3,812,709	(73,000)	3,739,709
Homes		303,880	69,180	373,060	19,950	393,010	-	393,010
TOTAL NET DIRECT COST OF SERVICES	1/4	11,815,884	2,487,976	14,303,860	(626,297)	13,677,563	(10,150)	13,667,413
Net recharge to HRA	13	(1,481,630)	(44,449)	(1,526,079)	58,069	(1,468,010)	(33,400)	(1,501,410)
Provision for the financing of capital spending		1,052,154	(184,144)	868,010	(136,290)	731,720	-	731,720
NET COST OF SERVICES		11,386,408	2,259,383	13,645,791	(704,518)	12,941,273	(43,550)	12,897,723
PWLB Bank Loan Interest Payable								
Finance Lease Interest Payable		48,340	111,070	159,410	-	159,410	-	159,410
Interest from Funding provided for HRA		(49,000)	2,600	(46,400)	-	(46,400)	-	(46,400)
Interest Receivable / Payable on Other Activities	3	439,878	(122,998)	316,880	(176,360)	140,520	-	140,520
Interest Received on Investments		(568,322)	(135,968)	(704,290)	71,120	(633,170)	-	(633,170)
Transfers into Earmarked Reserves	5	2,597,050	(639,978)	1,957,072	404,300	2,361,372	-	2,361,372
Transfers from Earmarked Reserves	5	(1,369,370)	(169,025)	(1,538,395)	(621,476)	(2,159,871)	-	(2,159,871)
Proposed Contribution from New Homes Bonus Reserve	5	(960,540)	522,040	(438,500)	(58,069)	(496,569)	(352,952)	(849,521)
TOTAL BUDGETED EXPENDITURE		11,524,444	1,827,124	13,351,568	(1,085,003)	12,266,565	(396,502)	11,870,063
Funded by: -								
Revenue Support Grant		-	-	-	-	-	-	-
Lower Tier Services Support Grant		-	-	-	(179,252)	(179,252)	-	(179,252)
Rural Services Delivery Grant		(466,700)	-	(466,700)	(23,042)	(489,742)	-	(489,742)
Covid19 Non Ring-fenced Grant		-	-	-	(407,699)	(407,699)	-	(407,699)
Covid19 Income Compensation Schemes	12	-	-	-	(570,000)	(570,000)	-	(570,000)
New Homes Bonus	6	(1,418,190)	641,440	(776,750)	(182,000)	(958,750)	-	(958,750)
Retained Business Rates	7/8	(3,312,727)	255,320	(3,057,407)	(3)	(3,057,410)	(92,590)	(3,150,000)
Business Rates Pooling Dividend	9	(150,000)	150,000	-	-	-	-	-
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)	-	(6,114,620)
TOTAL FUNDING		(11,524,444)	1,184,887	(10,339,557)	(1,437,916)	(11,777,473)	(92,590)	(11,870,063)
REQUIREMENT TO BALANCE THE BUDGET		-	3,012,011	3,012,011	(2,522,919)	489,092	(489,092)	(0)

Current Assumptions: -

- The annual salary increment has been reduced to reflect the intent of the public sector arrangements detailed in the Funding Settlement. That is a minimal provision has been made to recognise that local authority pay is settled independently.
- 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 trends commence at the beginning of the year.
- Investment income has been based upon the existing lending criteria now in force.
- Support services have been calculated in accordance with the annual process.
- All earmarked reserves have been reviewed and adjustment made based upon existing need.
- New Homes Bonus receipts based on the latest announcements in the Funding Settlement.
- 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 in this line.
- 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.
- It is assumed that in the shadow of Covid 19, there will be no dividend from the Devon Business Rates Pool in 2021/22.
- 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.
- 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.
- 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.
- Further to the completion of the recharge process with the HRA, these budget lines have now been aligned.

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PDG SERVICE UNIT MOVEMENTS
APPENDIX 2

GENERAL FUND SUMMARY		Budget Net Direct Cost	Current Budgeted Net Direct Cost	Movement	+/- %
		2020/21	2021/22		
Cabinet					
SCM01	Leadership Team	442,690	406,590	(36,100)	-8.2%
SCM02	Corporate Functions	86,790	95,740	8,950	10.3%
SCM03	Corporate Fees	365,110	1,391,770	1,026,660	281.2%
SCM06	Pension Backfunding	753,571	779,690	26,119	3.5%
SES01	Emergency Planning	7,500	8,150	650	8.7%
SFP01	Accountancy Services	436,790	533,720	96,930	22.2%
SFP02	Internal Audit	92,100	94,410	2,310	2.5%
SFP03	Procurement	121,580	113,470	(8,110)	-6.7%
SFP04	Purchase Ledger	47,320	45,840	(1,480)	-3.1%
SFP05	Sales Ledger	46,210	44,770	(1,440)	-3.1%
SHR01	Human Resources	377,680	387,360	9,680	2.6%
SHR02	Mddc Staff Training	33,750	29,870	(3,880)	-11.5%
SHR03	Payroll	48,870	36,370	(12,500)	-25.6%
SHR04	Learning And Development	53,190	47,500	(5,690)	-10.7%
SIT01	It Gazetteer Management	74,880	70,500	(4,380)	-5.8%
SIT03	It Information Technology	919,770	968,430	48,660	5.3%
SLD01	Electoral Registration	203,830	230,820	26,990	13.2%
SLD02	Democratic Rep And Management	490,630	504,460	13,830	2.8%
SLD04	Legal Services	357,890	368,503	10,613	3.0%
SPR01	Building Regulations	(6,430)	15,430	21,860	-340.0%
SPR04	Local Land Charges	(19,200)	(18,470)	730	-3.8%
SRB01	Collection Of Council Tax	397,010	442,380	45,370	11.4%
SRB02	Collection Of Business Rates	(103,370)	(105,380)	(2,010)	1.9%
SRB03	Housing Benefit Admin & Fraud	132,520	126,270	(6,250)	-4.7%
SRB04	Housing Benefit Subsidy	5,000	65,000	60,000	1200.0%
SRB06	Debt Recovery	68,040	71,810	3,770	5.5%
		5,433,721	6,755,003	1,321,282	24.3%
Community PDG					
SCD01	Community Development	77,650	138,500	60,850	78.4%
SCS20	Customer Services Admin	23,350	23,350	0	0.0%
SCS22	Customer First	716,935	751,010	34,075	4.8%
SES03	Community Safety - C.C.T.V.	6,010	45,200	39,190	652.1%
SES04	Public Health	3,990	3,990	0	0.0%
SES11	Pool Cars	1,280	280	(1,000)	-78.1%
SES16	Es Staff Units/Recharges	788,210	750,610	(37,600)	-4.8%
SES17	Community Safety	6,220	6,220	0	0.0%
SES18	Food Safety	(25,070)	(24,200)	870	-3.5%
SES21	Licensing	14,400	18,140	3,740	26.0%
SES22	Pest Control	5,000	5,000	0	0.0%
SES23	Pollution Reduction	(650)	(580)	70	-10.8%
SPR02	Enforcement	110,370	91,780	(18,590)	-16.8%
SPR03	Development Control	357,990	566,120	208,130	58.1%
SPR09	Forward Planning	270,620	263,550	(7,070)	-2.6%
SPR11	Regional Planning	99,390	248,103	148,713	149.6%
SRS01	Recreation And Sport	434,750	209,969	(224,781)	-51.7%
		2,890,445	3,097,042	206,597	7.1%
Economy PDG					
SCD02	Economic Development	60,640	65,600	4,960	8.2%
SCP01	Parking Services	(632,962)	(534,250)	98,712	-15.6%
SPR06	Economic Development	427,810	552,360	124,550	29.1%
SPS12	Gf Properties Shops/Flats	(404,500)	(401,060)	3,440	-0.9%
		(549,012)	(317,350)	231,662	-42.2%

GENERAL FUND SUMMARY		Budget Net Direct Cost	Current Budgeted Net Direct Cost	Movement	+/- %
		2020/21	2021/22		
	Environment PDG				
SES02	Cemeteries	(85,300)	(62,630)	22,670	-26.6%
SES05	Open Spaces	126,120	200,854	74,734	59.3%
SGM01	Grounds Maintenance	567,810	555,436	(12,374)	-2.2%
SPS01	Asset Management	40,000	40,000	0	0.0%
SPS03	Flood Defence And Land Drain	26,430	26,430	0	0.0%
SPS04	Street Naming & Numbering	7,830	7,810	(20)	-0.3%
SPS05	Administration Buildings	241,380	262,420	21,040	8.7%
SPS06	Mddc Depots	38,190	74,990	36,800	96.4%
SPS07	Public Transport	(15,690)	(15,280)	410	-2.6%
SPS08	Office Building Cleaning	62,250	0	(62,250)	-100.0%
SPS09	Property Services Staff Unit	687,640	738,890	51,250	7.5%
SPS11	Public Conveniences	50,710	63,980	13,270	26.2%
SWS01	Street Cleansing	449,720	420,440	(29,280)	-6.5%
SWS02	Waste Collection	290,450	210,459	(79,991)	-27.5%
SWS03	Recycling	879,630	849,470	(30,160)	-3.4%
SWS04	Waste Management	369,680	366,440	(3,240)	-0.9%
		3,736,850	3,739,709	2,859	0.1%
	Homes PDG				
SES15	Private Sector Housing Grants	(11,640)	(3,630)	8,010	-68.8%
SHG03	Homelessness Accommodation	315,520	396,640	81,120	25.7%
		303,880	393,010	89,130	29.3%
	GRAND TOTAL	11,815,884	13,667,414	1,851,530	15.67%

21-22 BUDGETS

Appendix 3

Transfers into Earmarked Reserves

SERVICE	EMR		Total	MAINTENANCE BUDGET	PLANT BUDGET	EQUIPMENT BUDGET	VEHICLES BUDGET	OTHER BUDGET	NEW HOMES BONUS
IE435	EQ653	NEW HOMES BONUS GRANT	958,752						958,752
PS990	EQ685	FORE STREET MAINT S.FUND	0						
PS992	EQ685	MARKET WALK MAINT S.FUND	0						
CP540	EQ686	PAYING CAR PARKS (MACHINE REPLACEMENT SINKING FUND)	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		
GM960	EQ760	GROUND 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						
IT300	EQ759	MOBILE PHONE CONTRACT	5,000			5,000			
IE440	EQ659	NNDR Smoothing EMR	400,000					400,000	
WS710	EQ839	WASTE PRESSURE WASHER	2,500			2,500			
TOTAL			2,361,372	0	35,820	277,200	559,600	530,000	958,752

2020/2021 Budget

182,700 34,360 272,200 559,600 130,000 1,418,190

Movement

(182,700) 1,460 5,000 - 400,000 (459,438)

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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 CREDITON	(3,080)		(3,080)
ES733	EQ652	PUBLIC HEALTH	(53,130)		(53,130)
CD200	EQ653	COMMUNITY DEVELOPMENT	(45,000)	(45,000)	
PR400	EQ653	BUSINESS DEVELOPMENT	(80,000)	(80,000)	
PR400	EQ728	BUSINESS DEVELOPMENT	(60,000)		(60,000)
EQ755	EQ653	ICT EQUIPMENT SINKING FUND	(189,500)	(189,500)	
PR402	EQ653	CULLOMPTON HAZ	(124,000)	(124,000)	
PR402	EQ722	CULLOMPTON HAZ	(30,000)		(30,000)
PR402	EQ652	CULLOMPTON HAZ	(15,000)		(15,000)
PR810	EQ728	STATUTORY DEVELOPMENT PLAN	(86,270)		(86,270)
PR810	EQ726	BROWNFIELD SHARED PLAN	(36,263)		(36,263)
PR810	EQ821	NEIGHBOURHOOD PLANNING FUNDING	(13,200)		(13,200)
PR810	EQ729	CUSTOM & SELF BUILD	(45,000)		(45,000)
PR225	EQ824	GARDEN VILLAGE PROJECT	(338,000)		(338,000)
EQ756	EQ756	FLEET CONTRACT FUND	(524,060)		(524,060)
HG320	EQ742	HOMELESSNESS EMR	(178,740)		(178,740)
FP100	EQ755	ICT EQUIPMENT SINKING FUND	(20,000)		(20,000)
LD100	NEW	ELECTIONS	(45,000)		(45,000)
CS932	EQ776	CUSTOMER FIRST	(19,362)		(19,362)
IE440	EQ659	NNDR Smoothing EMR	(450,000)		(450,000)
IE420	EQ777	C/Tax Smoothing EMR	-		
	EQ653	RELEASING OF RESERVES TO SUPPORT THE GENERAL FUND IN THE FIRST YEAR OF REDUCTION OF HRA RECHARGES	(24,650)	(24,650)	
	EQ653	RELEASING OF RESERVES FOR TEMPORARY SUPPORT THE GENERAL FUND	(386,371)	(386,371)	
	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			(3,009,392)	(849,521)	(2,159,871)
2020/2021 Budget			(2,329,910)	(960,540)	(1,369,370)
Movement			(679,482)	111,019	(790,501)

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Analysis by service

Code	Best Value Unit	Budget 2020/2021 £	Movement £	Draft Budget 2021/2022 Round 1 £	Movement £	Draft Budget 2021/2022 Round 2 £
	Income					
SHO01	Dwelling Rents Income	(12,366,750)	(22,070)	(12,388,820)	(61,860)	(12,450,680)
SHO04	Non Dwelling Rents Income	(595,720)	33,880	(561,840)	2,010	(559,830)
SHO07	Leaseholders' Charges For Services	(21,640)	(2,170)	(23,810)	0	(23,810)
SHO08	Contributions Towards Expenditure	(29,220)	0	(29,220)	0	(29,220)
SHO10	H.R.A. Investment Income	(53,000)	21,200	(31,800)	21,800	(10,000)
SHO11	Misc. Income	(7,350)	0	(7,350)	0	(7,350)
	Services					
SHO13A	Repairs & Maintenance	3,593,980	69,290	3,663,270	(146,420)	3,516,850
SHO17A	Housing & Tenancy Services	1,485,620	191,020	1,676,640	33,260	1,709,900
	Accounting entries 'below the line'					
SHO29	Bad Debt Provision	53,000	97,000	150,000	0	150,000
SHO30	Share Of Corp And Dem	162,640	5,400	168,040	0	168,040
SHO32	H.R.A. Interest Payable	1,115,180	0	1,115,180	(88,750)	1,026,430
SHO34	H.R.A. Transfer To/From Earmarked Reserves	2,072,410	(444,500)	1,627,910	271,190	1,899,100
SHO36	H.R.A. R.C.C.O.	0	0	0	0	0
SHO37	Capital Receipts Res Adjustment	(26,000)	6,500	(19,500)	0	(19,500)
SHO38	Major Repairs Allowance	2,260,000	0	2,260,000	0	2,260,000
SHO45	Renewable Energy Transactions	(89,000)	0	(89,000)	(16,000)	(105,000)
	TOTAL	(2,445,850)	(44,450)	(2,490,300)	15,230	(2,475,070)

Subjective analysis

Code	Best Value Unit	Budget 2020/2021	Movement	Draft Budget 2021/2022 Round 1	Movement	Draft Budget 2021/2022 Round 2
1000	Employees	2,891,590	149,190	3,040,780	(63,890)	2,976,890
2000	Premises	197,320	0	197,320	38,180	235,500
3000	Transport	256,060	17,310	273,370	(34,510)	238,860
4000	Cost Of Goods And Services	7,532,960	(345,290)	7,187,670	104,500	7,292,170
7000	Income	(13,323,780)	134,340	(13,189,440)	(29,050)	(13,218,490)
	TOTAL	(2,445,850)	(44,450)	(2,490,300)	15,230	(2,475,070)

Code	Best Value Unit	CY FY Budget	Movement	Proposed Budget	Proposed Budget	Proposed Budget
5000	Internal Recharges	1,481,630	44,450	1,526,080	(24,670)	1,501,410
6000	Capital Charges	964,220	0	964,220	9,440	973,660
		2,445,850	44,450	2,490,300	(15,230)	2,475,070

	GRAND TOTAL	0	0	0	0	0
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Summary of movements from Round 1		£k
Dwelling rent calculation updated to reflect 1.5% increase across all dwelling types		(62)
Revised Ground Rent income forecast		2
Forecast investment income revised down to reflect market uncertainty		22
Building Services establishment savings		(73)
Reduced forecast of the transfer of costs out of the DLO		19
Reduction on overheads relating to proposed Building Services restructure		(74)
Vehicle overheads reduction		(10)
Car allowance budget removed		(23)
Minor increase to Tenancy establishment		9
Forecast increase of valuation fees		2
Budget introduced for cleaning contract		33
Increased budget towards grass verge cutting		4
Calculated reduction in interest payable		(89)
Forecast increase in net revenue for renewables		(16)
Increase on capital charges		9
Minor reduction on R1 internal recharges to the HRA from GF		(25)
EMR contributions increased based on forecast reduction in net service cost		271
Minor variances		1
TOTAL		0

Assumptions

Dwelling rent increase of 1.5%
 Void levels are based on current position
 Garage rents frozen at £10.71 per week
 Ground rents frozen at £275 per annum
 Planned Maintenance costs based on the 30 year plan
 Ten properties sold during 2020/21
 Fifteen properties sold during 2021/22
 Average of 36 social rent and 4 affordable rent properties void at any one time

HRA Rent Budget 2021/22

Description	Average rent (52 week basis) £	Average properties 2021/22	Annual rent total £	Void level	Annual rent total (less voids)	Budget (rounded)
Social rent (in use)	80.70	2,895	12,146,480	1.24%	11,995,409	11,995,410
Affordable rent properties	116.16	85	513,427	4.71%	489,266	489,270
Rent written off					(35,000)	(35,000)
Write-offs recovered					1,000	1,000
HO 700 budget					12,450,675	12,450,680
Affordable rent surplus					144,788	144,790
TOTAL		2,980				

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HRA: Proposed Fees and Charges 2021/22

	<u>2020/21</u>	<u>Increase</u>	<u>Increase %</u>	<u>2021/22</u>
Garage rents per week (52 week basis) <i>It should be noted that council tenants receive a discount of £1.85 per week on any garage rent</i>	£10.71	£0.00	0.00%	£10.71
Garage ground rents (Annual charge)	£275	£0	0.00%	£275
<u>N.B</u>				
MDDC Formula Rent on average (52 weeks)	£79.55			£80.72

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CABINET
4 FEBRUARY 2021

CAPITAL PROGRAMME 2021/22 – 2024/25

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

Reason for Report: To seek approval of the 2021/22 Capital Programme and note the draft 2022/23, 2023/24 and 2024/25 programmes.

RECOMMENDATIONS: That the Cabinet recommend to Full Council:

- 1. The detailed Capital Programme for 2021/22 be approved and the estimated amounts for 2022/23, 2023/24 and 2024/25 be noted.**
- 2. To agree to earmark New Homes Bonus (NHB) monies of £0.790m to support the 2021/22 Capital Programme (see para 2.3).**

Relationship to the Corporate Plan: The Capital Programme identifies the capital investment proposed across all strands of the Corporate Plan over the next four years.

Financial Implications: The Capital Programme submitted for 2021/22 is fully funded. It does, however, include £11.878m anticipated PWLB borrowing to fund various projects including: Hydromills electricity generation project £0.8m, the Park Road development scheme £0.875m (this project is yet to be determined until conclusion of a marketing exercise which may result in a Capital receipt for the authority), 3 Rivers Development Company committed projects of £6.986m and the housing development at Post Hill £3.217m. Future capital receipts are now estimated at such a low level that the Council needs continue to evaluate ways of making additional provision to fund its long-term capital programme or reduce its property portfolio. This is especially relevant due to the uncertainty around the future of New Homes Bonus and its availability as an income stream going forward.

Legal Implications: See comments below in relation to spending of grants and receipts.

Risk Assessment: There is a risk of clawback of external funds if sums received are not spent in accordance with the terms on which they were given, or not within agreed timescales. Useable Capital Receipts for 2021/22 have been projected at a prudent level of £349k but there is a risk that if these do not materialise, the Authority may need to delay scheme start dates to the following financial year or to make a revenue contribution to Capital to ensure full programme delivery.

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

Impact on Climate Change: There are no direct impacts from the content of this report. Any major asset replacements/upgrades will, however, consider the

environmental impact in relation to carbon footprint. The Hydromills Electricity generation project is included in the 21/22 Capital Programme (Appendix1).

1.0 Introduction

- 1.1 The proposed Capital Programme has been produced following detailed consultation with officers and is now mainly focused on essential asset maintenance, funding a range of private sector housing projects, ICT replacement and investment and ensuring that our existing housing stock is maintained to the decent homes standard. The programme also includes Council House building projects and spend to save projects that will only be undertaken if a robust business case demonstrates an acceptable payback period.
- 1.2 A significant amount of work was undertaken when producing the Council's Medium Term Financial Plan (MTFP) during the late summer, which helped to scope the size and funding of the 2021/22 Capital Programme. A number of subsequent meetings were held with Group Managers, which focused on the essential projects (in terms of end of life asset replacement or health and safety) and involved reprioritising or rescheduling expenditure to future years.

2.0 The 2021/22 Capital Programme

- 2.1 Through reprioritisation of capital projects, the Council has been able to set a balanced capital programme for 2021/22. Appendix 1 shows the proposed Capital Programme for 2021/22, which totals £17.705m.
- 2.2 The 2021/22 Capital Programme is fully funded by a combination of:

General Fund Project Funding Sources	Amount of Funding £k
Capital Reserve	40
DCLG (Disabled Facilities Grant)	577
New Homes Bonus (NHB)	769
HIF Funding	510
Contribution from existing Useable Capital Receipts	88
Borrowing	8,661
ICT Equipment Sinking fund	110
Total Funding General fund Projects	10,755
HRA Project Funding Sources	Amount of Funding £k
Contribution from existing Useable Capital Receipts	452
Use of forecast Useable Capital Receipts to be generated in 21/22	349
Major Repairs Allowance	2,275
New Homes Bonus (NHB)	21

Use of forecast Replacement Homes Capital Receipts	150
Contrib from Renewable Energy fund EMR	250
Contrib from Housing Maintenance Fund	88
*Contrib from Affordable Rents Surplus EMR	148
Borrowing	3,217
Total Funding HRA Projects	6,950
Total Funding (GF & HRA)	17,705

* Note Affordable Rents Surplus is the additional amount generated from new Council Houses let at affordable rents as opposed to social rent historically charged for our Council Homes.

- 2.3 The 2021/22 Capital Programme requires £0.790m (£0.769m General Fund + £0.021m HRA) of New Homes Bonus (NHB) funding to ensure it is balanced. Further contributions from NHB are required over the life of the MTFP, with the forecast contributions amounting to £1.052m for 2022/23, 2023/24 and 2024/25.
- 2.4 We are aware that the mechanism behind allocating NHB will change in the near future. This is a major risk to the availability of funding for our future capital programme. The Revenue report highlights the need to explore other revenue income streams to try to mitigate reduction in NHB but this will of course be challenging.
- 2.5 A contribution is expected from the Housing Maintenance Fund (30 year maintenance plan) of £0.088m in order to deliver the HRA related projects identified in the 21/22 Capital Programme. Further contributions from this reserve will be required to deliver council house building aspirations identified in our MTFP amounting to £4.792m for 2022/23, 2023/24 and 2024/25. The remainder of these schemes will be mainly funded by a combination of useable capital receipts (general and replacement homes receipts).
- 2.6 A deliverable programme of £2.275m has been identified to maintain our existing council house stock, the balance of available monies will remain in the Major Repairs Reserve in order to deal with future additional spend that has been identified by the stock condition survey.
- 2.7 The Capital Programme for 21/22 includes £7.861m of 3 Rivers Projects that includes £13.704m from their Business Plan (this is the £14.004m detailed in their Business Plan less the working Capital sum of £0.300m) that will go to 18 February Cabinet, less projected slippage of £5.843m from 20/21 that will roll forward to 21/22 in relation to existing Capital Schemes. Please note the slippage forecast has been calculated with more up to date information than that was used to calculate slippage in the Q3 20/21 monitoring. There is also additional projected slippage from 20/21 of £7.009m that will roll into 22/23; this has also been aligned with 3 Rivers projected spending plans and relates to the project at Knowle Lane.

- 2.8 Appendix 1 shows, the 21/22 Capital Programme that has evolved from that originally presented with the budget report at the October 20 and subsequent January 21 Cabinet. Appendix 2 shows the updated MTFP, which was originally presented at the Dec 2020 Cabinet; these appendices have been refreshed with up to date information on expenditure and funding as referred to in paragraphs 2.1 to 2.6 above. A summary of the subsequent 3 years is shown in the table below.

MTFP Summary 2022/23, 2022/23 & 2024/25

	2022/23 £k	2022/23 £k	2024/25 £k
Total General Fund Capital Projects	22,760	26,653	14,957
Total HRA Capital Projects	15,498	7,485	5,310
Total GF & HRA Capital Projects	38,258	34,138	20,267

For a detailed breakdown, please refer to Appendix 2

- 2.9 The further into the future we try to predict the more difficult it is to do with the same level of certainty, therefore although 2023/24 and 2024/25 give an indication of the likely resource required during these years, we will know with a greater level of certainty nearer the time and therefore the predicted level of expenditure may well change.

3.0 Funding the Capital Programme

- 3.1 NHB funding forms a substantial amount of the funding of this programme (as referred to in para 2.3 above) (£1.842m over the four years which includes £0.790m in 21/22). The anticipated change in NHB funding (referred to in para 2.4), may impact on our future capital programmes and those proposed projects may need to be curtailed to match the funding we have available.
- 3.2 Due to the very low level of estimated new capital receipts for 2021/22, only a small number of Council funded schemes have been incorporated in the Capital Programme. Council house sales have been predicted at 15 sales per annum for the life of this programme. The Government Pooling arrangements mean a proportion of the sale is pooled to the Government, a proportion is retained in a ring-fenced reserve for replacement house building (linked to the HRA self-financing arrangements that have been in place since 01/04/12) and the balance is retained by the authority as a useable capital receipt, which can be used to support our Capital Programme.
- 3.3 The projected level of usable capital receipts available for 2021/22 is £1.039m. This is made up of £0.349m, net of pooling, estimated to be generated from sales in 2021/22, a contribution of £0.540m (£0.088m GF + £0.452m HRA) from existing Useable Capital Receipts) and a contribution

from the ring fenced replacement homes reserve of £0.15m. All other previously generated capital receipts have been used to balance the subsequent years of the MTFP.

- 3.4 The figures assumed for receipts from the sale of assets have been calculated prudently and therefore if any additional receipts are generated we can return to some of the projects which could not be funded in the first instance and consider their inclusion. Any such decision (subject to constraints within the financial rules) would require Full Council approval and be linked to the Corporate Plan priorities.
- 3.5 We continue to set aside sinking funds for future asset maintenance, replacement of Leisure plant and equipment and for future replacement of ICT systems and equipment. This ensures the revenue base budget is more robust and that we are making adequate provision to replace assets in much the same way as we have in the past for our vehicle fleet.

4.0 Council Borrowing

- 4.1 Prudential borrowing has been estimated for 2021/22 at £11.878m, this will be used to fund General Fund schemes amounting to £8.661m that includes the Hydromills scheme and a number of developments schemes. In addition there is a HRA scheme amounting to £3.217m at Post Hill. All schemes will be subject to a rigorous business case assessment; their cost and timing of spend will determine the amount of actual prudential borrowing required.
- 4.2 Borrowing is also envisaged in 2022/23, 2023/24 and 2024/25 amounting to £44.249m to deliver General Fund projects and £11.0m to deliver HRA projects. Schemes for both General Fund and HRA include similar projects mentioned in 4.1 including: development projects, infrastructure (Cullompton Relief Road and potential combined depot) and funding a number of smaller projects traditionally funded by New Homes Bonus, which we are now unable to do so due its uncertain future and therefore limited availability going forward. Borrowing will be supported or supplemented with short and medium term Treasury Management decisions based on prevailing and future interest rates and will only considered in exceptional circumstances, whether in relation to the projects detailed above or for spend to save projects following a robust cost/benefit analysis exercise that would be able to demonstrate both an acceptable 'payback period' and that savings would be generated in excess of the annual revenue cost of servicing the debt.

5.0 Conclusion

- 5.1 As previously mentioned, the Capital Programme for the next four years is limited due to the scarce availability of funding (with the exception of borrowing). It is, therefore, imperative that capital funds are only spent on those projects that enable the Council to deliver its Corporate Plan objectives, reduce operational cost, or generate a financial return.

- 5.2 Due to the continuing austerity programme being implemented by Central Government the Council is beginning to explore more commercial options in order to balance budgets. Examples include regeneration projects and land or building acquisition; any such projects will need to be justified through robust business cases. Projects of this type will need significant capital funding either from existing receipts or from longer term borrowing. All Members will be kept informed of any developments in these areas.

Contact for more information: Andrew Jarrett, Deputy Chief Executive (S151)
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Circulation of the Report: Cabinet

Background Papers: Capital Bid Submissions and workings for MTFP

File Reference None

Estates Management

Leisure - Site Specific

Exe Valley Leisure Centre

Evlc - Boilers and CHP	30
Evlc - Fitness Studio renewal of equipment	153

Culm Valley sports centre

Cvsc - Remodelling of Ground Floor	204
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Total Leisure	387
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MDDC Shops/industrial Units

Market Walk Unit 17 - remodelling options	510
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Other Projects

Hydromills Electricity generation Project - Tiverton Weir	800
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Total Other	1,310
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HIF Schemes

Cullompton Town Centre Relief Road (HIF bid)	450
Tiverton EUE A361 Junction Phase 2 (HIF bid)	60

Total HIF Schemes	510
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ICT Projects

Additional Unified Communications budget	30
Hardware replacement of Network Core Switch	80

Total ICT	110
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Private Sector Housing Grants

Disabled Facilities Grants–P/Sector	577
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Total PSH Grants	577
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TOTAL GF PROJECTS	2,894
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Other General Fund Development Projects

* 3 Rivers Scheme	232
3 Rivers Scheme - Riverside Development (rear of Town Hall) Tiverton	430
* 3 Rivers scheme - Knowle Lane, Cullompton (note slippage from 20/21 will fund planned spend in 21/22)	0
3 Rivers Scheme - Orchard House Halberton	49
* 3 Rivers Schemes - Future Projects	1,700

Post Hill Tiverton	4,575
Park Road (Delivery of this project is yet to be determined until conclusion of marketing exercise & therefore maybe a Capital Receipt)	875

* These schemes require signed loan agreements before they can be progressed further

TOTAL GF OTHER DEVELOPMENT PROJECTS	7,861
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** Note - the above schemes reconcile to the 3 Rivers business plan submitted to 04/02/21 Cabinet of £13.704m for 21/22 less slippage of £5.843m from 20/21 (note forecast slippage is £12.852m in total for 20/21 less £7.009m that has been slipped to 22/23 i.e. £13.704m less £5.843m = £7.861m).

GRAND TOTAL GF PROJECTS	10,755
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HRA Projects

Existing Housing Stock

Major repairs to Housing Stock	2,275
Renewable Energy Fund	250
Home Adaptations - Disabled Facilities	300

* Housing Development Schemes

Garages Block - Redevelopment	408
Affordable Housing/ Purchase of ex RTB	500
Post Hill, Tiverton	3,217

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

GRAND TOTAL HRA PROJECTS	6,950
GRAND TOTAL GF + HRA Projects	17,705

FUNDING

MDDC Funding Summary

General Fund

	2021/22
EXISTING FUNDS	£k
Capital Grants Unapplied Reserve	577
Capital Receipts Reserve	88
NHB Funding	769
Other Earmarked Reserves	150
HIF Funding	510
Subtotal	2,094
NEW FUNDS	
PWLB Borrowing	8,661
Subtotal	8,661
Total General Fund Funding	10,755

Housing Revenue Account

	2021/22
EXISTING FUNDS	£k
Capital Receipts Reserve	951
NHB Funding	21
HRA Housing Maintenance Fund	88
Other Housing Earmarked Reserves	2,673
Subtotal	3,733
NEW FUNDS	
PWLB Borrowing	3,217
Subtotal	3,217
Total Housing Revenue Account Funding	6,950
TOTAL FUNDING	17,705

	Estimated Capital Programme 2021/22 £k	Estimated Capital Programme 2022/23 £k	Estimated Capital Programme 2023/24 £k	Estimated Capital Programme 2024/25 £k	Total £k
<u>Estates Management</u>					
<u>Leisure - Site Specific</u>					
<u>Lords Meadow Leisure Centre</u>					
Lmlc - Dance Studio space challenge (Relocation of dance studio)			902		902
Lmlc - New AHU - improved changing room ventilation				43	43
Lmlc - Fitness Studio renewal of equipment			159		159
Lmlc - Main boilers x2		83			83
Lmlc - ATP Carpet			159		159
<u>Exe Valley Leisure Centre</u>					
Evlc - ATP replacement 50% share with DCC				162	162
Evlc - Boilers and CHP	30	92			122
Evlc - Fitness Studio renewal of equipment	153				153
<u>Culm Valley sports centre</u>					
Cvsc - remodelling dance studio		153			153
Cvsc - Remodelling of Ground Floor	204				204
Cvsc - ATP replacement, incl shock pad 50/50 split DCC			159		159
Cvsc - Ceiling - asset review		260			260
Cvsc - Fitness Studio refurbishment of equipment				162	162
Total Leisure	387	588	1,379	367	2,721
<u>Other MDDC Buildings</u>					
Cogans Well - Windows			64		64
Cemetery Lodge - Structural solution for damp		62			62
<u>Phoenix House</u>					
Cooling options Air Handling Unit		156			156
<u>MDDC Depot sites</u>					
Depot Design & Build - Waste & Recycling		250	3,500		3,750
<u>MDDC Shops/industrial Units</u>					
Market Walk Unit 17 - remodelling options	510				510
36 & 38 Fore Street including Flat above structure & cosmetic works		156			156
<u>Parks & Play Areas</u>					
Amory Park - Hard Court Area			64		64
<u>Public Conveniences</u>					
Phoenix Lane Toilets - new construction in fresh position		125			125
Market Car Park Toilets, Tiverton- Re modelling		156			156
Westexe Rec Toilets - Replacement			159		159
<u>Other Projects</u>					
Hydromills Electricity generation Project - Tiverton Weir	800				800
Tiverton Market Paving - Permanent Solution		156			156
Total Other	1,310	1,061	3,787	0	6,158
<u>HIF Schemes</u>					
Cullompton Town Centre Relief Road (HIF bid)	450	6,675	4,725		11,850
Tiverton EUE A361 Junction Phase 2 (HIF bid)	60	4,640	3,200		7,900
Total HIF Schemes	510	11,315	7,925	0	19,750
<u>ICT Projects</u>					
Additional Unified Communications budget	30				30
Laptop/desktop refresh		50			50
Hardware replacement of Network Core Switch	80				80
Workstation refresh			50		50
Secure WIFI Replacement		25			25
<u>Other ICT Service related projects</u>					
Replacement Access Database - Property Services		100			100
Replacement HR Data base		80			80
Total ICT	110	255	50	0	415
<u>Private Sector Housing Grants</u>					
Disabled Facilities Grants–P/Sector	577	581	586	590	2,334
Total PSH Grants	577	581	586	590	2,334
TOTAL GF PROJECTS	2,894	13,800	13,727	957	31,378
<u>Other General Fund Development Projects</u>					
* 3 Rivers Scheme	232	1,206	0		1,438
3 Rivers Scheme - Riverside Development (rear of Town Hall) Tiverton	430	356			786
* 3 Rivers scheme - Knowle Lane, Cullompton (note slippage from 20/21 will fund planned spend in 21/22)	0	1,298	1,426		2,724
3 Rivers Scheme - Orchard House Halberton	49				49
* 3 Rivers Schemes - Future Projects	1,700	4,800	11,500	14,000	32,000
Post Hill Tiverton	4,575				4,575
Park Road (Delivery of this project is yet to be determined until conclusion of marketing exercise & therefore maybe a Capital Receipt)	875	1,300			2,175
* These schemes require signed loan agreements before they can be progressed further					
TOTAL GF OTHER DEVELOPMENT PROJECTS	7,861	8,960	12,926	14,000	43,747
** Note - the above schemes reconcile to the 3 Rivers business plan submitted to 04/02/21 Cabinet of £13.704m for 21/22 less slippage of £5.843m from 20/21 (note forecast slippage is £12.852m in total for 20/21 less £7.009m that has been slipped to 22/23 i.e. £13.704m less £5.843m = £7.861m).					
GRAND TOTAL GF PROJECTS	10,755	22,760	26,653	14,957	75,125

	Estimated Capital Programme 2021/22 £k	Estimated Capital Programme 2022/23 £k	Estimated Capital Programme 2023/24 £k	Estimated Capital Programme 2024/25 £k	Total £k
HRA Projects					
Existing Housing Stock					
Major repairs to Housing Stock	2,275	2,240	2,235	2,260	9,010
Renewable Energy Fund	250	250	250	250	1,000
Home Adaptations - Disabled Facilities	300	300	300	300	1,200
* Housing Development Schemes					
HRA Building Schemes - to be identified (note slippage from 20/21 will fund schemes in 21/22)		2,000	2,000	2,000	6,000
Westexe - Structural Communal area work (stairwells, steps)		208			208
Garages Block - Redevelopment	408				408
Affordable Housing/ Purchase of ex RTB	500	500	500	500	2,000
Post Hill, Tiverton	3,217	8,800	2,200		14,217
* Proposed Council House Building / Other schemes subject to full appraisal					
Old Road Depot remodelling options - asset near end of life		1,200			1,200
GRAND TOTAL HRA PROJECTS	6,950	15,498	7,485	5,310	35,243
GRAND TOTAL GF + HRA Projects	17,705	38,258	34,138	20,267	110,368

FUNDING

MDDC Funding Summary

General Fund

	2021/22 £k	2022/23 £k	2023/24 £k	2024/25 £k	Total £k
EXISTING FUNDS					
Capital Grants Unapplied Reserve	577	581	666	671	2,495
Capital Receipts Reserve	88	87	87	87	349
NHB Funding	769	754	158	77	1,758
Other Earmarked Reserves	150	116	91	41	398
HIF Funding	510	10,315	6,390	0	17,215
Subtotal	2,094	11,853	7,392	876	22,215
NEW FUNDS					
PWLB Borrowing	8,661	10,907	19,261	14,081	52,910
Subtotal	8,661	10,907	19,261	14,081	52,910
Total General Fund Funding	10,755	22,760	26,653	14,957	75,125

Housing Revenue Account

	2021/22 £k	2022/23 £k	2023/24 £k	2024/25 £k	Total £k
EXISTING FUNDS					
Capital Receipts Reserve	951	1,551	1,551	1,551	5,604
NHB Funding	21	21	21	21	84
HRA Housing Maintenance Fund	88	2,536	1,128	1,128	4,880
Other Housing Earmarked Reserves	2,673	2,590	2,585	2,610	10,458
Subtotal	3,733	6,698	5,285	5,310	21,026
NEW FUNDS					
PWLB Borrowing	3,217	8,800	2,200	0	14,217
Subtotal	3,217	8,800	2,200	0	14,217
Total Housing Revenue Account Funding	6,950	15,498	7,485	5,310	35,243
TOTAL FUNDING	17,705	38,258	34,138	20,267	110,368

CABINET
4 FEBRUARY 2021
TAX STRATEGY REPORT

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

Reason for Report: The Council's tax risk exposure has changed and having tax policies and procedures in place helps to mitigate this risk.

Recommendation: That Cabinet recommends this Tax Strategy for approval by full Council.

Financial Implications: If tax matters are not correctly handled by the Council the HMRC can assess interest on unpaid tax, and if applicable penalties, going back six years.

Budget and Policy Framework: This is a new policy to be added to the framework.

Legal Implications: The Criminal Finances Act 2017 introduced a corporate offence which applies to relevant bodies including local authorities. The relevant offence is a failure to prevent the facilitation of tax evasion by a person associated with the relevant body i.e. the Council.

Risk Assessment: The current economic situation with Brexit and the Covid pandemic is considered to have increased the risk that associated persons may be tempted to commit tax evasion offences which increases the risk to the Council of committing (by association) an offence under the legislation. There is also an increased risk of HMRC scrutiny and inspections.

Equality Impact Assessment: None resulting from this report

Relationship to Corporate Plan: Having good governance arrangements and an effective internal control environment is a fundamental element of being a well-managed council.

Impact on Climate Change: None resulting from this report

1.0 Introduction/Background

- 1.1 The Criminal Finances Act 2017 introduced a corporate offence, which applies to relevant bodies including local authorities. This offence can occur where an associated person of a local authority, which can include suppliers, has committed tax evasion offences and the local authority is held guilty of "Failure to Prevent".
- 1.2 The only defence is to have reasonable preventative procedures in place that are proportionate to the risk. These include tax policies, procedures and training of staff.
- 1.3 The current economic situation with Brexit and the Covid pandemic is considered to have increased the risk that associated persons may be

tempted to commit tax evasion offences which increases the risk to the Council of a Corporate Criminal Offence. There is no de minimis level to this.

2.0 Further actions required

- 2.1 Review the Council's procurement and Tender documentation to ensure the Council's zero tolerance to tax irregularities is made clear to suppliers.
- 2.2 Assess the Council's tax risks for inclusion in the Corporate Risk register. Ensure awareness and training is rolled out to staff who have responsibility for entering into arrangements which may increase the Council's exposure to risk.

3.0 Conclusion and Recommendation

- 3.1 The Council must have in place reasonable preventative procedures in place to protect against the risk of interest and penalty payments and Corporate Criminal Offence. Having suitable tax policies and procedures contribute to reasonable preventative procedures. The Council has adequate procedures in its Financial Regulations. This Tax Strategy focuses on tax matters and key risks.
- 3.2 That Cabinet recommends this Tax Strategy for approval by full Council.

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Contact for more Information: Catherine Yandle, cyandle@middevon.gov.uk

Circulation of the Report: Cabinet Member Cabinet, Leadership Team

List of Background Papers:

Mid Devon District Council

Tax Strategy

February 2021

Version Control Sheet

Title: **Tax Strategy**

Purpose: **To outline the Council's approach to handling its tax affairs and potential risk areas.**

Owner: **Group Manager for Performance, Governance and Data Security**
cyandle@middevon.gov.uk
[Telephone number 01884 234975](tel:01884234975)

Date: **February 2021**

Version Number: **1**

Status: **Draft**

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

Next review date: **February 2024**

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

Leadership Team

Cabinet Member

Document History

This document obtained the following approvals.

Title	Date	Version Approved
Leadership Team*		1.0
Cabinet Member		1.0
Cabinet*		1.0
Council*		1.0

*- Delete if not applicable

1. Introduction

This Tax Strategy document sets out the Council's approach to managing its own tax affairs.

2. Scope

2.1. The taxes this Council is subject to or collects on behalf of the UK government are:

- a) Employment Taxes
- b) Value Added Tax (VAT)
- c) Property Taxes
- d) Indirect Taxes
- e) Environmental Taxes

2.2. How the Council Manages its Tax Risks

The Council maintains robust processes and controls which are designed to minimise the risk of errors arising which could impact the amount of tax that we pay. These processes and controls are regularly monitored, reviewed and tested and underpin the submission of returns prepared by us and, as employer, for our staff.

Where we contract with suppliers we ensure that we correctly deal with our tax obligations in respect of payments to them.

Our guiding principles and codes of conduct govern how we manage our own taxation affairs. These are supported by both underlying detailed governance and risk management frameworks.

Ultimate responsibility for the Council's tax strategy and governance rests with the Deputy Chief Executive (S151).

Managers and Directors are responsible for ensuring that the appropriate controls and procedures are operated within their service areas in relation to taxation issues.

2.3. The Council's Attitude to Tax Planning

The Council strives for full compliance with all statutory obligations, full disclosure to relevant tax authorities and payment of the right amount of tax.

Advice is sought from external advisers where uncertainty exists.

2.4. The level of Risk the Council is prepared to accept for Taxation

The Council's appetite towards risk is primarily governed by the aim of retaining a low-risk rating from HMRC. This reduces the risk of inspections and business risk reviews by HMRC.

If the Council fails to account for taxes properly we may be charged interest and/or penalties by HMRC.

2.5. How the Council works with HMRC

The Council will always co-operate with HMRC in any inspections or enquiries they make of us.

We will ensure we respond to all questions promptly and accurately as required.

3. Related Documents

- 3.1. Financial Regulations
- 3.2. Anti-Fraud and Corruption Policy
- 3.3. Whistleblowing Policy

4. Specific Tax Risks faced by the Council

4.1. VAT Partial exemption

The Council is partially exempt for VAT purposes as it makes both taxable and exempt supplies. The usual rule for partial exemption is that the input VAT charged to the Council on supplies would be only partially recoverable from HMRC. However the Council benefits from legislation specific to the Public Sector (S33 VAT Act 1994) which enables the Council to recover all its input VAT as long as the de minimis level of 5% exempt supplies is not exceeded.

Exceeding the de minimis % is therefore a key tax risk for the Council so it is essential that large expenditure such as capital projects and any new income streams are discussed with the Finance Service to ensure that the VAT consequences of projects are fully understood, and advice can be obtained from external tax advisors where necessary, before they take place.

4.2. Other VAT Risks

That expenditure is not supported by valid documentation or we fail to account for VAT on sales at the correct date (tax point). Late submission of VAT returns. Further information on these are available in the Financial Regulations.

Debtors can help with ensuring the VAT treatment of sales is correct.

Creditors can help with the documentation required for expenditure.

4.3. IR35 Off Payroll working

IR35 is tax legislation that is designed to combat tax avoidance by workers supplying their services to clients via an intermediary, such as a limited company, but who would be an employee if the intermediary was not used. Such workers are called 'disguised employees' by HMRC.

Even if an individual can demonstrate that they are registered with HMRC as self-employed this does not mean that they should necessarily be treated as such when they undertake an engagement for Mid Devon District Council. It depends upon the contractual arrangement with the individual.

It is vital to resolve the issue of employment status and inform the individual how they will be paid, before they undertake the work.

There is an online tool that can be used to help determine the status of individuals at:

www.hmrc.gov.uk/calcs/esi.htm

If you have any doubt as to the correct treatment, the matter should be referred to the Deputy Chief Executive (S151) or Corporate Manager for People, Governance and Waste without delay.

If the Council treats someone incorrectly then HMRC will charge interest and penalties; these will fall on the service that has commissioned the work.

4.4. Construction Industry Scheme (CIS)

CIS covers construction operations carried out in the UK. The rules of the scheme define the types of work that are classed construction operations.

The Council is responsible for deducting the correct amount of tax from sub-contractors and suppliers (if applicable) and paying the deductions over to HMRC monthly with payroll deductions. It is therefore essential that suppliers are set up properly before they are paid for the first time.

Procurement can help with setting up new suppliers.

4.5. Other Employment Tax Risks

The Council, in common with all other employers, operates PAYE/NIC deduction at source for all employees including Members. The procedures are largely on line and operate smoothly so the risks in this area are low.

4.6 Other Taxes

The Council pays other taxes in its own right as appropriate to the nature of transactions undertaken such as business rates. These are all viewed as low risk.

5. Corporate Offence

- 5.1 The Criminal Finances Act 2017 introduced a corporate offence which applies to relevant bodies including local authorities. This offence can occur where an associated person of a local authority, which can include suppliers, has

committed tax evasion offences and the local authority is held guilty of “Failure to Prevent”.

5.2 The only defence is to have reasonable preventative procedures in place that are proportionate to the risk. These include tax policies, procedures and training of staff.

5.3 The Council must ensure that its tender documents and procurement processes make clear that the Council expects all suppliers to ensure that their own internal procedures ensure that the correct amount of taxes are accounted for and paid over to HMRC. The Council will not tolerate tax evasion offences.

CABINET FEBRUARY 2021

POLICY FRAMEWORK

Cabinet Member Cllr R M Deed - Leader
Responsible Officer Stephen Walford - Chief Executive

Reason for Report: To endorse the policy framework.

RECOMMENDATION(S): To recommend to Council that the Policy Framework be adopted.

Financial Implications: None arising from this report.

Legal Implications: The report is required by the constitution

Risk Assessment: Not updating the strategic policies of the Council would result in policies not being aligned to corporate objectives and an inefficient use of resources.

Equality Impact Assessment: There are no concerns with regard to equalities impact relating to the content of this report.

Relationship to Corporate Plan: An efficient and effective policy framework helps provide the infrastructure to deliver the corporate plan

Climate Change: Several policies within the Policy Framework have a direct link to climate change.

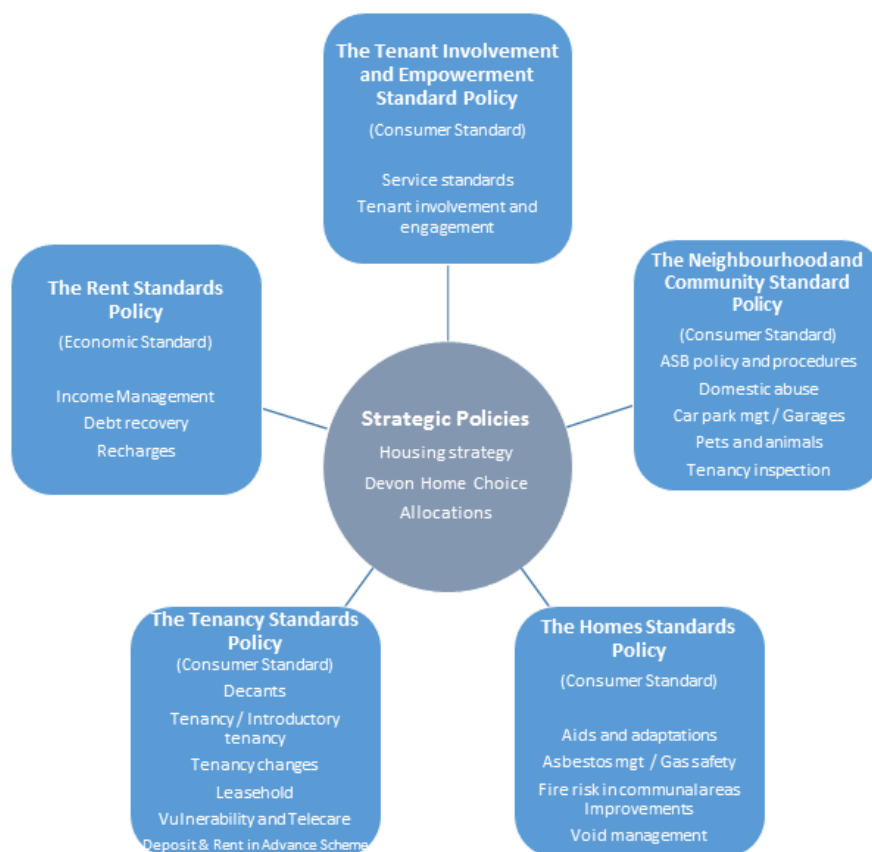
1.0 Introduction

- 1.1 The Policy Framework consists of both statutory documents that have to be adopted or approved by the Council as well as locally determined policies and strategies that form an integral part of the decision making process and their subsequent implementation.
- 1.2 A list of Strategies and Policies covered by the Framework is attached at Appendix 1.
- 1.3 It is recommended that these Strategies and Policies be formally approved as the Council's Policy Framework in accordance with the Constitution so far as they still apply and are relevant.
- 1.4 As new policies are approved by Council they will automatically be added to the Policy Framework.

2.0 Way Forward

- 2.1 Under the Budget and Policy Framework Procedure Rules, the Cabinet will be responsible for the implementation of the Budget and Policy Framework.

- 2.2 The purpose of this report therefore is to inform the Cabinet of their role in the implementation of the budget and policy framework, and highlighting to the Scrutiny Committee, Audit Committee and Policy Development Groups its work for the coming year.
- 2.3 Members will note that within the Homes tab within the Framework, additional notes have been supplied which set out changes to the delivery of many of the policies that relate to the Building and Housing Services. The Group Manager for Public Health and Regulatory Services informed the Homes Policy Development Group at its meeting in November that many of the policies required updating in order to bring them into line with the new legislation and/or regulatory requirements, with most of the policies being subsumed into either the central strategic policies or standard policies as depicted below.



- 2.4 The Policy Framework covers all strategic rather than operational policies and highlights those which are for Cabinet only approval and those which require full Council approval.

Contact for more Information:

Stephen Walford – Chief Executive

Sally Gabriel - Member Services Manager, sgabriel@middevon.gov.uk

Circulation of the Report: Councillor R M Deed, Cabinet Members and Leadership Team

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Annexe 1							
Community Policy Development Group							
Policy	Head of Service	Last Approved	Group/Committee to review/develop	Expected date for next approval	Approval required from	Frequency to be reviewed	Notes
Air Quality Action Plan	Corporate Manager for Public Health, Regulation and Housing	Nov-17	Community PDG	Nov-21	Cabinet	4 yearly	
CCTV Policy	Corporate Manager for Property, Leisure and Climate Change	Jan-21	Community PDG	Jan-24	Cabinet	3 yearly	
Community Engagement <u>Strategy</u> (including Action Plan)	Director of Business Improvements and Operations	Nov-18	Community PDG	Nov-20	Cabinet	2 yearly	Working Group to be set up and coming back to CPDG in Jan 21
Corporate Anti Social Behaviour Policy	Corporate Manager for Public Health, Regulation and Housing	Jan-18	Community PDG	Jan-21	Cabinet	3 yearly	
Corporate Health & Safety Policy	Director of Business Improvements and Operations	Jan-21	Community PDG	Jan-24	Cabinet	3 Yearly	
Customer Care Policy	Director of Business Improvements and Operations	Sep-18	Community PDG	Oct-21	Cabinet	3 yearly	
Grant payments to external organisations (the strategic grants review process)	Strategic Manager for Growth, Economy and Delivery	Oct-16	Community PDG	Feb-21	Cabinet	4 yearly	
Enforcement Policy	Director of Business Improvements and Operations	Oct-20	Community PDG	Oct-21	Cabinet	Annually	Joint PDG Community/Environment & Homes
Safeguarding Children & Adults at Risk Policy and Procedures	Director of Business Improvements and Operations	Feb-19	Community PDG	Feb-22	Cabinet	3 yearly	
Single Equalities Policy and Equality Objective	Director of Business Improvements and Operations	Jan-21	Community PDG	Jan-22	Cabinet	Annually	
Town and Parish Charter	Director of Business Improvements and Operations	Jan-18	Community PDG	Jan-21	Cabinet	3 yearly	Going in March 2021
Unauthorised Encampment Policy	Deputy Chief Executive (S151)	Feb-19	Community PDG	Feb-22	Cabinet	3 yearly	
Contaminated Land Cost Recovery Policy	Group Manager for Public Health and Regulatory Services	Sep-20	Community PDG	Sep-25	Cabinet	5 yearly	
The Council Tax Reduction Scheme & Exceptional Hardship Policy	Corporate Manager for Revenues, Benefits and Recovery	Dec-19	Community PDG	Jan-22	Cabinet	When required	Consultation to be completed in 2021 & Policies reviewed due to PDG Jan 22

Regulation of Investigatory Powers	Head of Legal (Monitoring officer	Aug-19	Community PDG	Apr-21	Cabinet	Now Annually	The Commissioner how suggests an annual review
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Environment Policy Development Group						
Policy	Head of Service	Last Approved	Group/Committee to review/develop	Expected date for next approval	Approval required from	Frequency to be reviewed
Bereavement Services Fees and Charges	Deputy Chief Executive (S151)	May-18	Environment PDG	Jan-21	Cabinet	Annually
Climate Strategy and Action Plan	Corporate Manager for Corporate Property, Leisure and Climate Change	Oct-20	Environment PDG	Oct-24	Cabinet	4 yearly
High Hedges Policy	Operations Manager for Street Scene	Aug-16	Environment PDG	Aug-23	Cabinet	7 yearly
National Assistance Burial Procedure	Deputy Chief Executive (S151)	Jun-19	Environment PDG	Jun-24	Cabinet	5 yearly
Open Space and Play Area Strategy (2013 - 2033)	Group Manager for Street Scene and Open Spaces	Jan-15	Environment PDG	Jan-33	Cabinet	18 yearly
Parks and Open Spaces 10 Year Management Plan and Design Principles	Operations Manager for Street Scene	Nov-17	Environment PDG	Nov-27	Cabinet	10 yearly
Play Area Safety Inspection Policy	Deputy Chief Executive (S151)	Aug-19	Environment PDG	Aug-22	Cabinet	3 yearly
Environment Educational Enforcement Policy	Group Manager for Public Health and Regulatory Services	Mar-20	Environment PDG	Mar-23	Cabinet	3 yearly
Tree Policy	Deputy Chief Executive (S151)	May-16	Environment PDG	May-21	Cabinet	5 yearly

Economy - Policy Development Group						
Policy	Head of Service	Last Approved	Group/Committee to review/develop	Expected date for next approval	Approval required from	Frequency to be reviewed
Destination Management Plan for Mid Devon	Chief Executive and Director of Growth	Mar-18	Economy PDG	Mar-23	Economy PDG - Cabinet	Every 5 years
Economic Strategy 2019-2024 (formerly known as the Mid Devon Economic Development Strategy 2012 - 2015)	Chief Executive and Director of Growth	Feb-19	Economy PDG	Jan-24	Economy PDG - Cabinet	5 yearly
Joint Exeter and the Heart of Devon (EHOD) Economic Development Strategy (review progress against action plan only)	Chief Executive and Director of Growth	Mar-18	Economy PDG	Mar-21	Economy PDG - Cabinet	when required
Market Environmental Strategy 2017-2022	Chief Executive and Director of Growth	Feb-18	Economy PDG	Feb-22	Economy PDG - Cabinet	Every 5 years
Shopfront Enhancement Schemes (£15k non-key)	Chief Executive and Director of Growth	Jan-19	Economy PDG	Jan-22	Economy PDG - Cabinet	3 yearly
Strategy for Tiverton 2017/27	Chief Executive and Director of Growth	Feb-17	Economy PDG	Feb-27	Economy PDG - Cabinet	Every 10 years
Joint Exeter and Heart of Devon (EHOD) Economic Development Strategy	Chief Executive and Director of Growth	Jan-17	Cabinet	Mar-21	Cabinet	3 Yearly

Homes Policy Development Group

Policy	Head of Service	Last Approved	Group/Committee to review/develop	Expected date for next approval	Approval required from	Frequency to be reviewed	Important notes regarding the new housing policy structure
Aids and Adaptations Policy	Director of Business Improvements and Operations	Sep-16	Homes PDG	See note	Cabinet	4 yearly	Will be subsumed into 'The Homes Standard Policy' due to come to the Homes PDG in 2022/2023
Allocations Policy and Procedures	Director of Business Improvements and Operations	March 2016	Homes PDG	See note	Cabinet	3 yearly	Will be subsumed into the overarching Corporate Housing Strategy 2021-2025 (currently in development)
ASB Policy and Procedures	Director of Business Improvements and Operations	Jul-15	Homes PDG	See note	Cabinet	3 yearly	Will be subsumed into 'The Neighbourhood and Community Standard Policy' due to come to the Homes PDG late 2021/2022.
Car Parking Management Policy (housing amenity, residential and permit holder car parks).	Director of Business Improvements and Operations	Jan-16	Homes PDG	See note	Cabinet	10 yearly	Will be subsumed into 'The Neighbourhood and Community Standard Policy' due to come to the Homes PDG late 2021/2022.
Community Housing Fund Grant Policy	Director of Business Improvements and Operations	May-18	Homes PDG	May-22	Cabinet	4 yearly	Dealt with by the Forward Planning Team.
Compensation Policy	Director of Business Improvements and Operations	Jan-20	Homes PDG	See note	Cabinet	10 yearly	Will be subsumed into 'The Homes Standard Policy' due to come to the Homes PDG in 2022/2023.
Decant Policy	Director of Business Improvements and Operations	Jan-17	Homes PDG	See note	Cabinet	4 yearly	Will be subsumed into 'The Tenancy Standard Policy' which is due to come to the Homes PDG in 2022/2023.
Domestic Abuse Policy	Director of Business Improvements and Operations	Jul-15	Homes PDG	See note	Cabinet	4 yearly	Will be subsumed into 'The Neighbourhood and Community Standard Policy' due to come to the Homes PDG late 2021/2022.
Fire Risk in Communal Areas Policy	Director of Business Improvements and Operations	Jul-17	Homes PDG	See note	Cabinet	4 yearly	Will be subsumed into 'The Homes Standard Policy' due to come to the Homes PDG in 2022/2023
Garage Management Policy	Director of Business Improvements and Operations	Jan-16	Homes PDG	See note	Cabinet	10 yearly	Will be subsumed into 'The Neighbourhood and Community Standard Policy' due to come to the Homes PDG late 2021/2022.
Gas Safety Policy	Director of Business Improvements and Operations	Sep-18	Homes PDG	See note	Cabinet	4 yearly	Will be subsumed into 'The Homes Standard Policy' due to come to the Homes PDG in 2022/2023
Harrassment Policy	Director of Business Improvements and Operations	Oct-19	Homes PDG	See note	Cabinet	10 yearly	Will be subsumed into 'The Neighbourhood and Community Standard Policy' due to come to the Homes PDG late 2021/2022.
Hoarding Policy	Director of Business Improvements and Operations	Oct-19	Homes PDG	See note	Cabinet	10 yearly	Will be subsumed into 'The Neighbourhood and Community Standard Policy' due to come to the Homes PDG late 2021/2022.
Homelessness Strategy	Director of Business Improvements and Operations	Dec-19	Homes PDG	See note	Cabinet	5 yearly	Will be subsumed into the overarching Corporate Housing Strategy 2021-2025 (currently in development)
Housing Assistance Policy, Devon wide (previously known as the Private Sector Renewal Policy)	Director of Business Improvements and Operations	Mar-19	Homes PDG	Mar-22	Cabinet	3 yearly	Now dealt with via delegated authority (needs a review in 2022). Awaiting confirmation from SN as at Dec 2020.
Housing Enabling - SPD (S106 - Houisng Need Allocation - Exception Sites)	Director of Business Improvements and Operations	May-17	Homes PDG	See note	Cabinet	3 yearly	Due to come to the Homes PDG in either late 2021 or early 2022. Dealt with by the Forward Planning Team
Housing Revenue Account Asset Management Strategy	Director of Business Improvements and Operations	May-14	Homes PDG	See note	Cabinet	5 Yearly	Will be subsumed into the overarching Corporate Housing Strategy 2021-2025 (currently in development)
Housing Strategy	Director of Business Improvements and Operations	Jan-16	Homes PDG	See note	Cabinet	5 yearly	Will be subsumed into the overarching Corporate Housing Strategy 2021-2025 (currently in development)

Improvements to Council Property Policy	Director of Business Improvements and Operations	Jan-20	Homes PDG	See note	Cabinet	10 yearly	Will be subsumed into 'The Homes Standard Policy' due to come to the Homes PDG in 2022/2023
Income Management Policy	Director of Business Improvements and Operations	Jan-20	Homes PDG	See note	Cabinet	10 yearly	Will be subsumed into 'The Rent Standard policy' due to come to the Homes PDG in 2023/2024.
Introductory Tenancies Policy	Director of Business Improvements and Operations	Sep-16	Homes PDG	See note	Cabinet	4 yearly	Will be subsumed into 'The Tenancy Standard Policy' which is due to come to the Homes PDG in 2022/2023.
Leasehold Management policy	Director of Business Improvements and Operations	Dec-15	Homes PDG	See note	Cabinet	4 yearly	Will be subsumed into 'The Tenancy Standard Policy' which is due to come to the Homes PDG in 2022/2023.
Neighbourhood Management Policy	Director of Business Improvements and Operations	Sep-18	Homes PDG	See note	Cabinet	4 yearly	Will be subsumed into 'The Neighbourhood and Community Standard Policy' due to come to the Homes PDG late 2021/2022.
Pets and Animals policy	Director of Business Improvements and Operations	Oct-19	Homes PDG	See note	Cabinet	10 yearly	Will be subsumed into 'The Neighbourhood and Community Standard Policy' due to come to the Homes PDG late 2021/2022.
Private Sector Fees & Charges	Director of Business Improvements and Operations	Mar-19	Homes PDG	Mar-20	Cabinet	Annually	Now dealt with via delegated authority (needs a review in 2022). Awaiting confirmation from SN as at Dec 2020.
Recharge Policy	Director of Business Improvements and Operations	Sep-18	Homes PDG	See note	Cabinet	4 yearly	Will be subsumed into 'The Rent Standard policy' due to come to the Homes PDG in 2023/2024.
Service Standards Review	Director of Business Improvements and Operations	Sep-16	Homes PDG	See note	Cabinet	4 yearly	Will be subsumed into 'The Tenant Involvement and Empowerment Standard policy' due to come to the Homes PDG in June 2021.
Severe Weather Emergency Protocol and Extended Winter Provision Protocol	Director of Business Improvements and Operations	Jan-18	Homes PDG	See note	Cabinet	2 yearly	Will be subsumed into the overarching Corporate Housing Strategy 2021-2025 (currently in development).
Supply and Demand Policy	Director of Business Improvements and Operations	Jan-19	Homes PDG	See note	Cabinet	3 yearly	Will be subsumed into the overarching Corporate Housing Strategy 2021-2025 (currently in development).
Telecare Policy	Director of Business Improvements and Operations	Mar-17	Homes PDG	See note	Cabinet	4 yearly	Will be subsumed into 'The Tenancy Standard Policy' which is due to come to the Homes PDG in 2022/2023.
Tenancy Policy	Director of Business Improvements and Operations	Aug-15	Homes PDG	See note	Cabinet	4 yearly	Will be subsumed into 'The Tenancy Standard Policy' which is due to come to the Homes PDG in 2022/2023.
Tenancy Changes Policy (formerly known as the 'Succession and Assignment Policy')	Director of Business Improvements and Operations	Jun-16	Homes PDG	See note	Cabinet	4 yearly	Will be subsumed into 'The Tenancy Standard Policy' which is due to come to the Homes PDG in 2022/2023.
Tenancy Agreement	Director of Business Improvements and Operations	Jul-16	Homes PDG	See note	Cabinet	5 yearly	Will be subsumed into 'The Tenancy Standard Policy' which is due to come to the Homes PDG in 2022/2023.
Tenancy Inspection Policy	Director of Business Improvements and Operations	Jul-16	Homes PDG	See note	Cabinet	4 yearly	Will be subsumed into 'The Neighbourhood and Community Standard Policy' due to come to the Homes PDG late 2021/2022.
Tenant Involvement Policy	Director of Business Improvements and Operations	May-18	Homes PDG	See note	Cabinet	4 yearly	Will be subsumed into 'The Tenant Involvement and Empowerment Standard policy' due to come to the Homes PDG in June 2021.
Tenant Involvement Strategy	Director of Business Improvements and Operations	May-18	Homes PDG	See note	Cabinet	4 yearly	Will be subsumed into 'The Tenant Involvement and Empowerment Standard policy' due to come to the Homes PDG in June 2021.
Tenancy Strategy & Policy review (Formerly known as the Strategic Tenancy Policy) - Awaiting Government Regulations on Tenancy Policies	Director of Business Improvements and Operations	Nov-12	Homes PDG	See note	Cabinet	4 yearly	Will be subsumed into 'The Tenancy Standard Policy' which is due to come to the Homes PDG in 2022/2023.

Void Management Policy	Director of Business Improvements and Operations	Jan-19	Homes PDG	See note	Cabinet	10 yearly	Will be subsumed into 'The Homes Standard Policy' due to come to the Homes PDG in 2022/2023
Vulnerability Policy	Director of Business Improvements and Operations	Mar-17	Homes PDG	See note	Cabinet	4 yearly	Will be subsumed into 'The Tenancy Standard Policy' which is due to come to the Homes PDG in 2022/2023.

Licensing Committee						
Policy	Responsible Officer	Last Approved	Group/Committee to review/develop	Expected date for next approval	Approval required from	Frequency to be reviewed
Hackney Carriage and Private Hire Policy and Conditions	Corporate Manager for Public Health , Regulation and Housing	Nov-18	Regulatory Committee	Nov-21	Regulatory Committee	3 Yearly
Licensing Policy	Corporate Manager for Public Health , Regulation and Housing	Nov-18	Licensing Committee	Oct-23	Council	5 yearly
Statement of Principles for Gambling Act 2005	Corporate Manager for Public Health , Regulation and Housing	Oct-18	Licensing Committee	Oct-21	Council	3 Yearly

Audit Committee						
Policy	Head of Service	Last Approved	Group/Committee to review/develop	Expected date for next approval	Approval required from	Frequency to be reviewed
Annual Governance Statement and Governance Framework	Director of Business Improvements and Operations	Aug-20	Audit Committee	Aug-21	Audit Committee	Annually
Anti-fraud and Corruption and Anti-Money Laundering Policies	Director of Business Improvements and Operations	Nov-18	Audit Committee	Jan-21	Audit Committee	2 yearly
Corporate Recovery Policy	Deputy Chief Executive (S151)	Mar-18	Audit Committee	Mar-21	Cabinet	3 yearly
Data Quality Policy	Director of Business Improvements and Operations	Nov-18	Audit Committee	Dec-22	Audit Committee	4 yearly
Financial and Contract Procedure Rules	Deputy Chief Executive (S151)	Jan-19	Audit Committee	Jan-22	Audit Committee - Full Council	3 yearly
Four year Strategic Audit Plan and Work Programme	DAP	Jun-20	Audit Committee	Mar-21	Audit Committee	Annually
Internal Audit Charter and Strategy	DAP	Jun-20	Audit Committee	Mar-21	Audit Committee	Annually
Risk and Opportunity Management Strategy	Director of Business Improvements and Operations	Jun-20	Audit Committee	Mar-21	Audit Committee	Annually
Whistleblowing Policy	Director of Business Improvements and Operations	Mar-17	Audit Committee	Mar-21	Audit Committee	4 yearly

Cabinet							
Policy	Head of Service	Last Approved	Group/Committee to review/develop	Expected date for next approval	Approval required from	Frequency to be reviewed	Detailed notes
Statement of Community Involvement	Head of Planning, Economy and Regeneration	Aug-20	PPAG	Aug-21	Cabinet - Council	As and when required	
Area of Special Control for advertisements	Head of Planning, Economy and Regeneration	Dec-11	PPAG	Linked to the Local Plan	Cabinet - Council	When required	
Asset Management and Capital Strategy Plan 2016-2020	Deputy Chief Executive (S151)	Jul-16	Cabinet	Mar-21	Cabinet	4 years	
Channel Access Strategy 2014-2017	Director of Business Improvement and Operations	Sep-18	Cabinet	Oct-21	Cabinet	3 years	
Community Infrastrure Levy	Head of Planning, Economy and Regeneration	Jan-21	PPAG	As and when required as part of the Local Plan	Cabinet - Council	As and when required as part of the Local Plan	
Complaints and Feedback policy	Director of Business Improvement and Operations	Oct-18	Cabinet	Sep-21	Cabinet	3 years	
Corporate Asbestos Policy	Deputy Chief Executive (S151)	Feb-20	Cabinet	Feb-23	Cabinet	3 years	
Corporate Debt Recovery Policy	Deputy Chief Executive (S151)	Feb-18	Audit Committee - Cabinet	Feb-21	Cabinet	3 years	
Corporate Plan (2020-2024)	Director of Business Improvement and Operations	Feb-20	Cabinet	Feb-24	Council	4 yearly	
Council Tax Reduction Scheme	Deputy Chief Executive (S151)	Dec-16	Cabinet	Feb-20	Cabinet	When required	This includes the Exceptional Hardship Policy . It also includes the MDDC Fraud penalty Policy (as per JC Apr 16)
Data Protection Policy	Director of Business Improvement and Operations	Jun-19	Cabinet	Jun-22	Cabinet	3 yearly	

Cabinet							
Policy	Head of Service	Last Approved	Group/Committee to review/develop	Expected date for next approval	Approval required from	Frequency to be reviewed	Detailed notes
Discretionary Rate Relief Scheme	Deputy Chief Executive (S151)	Feb-19	Cabinet	Feb-22	Cabinet	Annually	The changes that have come in are mandatory – PM/Chancellor to advise anymore and then request s151, portfolio holder sign off
Email Policy	Director of Business Improvements and Operations	Jan-21	Cabinet Member for Community-Well-Being	Jan-23	Cabinet Member for Community Well-Being	2 Yearly	
The Establishment	Director of Business Improvements and Operations	Feb-20	Cabinet	Feb-21	Cabinet	Annually	Now includes details of the Workforce Plan and the HR Strategy
Freedom of Information Policy	Director of Business Improvements and Operations	Jun-19	Cabinet or Cabinet Member	Jun-22	Cabinet	3 yearly	
ICT Strategy	Director of Business Improvements and Operations	Feb-19	Cabinet	Feb-24	Cabinet	5 yearly	
Internet Policy	Director of Business Improvements and Operations	Jan-21	Cabinet Member for the Working Environment and Head of ICT	Jan-24	Cabinet Member for Community Well-Being	5 Yearly	
Leisure Pricing Policy	Deputy Chief Executive (S151)	Dec-19	Individual Decision by the Cabinet Member for Community Well Being	Dec-20	Cabinet	Annually	Delayed
Local Development Scheme	Head of Planning, Economy and Regeneration	May-18	PPAG	As and when required as part of the Local Plan	Cabinet	As and when required as part of the Local Plan	
Local Enforcement Plan (replaces Development Control Enforcement Policy)	Head of Planning, Economy and Regeneration	Jan-18	PPAG	Jan-21	Cabinet - Council	3 yearly	
Local Plan	Head of Planning, Economy and Regeneration	Jul-20	Cabinet	Jul-25	Cabinet - Council	5 Yearly	
Medium Term Financial Strategy	Deputy Chief Executive (S151)	Dec-20	Cabinet	Dec-21	Cabinet	Annually	

Cabinet							
Policy	Head of Service	Last Approved	Group/Committee to review/develop	Expected date for next approval	Approval required from	Frequency to be reviewed	Detailed notes
Pay Policy	Director of Corporate Affairs and Business Transformation	Feb-20	Cabinet	Feb-21	Cabinet - Council	Annually	
Records Management Policy	Director of Business Improvement and Operations	Jun-18	Cabinet	Jun-22	Cabinet	4 yearly	
Treasury Management Strategy and Annual Investment Strategy	Deputy Chief Executive (S151)	Feb-20	Cabinet	Feb-21	Council	Annually	
Information Security and Information Security Incident Policies	Director of Business Improvements and Operations	Oct-18	Cabinet	Oct-21	Cabinet	3 yearly	

**CABINET
FEBRUARY 4 2021**

PAY POLICY

Cabinet Member(s): Cllr Bob Deed
Responsible Officer: Matthew Page, Corporate Manager for People, Governance and Waste

Reason for Report: To comply with the legislative requirements of the Localism Act 2011 relating to senior pay in particular the role of the Chief Executive, Directors and other senior officers. The Localism Act 2011 requires an annually published Pay Policy which has been adopted by the full Council.

Recommendation: The Cabinet is asked to recommend to Council the Pay Policy 2021.

Financial Implications: None arising from this report which aims to ensure that the Council pays enough to recruit and retain senior staff, but avoids excessive pay levels.

Budget and Policy Framework: This policy sits within the current budget and policy framework.

Legal Implications: None directly arising from this report. The Head of Paid Services (Chief Executive) is required by Article 14 of the Constitution to keep under review the number, grade and organisation of officers, as well as the manner in which the Council's functions is coordinated and discharged. Further, the overall developmental and management structure, as well as the deployment of officers, is to be published.

Risk Assessment: The risk to the Council of not complying with the legislative requirement is mitigated by this report and having a robust performance management system.

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

Relationship to Corporate Plan: To have a robust Pay Policy which ensures good use of public money in respect of the salaries of the most senior employees of the Council that is both transparent and visible. To ensure the Council is able to recruit and retain staff of a sufficiently high calibre who are able to deliver the objectives of the Corporate Plan.

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

1.0 Introduction/Background

1.1 The localism bill required that all local authorities publish a Pay Policy on an annual basis. The Policy should be agreed by a meeting of the Council and be published on the Council's website.

- 1.2 The purpose of having a Pay Policy is so that the pay and related awards structure of the Council are transparent.
- 1.3 At the present time, the Chief Executive is appraised on an annual basis by a group of Members as set out in the Constitution. The Leader consults Cabinet colleagues and the other two main party leaders on the objectives to be set and these are agreed with the Chief Executive.
- 1.4 Cabinet and Leadership Team meet on a monthly basis to monitor progress within each service area. Cabinet members can raise issues with the Chief Executive and Directors on performance in any area of the Council.
- 1.5 In discussion with the Cabinet Member for the Working Environment and Support Services, a commitment has been given to regularly review the content of the Pay Supplement Policy which was used last year to make a retention payment to the Deputy Chief Executive.
- 1.6 Actions included the attaching of the Pay Supplement Policy (see Appendix 1 Pay Supplement Policy) to this submission each year when it is made to Cabinet for comment and review by members. It was also agreed that any payments to senior officers made under the terms of this policy need to be agreed between the Chief Executive, the Cabinet Member for the Working Environment and Support Services and the Leader of the Council in consultation with the Corporate Manager People, Governance and Waste.
- 1.7 The Corporate Manager People, Governance and Waste will also ensure that any proposed payments are evaluated by an independent body (e.g. South West Councils) before they are made.
- 1.8 The Pay Supplement Policy included is to be noted as a draft pending formal review with both our management team, union and staff consultative group.
- 1.9 The Pay Supplement Policy will be approved at our Joint Negotiation and Consultative Committee which is attended by the Cabinet Member for the Working Environment and Support Services.

2.0 Recommendation/Action

- 2.1 The Council is asked to note and approve the attached Pay Policy and its contents regarding the establishment and its pay.

Contact for more Information: Matthew Page, Corporate Manager for People, Governance and Waste, Cllr Bob Deed

Circulation of the Report: Cabinet Member– Cllr Bob Deed, Cabinet, Leadership Team

Human Resources Policy

Version Control Sheet

Title: Pay Policy 2021

Reference No: HR/

Purpose: The Localism Bill requires that all local authorities publish a Pay Policy on an annual basis. The Policy should be agreed by a meeting of Council and be published on the Council's website.

The purpose of having a Pay Policy is so that the pay and related rewards structure of the Council is transparent.

Owner: Corporate Manager for People, Governance and Waste
mpage@middevon.gov.uk

Date: Feb 2021

Version Number: 4

Status: Final

Review Frequency: Every year

Next review date: February 2022 to be published by March 2022

Pay Policy

1. INTRODUCTION

Local authorities must publish a pay policy statement for each financial year. This must be approved by a Council resolution before 31 March each year. The Act specifies a number of elements that must be covered by the statement including: the level and elements of remuneration for each chief officer, remuneration of chief officers on recruitment, increases and additions to remuneration for each chief officer, the use of performance-related pay for chief officers, the use of bonuses for chief officers, the approach to the payment of chief officers on their ceasing to hold office under or to be employed by the authority, and the publication of and access to information relating to remuneration of chief officers.

The specific part of the Localism Act 2011 relating to a pay policy is Section 38 (1). Pay is an emotive issue for staff, Councillors and also for the public at large. Transparency in what and how we pay our senior staff particularly, but also all council employees is of paramount importance.

A pay policy statement will be updated and taken to full Council each year in February, in this way a clear view of the salaries and benefits paid to the most senior staff at the Council can be tracked.

2. REFERENCES

Equal Pay Act 1970
Equality Act 2010
Localism Act 2011

3. SCOPE

This policy applies to:-

- Chief Executive Officer including Head of Paid Service responsibilities
- Directors, Heads of Service and certain Corporate Managers including Monitoring Officer responsibilities and Section 151 Officer responsibilities

4. POLICY

Clarity in the provision of pay and other benefits is essential to ensure that the Council can attract and retain good calibre employees at all levels but particularly so at the most senior level.

In the context of managing scarce public resources, remuneration at all levels within the Council needs to be adequate to secure and retain high-quality employees dedicated to the service of the public, but at the same time needs to avoid being unnecessarily generous or otherwise excessive.

This pay policy statement applies specifically to chief officers (a term which includes both statutory and non-statutory chief officers which for the purposes of this policy are the Directors, Heads of Service, Monitoring Officer and certain Corporate Managers) and addresses the legal requirement to set out how the policy for agreement of chief officer remuneration differs to that of other Council employees. For the purposes of this statement this includes:

- **Chief Executive Officer (Head of Paid Service)**
- **Deputy Chief Executive (151)**
- **Director of Corporate Affairs & Business Transformation**
- **Director of Operations (post now obsolete)**
- **Head of Planning, Economy and Regeneration**
- **Head of Legal (Monitoring Officer)**
- **Group Managers (posts now obsolete)**
- **Corporate Management Team**

The definition of chief officers (as set out in section 43(2) of the Localism Act 2011) is not limited to Directors, Heads of Paid Service or statutory chief officers. It also includes those who are their direct reports (who may or might not be statutory chief officers and those who report directly to non-statutory chief officers (deputy chief officers).

The metric used for pay dispersion is the multiple of chief executive to mean earnings. Tracking this multiple will ensure public service organisations are accountable for the relationship between the pay of their executives and the wider workforce. Through this pay policy statement Mid Devon will track this multiple annually. **(This is shown as Officer Remuneration in the accounts)**

- the level and elements of remuneration for each chief officer
- the remuneration of the lowest paid employees
- the relationship between the remuneration of its chief officers and other officers
- other specific aspects of chief officer remuneration.

In respect of Officer Remuneration Note in the accounts: It should be noted that this information will relate to the previous year as shown in the annual accounts.

- Salary, fees and allowances
- Bonuses
- Expenses allowance
- Compensation for loss of employment

- Employers pension contribution
- Any other emoluments

Pay multiple

This is calculated by comparing all taxable earnings for the given year (including base salary, variable pay, bonuses, allowances and the cash value of benefits in kind) for the Chief Executive compared to mean earnings and the lowest paid in the organisation.

Specific Policy Areas

The National Joint Negotiating Committee has previously emphasised that 'it is good governance that local authorities can demonstrate that decisions on pay and reward packages for chief executives and chief officers have been made in an open and accountable way.'

The Leader of the Council may recommend to Full Council changes to the remuneration package following an annual review. Any changes to the remuneration packages will be subject to Full Council approval.

Salary increases in relation to cost of living will be made in line with National Joint Council recommendations.

The cost of living increase does not apply automatically to the Chief Executive and the two/three Director roles as of 1st April each year. Any increase given to them will take into account the national pay award and will be agreed by the Leader of the Council, having sought the views of the Cabinet, and will be based on performance. The annual assessment/pay award for the Chief Executive and Directors has been delayed until the end of June each year, in order to allow for adequate reflection on the previous year's performance. As such any increase will take effect from 1st July annually (salary increases for all other employees continue to take effect from 1st April each year).

The use of market supplements may be applied in certain circumstances but at present are not considered necessary for any senior role.

At present, there are no additional payments made to senior officers which specifically relate to performance such as performance bonuses; neither is there an element of pay which can be enhanced for performance, other than those already mentioned in respect of the Chief Executive and Director roles. Performance issues will be dealt with through the achievement of agreed objectives and appraisal review process.

Any termination payments to chief officers on ceasing office will comply with Mid Devon District Council's Redundancy Policy and no additional payments will be made without the express approval of Full Council.

Through this policy the pay multiple of the Chief Executive will be monitored annually. Should the multiplier between the annual salary paid to a full time employee on the lowest spinal column point and the annual salary paid to the Chief Executive be greater than 10, this will be reported by the Leader of the Council to Full Council for consideration.

Our support for apprenticeships, which may be considered a temporary employment, will not be used to skew the pay multiple metric and will therefore be excluded from the calculation. In order to ensure complete transparency however we have also included the salary of apprentices.

There are no arrangements currently in place for tax and national insurance payments to be paid other than through the normal channels, i.e. through the normal PAYE route for all officers of the Council.

5. PAYMENT OF RETURNING OFFICER

Additional payments are set and made by Central Government to officers carrying out additional duties at elections. These payments will only be received when elections take place and although fixed, do vary according to the type of election for which the payment is made. These payments are not within the scope of this policy.

6. OUTCOMES

In having this policy Mid Devon District Council will ensure that the process for setting pay at a senior level is transparent. This policy will be reviewed annually to track the relationship of chief officer pay with the rest of the workforce.

7. PERFORMANCE MONITORING

Annual monitoring of this policy will take place in February. Monitoring of the Chief Executive's performance takes place through an annual appraisal process.

8. POLICY/STRATEGY CONSULTATION

This policy will be agreed with the Council's Leadership Team, Cabinet and Full Council.

9. EQUALITY IMPACT CONSIDERATIONS

The principles of equal pay are integral to this policy. 'Equal work' is defined as:

- Like work where the woman and the man are doing the same job or
- Work rated as equivalent where the 2 jobs are different but have been evaluated by the employer's job evaluation scheme (JES) at the same level/grade or

- Work of equal value where the jobs are again different but an argument is made that both jobs should be regarded as being of equal value or worth.

10. RESPONSIBILITIES

The Corporate Manager for People, Governance and Waste will be responsible for this policy and for updating information on an annual basis.

11. RECORDS

Documents and records generated as a result of the application of this policy will be held electronically and retained as legally required.

All records will be maintained and processed in compliance with the Data Protection Act.

12. DOCUMENT HISTORY

Date	Version	Update
10/02/2017	1	Pay Policy
05/04/2018	2	Pay Policy
07/02/2019	3	Pay Policy
13/02/2020	4	Pay Policy

1. The level of remuneration for all officers earning over £50,000 is shown below:

Post Title	Remuneration	
	2019/20	2020/21
Chief Executive	£111,825	£114,900
Deputy Chief Executive (S151)	£81,600	£83,844
Director of Corporate Affairs and Business Transformation	£77,775	£82,200
Director of Operations (now deleted from establishment)	£77,775	—
Head of Service: Planning and Regeneration	Grade P £63,857 to £67,765	Grade P £65,614 to £69,629
Head of Service: Legal Services & Monitoring Officer (new post from 01/01/2020)	Grade P £63,857 to £67,765	Grade P £65,614 to £69,629
Group Manager: Legal Services and Monitoring Officer (now deleted from establishment)	Grade N £54,500 to £57,837	—
Group Manager: Street Scene and Open Spaces (now deleted from establishment)	Grade M £50,351 to £53,432	Grade M £51,736 to £54,901
Group Manager: Building Services (now deleted from establishment)	Grade M £50,351 to £53,432	Grade M £51,736 to £54,901
Group Manager: Corporate Property and Commercial Assets (now deleted from establishment)	Grade M £50,351 to £53,432	Grade M £51,736 to £54,901
Group Manager: Financial Services (now deleted from establishment)	Grade M £50,351 to £53,432	Grade M £51,736 to £54,901
Group Manager: Public Health and Regulatory Services (now deleted from establishment)	Grade M £50,351 to £53,432	Grade M £51,736 to £54,901
Corporate Manager Public Health, Regulation & Housing (New Post from 01/01/2021)	—	Grade N £55,999 to £59,427
Corporate Manager People, Governance & Waste (New Post from 01/01/2021)	—	Grade N £55,999 to £59,427

Corporate Manager Digital Transformation & Customer Engagement (New Post from 01/01/2021)	—	Grade N £55,999 to £59,427
Corporate Manager Property, Leisure & Climate Change (New Post from 01/01/2021)	—	Grade N £55,999 to £59,427
Corporate Manager Income, Benefits & Recovery (New Post from 01/01/2021)	—	Grade N £55,999 to £59,427
Corporate Manager Financial Services (New Post from 01/01/2021 Vacant at present)	—	Grade N £55,999 to £59,427

There were uplift payments of £5,000 for the 2020 calendar year, pending restructure, to the Group Managers that were asked to act up onto Corporate Management Team (CMT). This restructure has now been completed and so the Group Manager posts are obsolete and have been replaced by the Corporate Manager posts who make up CMT. The Group Manager for Legal Services and Monitoring Officer was promoted to become the Head of Legal Services and Monitoring Officer from the 1 January 2020 (and so the former post is also now obsolete). There was also a retention payment made to the Deputy Chief Executive of £5,000. The Director of Corporate Affairs & Business Transformation role was re-evaluated in light of the transfer of significant additional responsibilities following the departure (and non-replacement of) the third Director post.

2. The full time remuneration of the lowest paid employee.

Post Title	Remuneration		Other Allowances	
	2019/20	2020/21	2019/20	2018/19
Office Cleaner	£17,711	-	None	None
Recreation Assistant	£18,426	£18,562	None	None
Apprentice	£7,524	£8007	None	None

3. The multiplier of the remuneration of the Chief Executive based upon taxable earnings.

Category	Total Remuneration	
	2019/20	2020/21
Pay multiple of Chief Executive to Mean	5.32	4.35
Pay multiple of Chief executive to lowest paid FT employee	6.31 (based on office cleaner)	6.19 (based on Recreation Assistant)
	15.50 (based on apprentice rate)	14.35 (based on apprentice rate)
Annual Mean Pay of all employees (Total Salaries/Number of contracts)	£21,019	£26,417

Officer Remuneration Note in Accounts

Publication of Officers Remuneration

We are required to publish the following information in respect of officer remunerations:

- a) The number of employees whose remuneration in the year was greater or equal to £50,000, grouped in rising bands of £5,000.
- b) An analysis by job title of the remuneration and employer's pension contributions in respect of senior employees whose salary is £50,000 or more per year (or by name and job title where the salary is £150,000 per year)

4. Officers' Emoluments

This table includes all statutory and non-statutory posts whose overall remuneration exceeds £50k excluding pension contributions and non-taxable allowances as published in [Mid Devon District Council Statement of Accounts 2020](#)

Remuneration Band	2018/19		2019/20	
	Number of Employees	Left During Year	Number of Employees	Left During Year
£50,000 - £54,999	5	0	3	0
£55,000 - £59,999	1	0	3	0
£60,000 - £64,999	0	0	1	0
£65,000 - £69,999	1	0	1	0
£70,000 - £74,999	0	0	1	1
£75,000 - £79,999	2	0	1	0
£80,000 - £84,999	0	0	0	0
£85,000 - £89,999	0	0	1	0
£95,000 - £99,999	0	0	0	0
£100,000 - £104,999	0	0	0	0
£105,000 - £109,999	1	0	0	0
£110,000 - £114,999	0	0	1	0

The above table includes two employees who received a termination payment in 2019/20. These employees are included in the Termination Benefit note. Six employees in the above table are not Senior Officers so have not been included in the Senior Officers table, all other employees are included. In completing the 2019/20 Accounts we have complied with the statutory instrument regarding officer emoluments. The statutory instrument requires the individual naming of any Officers with an annual salary of £150,000 or more and the post title of any officers earning £50,000 or more who occupy statutory roles or are responsible for managing the strategic direction of services. The Council had no officers earning at or in excess of £150,000 in 2019/20.

5 Termination Benefits

2019/20 Exit Package Cost Band	Number of Compulsory redundancies	Number of Other Departures Agreed	Total number Of exit Packages by Cost band	Total cost of Exit packages in each band £'000
£0 - £19,999	0	13	13	23
£20,000-£39,000	-	2	2	73
£40,000-£59,999	-	-	-	-
£60,000-£79,999	-	-	-	-
Total	-	15	15	96

During 2019/20 a number of settlement agreements were made. These were associated with service restructures and changes in order to reduce future employee costs. This helps match ongoing expenditure against the well documented cuts in Central Government funding.

6 Gender Pay Gap

6.1 Pay quartiles by gender

The Mid Devon District Council figures set out below have been calculated using the standard methodologies used in the Equality Act 2010 (Gender Pay Gap Information) Regulations 2017.

Under the law, men and women must receive equal pay for:

- the same or broadly similar work;
- work rated as equivalent under a job evaluation scheme; or
- work of equal value.

Quartile	Males	Females	Description
1	61%	39%	Includes all employees whose standard hourly rate places them at or below the lower quartile
2	34%	66%	Includes all employees whose standard hourly rate places them above the lower quartile but at or below the median
3	47%	53%	Includes all employees whose standard hourly rate places them above the median but at or below the upper quartile
4	42%	58%	Includes all employees whose standard hourly rate places them above the upper quartile

6.2 Mid Devon District Council's Gender Pay Gap

	Mean Average Hourly Rate	Median Average Hourly Rate
Male	£13.31	£12.35
Female	£13.55	£12.35
HMRC % gap	-1.80%	0.00%

The mean gender pay gap for the whole economy (according to the October 2019 Office for National Statistics (ONS) Annual Survey of Hours and Earnings (ASHE) figures) is 17.3%; at -1.80% Mid Devon District Council's mean gender pay gap is, therefore, significantly lower than that for the whole economy.

Human Resources Policy

Version Control Sheet

Title: **PAY SUPPLEMENT POLICY**

Reference No: **HR/P /2021**

Purpose: To secure the consistent delivery of key services to the public by giving managers the ability to retain key postholders and recruit the best possible staff for each post.

Owner: for **Corporate Manager People, Governance and Waste**
mpage@middevon.gov.uk

01884 234381

Date: **DRAFT (Pending Review)**

Version Number: **1.9**

Status: **DRAFT**

Review Frequency: **Every year**

Next review date: **August 2021**

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

Corporate Manager for People, Governance and Waste

Corporate Management Team

Unison

Cabinet and/or Scrutiny

Document History

This document obtained the following approvals and is valid on the date printed.

Title	Date	Version Approved
Corporate Management Team		
Joint Negotiation and Consultation Committee		

PAY SUPPLEMENT POLICY

1. INTRODUCTION

This Policy contains the agreed approach to be taken in the application, monitoring and review of pay supplements within Mid Devon District Council.

Pay supplements incorporate mechanisms for tackling recruitment and retention problems by temporarily increasing the total pay awarded to a post (without altering the job evaluation determined grade for that post) when it can be shown that the salary range attached to the grade is significantly lower than those offered by a competitor and therefore it impacts adversely on the ability to recruit or retain staff. They also cover methods of recognition and reward.

During times of specific upheaval and change, it may be necessary to secure the delivery of key services and moreover, to retain a particular skill set within the authority using retention payments, market supplements, acting up payments, honorarium and increases in spinal column points.

The objectives of this Policy are:-

- To recruit the best possible staff for each post and enable the Council to mitigate against any adverse impact on its ability to compete in the local labour market by looking at pay supplement payments
- To facilitate flexibility to resource the Council whilst ensuring compliance with equal pay legislation, achieving transparency and adopting best practice.
- To secure the consistent delivery of key services to the public that may be at risk by giving the ability to retain key postholders

2. REFERENCES

The following legislation is relevant and has been taken into account in the drawing up of this Policy:

- Disability Discrimination Act 1995
- Disability Discrimination Act 1995 (amendment Regulations 2005)
- Sex Discrimination Act 1975
- Sex Discrimination Act 1975 (amendment Regulations 2005)
- The Race Relations Act 1976
- The Race relations Act 1976 (amendment Regulations 2000)
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Sexual Orientation) Regulations 2003

- The Data Protection act 1998
- Employment Equality (Age) Regulations 2006
- Equal Pay Act 1970

3. SCOPE

This Policy applies to all Mid Devon District Council employees. Supplements are only considered where all reasonable methods to improve recruitment or retention have been exhausted, and / or there is considerable risk to service delivery.

4. MARKET SUPPLEMENTS

A market supplement payment is paid in addition to basic salary for a specific individual post or cluster of identical posts. It will be paid where a post has been identified as 'hard to fill' and the Council is prevented from being able to recruit and/or retain existing staff on the salary determined by the Council's job evaluation scheme.

Payment will be:

- used in exceptional circumstances only
- mindful of any equal pay/value considerations, in order to avoid/minimise the potential for challenge on this point
- made as a clearly identified supplement with properly documented supporting reasons, for the amount of payment
- time limited in its application ie the guaranteed period will be up to a maximum of 12 months
- subject to regular monitoring and review
- pensionable
- applicable to all individuals appointed to the post

Any case for the payment of a market supplement must be properly justified, with supporting evidence from the following range of criteria:

- Tangible evidence of a difficulty to recruit or pay related retention difficulties, together with market pay data
- Turnover rates
- Market based salary comparisons with competing local/regional/national employers (both public and private sector)
- Evidence that other retention initiatives have been explored/exhausted (e.g. learning and development opportunities, promoting non-pay benefits)
- Assessment of the impact of a failure to maintain adequate staffing levels in order to ensure service delivery requirements are met

- Exploration of the use of other measures e.g. changes to organisational/working arrangements
- Consideration of the impact on other existing staff within the defined job group
- Robust budget impact assessment

In addition to the criteria above, account should be taken of the wider employment context applicable to the occupational group and whether the payment of the market supplement will address the particular issues underlying the retention difficulties, or whether alternative/additional actions are required.

For example:

- Are the difficulties an indicator of other issues of concern within the service/occupational group, which can be more appropriately resolved by other management action and/or non-pay measures?
- Is there a regional/national shortage for which new/alternative training schemes would be a more appropriate solution?
- Are there more appropriate ways of resourcing/delivering the service rather than through an in house workforce?

It cannot be assumed that simply because other employers offer higher salary levels that Mid Devon District Council will necessarily be able to or should follow suit.

The amount of the market supplement will not be greater than 15% of the top of the salary range for the post.

Market supplements, and the conditions applicable to them, shall be clearly set out and separately identified in any job advertisement and offer/appointment letter.

Market supplement reviews will be undertaken in the following circumstances:

- At least three months prior to the end of the guaranteed period, Human Resources will instruct the Line Manager to commence the review of the market place related to that post and present the findings to the Pay and Grading Group no later than six weeks prior to the end of the guaranteed period.
- If a review indicates that the market supplement is no longer justified, it will be withdrawn. Employees will receive a minimum of one months notice if the market supplement is being withdrawn and the reasons for this decision.
- Failure to present the findings of the review to the pay and grading group within six weeks of the end of the Guarantee Period will result in the withdrawal of the pay supplement with 1 months notice.

5. RETENTION PAYMENTS

Deferred retention payments are paid after an agreed period of employment has been completed, and will only be authorised on the basis of the provision of robust evidence amounting to a material factor (suitable for defending any potential equal pay claims). The following evidence will be required as a minimum:

- defined skills or knowledge of an individual not available elsewhere within the authority which are deemed essential to service delivery, or other equitable material differential
- a written offer of employment with another employer, including details of the terms and conditions being offered
- reasons for leaving are clearly related to remuneration / job security, and not other factors such as dissatisfaction with role, manager, team or organisation
- evidence that other measures have been explored, together with the impact on the team.

Payments may be made at the end of a given period, or staggered throughout the specified period of retention.

Requests can only be brought by management, and will have to satisfy the Pay and Grading Group that there is not an Equal Pay issue. A clear business case detailing the significant impact on service delivery will be required for submission to the Pay and Grading Group following authorisation by Director or the Chief Executive.

Managers will also need to include information in their business case as to why a retention payment is more applicable than a market supplement before any payment can be approved.

Retention payments will be subject to the appropriate contractual conditions being met, e.g. remaining within the Council's employment for a specified period and/or the completion of specific tasks. Individuals will be required to sign an agreement to this effect.

The amount of a deferred retention payment will not be greater than 10% of substantive salary.

These payments will be made in addition to the individual's normal salary but will be subject to the normal income deductions in respect of tax and National Insurance. They are not pensionable.

If a deferred payment is made in stages and not at the end of the period and an individual leaves the Council within the agreed period of operation of the payment, the individual will be required to pay back all monies received under the scheme, except in the circumstances set out in below.

If an individual leaves the Council because of illness, injury, disability or redundancy, the member of staff will not be required to refund payment

During the specified period when a retention payment is being made a Manager will be required to manage the risk of the employee leaving by undertaking the necessary measures such as ensuring the employee shares their knowledge with other colleagues and/or undertaking recruitment to the role.

6. INCREMENTAL PROGRESSION

The Council's financial rules provide Group Managers and above with delegated powers to place an individual on the spinal column point of their choosing, provided it is within the evaluated grade for the post.

In support of this delegated authority, and in order to ensure that equal pay is maintained the determination of an individual spinal column point either at the commencement of employment in the job role or at any other time will be based on objective material factor criteria as follows:-

- Possession of skills, knowledge, experience or qualifications beyond those which are essential to the job which will enhance performance in the role
- Demonstrable accelerated growth in the role beyond that expected (attainment of skills/knowledge/experience).
- An alternative to a retention payment or market supplement where the criteria for such payments is met.

Otherwise, appointment will be to the lowest spinal column point within the evaluated grade for appointments effective between 1 April and 30 September inclusive, the next increment will be applied on 1 April the following year.

For appointments effective between 1 October and 31 March inclusive, the next increment will be six months after the effective date and then 1 April thereafter.

Subsequent increments are payable on 1 April until maximum of scale is reached.

7. HONORARIUM PAYMENTS

An honorarium payment may be made to an employee who is undertaking duties of a higher level than those for which they are graded. This can be related to:

- covering a vacancy
- covering an ongoing absence for more than 4 weeks (such as long term sickness, but not annual leave)
- undertaking work on an ongoing basis which is over and above that expected for the grade of the post
- *a special project/activity – work outside normal scope of duties*

Any honorarium paid should not only be for a justifiable reason, but also clearly calculated. The payment, which is pensionable, should be calculated as follows:-

Full duties and responsibilities of a higher graded post for a continuous period of at least four weeks

An employee who, for any reason other than the annual leave of another employee, is called upon at the request of their Line Manager to undertake the full duties and responsibilities of a higher graded post for a continuous period of at least four weeks, is entitled to receive a salary in accordance with the post temporarily occupied. The salary to be paid in such circumstances is the salary that would apply were the employee to be promoted to the higher graded post; and is therefore expected to be the start of the range for the post.

Partial duties and responsibilities of a higher graded post for a continuous period of at least four weeks

An employee, who, for any reason other than the annual leave of another employee, is called upon at the request of their Line Manager to undertake the partial duties and responsibilities of a higher graded post for a continuous period of at least four weeks, is entitled to receive an honorarium payment.

This honorarium payment is to be calculated by the Line Manager estimating the percentage of duties and responsibilities being undertaken. This percentage is then applied to the financial difference between the salary of the employee covering the duties and the salary they would apply were they to be promoted to the higher graded post.

Example:-

Line Manager estimates that 50% of duties and responsibilities are being covered. The employee covering the duties is paid spinal column point 18 (£16,941 per annum)

The salary that would apply were they promoted to the higher graded post is spinal column point 26 (£21,937 per annum).

£21,937 minus £16,941 = £4,996. This would then be divided by the 12 months = £416.33 per calendar month x 50% = £208.17 gross additional payment per calendar month.

These arrangements will be made for a period of **no longer than six months**. If these arrangements do continue beyond six months or it is anticipated that they will be for a period longer than six months then the duties to be undertaken must be assessed in line with the job evaluation scheme.

Full or partial duties and responsibilities of a higher graded post for a continuous period of less than four weeks

No additional payment is due where an employee who, for any reason other than the annual leave of another employee, is called upon at the request of their Line Manager to undertake the full or partial duties and responsibilities of a higher graded post for a continuous period of less than four weeks.

Full or partial duties and responsibilities of an equivalent graded post for any period of time

No payment is due when an employee who, for any reason other than the annual leave of another employee, is called upon at the request of their Line Manager to undertake the full or partial duties and responsibilities of an equivalent graded post for any period of time.

In accordance with the Council's financial rules, the Line Manager must obtain approval prior to the confirmation of any honorarium by making a request using the Honorarium Payment Approval Form, which must be completed and signed off by themselves and the Group Manager/Director. This should then be forwarded to Human Resources.

8. PROCESS FOR APPROVAL

In order to maintain the integrity of our Job Evaluation scheme, requests for market supplements, retention payments, and honoraria are all subject to additional approval by the Pay and Grading Group. Any such requests will be submitted for consideration at the next available meeting of the Pay and Grading Group following receipt of the authorised request.

All requests must be made on the appropriate application form and all supporting documentation must be attached. The business case for the market supplement, retention payments and honoraria must be robust in order to provide a defence against an equal pay claim.

9. RESPONSIBILITIES

Managers are responsible for making the business case, including carrying out any research, completing the necessary application form and obtaining the necessary level of authorisation prior to submitting the request to Human Resources.

Managers are responsible for ensuring that any proposals in respect of incremental progression and honoraria can be met from their own budget. There will be a central budget for market supplement/retention payments, which will be controlled by Human Resources.

The Pay and Grading Group are responsible for approving market supplements, retention payments and honoraria.

Human Resources will ensure that all the necessary paperwork and information has been submitted, provide the check and balance arrangements in respect of that supporting evidence, ensure that any payments are supported with an objective justification, and will specifically be responsible for identifying reasons for leaving upon receipt of requests for retention payments. Human Resources will review this policy annually to ensure continued relevance.

Human Resources will be responsible for providing an annual summary of:

- the number of applications under each strand of this Policy
- the number of applications approved under this Policy
- the breakdown of applications approved by gender

to the Pay and Grading Group. Data monitoring the application of incremental progression will be reported to each Pay and Grading Group meeting, and annually to the Corporate Negotiation and Joint Consultative Committee.

10. RECORDS

Documents and records generated as a result of the application of this policy will be retained permanently on the individuals personnel file.

Records of will be held permanently on the Council's HR and Payroll information systems.

All records will be maintained and processed in compliance with the Data Protection Act.

11. DOCUMENT HISTORY

Date	Version	Update
1 August 2021	1.9	Corporate Manager for People, Governance and Waste

ESTABLISHMENT

Cabinet Member(s): Cllr Bob Deed, Cllr Nikki Woollatt
Responsible Officer: Matthew Page, Corporate Manager for People, Governance and Waste

Reason for Report: To inform Members of the overall structure of the Council showing the management and deployment of officers. This report should be read in conjunction with the functions of individual officers highlighted in the constitution.

Recommendation: The Cabinet is asked to recommend the Establishment to the Council (please see Appendix 1)

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

Budget and Policy Framework: This report sits within the current budget and policy framework.

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

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

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

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

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

1.0 Introduction/Background

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

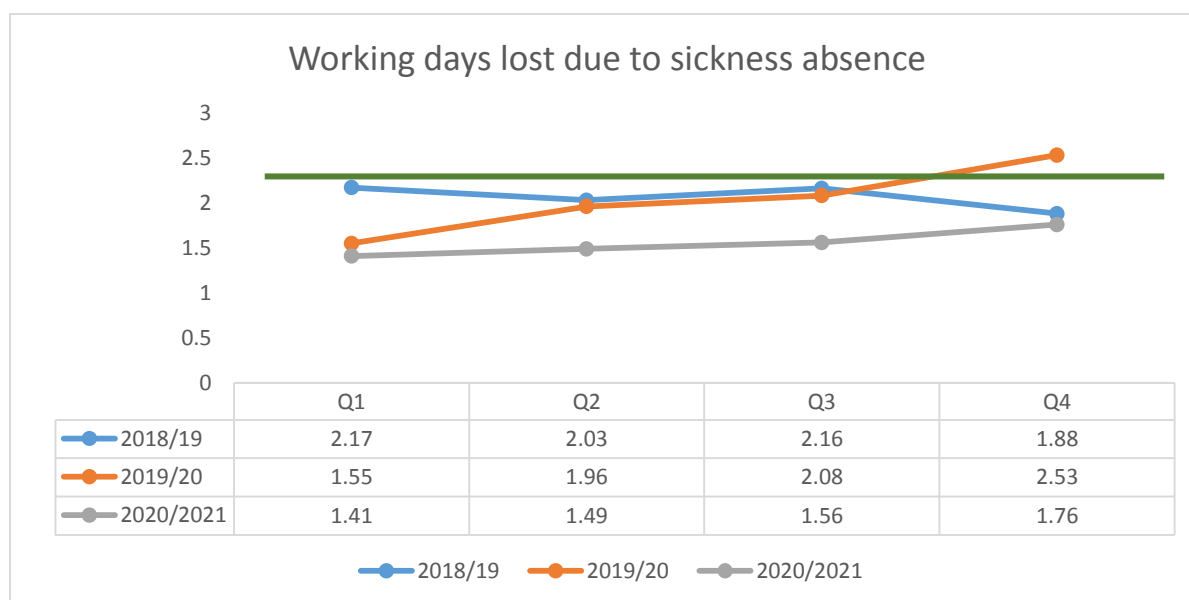
1.2 These items included updates on the key establishment indicators of sickness and agency expenditure, turnover and the impact of COVID-19 on our workforce.

2.0 Sickness Absence, Agency Expenditure and Establishment

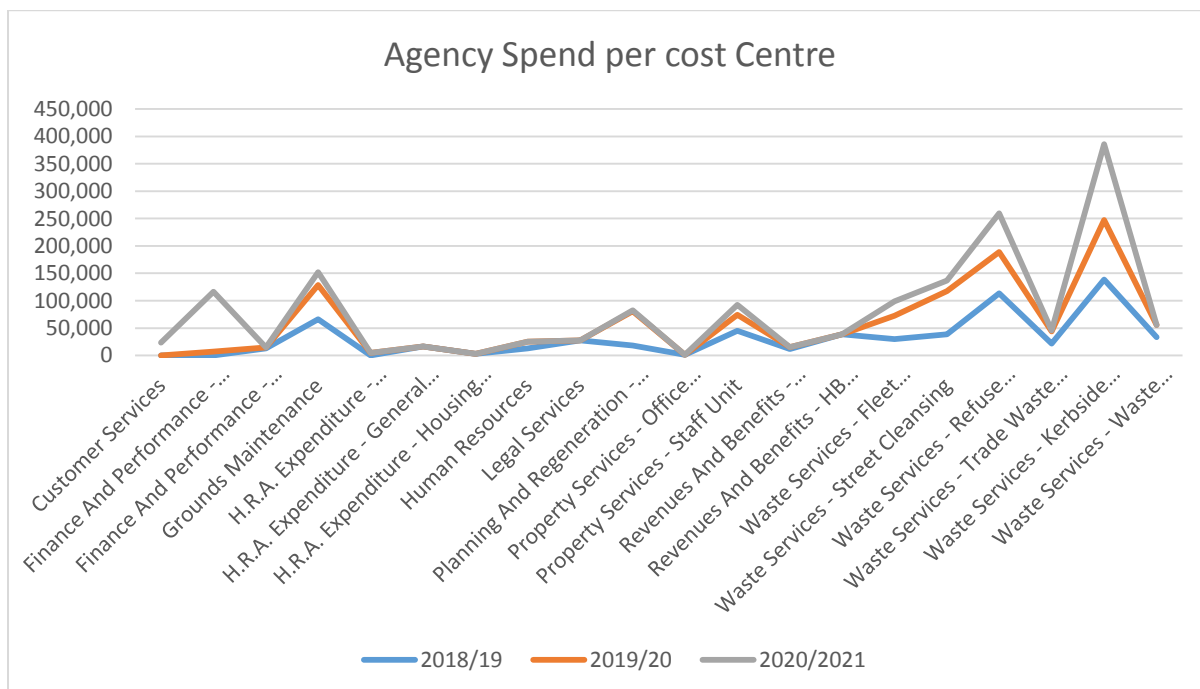
2.1 During 19/20 MDDC had an average of 8.12 sickness days per FTE person, 3.27% of overall workforce time. This compares to 8.24 sickness days that were lost per FTE employee in 18/19. For the 20/21 financial year there is both a target and subsequent action plan to reduce the number of days lost to less than 7 days per FTE employee (which would put the Council in line with the industry standards across other councils, between 6.5 and 8 days lost per

FTE employee). The average number of days lost per FTE employee in the private sector is 6.4 days per employee and the average number of days lost per FTE employee in the public sector is 7.5 days (2019).

- 2.2 A new sickness absence policy has been introduced to clarify the reporting and certifying arrangements for sickness, a new management guideline (an employee should not have more than six days of absence in the year) and clearer interventions around long term and short term sickness absence. This appears to have helped improve the management of short term sickness which has fallen from contributing 66% of absence in Feb 2020 to 33% in December 2020.
- 2.3 In the first three quarters of this year (April to December 2020) the Council has lost 4.18 days to sickness absence per employee, meaning we are currently in line to outperform the target set for the current financial year (6 days lost per FTE compared to 7 days per FTE). Our sickness absence is usually less in the first two quarters of the financial year than in the last two due to the autumn and winter seasons (not including COVID-19). We have also had 20% of the workforce furloughed during periods of the first three quarters of this year due to COVID-19 so this needs to be factored in to the evaluation.

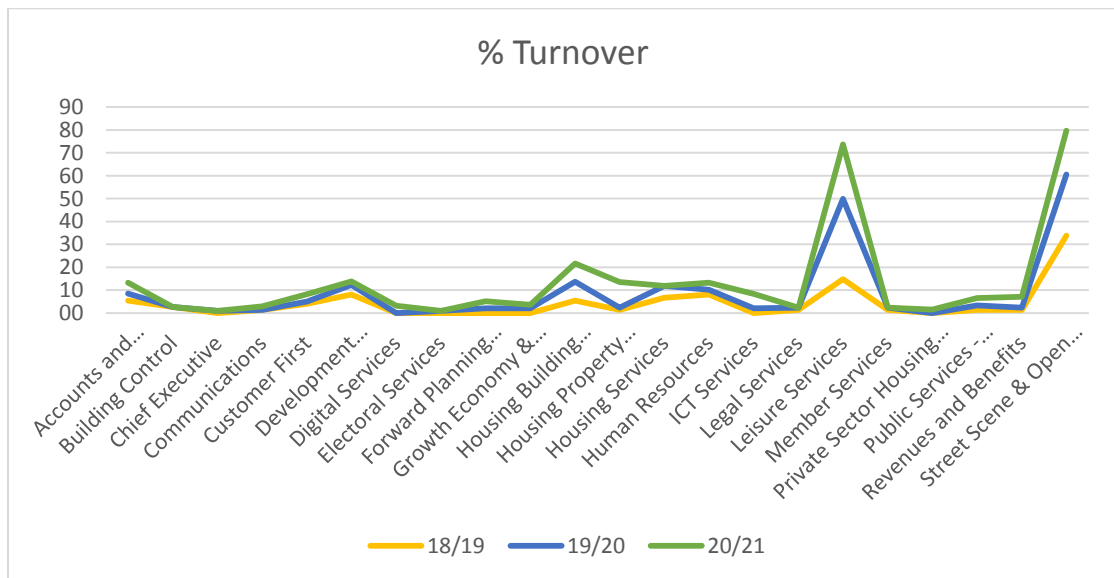


- 2.7 One of the consequences of high sickness absence and other poor establishment performance (unresolved, high conflict) is rising agency costs.
- 2.8 During the first three quarters of 20/21 the organisation spent £431,261.31 on agency workers (at least £150K of this spend owing to providing cover to critical services during COVID-19). The projected spend for 20/21 is £575,000 but without COVID-19 it would have been projected to come in much lower. In the last two financial years the Council has paid out £628,636.03 on agency spend in 18/19 and £534,378.49 in 19/20. Agency workers provide cover to vacant posts as well as employees who are sick or absent from the workplace in critical services including waste and leisure. So there is further incentive to improve our position regarding sickness absence.



3.0 Turnover

- 3.1 Turnover for the first three quarters (1 April to 31 December 2020) stands at 12.7%. During this period 66 employees left the Council; there were 42 resignations, 5 dismissals with notice, 1 dismissal without notice, 8 end of fixed term contracts, 5 retirements, 1 redundancy and 4 TUPE transferred.
- 3.2 Turnover for 20/21 is projected to come in at around 17%. This compares with turnover standing at 18% for the 19/20 financial year and 14% for the 18/19 year.
- 3.3 Turnover in the first six months of this financial year was unusually high and there were three key reasons for this. First of all there was some fairly aggressive headhunting of certain members of the current workforce from other local authorities (and one in particular). Second there has been some restructuring carried out in different service areas including ICT, HR and Building Services. Finally the organisation has had some challenging areas of conduct to manage in the organisation which has led to a new Conduct policy being published and staff being made more aware of the Nolan principles which underpin the high standards that are demanded of all local government officers.
- 3.3 Members had requested a full breakdown of all leavers and data collected during exit interviews. This information is shown in Appendix 1 with the graph below comparing turnover from 18/19 to 20/21.



4.0 COVID-19

- 4.1 Since March 23 2020 when the government announced a formal lockdown of businesses, services and offices, the Council has been closely managing both the health and wellbeing of its workforce as well as how it is redeployed to ensure critical services are delivered to the public.
- 4.2 Key activity has focused on reporting the status and performance of our workforce on first a daily then a weekly basis. During COVID 19 our workforce has been very stable in its status with 30% of our employees on site or in the office delivering critical work or services, 40% working from home and 20% furloughed.
- 4.3 The majority of our furloughed staff came from our Leisure facilities which were closed on the 23 March and then reopened in late July (to then be shut again for four weeks in November to accompany the period of national restrictions). A few staff from other services have been furloughed due to much or most of the posts' business need being severely reduced during the pandemic. Payroll have been applying to the government on a month by month basis to recoup the money from the government that is available under their scheme for these staff.
- 4.4 We have furloughed a maximum of 158 employees per month for the financial year to date. This is mainly for employees from our leisure services and includes all the casual employees from Leisure. It also included employees in other service areas who were shielding and some with home schooling responsibilities.

The money reclaimed to date from the furlough scheme is:

April 2020 £72,614.23 – 80% of Salary plus Ers NI and Ers Pension

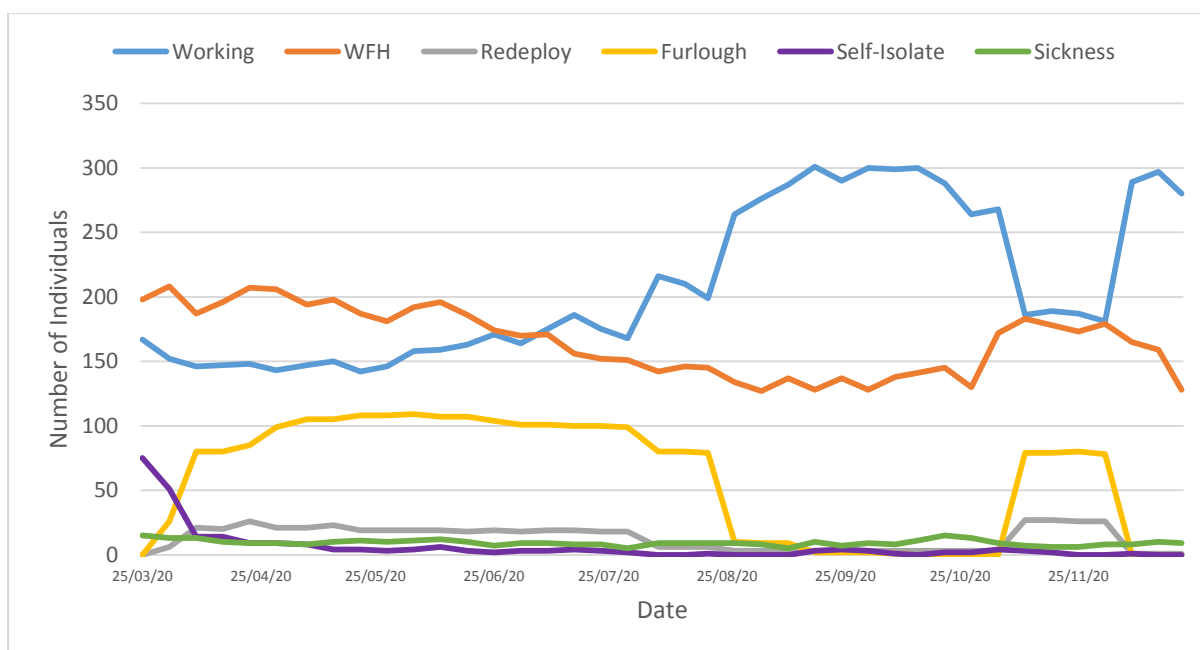
May 2020 £95,224.54– 80% of Salary plus Ers NI and Ers Pension

June 2020 £91,287.48– 80% of Salary plus Ers NI and Ers Pension

July 2020	£64,158.26–	80% of Salary plus Ers NI and Ers Pension
Aug 2020	£9,858.76 -	80% of Salary Only
Sept 2020	£776.40 _	70% of Salary Only
Oct 2020	£873.19	60% of Salary Only
Nov 2020	£53,224.17	80% of Salary Only

From 1 July 2020, the furlough scheme changed to a flexible furlough scheme, which allowed employees to work part of their hours and be furloughed for the remainder. The Leisure Service utilised this scheme to assist with the services reopening from the 3 August 2020.

- 4.5 We also set up a direct test booking service for staff so any staff suffering from COVID-19 symptoms and in self-isolation can be quickly tested and the results receive expediently. To date we have only had a handful of positive tests back from the staff who have been tested.
- 4.6 Following the publication of the government's advice for work sites and offices, the Corporate Management Team oversaw the carrying out of a number of health and safety assessments and conducted an online survey for staff to ask about their experience during COVID-19 and to look ahead to the future. The results of the survey and the assessments were very positive and many staff and teams have fed back encouraging experiences of working from home and of the support they have received from the Council during this period.
- 4.7 What the survey also illustrated was that a number of staff were feeling apprehensive and anxious about returning to the workplace more regularly in the future. To help give staff confidence about returning to the workplace, we published a full briefing on how Phoenix House would look and work in the future and committed to regular reviews of this (and other site plans) during the year.
- 4.8 The below graph shows how the workforce has been redeployed over the last nine months and has responded to the changing national guidance e.g. formal lockdown, gentle encouragement to return to the workplace, more formal encouragement to return to the workplace, reintroduction of tighter restrictions, national restrictions and the tier system. It's been quite a journey but one which the organisation can be proud of in terms of its response. It also gives natural impetus to the organisation to consider its longer term position towards issues like working from home and flexible working - important components of our work around staff retention which is covered in more detail in the next section.



5.0 Development, Retention and Engagement

- 5.1 A short development paper has been circulated to consider the main areas of focus for improving the employment offer we can make to both prospective and current staff with regards to retention. Part of this is to consider how we better recognise excellent performance and contribution in the workplace, consider how we better promote our current package of benefits and consider our long term position around flexible working and WFH post COVID-19.
- 5.2 We have made considerable progress with the roll out of the Evolve project this year, with improvements including the roll out of online Appraisal, the publishing of a new competency framework and the compiling of an online skills analysis which can help inform future workforce planning and talent management programmes. There has also been a considerable improvement in the uptake of online learning and development courses which are detailed below.

	2019-2020	2020 - Jan 2021
Learning Hub - online mandatory learning (individual pieces of learning)	1,484	4,275
Learning Hub - online courses (individual pieces of learning)	187	227
Corporate Course Catalogue	0	17 online sessions (158 attendees)
Apprenticeships	0 virtually delivered	11 virtually delivered
Other recorded online training	0	11 plus 15 EVOLVE training sessions (79 attendees)

- 5.3 We also need to build on the improvements we have made to both the quality and exchange of communication with the Union, as well as the introduction of the new all staff consultative group 'Impact', to further strengthen engagement and workforce input with our people strategy. A new staff survey to assess communication, development, wellbeing and supervision will be a key priority for the coming year.
- 5.4 Members and officers have set up a working group to looking at raising awareness around the menopause and how we support and manage relevant issues in the workplace. Proposals have been taken to Scrutiny for approval which include the signposting of support on relevant issues and educating line managers on the need to treat the menopause as an issue that may require a fuller understanding of the symptoms in order to offer support.
- 5.5 The COVID-19 pandemic has obviously posed some challenges for the Council around supporting staff with their mental health and wellbeing. A rise in the use of our Employee Assistance Programme to access support around mental health problems was recorded both in April and the autumn of this year. The Health and Safety Officer has been very proactive in promoting resources and toolkits through the weekly internal staff publication called 'The Link'.

6.0 New HR Structure

- 6.1 A new HR structure has been brought in from January 2021 to improve our focus on providing robust, commercial advice to the business and partnering people management effectively to our services to support their objectives.
- 6.2 The new structure is led by two HR Business Partners, who work alongside specific areas of the business, supported by an Employee Relations Specialist and a Learning and Development Specialist who co-ordinate programmes of work in these important areas.
- 6.3 These posts are complemented by an HR Service Desk which provides front line telephone and online advisory and administration support to line managers and employees. The HR Service Desk is made up of three HR Co-ordinators and one HR Service Desk and Payroll Manager.

7.0 Conclusion and Recommendations

- 7.1 Clearly there are a number of priorities to focus on in terms of our Establishment performance, but attention should be drawn to three key priorities:
- 7.2 It is vital that we continue to respond to the evolving situation around COVID-19 and help the workforce deliver their services with new arising situations including a potential exit plan from the pandemic.
- 7.3 It is important that we continue to build on the foundations put in place through Evolve and the staff engagement strategy to improve retention and the quality of our employment offer to the workforce.

- 7.4 The third is to use the new HR structure to strengthen the links between people management, Finance and the rest of the organisation so we can more effectively understand our performance, including the relationship between our establishment and our budget, our sickness and our agency spend, our skills analysis and workforce planning aspirations.

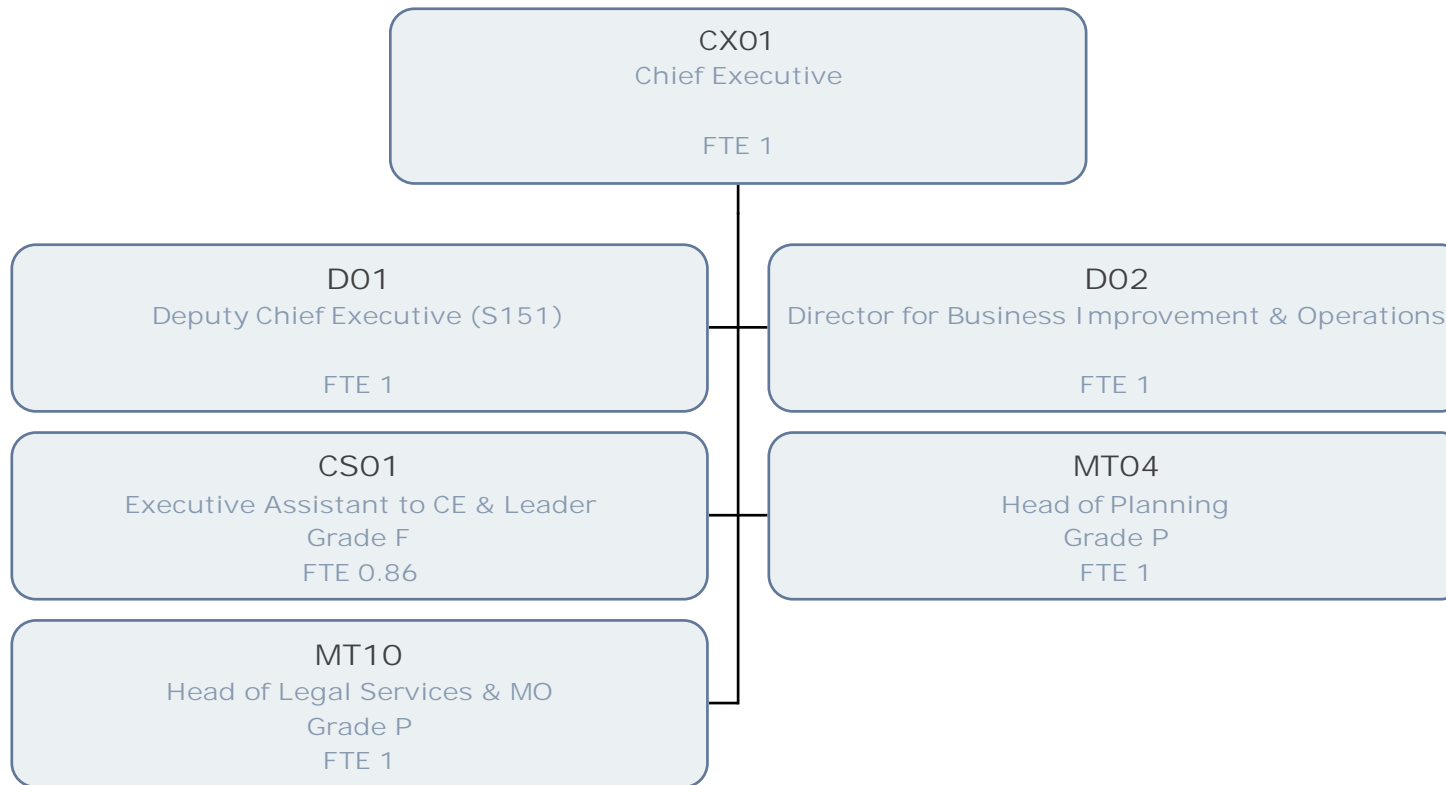
Contact for more Information: Matthew Page, Corporate Manager for People, Governance & Waste (Mpage@middevon.gov.uk)

Circulation of the Report:– Cllr Nikki Woollatt, Leadership Team

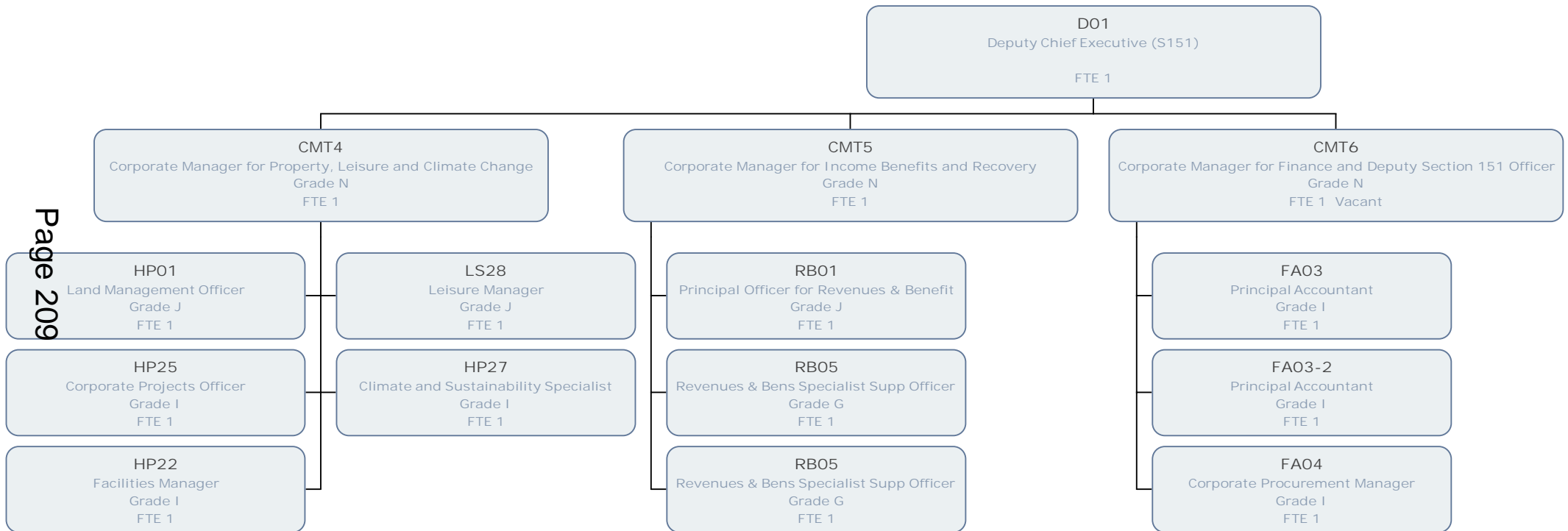
List of Background Papers: Establishment Paper submitted to Cabinet February 2020.

Establishment Charts MDDC Management Structure 2021

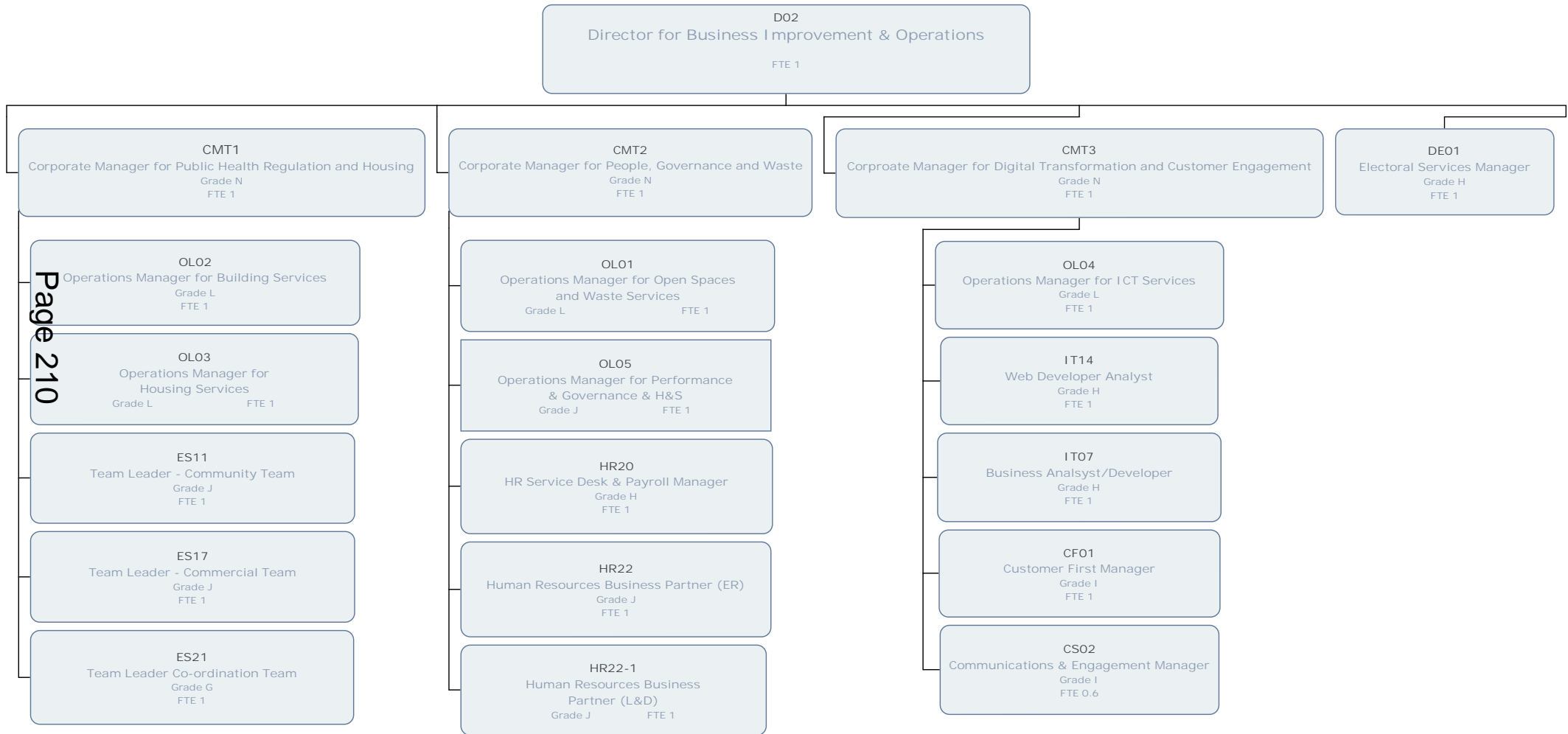
Establishment Charts
Management of Mid Devon District Council



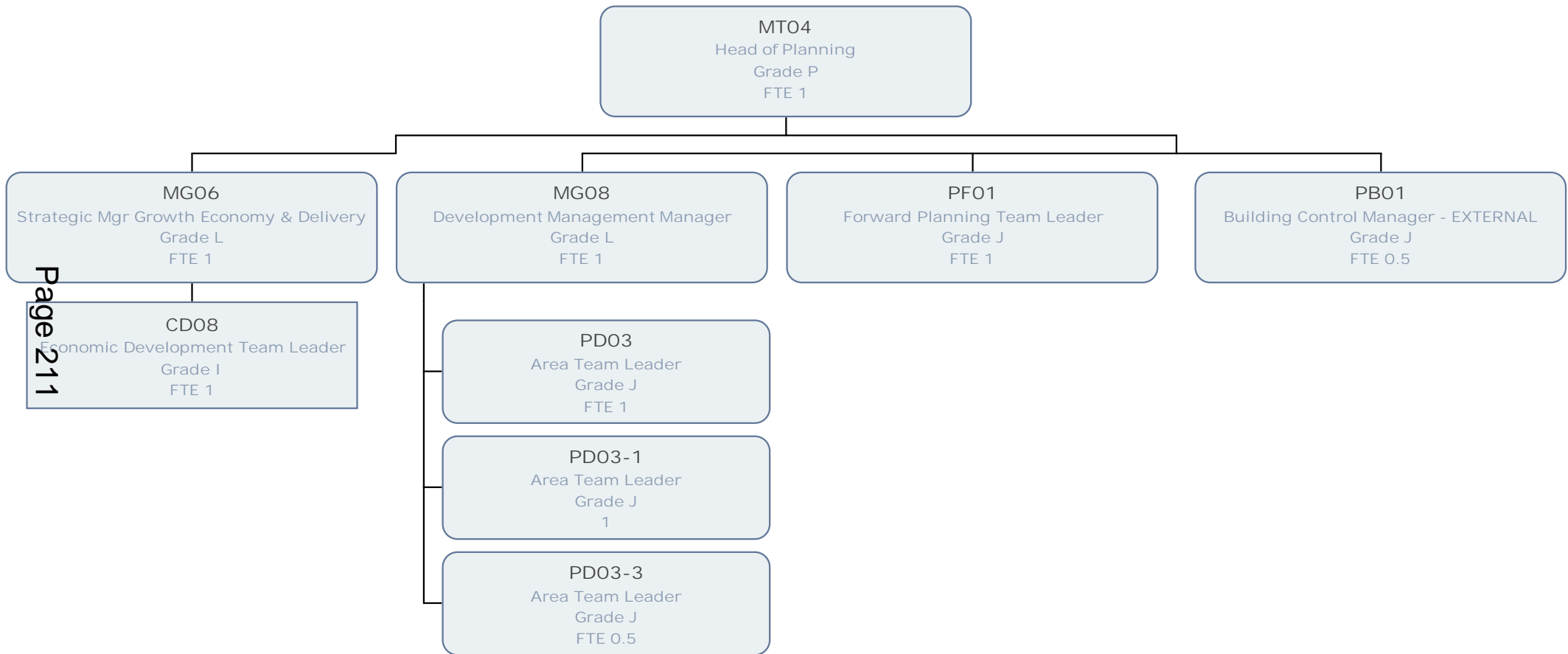
Establishment Chart
Finance, Resources and
Assets



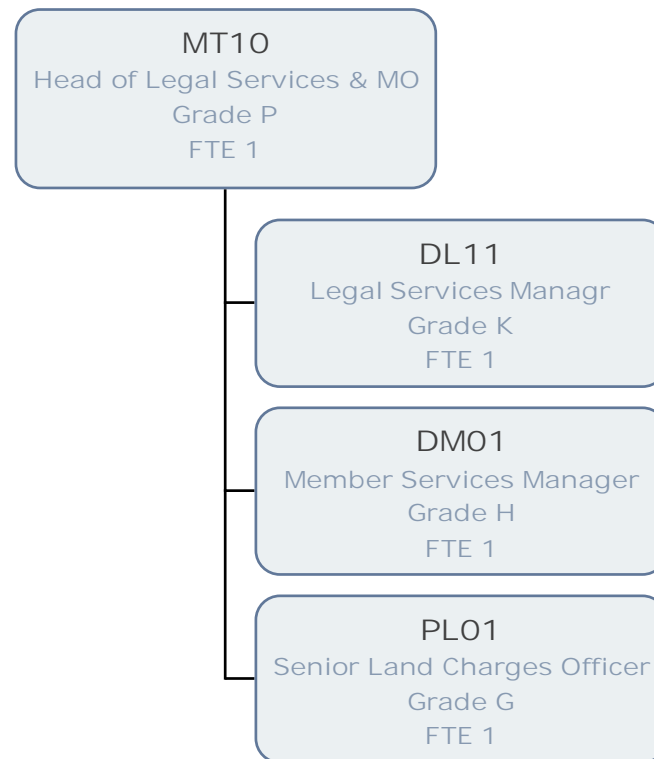
Establishment Chart
Business Improvement and Operations



Establishment Chart
Planning Economy and Regeneration



Establishment Chart
Democratic Services



COUNCIL 24 FEBRUARY 2021

COUNCIL TAX RESOLUTION 2021/22

Cabinet Member: Cllr Andrew Moore
Responsible Officer: Andrew Jarrett – Deputy Chief Executive (S151)

Reason for Report: The Council as a billing authority is required to set the Council Tax for 2021/22.

RECOMMENDATION: To approve the formal Council Tax Resolution.

Relationship to Corporate Plan: The 2021/22 budget shows the costs of delivering the key priorities of the Council's Corporate Plan.

Financial Implications: This report sets out the Council's Council Tax Requirement for 2021/22 which is derived from its aggregate budget requirement which was finally recommended by Cabinet on the 04 February 2021.

Legal Implications: The Council has a statutory duty to approve a Council Tax Requirement.

Risk Assessment: The Council is required under the Local Government Finance Act 1992 to set a Council Tax.

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

Impact on Climate Change: Budgetary provision has been included for a Climate Change Coordinator who will be responsible for delivery of the Councils Carbon reduction action.

1.0 Introduction

- 1.1 The introduction of the Localism Act has seen some minor amendments to the legislative process of approving a Council Tax Requirement and has removed the formal capping rules. These capping rules have now been replaced by a range of maximum percentage increases based upon the relevant precepting body, which if exceeded, would result in the need for a local referendum (this limit was confirmed as part of the overall grant settlement announcement made in late December 2020), the flexibility this gives means the council can approve an increase up to 2% or a £5 cash increase, whichever is higher, on a Band D bill for District Councils.
- 1.2 In addition to the Council Tax levels permissible for a District Council, Central Government has confirmed the referendum limit for County Councils as 2% with the additional flexibility for those with Adult Social Care responsibilities to allow a further increase of 3%. These additional funds have to be ring-fenced for Adult Social Care

costs. Fire Authorities also have a 2% referendum limit, whereas Police and Crime Commissioners are able to increase a Band D bill by £15.

- 1.3 Within this Resolution the billing authority has to indicate whether any of the major precepting bodies have exceeded their specified limit (see Appendix A paragraph 6.0).

2.0 2021/22 Council Tax Resolution

- 2.1 Since the meeting of the Cabinet on the 04 February 2021 the precept levels of other precepting bodies have been received. These are detailed below:

Town and Parish Councils

The Town and Parish Councils precepts for 2021/22 are detailed in Appendix A, paragraph 3.1, and total £1,983,943.74. The increase in the average Band D Council Tax for Town and Parish Councils is 9.66% and results in an average Band D Council Tax figure of £69.38 for 2021/22 (£63.27 for 2020/21).

Devon County Council

Devon County Council met on the 18 February 2021 and set their precept at £43,214,114.61 adjusted by a Collection Fund deficit of £608,918 (note the total Collection Fund Deficit will be spread over 3 years from 21/22 to 23/24; this element relates to 21/22 and is part of the total projected deficit of £1,269,114, however this will be spread over 3 years in line with statutory guidance). This results in a Band D Council Tax of £1,511.28, a 4.99% increase on the previous year. This precept includes an additional 3% Adult Social Care premium.

Devon & Cornwall Police & Crime Commissioner

Devon & Cornwall Police & Crime Commissioner met on the 05 February 2021 and set their precept at £6,764,286.53 adjusted by a Collection Fund deficit of £93,758 (note the total Collection Fund Deficit will be spread over 3 years from 21/22 to 23/24; this element relates to 21/22 and is part of the total projected deficit of £195,411, however this will be spread over 3 years in line with statutory guidance). This results in a Band D Council Tax of £236.56, being a 6.73% increase on the previous year.

Devon and Somerset Fire & Rescue Authority

Devon and Somerset Fire & Rescue Authority met on the 19 February 2021 and set their precept at £2,573,494.20 adjusted by a Collection Fund deficit of £37,327 (note the total Collection Fund Deficit will be spread over 3 years from 21/22 to 23/24; this element relates to 21/22 and is part of the total projected deficit of £77,798, however this will be spread over 3 years in line with statutory guidance). This results in a Band D Council Tax of £90.00, being a 1.99% increase on the previous year.

- 2.2 The recommendations of the Cabinet are set out in the formal Council Tax Resolution in Appendix A. If the formal Council Tax Resolution at Appendix A is approved, the total Band D Council Tax will be as follows:

Table 1 – Council Tax Levies in Mid Devon

Council Tax Levies	2020/21 £	2021/22 £	Variation % (1)
Mid Devon District Council	208.84	213.84	2.39
Parish & Town Councils (Average)	63.27	69.38	9.66
Sub Total	272.11	283.22	
Devon County Council	1,439.46	1,511.28	(includes 3% for ASC) 4.99
Devon & Cornwall Police & Crime Commissioner	221.64	236.56	6.73
Devon & Somerset Fire & Rescue Authority	88.24	90.00	1.99
TOTAL	2,021.45	2121.06	

(1) Note - rounded to 2 decimal places. MDCC increase is 2.394%

3.0 2021/22 General Fund Budget

- 3.1 On the 04 February 2021 the Cabinet considered the budget for the financial year 2021/22 which included our final settlement for Formula Grant as confirmed by the Secretary of State. This meeting recommended a balanced General Fund budget and a 2.394% (£5) increase in Council Tax (as detailed in table 1 in para 2.2 above).
- 3.2 Precepts from the Town and Parish Councils within Mid Devon have now all been received and their total is confirmed as £1,983,943.74 (£1,837,470.89 for 2020/21).
- 3.3 In making decisions in relation to the setting of Council Tax, the Local Government Act 2003 requires the Chief Financial Officer of the Council to report to it on the robustness of the estimates and the adequacy of the financial reserves. This statement is presented in the following sections of this report.

4.0 Section 151 Officer's Report

- 4.1 The Local Government Act 2003 imposes a duty on the Council's Section 151 Officer to comment, as part of the budget setting process, on:
- The robustness of the estimates, and
 - The adequacy of reserves

5.0 Robustness of the estimates

- 5.1 The estimate process adopted by the Council for 2021/22 is concerned with the mitigation of risk when approving the budget.
- 5.2 Construction of the estimates for 2021/22 has taken full account of the following:
- a. Previous years outturn
 - b. Current year revised estimates
 - c. Regular budget monitoring up to and including December 2020
 - d. Inflation levels
 - e. Current income levels
 - f. Changes in legislation
 - g. Service prioritisation linked to the current Corporate Plan
 - h. Feedback from Budget Consultation
 - i. Potential changes to NHB and Business Rates following the impending Central Government Fair Funding Review and Business rates Baseline reset.
 - j. Consideration of ongoing COVID19 implications (both cost & income related)
- 5.3 Budget monitoring throughout 2020/21 has informed the forward year budget process. In particular, regular reviews of income streams and expenditure patterns and variance with profiles of expected activity are identified at the earliest opportunity to Members and officers so that corrective action can be initiated.
- 5.4 The Council has sought to involve all Members throughout the budget setting process. The first round of PDG and Cabinet meetings in October/November took place and an initial budget gap of circa £3.0m was estimated for 2021/22. This was as a result of a number of factors including inflation; pay increases, provisional business rates, and council tax income and made further assumptions around ongoing COVID19 pressures. Further savings were proposed and following the receipt of the Final Settlement from Central Government and the completion of our Business Rates estimates (NNDR1), the budget gap was reduced to £386k. This is proposed to be closed by a temporary transfer from the New Homes Bonus Reserve.
- 5.5 All budgets were compiled on a prudent basis, bearing in mind the level of risk associated with certain income sources (e.g. car parking, planning, leisure and interest receipts). We also have increased volatility and risk in the Council's overall budget (i.e. the Council Tax Reduction scheme (CTR), the localisation of Business Rates and our commercial rental portfolio). These budgets have been carefully monitored during 2020/21 and this process will continue during 2021/22.
- 5.6 The Finance Team have liaised with all Service Managers, Senior Management and Members during this process and have ensured a robust challenge process of all proposed budgets. In addition to this, a meeting with the Business Rates Consultative Committee was held in January.
- 5.7 In all respects the estimates are prepared on the best information available. We review current experience, for example, the estimates of income have been rebased, especially where the income stream is demand led. In a similar way all salary estimates have been

constructed on an individual officer basis because this element of the budget is such a significant expenditure heading.

- 5.8 Finally, in preparing the detailed estimates the Council takes advice from third party organisations concerning a number of discrete areas. In particular, Treasury Management decisions are informed with reference to interest rate movements forecast by Link Asset Services and similarly external guidance on insurance and pension contributions is also used.
- 5.9 Once the draft budget has been reviewed by the four PDGs and the Cabinet it is then taken to the Scrutiny Committee for further review and challenge, prior to a final Cabinet meeting, which has recommended the budget for approval, by Full Council on 24 February 2021.
- 5.10 The key component for ensuring the estimates are reviewed and deliver the priorities of the Council is the budget monitoring process. The ability to manage and control spending within the approved budgets during the course of the forward year mitigates the Council's level of financial risk.

6.0 Adequacy of Reserves

- 6.1 Reserves are held for three main purposes:
 - a. A contingency to cushion the impact of unexpected events
 - b. As a cushion against uneven cash flows
 - c. As a means of building up funds to meet known or predicted liabilities (earmarked reserves)
- 6.2 CIPFA makes it clear that the level of reserves for each Council cannot be decided by the application of a formula. Each Council must assess their own reserve levels based on the specific risks and pressures they face.
- 6.3 The General Fund balance brought forward into 2020/21 amounted to £2.251m. The 2020/21 budget monitoring reports are predicting a year-end deficit of approximately £89k, giving a forecast General Fund balance of £2.162m.
- 6.4 We received the Final Grant Settlement on 4 February 2021. There continues to remain a great deal of uncertainty over the levels of Government funding as this was again a one-year only settlement and the Fair Funding Review and Business Rates Baseline reset has been postponed until at least 2022/23. It continues to remain Government policy to phase out New Homes Bonus Grant.
- 6.5 When the 20/21 General Fund & HRA budgets were set, we undertook an extensive review of minimum reserve levels and decided to reduce our General Fund reserve balance to a minimum of £2.0m and left the HRA also at a £2.0m minimum. As part of the detailed budget setting process we also reviewed all of our other Earmarked Reserves to ensure they provided for known future financial pressures. Therefore, it is my strong recommendation that the Council aims to maintain its level of reserves at £2m.

- 6.6 In addition to the above considerations, increased provision has been made for lower levels of Council Tax, Business Rate collection and revenue from fees and charges. However, the S151 officer has made assumptions with regard to ongoing government financial support to mitigate these potential losses. Clearly, the unprecedented financial impact of COVID 19 has had significant financial implications on a number of council services and robust financial monitoring during 2021/22 will be required to ensure their continued viability.

7.0 Conclusion

- 7.1 As noted above a great deal of work has been carried out to ensure the robustness of the estimates. Because of this work, combined with the increased awareness by Members and officers of the Council's financial position, and the availability of reserves, it is my considered opinion as Section 151 Officer that the budget for 2021/22 has been set within a robust framework and the impact of this resolution will maintain an adequate level of the financial reserves held by the Council.

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Background Papers: Cabinet Report – 04 February 2021

Circulation of Report: Full Council

The Council is recommended to resolve as follows:

- 1.0 It be noted that on 4 February 2021 the Cabinet calculated the Council Tax Base for 2021/22
- (a) for the whole Council area as 29,785.86 [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")]; and
- (b) for dwellings in those parts of its area to which a Parish Precept relates as detailed in 1.1 below.
- 1.1 Taxbase for Councils area adjusted from overall Council Tax Base of 29,785.86 reduced to 96% (28,594.38), to allow for less than full collection. (subject to rounding)

Bampton	742.33
Bickleigh	111.75
Bow	443.51
Bradninch	717.25
Brushford	26.27
Burlescombe	327.01
Butterleigh	52.71
Cadbury	65.76
Cadeleigh	91.22
Chawleigh	246.04
Cheriton Bishop	291.50
Cheriton Fitzpaine	362.01
Clannaborough	22.68
Clayhanger (B Gate)	55.62
Clayhidon	218.79
Coldridge	156.02
Colebrooke	189.62
Copplestone	446.24
Crediton	2,674.54
Crediton Hamlets	534.32
Cruwys Morchard	205.00
Cullompton	3,322.06
Culmstock	369.51
Down St Mary	143.65
Eggesford	32.55
Halberton	639.67
Hemyock	850.52
Hittisleigh	58.64
Hockworthy (B Gate)	83.95
Holcombe Rogus	214.99
Huntsam (B Gate)	64.05
Kennerleigh	39.60
Kentisbeare	378.40
Lapford	386.55
Loxbeare	77.12
Morchard Bishop	413.12
Morebath	143.14
Newton St Cyres	378.05
Nymet Rowland	48.56
Oakford	174.06
Poughill	78.83
Puddington	89.02
Sampford Peverell	477.40
Sandford	488.67
Shobrooke	196.90
Silverton	784.14
Stockleigh English	29.49
Stockleigh Pomeroy	56.52
Stoodleigh	150.92
Templeton	65.04
Thelbridge	133.15
Thorverton	395.10
Tiverton	6,945.69
Uffculme	1,033.60
Uplowman	155.02
Upton Hellions	33.67
Washfield	161.06
Washford Pyne	42.08
Wembworthy	103.86
Willand	1,141.94
Woolfardisworthy	73.07
Zeal Monachorum	160.83

Total Tax Base **28,594.38**

- 2.0 As a preliminary step, calculate that the Council Tax requirement for the Council's own purposes for 2021/22 (excluding Parish precepts) is £6,114,620 (subject to rounding to nearest £10)
- 3.0 That the following amounts be calculated for the year 2021/22 in accordance with Sections 30 and 31A to 36 of the Act:
- (a) £ 52,612,447 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils.
 - (b) £ 44,513,883 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
 - (c) £ 8,098,564 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act).
 - (d) £ 283.22 being the amount at 3(c) above (item R), all divided by Item T (1.0 (a) above), calculated by the council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).
 - (e) £ 1,983,944 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act as detailed in column 2 of table in 3.1 below. (subject to rounding)
 - (f) £ 213.84 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by Item T (1.0(a) above), calculated by the Council, in accordance with section 34 (2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.
 - (g) See text across The amounts stated in valuation Band D in table at 3(h) below given by adding to the amount at 3(f) above the amounts of the special item or items relating to dwellings in those parts of the council area specified in column 3 of table in 3.1 divided in each case by the amount in 1(a) above (result in column 3 of table in 3.1 below), calculated by the Council, in accordance with section 34(3) of the Act, as the basic amounts of its council tax for the year for dwellings in those parts of its are set out in column 2 of table in 1.1 to which one or more special items relate.
- e.g. Silvertown - table 3h column 5 = £257.20 this is made up of 3f = £213.84 + £43.36 in table 3.1 column 3. The £43.36 is calculated by taking the Parish Precept in Column 2 of table 3.1 and dividing by the relevant taxbase figure detailed in column 2 of the table in 1.1 above (in this example £34,000.00/784.14 = £43.36).

- 3.1 This table shows the full precept for each parish and the band D equivalent charge which is determined by dividing the total precept in column 2 by the relevant parishes taxbase detailed in column 2 table 1.1 above.

	Total Precept £	Band D Equivalent £
Bampton	62,750.00	84.53
Bickleigh	4,060.00	36.33
Bow	10,500.00	23.67
Bradninch	44,350.00	61.83
Brushford	0.00	0.00
Burlescombe	11,950.00	36.54
Butterleigh	1,000.00	18.97
Cadbury	550.00	8.36
Cadeleigh	1,700.00	18.64
Chawleigh	13,000.00	52.84
Cheriton Bishop	13,671.00	46.90
Cheriton Fitzpaine	12,000.00	33.15
Clannaborough	0.00	0.00
Clayhanger (B Gate)	1,314.00	23.62
Clayhidon	8,910.00	40.72
Coldridge	5,000.00	32.05
Colebrooke	11,000.00	58.01
Copplestone	16,000.00	35.86
Crediton	325,197.32	121.59
Crediton Hamlets	9,785.00	18.31
Cruwys Morchard	5,000.00	24.39
Cullompton	461,481.00	138.91
Culmstock	36,718.00	99.37
Down St Mary	3,750.00	26.11
Eggesford	0.00	0.00
Halberton	13,769.00	21.53
Hemyock	82,765.00	97.31
Hittisleigh	1,950.00	33.25
Hockworthy (B Gate)	1,843.00	21.95
Holcombe Rogus	11,275.00	52.44
Huntsham (B Gate)	1,487.00	23.22
Kennerleigh	100.00	2.53
Kentisbeare	36,585.00	96.68
Lapford	20,713.42	53.59
Loxbear	0.00	0.00
Morchard Bishop	8,571.00	20.75
Morebath	6,100.00	42.62
Newton St Cyres	13,431.00	35.53
Nymet Rowland	800.00	16.47
Oakford	5,355.00	30.77
Poughill	3,630.00	46.05
Puddington	1,695.00	19.04
Sampford Peverell	17,310.00	36.26
Sandford	19,880.00	40.68
Shobrooke	6,518.00	33.10
Silverton	34,000.00	43.36
Stockleigh English	0.00	0.00
Stockleigh Pomeroy	0.00	0.00
Stoodleigh	4,000.00	26.50
Templeton	5,406.00	83.12
Thelbridge	2,000.00	15.02
Thorverton	17,912.00	45.34
Tiverton	437,142.00	62.94
Uffculme	95,000.00	91.91
Uplowman	3,200.00	20.64
Upton Hellions	0.00	0.00
Washfield	1,458.00	9.05
Washford Pyne	500.00	11.88
Wembworthy	3,600.00	34.66
Willand	60,362.00	52.86
Woolfardisworthy	500.00	6.84
Zeal Monachorum	5,400.00	33.58
Total Parish Precepts	<u>1,983,943.74</u>	<u>2,302.17</u>

- 3(h) The amounts set out in table below given by multiplying the amounts at 3g above by the number which, in the proportion set out in section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that particular proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

Valuation Bands £

	A	B	C	D	E	F	G	H
Bampton	198.91	232.07	265.22	298.37	364.67	430.98	497.28	596.74
Bickleigh	166.78	194.58	222.37	250.17	305.76	361.36	416.95	500.34
Bow	158.34	184.73	211.12	237.51	290.29	343.07	395.85	475.02
Bradninch	183.78	214.41	245.04	275.67	336.93	398.19	459.45	551.34
Brushford	142.56	166.32	190.08	213.84	261.36	308.88	356.40	427.68
Burlescombe	166.92	194.74	222.56	250.38	306.02	361.66	417.30	500.76
Butterleigh	155.21	181.07	206.94	232.81	284.55	336.28	388.02	465.62
Cadbury	148.13	172.82	197.51	222.20	271.58	320.96	370.33	444.40
Cadeleigh	154.99	180.82	206.65	232.48	284.14	335.80	387.47	464.96
Chawleigh	177.79	207.42	237.05	266.68	325.94	385.20	444.47	533.36
Cheriton Bishop	173.83	202.80	231.77	260.74	318.68	376.62	434.57	521.48
Cheriton Fitzpaine	164.66	192.10	219.55	246.99	301.88	356.76	411.65	493.98
Clannaborough	142.56	166.32	190.08	213.84	261.36	308.88	356.40	427.68
Clayhanger(B Gate)	158.31	184.69	211.08	237.46	290.23	343.00	395.77	474.92
Clayhidon	169.71	197.99	226.28	254.56	311.13	367.70	424.27	509.12
Coldridge	163.93	191.25	218.57	245.89	300.53	355.17	409.82	491.78
Colebrooke	181.23	211.44	241.64	271.85	332.26	392.67	453.08	543.70
Copplestone	166.47	194.21	221.96	249.70	305.19	360.68	416.17	499.40
Crediton	223.62	260.89	298.16	335.43	409.97	484.51	559.05	670.86
Crediton Hamlets	154.77	180.56	206.36	232.15	283.74	335.33	386.92	464.30
Cruwys Morchard	158.82	185.29	211.76	238.23	291.17	344.11	397.05	476.46
Cullompton	235.17	274.36	313.56	352.75	431.14	509.53	587.92	705.50
Culmstock	208.81	243.61	278.41	313.21	382.81	452.41	522.02	626.42
Down St Mary	159.97	186.63	213.29	239.95	293.27	346.59	399.92	479.90
Eggesford	142.56	166.32	190.08	213.84	261.36	308.88	356.40	427.68
Halberton	156.91	183.07	209.22	235.37	287.67	339.98	392.28	470.74
Hemyock	207.43	242.01	276.58	311.15	380.29	449.44	518.58	622.30
Hittesleigh	164.73	192.18	219.64	247.09	302.00	356.91	411.82	494.18
Hockworthy(B Gate)	157.19	183.39	209.59	235.79	288.19	340.59	392.98	471.58
Holcombe Rogus	177.52	207.11	236.69	266.28	325.45	384.63	443.80	532.56
Huntsham(B Gate)	158.04	184.38	210.72	237.06	289.74	342.42	395.10	474.12
Kennerleigh	144.25	168.29	192.33	216.37	264.45	312.53	360.62	432.74
Kentisbeare	207.01	241.52	276.02	310.52	379.52	448.53	517.53	621.04
Lapford	178.29	208.00	237.72	267.43	326.86	386.29	445.72	534.86
Loxbeare	142.56	166.32	190.08	213.84	261.36	308.88	356.40	427.68
Morchard Bishop	156.39	182.46	208.52	234.59	286.72	338.85	390.98	469.18
Morebath	170.97	199.47	227.96	256.46	313.45	370.44	427.43	512.92
Newton St Cyres	166.25	193.95	221.66	249.37	304.79	360.20	415.62	498.74
Nymet Rowland	153.54	179.13	204.72	230.31	281.49	332.67	383.85	460.62
Oakford	163.07	190.25	217.43	244.61	298.97	353.33	407.68	489.22
Poughill	173.26	202.14	231.01	259.89	317.64	375.40	433.15	519.78
Puddington	155.25	181.13	207.00	232.88	284.63	336.38	388.13	465.76
Sampford Peverell	166.73	194.52	222.31	250.10	305.68	361.26	416.83	500.20
Sandford	169.68	197.96	226.24	254.52	311.08	367.64	424.20	509.04
Shobrooke	164.63	192.06	219.50	246.94	301.82	356.69	411.57	493.88
Silverton	171.47	200.04	228.62	257.20	314.36	371.51	428.67	514.40
Stockleigh English	142.56	166.32	190.08	213.84	261.36	308.88	356.40	427.68
Stockleigh Pomeroy	142.56	166.32	190.08	213.84	261.36	308.88	356.40	427.68
Stoodleigh	160.23	186.93	213.64	240.34	293.75	347.16	400.57	480.68
Templeton	197.97	230.97	263.96	296.96	362.95	428.94	494.93	593.92
Thelbridge	152.57	178.00	203.43	228.86	279.72	330.58	381.43	457.72
Thorverton	172.79	201.58	230.38	259.18	316.78	374.37	431.97	518.36
Tiverton	184.52	215.27	246.03	276.78	338.29	399.79	461.30	553.56
Uffculme	203.83	237.81	271.78	305.75	373.69	441.64	509.58	611.50
Uplowman	156.32	182.37	208.43	234.48	286.59	338.69	390.80	468.96
Upton Hellions	142.56	166.32	190.08	213.84	261.36	308.88	356.40	427.68
Washfield	148.59	173.36	198.12	222.89	272.42	321.95	371.48	445.78
Washford Pyne	150.48	175.56	200.64	225.72	275.88	326.04	376.20	451.44
Wembworthy	165.67	193.28	220.89	248.50	303.72	358.94	414.17	497.00
Willand	177.80	207.43	237.07	266.70	325.97	385.23	444.50	533.40
Woolfardisworthy	147.12	171.64	196.16	220.68	269.72	318.76	367.80	441.36
Zeal Monachorum	164.95	192.44	219.93	247.42	302.40	357.38	412.37	494.84

- 3(i) This table shows the proportions payable for the MDCC element of Council Tax and would be the amount payable for those Parishes who's Precept has been set at zero.

Valuation Bands £

	A	B	C	D	E	F	G	H
All other parts of the Council's area	142.56	166.32	190.08	213.84	261.36	308.88	356.40	427.68

- 4.0 That it be noted that for the year 2021/22 Devon County Council, Devon and Cornwall Police and Crime Commissioner and the Devon and Somerset Fire Authority have stated the following amounts in precepts issued to the District Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

Valuation Bands £

Precepting Authority	A	B	C	D	E	F	G	H
Devon County Council	1,007.52	1,175.44	1,343.36	1,511.28	1,847.12	2,182.96	2,518.80	3,022.56
Devon & Cornwall Police and Crime Commissioner	157.71	183.99	210.28	236.56	289.13	341.70	394.27	473.12
Devon & Somerset Fire Authority	60.00	70.00	80.00	90.00	110.00	130.00	150.00	180.00

- 5.0 That, having calculated the aggregate in each case of the amounts at 3h and 4 above, the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in the table below as the amounts of Council Tax for 2021/22 for each part of its area and for each of the categories of dwellings shown below:

Valuation Bands £

	A	B	C	D	E	F	G	H
Bampton	1,424.14	1,661.50	1,898.86	2,136.21	2,610.92	3,085.64	3,560.35	4,272.42
Bickleigh	1,392.01	1,624.01	1,856.01	2,088.01	2,552.01	3,016.02	3,480.02	4,176.02
Bow	1,383.57	1,614.16	1,844.76	2,075.35	2,536.54	2,997.73	3,458.92	4,150.70
Bradninch	1,409.01	1,643.84	1,878.68	2,113.51	2,583.18	3,052.85	3,522.52	4,227.02
Brushford	1,367.79	1,595.75	1,823.72	2,051.68	2,507.61	2,963.54	3,419.47	4,103.36
Burlescombe	1,392.15	1,624.17	1,856.20	2,088.22	2,552.27	3,016.32	3,480.37	4,176.44
Butterleigh	1,380.44	1,610.50	1,840.58	2,070.65	2,530.80	2,990.94	3,451.09	4,141.30
Cadbury	1,373.36	1,602.25	1,831.15	2,060.04	2,517.83	2,975.62	3,433.40	4,120.08
Cadeleigh	1,380.22	1,610.25	1,840.29	2,070.32	2,530.39	2,990.46	3,450.54	4,140.64
Chawleigh	1,403.02	1,636.85	1,870.69	2,104.52	2,572.19	3,039.86	3,507.54	4,209.04
Cheriton Bishop	1,399.06	1,632.23	1,865.41	2,098.58	2,564.93	3,031.28	3,497.64	4,197.16
Cheriton Fitzpaine	1,389.89	1,621.53	1,853.19	2,084.83	2,548.13	3,011.42	3,474.72	4,169.66
Clannaborough	1,367.79	1,595.75	1,823.72	2,051.68	2,507.61	2,963.54	3,419.47	4,103.36
Clayhanger(B Gate)	1,383.54	1,614.12	1,844.72	2,075.30	2,536.48	2,997.66	3,458.84	4,150.60
Clayhidon	1,394.94	1,627.42	1,859.92	2,092.40	2,557.38	3,022.36	3,487.34	4,184.80
Coldridge	1,389.16	1,620.68	1,852.21	2,083.73	2,546.78	3,009.83	3,472.89	4,167.46
Colebrooke	1,406.46	1,640.87	1,875.28	2,109.69	2,578.51	3,047.33	3,516.15	4,219.38
Copplestone	1,391.70	1,623.64	1,855.60	2,087.54	2,551.44	3,015.34	3,479.24	4,175.08
Crediton	1,448.85	1,690.32	1,931.80	2,173.27	2,656.22	3,139.17	3,622.12	4,346.54
Crediton Hamlets	1,380.00	1,609.99	1,840.00	2,069.99	2,529.99	2,989.99	3,449.99	4,139.98
Cruwys Morchard	1,384.05	1,614.72	1,845.40	2,076.07	2,537.42	2,998.77	3,460.12	4,152.14
Cullompton	1,460.40	1,703.79	1,947.20	2,190.59	2,677.39	3,164.19	3,650.99	4,381.18
Culmstock	1,434.04	1,673.04	1,912.05	2,151.05	2,629.06	3,107.07	3,585.09	4,302.10
Down St Mary	1,385.20	1,616.06	1,846.93	2,077.79	2,539.52	3,001.25	3,462.99	4,155.58
Eggesford	1,367.79	1,595.75	1,823.72	2,051.68	2,507.61	2,963.54	3,419.47	4,103.36
Halberton	1,382.14	1,612.50	1,842.86	2,073.21	2,533.92	2,994.64	3,455.35	4,146.42
Hemyock	1,432.66	1,671.44	1,910.22	2,148.99	2,626.54	3,104.10	3,581.65	4,297.98
Hittesleigh	1,389.96	1,621.61	1,853.28	2,084.93	2,548.25	3,011.57	3,474.89	4,169.86
Hockworthy(B Gate)	1,382.42	1,612.82	1,843.23	2,073.63	2,534.44	2,995.25	3,456.05	4,147.26
Holcombe Rogus	1,402.75	1,636.54	1,870.33	2,104.12	2,571.70	3,039.29	3,506.87	4,208.24
Huntsam(B Gate)	1,383.27	1,613.81	1,844.36	2,074.90	2,535.99	2,997.08	3,458.17	4,149.80
Kennerleigh	1,369.48	1,597.72	1,825.97	2,054.21	2,510.70	2,967.19	3,423.69	4,108.42
Kentisbeare	1,432.24	1,670.95	1,909.66	2,148.36	2,625.77	3,103.19	3,580.60	4,296.72
Lapford	1,403.52	1,637.43	1,871.36	2,105.27	2,573.11	3,040.95	3,508.79	4,210.54
Loxbeare	1,367.79	1,595.75	1,823.72	2,051.68	2,507.61	2,963.54	3,419.47	4,103.36
Morchard Bishop	1,381.62	1,611.89	1,842.16	2,072.43	2,532.97	2,993.51	3,454.05	4,144.86
Morebath	1,396.20	1,628.90	1,861.60	2,094.30	2,559.70	3,025.10	3,490.50	4,188.60
Newton St Cyres	1,391.48	1,623.38	1,855.30	2,087.21	2,551.04	3,014.86	3,478.69	4,174.42
Nymet Rowland	1,378.77	1,608.56	1,838.36	2,068.15	2,527.74	2,987.33	3,446.92	4,136.30
Oakford	1,388.30	1,619.68	1,851.07	2,082.45	2,545.22	3,007.99	3,470.75	4,164.90
Poughill	1,398.49	1,631.57	1,864.65	2,097.73	2,563.89	3,030.06	3,496.22	4,195.46
Puddington	1,380.48	1,610.56	1,840.64	2,070.72	2,530.88	2,991.04	3,451.20	4,141.44
Sampford Peverell	1,391.96	1,623.95	1,855.95	2,087.94	2,551.93	3,015.92	3,479.90	4,175.88
Sandford	1,394.91	1,627.39	1,859.88	2,092.36	2,557.33	3,022.30	3,487.27	4,184.72
Shobrooke	1,389.86	1,621.49	1,853.14	2,084.78	2,548.07	3,011.35	3,474.64	4,169.56
Silverton	1,396.70	1,629.47	1,862.26	2,095.04	2,560.61	3,026.17	3,491.74	4,190.08
Stockleigh English	1,367.79	1,595.75	1,823.72	2,051.68	2,507.61	2,963.54	3,419.47	4,103.36
Stockleigh Pomeroy	1,367.79	1,595.75	1,823.72	2,051.68	2,507.61	2,963.54	3,419.47	4,103.36
Stoodleigh	1,385.46	1,616.36	1,847.28	2,078.18	2,540.00	3,001.82	3,463.64	4,156.36
Templeton	1,423.20	1,660.40	1,897.60	2,134.80	2,609.20	3,083.60	3,558.00	4,269.60
Thelbridge	1,377.80	1,607.43	1,837.07	2,066.70	2,525.97	2,985.24	3,444.50	4,133.40
Thorverton	1,398.02	1,631.01	1,864.02	2,097.02	2,563.03	3,029.03	3,495.04	4,194.04
Tiverton	1,409.75	1,644.70	1,879.67	2,114.62	2,584.54	3,054.45	3,524.37	4,229.24
Uffculme	1,429.06	1,667.24	1,905.42	2,143.59	2,619.94	3,096.30	3,572.65	4,287.18
Upwman	1,381.55	1,611.80	1,842.07	2,072.32	2,532.84	2,993.35	3,453.87	4,144.64
Upton Hellions	1,367.79	1,595.75	1,823.72	2,051.68	2,507.61	2,963.54	3,419.47	4,103.36
Washfield	1,373.82	1,602.79	1,831.76	2,060.73	2,518.67	2,976.61	3,434.55	4,121.46
Washford Pyne	1,375.71	1,604.99	1,834.28	2,063.56	2,522.13	2,980.70	3,439.27	4,127.12
Wembworthy	1,390.90	1,622.71	1,854.53	2,086.34	2,549.97	3,013.60	3,477.24	4,172.68
Willand	1,403.03	1,636.86	1,870.71	2,104.54	2,572.22	3,039.89	3,507.57	4,209.08
Woolfardisworthy	1,372.35	1,601.07	1,829.80	2,058.52	2,515.97	2,973.42	3,430.87	4,117.04
Zeal Monachorum	1,390.18	1,621.87	1,853.57	2,085.26	2,548.65	3,012.04	3,475.44	4,170.52

- 6.0 The Council has determined that its relevant basic amount of Council Tax for 2021/22 is not excessive in accordance with principles approved under section 52ZB Local Government Finance Act 1992.

As the billing authority has not been notified by a major precepting authority that its relevant basic amount of Council Tax for 2021/22 is excessive and therefore that the billing authority is not required to hold a referendum in accordance with section 52ZK Local Government Finance Act 1992.

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 18 January 2021 at 2.15 pm

Present

Councillors

F W Letch (Chairman)
G Barnell, W Burke, L J Cruwys,
Mrs C P Daw, J M Downes, C J Eginton,
Mrs S Griggs, S J Penny, R L Stanley,
B G J Warren and A Wilce

Apologies

Councillor(s)

E J Berry

Also Present

Councillor(s)

R M Deed, R Evans and Mrs N Woollatt

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Jill May (Director of Business Improvement and Operations), Lisa Lewis (Corporate Manager for Business Transformation and Customer Engagement), Matthew Page (Corporate Manager for People, Governance and Waste), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Maria De Leiburne (Legal Services Team Leader), Sally Gabriel (Member Services Manager), Clare Robathan (Scrutiny Officer) and Carole Oliphant (Member Services Officer)

133 APOLOGIES AND SUBSTITUTE MEMBERS (0.03.47)

Apologies were received from Cllr E J Berry who was substituted by Cllr C J Eginton

134 REMOTE MEETINGS PROTOCOL (0.04.05)

The Committee had before it, and **NOTED**, the *Remote Meetings Protocol.

Note: *Remote meetings protocol previously circulated and attached to the minutes

135 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.04.41)

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

136 PUBLIC QUESTION TIME (0.04.47)

There were no questions from members of the public present.

137 **MEMBER FORUM (0.05.19)**

There were no issues raised under this item.

138 **MINUTES OF THE PREVIOUS MEETING (0.06.13)**

The minutes of the last meeting were approved as a true record

139 **DECISIONS OF THE CABINET (0.08.31)**

The Committee **NOTED** that none of the decisions made by the Cabinet on 7th January 2021 had been called in.

140 **CHAIRMAN'S ANNOUNCEMENTS (0.08.44)**

The Chairman stated that a recent joint briefing for the Scrutiny and Audit Committees was very useful and gave a steer on the remits for both Committees with regard to 3 Rivers Developments Ltd

141 **CABINET MEMBER FOR WORKING ENVIRONMENT AND SUPPORT SERVICES (0.10.03)**

The Committee had before it, and **NOTED**, a *report of the Cabinet Member for Working Environment and Support Services presenting services within her portfolio.

The Cabinet Member outlined the contents of her report and asked for questions from the Committee.

The Corporate Manager for People, Governance and Waste explained that the reasons for increased challenges with staff conduct was that there were now formal mechanisms for staff to raise issues. A new Conduct policy had been agreed but there were a number of learning points including:

- Informal communications could be improved
- Building confidence in staff to raise issues
- More issues were coming forward as staff were recognising that the organisation would deal with their concerns

He explained that agency spend had increased slightly as the Council had to deal with staff shortages in key areas due to the effects of the pandemic.

The Group Manager for Performance, Governance and Data Security explained that all instances of verbal abuse against staff were investigated by the Health and Safety Officer and the line manager. Staff were offered counselling if the event was traumatic and procedures were put in place if required. This could include 2 person visits only to properties where abusive and threatening behaviour were an ongoing issue. She confirmed that the Council had and would continue to take action against offenders who abused staff.

The Corporate Manager for Digital Transformation and Customer Engagement explained that although the out of hours service was outsourced to Taunton Deane there were instances where issues needed to be escalated above their remit. These escalated issues were dealt with by the Customer Services Managers within MDDC.

The Cabinet Member for Working Environment and Support Services confirmed that she was holding regular meetings with her management team.

The Corporate Manager for Digital Transformation and Customer Engagement explained that although face to face contact with customers had reduced due to opening restrictions at the offices, the on line contacts had increased. A customer satisfaction survey was currently being undertaken using on-line and telephone contact.

Note: *Report previously circulated and attached to the minutes

142 **DRAFT BUDGET (0.40.28)**

The Committee had before it, and **NOTED**, 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.

The Deputy Chief Executive (S151) outlined the contents of the report stating that the figures before members were a current snapshot of where the Council was at the current time, the deficit was down to £490k but that there was more work to do.

He stated that work was ongoing and outlined the key movements and assumptions shown within the report highlighting the Government income protection, the Autumn Statement, the funding settlement, the New Homes Bonus and the Lower Tier Service Grant.

He explained the Capital Programme for 2021-2022 which showed an initial total of £17.3m (including the HRA) and included significant projects including the Housing Infrastructure Schemes, 3 Rivers Development Projects and Housing Development Schemes.

In response to a question asked about the pooling dividend, the Deputy Chief Executive (S151) explained to Members that the Council had been part of a Devon wide business rates pool for a number of years. The aim of the scheme was that Devon authorities pooled the benefits and losses to mitigate individual authority exposure. Although MDDC had always realised a small benefit from the scheme in the past he had not factored in a benefit for 2021-2022.

Consideration was given to:

- That all FiT payments were recycled into additional renewable projects
- How the £490k budget gap may be bridged
- That there was public consultation on the Council's budget
- That there was a cap on the amount that Council Tax could be increased

Note: *Report previously circulated and attached to the minutes

143 **ANNUAL REPORT OF COMPLIMENTS, COMMENTS AND COMPLAINTS (1.03.57)**

The Committee had before it and **NOTED** a *report of the Corporate Manager for Business Transformation and Customer Engagement providing information on compliments, comments and complaints received as part of the 2 million plus contacts with customers in 2019/2020.

The Corporate Manager for Business Transformation and Customer Engagement outlined the contents of the report and explained that during the pandemic there had been a significant reduction in telephone contact with the Council. There had been an increase in on line contact and more compliments had been received.

In response to questions asked she explained that the number of compliments had not been detailed to service level and that Member compliments to staff were only included if details had been received by the Customer Services team.

Members then discussed the number of complaints which had been escalated to the ombudsman and noted that only one had been upheld. They acknowledged that the Council was comparing well to other authorities and that there did not seem to be an issue with complaint resolution.

Note: *Report previously circulated and attached to the minutes

144 **3 RIVERS DEVELOPMENTS LTD BUSINESS PLAN (01.18.30)**

Members requested that the 3 Rivers Development Ltd Business Plan was brought in front of the Scrutiny Committee.

The Chief Executive explained that the Business Plan would need to be presented to the shareholder in the first instance as this was in the Shareholder Agreement however the plan could be brought to Scrutiny once it had been initially reviewed by the Cabinet.

The Leader confirmed that the Business Plan could be brought to Scrutiny after it had been presented to the Cabinet on 4th February 2021.

The Committee therefore **RESOLVED** that:

- The 3 Rivers Developments Ltd Business Plan be discussed by the Scrutiny Committee after it had been presented to the Cabinet on 4th February 2021

(Proposed by Cllr A Wilce and seconded by Cllr Mrs C P Daw).

Note: Councillor R L Stanley declared a Disclosable Pecuniary Interest with regard to his involvement with 3 Rivers Developments Limited and left the meeting for the discussion and vote

145 **SCRUTINY OFFICER UPDATE (1.27.55)**

The Scrutiny Officer updated the Committee on items she had been working on and stated that:

- The Final report of the Menopause Working Group would be presented to the February Meeting
- The Planning Enforcement Working Group would now move forward and steps had been instigated to obtain details of actual cases which Members had wished to raise
- Neil Parish MP would be attending a special meeting of the Scrutiny Committee in February and Members would be requested to submit any questions in advance.

146 **FORWARD PLAN (01.30.03)**

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

The Chief Executive explained the Policy Framework and confirmed that the Teckal Company implementation would be considered by Council.

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

147 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (1.36.02)**

Members requested the following items be brought to the February Meeting:

- 3 Rivers Developments Ltd Business Plan
- A report on the processes used for the Public Spaces Protection Order

(The meeting ended at 4.02 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **AUDIT COMMITTEE** held on 26 January 2021 at 5.30 pm

Present

Councillors

W Burke, Mrs C Collis, N V Davey,
S J Penny, A White, A Wilce and F W Letch

Apologies

Councillor

A Wyer

Also Present

Councillors

G Barnell, R M Deed, R Evans, B A Moore and
B G J Warren

Also Present

Andrew Jarrett (Deputy Chief Executive (S151)), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Catherine Yandle (Group Manager for Performance, Governance and Data Security), David Curnow (Deputy Head of Devon Audit Partnership), Paul Middlemass (Audit Manager), Fiona Wilkinson (Principal Revenues & Benefits Officer) and Sarah Lees (Member Services Officer)

Also in

Attendance

Andrew Davies (Grant Thornton)

69. APOLOGIES

Apologies were received from Cllr A Wyer who was substituted by Cllr F Letch.

70. REMOTE MEETING PROTOCOL

The protocol for remote meetings was noted.

71. PUBLIC QUESTION TIME

Mr Nick Quinn, a local resident asked the following question:

Concerning Agenda Item 5: Minutes of the previous meeting (or possibly Item 6: Chairman's Announcements)

At the last meeting of Audit Committee, on the 17th of November 2020, questions were asked during public question time regarding ongoing risks associated with 3 Rivers Developments Ltd.

A written response was provided by the Audit Committee Chairman, which was attached to the published minutes of the meeting.

In that written response, the Chairman made reference to: “*discussing any other outstanding queries at the joint working group meeting of Scrutiny and Audit which is scheduled for 11 January 2021*”.

My questions are:

Did the joint working group meeting of Scrutiny and Audit take place?

and, if so,

Will the Chairman please report, to the public, the outcomes from the discussions at that meeting?

The Audit Committee Chairman provided the following response:

Yes, that informal briefing did take place and I will come back to that at item 6, Chairman’s Announcements and I will give a short summary there.

72. DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT

No interests were declared under this item.

73. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 17 November 2020 were confirmed as a true and accurate record.

74. CHAIRMAN'S ANNOUNCEMENTS

The Chairman had one announcement to make which was a short summary of the informal briefing held between the Audit Committee and Scrutiny Committee on 11 January 2021.

He stated.... I would stress that this was a Member Briefing, it wasn't a public meeting, but I will say that 15 Members were in attendance from both committees as well as from the Cabinet. The purpose of the informal meeting was to consider how both committees could monitor the work of 3 Rivers Developments Ltd and it was stated during that briefing that Audit Committee would consider the financial risk and mitigation of that risk and Scrutiny Committee would consider the process and the impact of decisions made both on the company and Mid Devon as a District. Both the Cabinet Member for Housing and Property Services and the Cabinet Member for Finance provided a presentation. A discussion took place and Members were able to ask questions of Cabinet Members.

I want to thank Members of both committees but particularly Audit for attending and I think it was a very useful briefing to be involved in. That is all I am going to say with regards to that and I have no other announcements.

75. DAP REPRESENTATION (00:02:00)

The Chairman explained that a second member of the Audit Committee was required to attend DAP meetings from Mid Devon, otherwise if he was unable to attend for whatever reason, the DAP meetings would be inquorate and not able to take place.

Cllr Alex White volunteered to become the second Audit Committee member for the immediate future and for as long as lockdown lasted and his work commitments allowed it.

76. CORPORATE RECOVERY POLICY (00:08:00)

The Committee had before it a report * from the Deputy Chief Executive (S151) and Corporate Manager of Revenues, Benefits & Recovery and the Principal Revenues & Benefits Officer providing it with an updated policy that identified where responsibility for collection of different debts lay and set out the principles and standards in relation to contact, recovery process, repayments and benefit / money advice.

The contents of the report were outlined with reference to the following:

- Included in the policy was the provision of support mechanisms and practices to all customers. It detailed the approach to collecting debt in Mid Devon.
- The policy set the framework for a consistent and sensitive approach to collecting debt whilst at the same time ensuring that the Council continued to maximise income collection and arrears recovery performance.
- The policy would be supported by a 'process knowledge centre' helping officers to follow due process when seeking payment. This was a work in progress, time would be spent to make sure best practice was used.
- The policy also required a 'vulnerability protocol' this was also a work in progress and would work in line with policy and legal change.
- New legislation was due to come into force in May 2021 called 'Breathing Space' and as such policy and procedures needed to be aligned.
- **Debts Covered By the Policy**
 - Council Tax
 - Rents, both housing and others, e.g. garages, commercial, sub account and former tenancy debts.
 - Benefit overpayments
 - Business Rates
 - General debtors, e.g. unpaid fees and charges
 - Legal costs

Consideration was given to:

- A small number of minor typo's that needed correcting within the policy.
- The cost to the Council of the translation service.
- The need for sensitivity regarding debt during the current pandemic and the effect upon people's finances.
- The Government scheme to compensate council's up to 75% in order to mitigate against income losses..

- The Council employed a Welfare Officer who was able to signpost individuals to support agencies such as CAB, CHAT and 'Navigate' who provide debt advice. In addition to this information was provided on the correspondence sent out to people to help signpost them to agencies that could provide more practical help.
- It was getting more difficult to collect taxation due to the current financial hardship faced by so many. The service was a lot more understanding of individual debt situations and worked with people on a 1:1 basis where necessary. It was not about 'writing off' debt but about giving individuals more time to pay. There were varying funds that the Council was able to dip into in order to support this process, for example, the food voucher scheme.
- More information would be shared with Members regarding the protocol which would be used to engage with its external stakeholders to deliver on its promise to help the vulnerable as it becomes available. It was confirmed that the Government's new 'Breathing Space' period would freeze interest, fees and enforcement for people in problem debt, with further protections for those in mental health crisis treatment.

RECOMMENDED to the Cabinet that the updated Corporate Recovery Policy be approved.

(Proposed by Cllr A Wilce and seconded by Cllr N V Davey)

Reasons for the decision:

- The policy will help to enforce and recover c£82m in local taxation and sundry debts. Failure to use a consistent approach could have a detrimental effect on budgets and delivery of services.
- The policy sets the framework for a consistent and sensitive approach to collecting debt whilst at the same time ensuring that the Council continues to maximise income collection and arrears recovery performance.
- This policy should ensure that each debtor is treated fairly and minimises then risk of legal challenge
- There is a potential reputational risk should the policy not be adhered to.
- Maximising income for the Council is essential particularly during current financially challenging years. It is important to have a policy that is clear and transparent to ensure any recovery action is timely and proportionate.

Note: * Report previously circulated; copy attached to the signed minutes.

77. **GRANTS - LOCAL RESTRICTIONS (00:20:00)**

The Corporate Manager of Revenues, Benefits & Recovery provided the Committee with a verbal update in relation to the Grants administered by the Council since the start of the pandemic.

This included:

- Either side of the lockdowns, every tier had had a separate grant scheme with as many as 9 live schemes all with different rules.
- Overall the Council had paid out over £36m in grants since the start of the pandemic
- Government required monthly returns reporting on, fraud, attempted fraud and payment errors.
- Applications were tested via, Spotlight and NFI (National Fraud Initiative) to further validate business details.
- Circa £40k being recovered in payment errors.
- No Fraud had been identified to date. Mid Devon's rules were very strict, the Council required company accounts, bank statements etc. before issuing payments.
- "Reasonable Assurance" was found after a recent audit by 'DAP'.
- Businesses had been very grateful for the financial assistance received. There had been some emotional conversations.
- Although businesses did not have to tell the Council of their existence, many had in order to seek financial assistance.

The work of the Revenues and Benefits team and that of the Economic Development team was recognised by the Committee who wished for their thanks to be taken back to the individuals working in those areas.

78. **PERFORMANCE AND RISK (00:37:00)**

The Committee had before it, and **NOTED**, a report * from the Group Manager for Performance, Governance and Data Security providing it with an update on performance against the Corporate Plan and local service targets for 2020-21 as well as providing an update on the key business risks..

The contents of the report were outlined with particular reference to the following:

- The report included performance data up to the end of December 2020 and had been to 3 of the 4 Policy Development Groups.
- An update was provided with regards to residual waste, recycling rates and chargeable garden waste collections.
- With regards to Homes, 71 void properties had now been brought back into use which was above target. Inspections of Houses of Multiple Occupation was at 100% and landlord engagement events had gone up to 12.
- Comparative figures with the previous year were provided in relation to Homelessness.

Discussion took place with regard to:

- The absence of a target figure for council house building for this year, although there was one for next year. The Group Manager would look into this.
- The need for more detail in relation to affordable housing targets, for example, 'Affordable Housing Delivery against the Local Plan'. At the moment this all

came under one heading but it would be useful to have a new metric beneath this providing more detail. It would be particularly helpful for the Homes PDG, the Development Delivery Advisory Group and the Scrutiny Committee.

- The need for more data in relation to mental health first aid provision.
- There had been less short term sickness since officers had been working at home.
- A half yearly report regarding activity with the South West Mutual Bank would be provided to Members going forwards.
- A check needed as to whether the Terms of Reference of the Net Zero Advisory Group had been agreed.
- A report was to be published with the Cabinet agenda the following day setting out a balanced budget for 2021/2022. A budget gap of £386k would be addressed by a temporary transfer from New Homes Bonus monies. At the current moment in time it was not envisaged that there would be any significant reduction service provision.
- A Climate Change Officer had recently been appointed.
- The excellent job being carried out by staff to maintain the waste collection service.
- The significance of Government funding during the pandemic to support councils to deliver essential services.
- Whether the scoring mechanisms used to monitor data in certain areas accurately reflected the true position. It was confirmed that the scoring criteria would be looked at as part of the Risk and Opportunity Management Policy coming to the Committee for consideration in March 2021.

Note: * Report previously circulated; copy attached to the signed minutes.

79. **ANNUAL GOVERNANCE STATEMENT ACTION PLAN UPDATE (01:08:00)**

The Committee had before it, and **NOTED**, a report * from the Group Manager for Performance, Governance and Data Security providing it with an update on progress against the Annual Governance Statement 2019/20 Action Plan.

The following key updates were provided:

- 7 actions had been identified by the Committee in August 2020 as being in need of monitoring.
- 2 of these actions had been completed and there had been progress on all the other outstanding issues.
- Tracked changes had been provided to illustrate where some of the dates had been amended.

Note: * Report previously circulated; copy attached to the signed minutes.

80. **ANTI-FRAUD AND CORRUPTION POLICY AND STRATEGY (01:09:00)**

The Committee had before it a report * from the Group Manager for Performance, Governance and Data Security presenting it the reviewed and updated policy for Anti-Fraud & Corruption Policy and the Anti-Fraud and Corruption Strategy.

The contents of the report were outlined with reference to the following:

- The review of the policy had been brought forward as an agreed action following an Internal Audit Counter Fraud Governance review in 2019/20.
- Background reading had also been supplied to the Committee entitled 'Fighting Fraud and Corruption Locally' as it was hoped this would provide a useful context to consider the Mid Devon policy and strategy.
- Minor changes had been made to the policy such as changing references to the 'Audit Commission'.

Discussion took place with regard to whether enough consideration had been given within the strategy to how fraud was detected, how the council could protect itself more effectively and how the council would pursue potential instances of fraud. It was suggested that the strategy could explore these issues in greater detail.

RESOLVED that:

- a) The revised Anti-Fraud and Corruption Policy be approved.
- b) The revised Anti-Fraud and Corruption Strategy be deferred to the next meeting to allow consideration on how the strategy could be developed to reduce the risk of fraud.

(Proposed by Cllr A Wilce and seconded by Cllr N V Davey)

FURTHER RESOLVED that:

The Group Manager for Performance, Governance and Data Security be given delegated authority to make minor amendments to these documents e.g. changes to job titles.

(Proposed by Cllr N V Davey and seconded by Cllr F Letch)

Reasons for the decision:

- The policy and strategy support good governance arrangements enabling confidence in our delivery of the Corporate Plan.
- Not having these documents could result in not detecting fraud, corruption or financial irregularities, which could result in a loss to the Council.
- Without this policy and strategy the Council is at risk of not detecting fraud, corruption or financial irregularities, which could result in significant loss to the Council and damage its reputation.

Note: * Report previously circulated; copy attached to the signed minutes.

81. **INTERNAL AUDIT PROGRESS REPORT (01:21:00)**

The Committee had before it, and **NOTED**, a report from the Devon Audit Partnership presenting an update on the progress and performance of Internal Audit.

The contents of the report were outlined and discussion took place with regard to:

- The core audits and risk based audits that had been undertaken.
- Good progress was being made in completing the audits within the audit plan for 2020/2021 although there had been a need to adjust the plan to what the team were able to deliver within available resources. The revised plan discussed with management was attached as Appendix 3 for audit committee review and comment.
- An additional audit work had been undertaken as a result of the significant number Covid 19 grant awards since the start of the pandemic.
- Information was provided in relation to the 'digitalisation' and 'safe staff operation during Covid 19' audits.
- Reference was made to the 'Agency Agreement (2015) with the property administrator who manages the Market Walk properties' and the fact that it was down to the Council to set performance metrics. It was confirmed that this was in hand and that this would be removed as an outstanding action on the next report.
- Outstanding audit recommendations in the Insurance area. Refresher procurement training had been due to take place by June 2020 but was delayed by the covid-19 emergency. It is understood that this has now commenced. This will be confirmed by the current audit.

Note: * Report previously circulated; copy attached to the signed minutes.

82. **ANNUAL AUDIT LETTER FROM GRANT THORNTON 01:34:00)**

The Committee had before it, and **NOTED**, the Annual Audit Letter * from Grant Thornton.

The following was highlighted within the letter:

- The Letter summarised the work of the external auditors throughout the year.
- The audit had largely been completed in August of 2020 with the final sign off having taken place at the end of November .
- An unqualified opinion had been given on the Council's Financial Statements.
- An 'except for' opinion had been issued on the Council's arrangements to secure Value for Money due to some commercial activities with 3 Rivers Development Ltd.
- A paragraph had been included within their report in respect of the uncertainty over valuations of the Council's land and buildings and the property investments funds held within the Devon County Pension Fund given the Coronavirus pandemic, however, this was a similar position with most council's.
- The Letter detailed a number of other 'risks'.
- Proposed additional fees incurred as a result of delivering the audit 'remotely' would need approval by the Public Sector Audit Appointments Ltd (PSAA) before recompense was sought from the council. The Council needed to make budgetary provision and requested that it be informed of the additional fees as soon as possible.

Note: * Annual Audit Letter previously circulated; copy attached to the signed minutes.

83. EXTERNAL AUDIT PROGRESS REPORT AND SECTOR UPDATE (01:42:00)

The Audit Manager from Grant Thornton was present to provide the Committee with a verbal update on their responsibilities as the Council's External Auditors. This included the following information:

- They would normally bring their audit plan to the January meeting of the Audit Committee, however, due to the impact of Covid on working arrangements this would be brought in March instead.
- The Housing Benefit return would be finalised by the end of this week.

84. IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01:45:00)

In addition to the items already listed for the next meeting, the Committee would need to receive the Anti-Fraud and Corruption Strategy for further consideration.

(The meeting ended at 7.16 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **ENVIRONMENT POLICY DEVELOPMENT GROUP**
held on 12 January 2021 at 5.30 pm

Present

Councillors

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

Also Present

Councillor(s)

C R Slade, Ms E J Wainwright, R M Deed and R Evans

Also Present

Officer(s):

Jill May (Director of Business Improvement and Operations), Darren Beer (Operations Manager for Street Scene), Andrew Busby (Corporate Manager for Property, Leisure and Climate Change), Ian Chilver (Group Manager for Financial Services), Matthew Page (Corporate Manager for People, Governance and Waste), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Vicky Lowman (Environment and Enforcement Manager), Clare Robathan (Scrutiny Officer) and Carole Oliphant (Member Services Officer)

49 APOLOGIES AND SUBSTITUTE MEMBERS (0.03.31)

There were no apologies or substitute Members

50 REMOTE MEETINGS PROTOCOL (0.03.50)

The Group had before it, and **NOTED**, the *Remote Meetings Protocol.

Note: *Remote Meetings Protocol previously circulated and attached to the minutes

51 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.03.56)

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

52 PUBLIC QUESTION TIME (0.04.22)

There were no questions from members of the public present

53 MINUTES OF THE PREVIOUS MEETING (0.04.37)

The minutes of the previous meeting held on 3rd November 2020 were agreed as a true record

54 **CHAIRMAN'S ANNOUNCEMENTS (0.05.52)**

The Chairman had no announcements to make.

55 **BUDGET (0.05.58)**

The Group had before it, and **NOTED**, the *Budget report for 2021/2022 from the Deputy Chief Executive (S151).

The Group Manager for Finance explained that it was a very volatile period and the Budget included figures which were outside of the Councils control and related to the unknown impact of the Covid 19 pandemic. He stated that some of the income gap would need to be met from reserves.

Consideration was given to:

- The losses in the Environment portfolio had been partially offset by over performance in the Garden Waste service and the additional payment from DCC due to less waste being sent to landfill
- The core spending rise of 4.5% was an average across all councils but this included social care authorities and did not apply to MDDC
- There was no presumption that after the comprehensive trials that a 3 weekly bin collection service was going to be adopted across the district but the savings had been included in case that it was
- The use of reserves to plug the spending gap may be required
- The vital road link on the A361 would commence shortly as would the link to Blundells Road.

Members were asked whether there were any areas of savings that they were aware of that they would like investigated, to contribute to closing the budget gap.

Note: *Budget report previously circulated and attached to the minutes

56 **FINANCIAL MONITORING (0.35.20)**

The Group received a verbal financial monitoring report from the Group Manager for Finance who explained that as of November 2020 the forecast had improved by £133k and that the Council could realise a surplus of £109K. He explained that when the report had been produced there was no knowledge of a further lockdown so the situation could deteriorate

He further explained that if there was any surplus at the end of the year, it would not result in additional funds being available for expenditure. Rather it would contribute to bridging the gap in future years, noting that not only was there an outstanding deficit in next year's budget of £490k but also that the MTFP indicated a shortfall of c£2m in 2022/23.

57 **DRAFT INTERIM DEVON CARBON PLAN (0.45.43)**

The Group had before it a*report from the Corporate Manager for Property, Leisure and Climate Change presenting the Interim Devon Carbon Plan.

The Cabinet Member for Climate Change gave an overview of the Plan by way of a presentation highlighting:

- Background
- Overview of emissions per district
- Breakdown of emissions across Devon
- The Plan did not provide solutions at this stage, the citizens assemblies would provide the detail
- Themes in the Plan
- 8 main objectives of the Plan
- Proposed Governance of the Plan

The Corporate Manager for Property, Leisure and Climate Change outlined the contents of the summary report and highlighted the 12 chapters.

Consideration was given to:

- Some Members felt that there was a mis-perception of the Farming community
- The costs were too high
- How did people picture the countryside in 2030
- How much each district would need to contribute financially to the Plan

The officer explained that the MDDC Climate Change action plan was live and all opportunities would be taken to apply for grant funding and that the main function of the Climate Change co-ordinator was to apply for funding and work with neighbouring authorities to achieve the Council's ambitions.

The Group requested that the Cabinet give consideration to the following in its response to the draft Plan:

- Anaerobic Digesters – for's and against must be addressed
- The size of the documents that the public were expected to read needed to be considered
- Costs needed to be explained and the affordability of Mid Devon residents taken into consideration. The Plan needed further explanation of the cost benefits
- There needed to be a bigger involvement with the farming community
- Air travel should be included

The Corporate Manager for Property, Leisure and Climate Change confirmed that the suggestions from the Group would be included within the Cabinet report.

Note: *Report previously circulated and attached to the minutes.

58 **PERFORMANCE AND RISK (1.48.10)**

The Group had before it, and **NOTED** a *report of the Group Manager for Performance, Governance and Data Security providing updated information on the performance against the Corporate Plan and local service targets for 2020-21.

The officer outlined the contents of the report stating that the results were to the end of November. She explained that there had been reports in the press about the 3 weekly waste trials and the solar panel installation at Carlu Close.

In response to questions asked about the Electric Vehicle Charging units the Corporate Manager for Property, Leisure and Climate Change explained that a contract was currently out to tender with neighbouring authorities and that the responses would be compared to the current supplier before a decision was made.

Consideration was given to Home Improvement Loans.

Note: *Report previously circulated and attached to the minutes

59 **STREET SCENE SERVICES UPDATE - EDUCATION/ENFORCEMENT (01.57.28)**

The Group had before it, and **NOTED**, a *report from the Operations Manager for Street Scene outlining future options within the Street Scene Education and Enforcement Service.

The officer outlined the contents of the report and stated that the Council had been in contact with two suppliers to provide private enforcement but that one supplier required MDDC to go into partnership with a partner authority to make it viable and the other could not offer a cost neutral service. He explained that a further update on any progress would be brought back to the PDG in six months time.

With regard to the protection of District Officers, the Operations Manager for Street Scene explained that the use of body worn cameras would need to be fully justified as per the recently adopted Use of CCTV policy. He explained that the officers were currently fitted with alert devices which could show their exact GPS location if they ran into difficulties.

Members questioned if the District Officers had raised any concerns about their safety and it was explained that staff had the opportunity to raise concerns at the Health and Safety Committee but that nothing had been highlighted.

Notes:

- i.) *Report previously circulated and attached to the minutes
- ii.) The Chairman advised that he had agreed with the Chairman of Scrutiny that the Public Space Protection Order would be brought before the Scrutiny Committee
- iii.) Cllr R L Stanley left the meeting at 7.28pm and took no part in further discussions

60 **RESOURCE AND WASTE MANAGEMENT STRATEGY FOR DEVON AND TORBAY (2.12.35)**

The Group had before it a *report from the Operations Manager for Street Scene presenting the draft Resource and Waste Management Strategy for Devon and Torbay.

The officer outlined the contents of the report and stated that the strategy described how the Devon local authorities would manage Local Authority Household Waste.

Consideration was given to:

- The super aligned collection service was an initiative that the Council would aspire to
- The benchmarking that was used to set the targets
- Where the dry waste was sent to
- The ongoing communications with East Devon District Council on how they had increased their recycling rates
- Increase communications to residents about how to recycle items that the Council could not, like recycling plastic bags at supermarkets

Therefore it was **RECOMMENDED** to the Cabinet that:

- The draft Resource and Waste Management Strategy for Devon and Torbay be approved and proceed to public consultation

(Proposed by the Chairman)

Reason for the decision: to ensure that the Council has a Resource and Waste Management Strategy which proceeds to public consultation

Note: *Report previously circulated and attached to the minutes

61 IDENTIFICATION OF ITEMS FOR FUTURE MEETINGS (2.49.36)

Members requested that the following be brought to a future meeting of the PDG:

- An officer report be brought to the Group when Motion 567 was brought to the March 9th meeting to explain how the governance arrangements for the Net Zero Advisory Group could be adjusted so that they could hold public meetings and make decisions.
- Local Farmer Mary Quick to be invited to speak to the PDG regarding farming and climate change

(The meeting ended at 8.35 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **HOMES POLICY DEVELOPMENT GROUP** held on 19 January 2021 at 2.15 pm

Present

Councillors

R J Dolley (Chairman)
Mrs E M Andrews, J Cairney, S J Clist,
D R Coren, L J Cruwys, Mrs C P Daw,
C J Eginton and S J Penny

Also Present

Councillors

G Barnell, R M Deed, R Evans and B G J Warren

Also Present

Officers

Jill May (Director of Business Improvement and Operations), Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Claire Fry (Housing Services Operations Manager), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Ian Chilver (Group Manager for Financial Services), Mike Lowman (Building Services Operations Manager), Michael Parker (Housing Options Manager) and Sarah Lees (Member Services Officer)

42 APOLOGIES AND SUBSTITUTE MEMBERS

There were no apologies for absence although it was reported that Cllr D Coren would be arriving late to the meeting.

43 REMOTE MEETING PROTOCOL

The protocol for remote meetings was noted.

44 PUBLIC QUESTION TIME

There were no questions from the members of the public present.

45 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT

Cllr Mrs E Andrews declared a personal interest in that she is a council tenant.

46 MINUTES

The minutes of the meeting held on 10 November 2020 were approved as a correct and accurate record of the meeting.

47 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had the following announcements to make:

- He had attended the Economy Policy Development Group in the previous week where the same finance reports were discussed which would be discussed today. These were difficult times and some tough decisions would need to be made regarding the budget for next year.
- The Group were reminded that there would be an all Member briefing at 5.30pm that evening to do with Mid Devon District Council as a landlord, the Housing Revenue Account and Social Housing.

48 **PERFORMANCE AND RISK REPORT (00:08:00)**

The Group had before it, and **NOTED**, a report * from the Group Manager for Performance, Governance and Data Security providing Members with an update on performance against the Corporate Plan and local service targets for 2020/2021 as well as providing an update on the key business risks.

The contents of the report were outlined with particular reference to the following:

- The report included key performance indicators up to the end of December 2020.
- 71 empty homes had now been brought back into use which was above target.
- Landlord engagement and support actions, under the area of Private Sector Housing, now stood at a figure of 12.
- Homelessness had reduced slightly but safeguarding issues remained a high priority during the ongoing pandemic.

Note: * Report previously circulated; copy attached to the signed minutes.

49 **FINANCIAL MONITORING (00:14:00)**

The Group had before it, and **NOTED**, a month 8 financial monitoring report * which was presented by the Group Manager for Financial Services.

Key highlights within the report were listed as follows:

- Month 8 reporting showed a forecast improvement of £131k which now indicated a surplus of £109k.
- The uncertain times that we were living with and how the figures could fluctuate.
- Any surplus monies would be added to reserves to support any future gaps in budget.
- The Medium Term Financial Plan and estimates of budget gaps for future years.
- November saw a second period of lockdown which from a financial perspective stalled the recovery in service activity and therefore income.
- The income compensation scheme was active and the first payment of £530k relating to return period April to July had been received. The second return (August to November) had been accelerated and submission was currently in progress.
- A further £53k had been received in furlough monies for November.

- The variances outlined within the report.
- Month 8 reporting for the Housing Revenue Account which showed a forecast reduction in the deficit by £34k to £324k.

Discussion took place with regard to:

- Corporate Management – 3RDL fees being in relation to the recruitment of new Directors and an element of legal fees.
- ‘Garage tenancy - new lets’ had not been occurring during the pandemic. It was explained that this had been due to the need to physically handover keys. A safer method of doing this had needed to be sought and a review of the process had taken place in December. Lets had recommenced this month.
- Why the HRA was currently in a deficit position to the tune of £324k? It was explained that this related to costs in relation to the settlement of an historic contract dispute which was subject to a confidentiality agreement. An indication of the costs in relation to this was given as £624k and had this not occurred the HRA would have been in a surplus position at this point.
- A question was asked as to why there had been a salary overspend in the Property Services area. The Group Manager for Financial Services explained that he did not have the information to hand but would provide a written response to the Group following the meeting.

Note: * Monitoring report previously circulated; copy attached to the signed minutes.

50 BUDGET 2021/22 UPDATE (00:28:00)

The Group had before it, and **NOTED**, a report * from the Deputy Chief Executive (S151) reviewing the revised draft budget changes. This had been previously considered by the Cabinet on 7 January 2021 and the Group was asked to discuss any changes that it may require prior to the formal recommendation of the budget proposals to Cabinet and Council in February.

The following was highlighted within the report:

- The current snapshot of where the council was at the current time, the deficit had reduced from circa £3m down to £490k but there was a lot more work to do.
- Key movements and assumptions shown within the report highlighting, the Funding Settlement which included details regarding the Government Income Protection Scheme, New Homes Bonus and the Lower Tier Service Grant. In addition adjustment has been made to the provision relating to the pay settlement.
- The ongoing unknown impact of the pandemic on the budget.
- Members were invited to highlight any areas of saving which they thought may contribute to closing the budget gap and so be worthy of further investigation.

Discussion took place with regard to:

- The proposals shown within the report in relation to 3 weekly waste savings. However, it was pointed out that the trial in relation to this would not begin until June 2021 and would last 3 months, outcomes were not known yet. No decision had been made in relation to this and a number of options would be

placed on the table before a final decision was made. However, the finance team had been tasked with bringing forward potential savings within the budget report and this was what they had done. Final approval of the budget would be given by full Council in February.

- It was noted that HRA recharges would be adjusted in the final draft budget to account for some minor additional changes and so align general fund and HRA budgets.
- There may or may not be a staff pay adjustment in the coming year. The result of any discussions or negotiations regarding this were not known yet but the finance team had assumed a small increase of 0.5% for budget purposes.

Note: * Report previously circulated; copy attached to the signed minutes.

51 **DRAFT 2021/2022 HOUSING REVENUE ACCOUNT (HRA) (00:47:00)**

The Group had before it a report * from the Deputy Chief Executive and Corporate Manager for Public Health, Regulation and Housing presenting proposals for the second draft of the Housing Revenue Account for 2021/22.

The contents of the report were outlined with reference to the following:

- The HRA was ring fenced and legally required to be kept separate from the General Fund (GF).
- The HRA had not suffered as extensively as the GF due to the pandemic receiving the majority of its income from rents. Rental income had been maintained but risks in relation to this going forwards were acknowledged within the report.
- There had been a small improvement in dwelling rents relating to the annual CPI increment.
- The HRA investment income figures were reflective of the general state of the financial markets at the moment.
- There has been recognition of further savings within Repairs and Maintenance of £146k, largely relating to a restructure which included the redevelopment budget.
- Cleaning company costs had been adjusted for.
- Falling interest rate adjustments had taken place.
- Overall, the HRA budget, like the GF, had to balance.

Consideration was given to:

- The “rent written off” figure and the “write offs recovered” were discussed. Further information regarding these values as a % of total outstanding debt was made. The Group Manager for Financial Services stated that he would be able to provide a written response after the meeting when he had the necessary information to hand.
- Non dwelling rental income being down on what was expected – what proportion of this was due to garages not being re-let? The Group Manager again stated that he would provide a written response in relation to this question.
- Interest on previous loans and the effect of this on the HRA? More information in relation to this would be provided after the meeting.

- The Group requested that the written responses be supplied to Member Services who would then circulate them to the whole Group.

RECOMMENDED to the Cabinet that the rent increase proposed and the other budget proposals for 2021/2022 be approved.

(Proposed by the Chairman)

Reason for decision:

A balanced and realistic budget must be set for 2021/2022 in order to maintain a sustainable Housing Revenue Account with adequate investment for necessary maintenance.

Note: (i) * Report previously circulated; copy attached to the signed minutes.

(ii) Cllr Coren arrived to the meeting half way through the discussion and therefore did not take part in the vote.

(iii) Cllrs L Cruwys and S Clist requested that their abstention from voting be recorded.

52 **CONDITION AND FUTURE USE OF COUNCIL OWNED GARAGES (01:01:00)**

The Group had before it a report * from the Corporate Manager for Public Health, Regulation and Housing and the Building Services Operations Manager providing an update to Members on the current garage stock situation, with plans for modernisations and opportunities for change of use/redevelopment, and the adoption of a 6 year rather than the existing 12 year planned maintenance programme.

The following was referenced within the report:

- There had been an annual budget of £75k to support a planned maintenance programme of the council's garage stock. Overall occupancy was currently at 70% although of the 199 garages that had been modernised 83% were now occupied.
- The report provided an annexe showing all garage sites, exact occupancy rates and the condition of each site.
- A number of garages had been identified as having the potential for alternative uses.
- There was an opportunity to bring forward increased occupancy and income by doubling the rate of modernisation and reducing this from a 12 yearly to a 6 yearly planned maintenance programme. There was capacity within the Building Services team to meet this programme but not if it were to be shortened to fewer than 6 years

Consideration was given to:

- Many garages were now too small for the size of modern cars.
- The garages at Eastlands in Hemyock were not shown within the annexe as they were ground rent plots.
- Significant problems with asbestos and how it was to be dealt with safely.

- Increasing number of voids over recent years and the effect of this on income.
- The Group appreciated the work that had gone into the report.
- The very poor state of repair of many garages with vegetation growing inside and out.
- Derelict garages within the Cranmore Ward.
- The dangers presented to children and families living near to some of these garages.
- The importance of the need to keep Ward Members updated and involved with any garage plans going forwards. Also, for Ward Members to bring particular issues to the attention of the neighbourhood teams so issues could be addressed.
- It was confirmed that Members would be involved in the consultation process, as of course, would tenants.
- The possibility of demolishing some garages and providing social housing or parking bays would be explored.
- A programme of garage maintenance and modernisation would be provided for the whole of the district not just one particular part of it.
- A 6 yearly programme was realistic and could be achievable.
- The possibility of providing one large garage rather than 2 small ones was discussed as was the provision of electric charging points.
- Key considerations would be demand, conditions and suitability for development. Some sites may not be suitable for development. Each site would need to be assessed individually.
- In considering the recommendation, the Group discussed whether the stated 'maintenance' programme also included 'modernisation'? The Corporate Manager for Public Health, Regulation and housing stated that it did, they were part and parcel of the planned programme and the Leader of the Council confirmed that when the recommendation came forward to the Cabinet, approval would be considered on that basis.

RECOMMENDED to the Cabinet that the adoption of a 6 yearly planned garage maintenance programme by bringing forward budgeted funds from future years be approved.

(Proposed by Cllr L Cruwys and seconded by Cllr S Clist)

Reason for the decision:

In order to recommend the adoption of a 6 yearly planned garage maintenance and modernisation programme by bringing forward budgeted funds from future years.

Note: * Report previously circulated; copy attached to the signed minutes.

53 GRASS VERGES LOCATED ON HOUSING REVENUE ACCOUNT REPORT (01:58:00)

The Group had before it a report * from the Corporate Manager for Public Health, Regulation and Housing setting out a policy / procedure relating to a decision making framework which was agreed at the meeting of the Grass Verges Task and Finish Group held on 11 November 2020.

The work of the Task and Finish Group was explained. The Chairman of the Task and Finish Group provided the following summary of the discussions that had taken place:

- He thanked the Members and officers who had worked hard to try and ascertain what was needed.
- Initially there had been discussions about viewing all 180 maps showing the areas of land in question. This had felt like an impossible task, he had therefore spent time with the Operations Manager for Housing trying to understand the true scale of the problem. It had transpired that issues existed in a few areas only and related to areas which were part owned by private individuals and partly rented by council tenants. Individuals from each group had had their own ideas about how grassed areas were to be dealt with. A procedure was needed to help resolve queries going forwards.
- He had also spoken to Cllr Eginton on this issue who had a deal of knowledge in this area.

Discussion took place regarding:

- There were specific issues in Shobrooke which this procedure may not be helpful in resolving.
- Site visits were very difficult during the pandemic.
- 'One size did not fit all' and a review would be needed in the near future to see if the procedure was working. It was confirmed that the procedure would be reviewed in 12 months time.

RECOMMENDED to the Cabinet that the following be approved:

- a) The procedure shown at Appendix A which is designed to ensure that the conflicting needs of stakeholders are taken into account when residents make requests regarding different maintenance arrangements/agreements relating to the upkeep of grass verges and other grassed areas on the housing estate.***
- b) An increase in the Environmental Improvement Budget to £10,000 and a review of the procedures relating to it to ensure that it can be better used to support initiatives designed to encourage greater biodiversity.***

(Proposed by Cllr C Eginton and seconded by Cllr R Dolley)

Reason for the decision:

In order for a policy / procedure to be in place which provides a decision making framework for officers within the Estates team to use when considering requests made by different stakeholders.

Note: (i) * Report previously circulated; copy attached to the signed minutes.

- (ii) A proposal to defer a decision until there had been some further dialogue with the necessary parties involved was not supported.

54 **HOUSING STRATEGY UPDATE (02:16:00)**

The Group had before it, and **NOTED**, a report * from the Corporate Manager for Public Health, Regulation and Housing providing an update to Members of the Group on the development of a revised corporate Housing Strategy.

It was explained that the report set out the preliminary work that had been completed in the development of an updated Housing Strategy. This would set out those opportunities and challenges in respect of several key delivery functions; housing delivery, enabling and renewal/standards alongside housing needs and homelessness.

Consideration was given to:

- The proposed approach appearing to contain a well structured set of proposals and the need to progress this in a post Covid world.
- It was also sensible to include climate change and eco / green considerations in relation to any projects.
- The Strategic Housing Needs Assessment was vital so as to look at all housing tenures, not just affordable housing.
- The Corporate Manager for Property, Leisure and Climate Change would be leading on the carbon work and was a member of the Project Board as well as the newly appointed Climate Change Officer. There would be a range of experts addressing this key part of the strategy.

Note: * Report previously circulated; copy attached to the signed minutes.

55 **HOUSING HOMELESS PEOPLE DURING THE PANDEMIC (02:27:00)**

The Group had before it, and **NOTED**, a report * from the Operations Manager for Housing Services providing more information about how the Housing Options Team had been working to resolve homelessness during the pandemic.

The contents of the report were summarised by the Operations Manager with an emphasis on safeguarding homeless individuals being a high priority within the Housing Service.

The Cabinet Member for Housing and Property Services and Deputy Leader wished to place on public record his thanks to the Operations Manager and her team for the magnificent job they had undertaken and were continuing to undertake on behalf of Homeless people during the pandemic. He explained that a lot of work took place behind the scenes and that the sheer nature of the work involved emotional individuals and subjects.

The Group also wished for their thanks to be taken back to the team.

Note: * Report previously circulated; copy attached to the signed minutes.

56 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (02:46:00)

No additional items were identified for the next meeting other than those already listed in the work programme.

However, it was requested that all Members receive a regular email update on relevant matters within the Housing and Property Service areas, especially during the current time. This was especially helpful to the Homes Policy Development Group Members.

(The meeting ended at 5.00 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **ECONOMY POLICY DEVELOPMENT GROUP** held on 14 January 2021 at 5.30 pm

Present

Councillors

J M Downes (Chairman)
N V Davey, R J Dolley, Mrs S Griggs,
B Holdman, D F Pugsley, R F Radford and
J Wright

Apologies

Councillor(s)

T G Hughes

Also Present

Councillor(s)

R J Chesterton, R M Deed and R Evans

Also Present

Officer(s):

Adrian Welsh (Strategic Manager for Growth, Economy and Delivery), John Bodley-Scott (Economic Development Team Leader), Ian Chilver (Group Manager for Financial Services), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery) and Sally Gabriel (Member Services Manager)

46 APOLOGIES AND SUBSTITUTE MEMBERS (00-02-53)

Apologies were received (retrospectively) from Cllr T G Hughes.

47 REMOTE MEETING PROTOCOL (00-03-23)

The protocol for remote meetings was noted.

48 PUBLIC QUESTION TIME (00-03-37)

There were no questions from members of the public present.

49 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00-03-42)

No interests were declared under this item.

50 MINUTES FROM THE PREVIOUS MEETING (00-04-03)

The minutes of the meeting held on 5 November 2020 were confirmed as a true and accurate record.

51 CHAIRMAN'S ANNOUNCEMENTS (00-04-32)

The Chairman voiced concern with regard to the grave news of the escalation of the pandemic and the ongoing affect on the economy and the residents of Mid Devon.

The main role of the Group would be to continue to monitor the management and administration of the affect of the pandemic on the district as a whole.

52 COVID 19 ECONOMIC RESPONSE UPDATE (00-05-10)

The Group had before it, and **NOTED**, a report * from the Head of Planning, Economy and Regeneration providing it with an update regarding the Growth, Economy and Delivery team's latest COVID19 emergency economic recovery work and seeking Members' endorsement for the current business support and economic recovery activities.

The Strategic Manager for Growth Economy and Delivery informed the meeting that since the publication of the report so much had changed as the country was now in another lockdown situation and therefore there was a need to focus on the variances to the published report:

- The relevant figures in relation to the number of positive cases of coronavirus across the country, the increase in the number of deaths and the percentage of new cases in Mid Devon
- The roll out of the vaccination programme
- The impact on the economy of Mid Devon following another lockdown situation and the period of time it would take for the country to recover from the recession
- The different Government support schemes that were now in place and the additional sum of £7.3m of Government funding which was due to be received and the total amount of government funding received to date (£30.6m)
- 3 more officers had been relocated to assist the team with grant payments
- The timing of the Chancellors budget and the impact that this may have on Business Rate relief
- The Covid Support Hub had been reinstated; all clinically vulnerable people would be required to register for assistance, although many people had supports mechanisms in place. The Financial Hardship Fund was seeing a number of repeat applications. Across the district there had been an increase in local stakeholder services.
- A Town Centre Health Check was underway in Cullompton and it was hoped that the health checks would be extended to the other main towns as soon as staff resource allowed. In addition to this, and with the assistance of seconded leisure staff, a business survey had been undertaken of town centre businesses in the three main towns to better understand the effect of the pandemic on their businesses. Brexit preparedness, feedback on safety measures in the town centres etc.. Key findings were outlined which included the need for training for the creation of webpages. Officers had been putting those businesses in contact with the LEP digital training programme which many of the businesses had already benefitted from.
- The Reopening of the High Streets initiative continued and whilst the country was in lockdown, work would be undertaken to review arrangements in the town centre and refresh pavement stencilling and signage as necessary in readiness for future easing of restrictions
- The Cullompton High Street Heritage Action Zone Project continued
- Devon recovery work continued and the detailed work was explained

Consideration was given to:

- The impact of the pandemic/lockdown on independent stores in the main towns
- The Income Compensation Scheme
- The impact of the pandemic on the budget
- The roll out of the grant support schemes
- The need to review the signage in the towns
- Whether there was any tourism support grants available

The Chairman on behalf of the Group recorded thanks and appreciation to staff for the work that was taking place.

Note: * Report previously circulated; copy attached to the minutes.

53 **FINANCIAL MONITORING (00-56-34)**

The Group had before it, and **NOTED**, a month 8 financial monitoring report * which was presented by the Group Manager for Financial Services.

Key highlights within the report were listed as follows:

- Month 8 reporting showed a forecast improvement of £131k which now indicated a surplus of £109k
- The uncertain times that we were living with and how the figures could fluctuate
- Any surplus monies would be added to reserves to support any future gaps in budget
- The Medium Term Financial Plan and estimates of budget gaps for future years
- November saw a second period of lockdown which from a financial perspective stalled the recovery in service activity and therefore income
- The income compensation scheme was active and the first payment of £530k relating to return period April to July had been received. The second return (August to November) had been accelerated and submission was currently in progress.
- A further £53k had been received in furlough monies for November
- The variances outlined within the report
- Month 8 reporting for the Housing Revenue Account which showed a forecast reduction in the deficit by £34k to £324k

Discussion took place with regard to the Income Compensation Scheme and the recruitment of a Market Manager for Tiverton Pannier Market.

Note: * Monitoring report previously circulated; copy attached to the signed minutes.

54 **BUDGET 2021-2022 - UPDATE (1-08-29)**

The Group had before it, and **NOTED**, a report * from the Deputy Chief Executive (S151) reviewing the revised draft budget changes. This had been previously considered by the Cabinet on 7 January 2021 and the Group was asked to discuss any changes that it may require prior to the formal recommendation of the budget proposals to Cabinet and Council in February.

The following was highlighted within the report:

- The current snapshot of where the council was at the current time, the deficit was down to £490k but that there was more work to do.
- Key movements and assumptions shown within the report highlighting the Government Income Protection Scheme, the Autumn Statement, the funding settlement, the New Homes Bonus, the Lower Tier Service Grant and an adjustment to the pay settlement
- The ongoing unknown impact of the pandemic on the budget

Discussion took place with regard to:

- Whether Members had any additional saving suggestions, savings on grass verges maintenance was suggested together with additional income generation
- A possible reduction in services and that difficult decisions would have to be made
- Any increase in Council Tax above the capped level would require a referendum

Note: * Report previously circulated; copy attached to the signed minutes.

55 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (1-35-52)

The Group requested that COVID19 activities continue to be it's only consideration at the current time (other than those reports which were statutorily necessary to come to each meeting).

(The meeting ended at 7.08 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COMMUNITY POLICY DEVELOPMENT GROUP**
held on 26 January 2021 at 2.15 pm

Present

Councillors

Mrs C P Daw (Chairman)
E J Berry, Mrs C Collis, L J Cruwys,
J M Downes, B Holdman and
Mrs M E Squires

Apologies

Councillor(s)

Mrs E M Andrews

Also Present

Councillor(s)

R M Deed, R Evans and D J Knowles

Also Present

Officer(s):

Jill May (Director of Business Improvement and Operations), Ian Chilver (Group Manager for Financial Services), Catherine Yandle (Group Manager for Performance, Governance and Data Security), John Bodley-Scott (Economic Development Team Leader), Lee Chester (Leisure Manager), Clare Robathan (Scrutiny Officer) and Carole Oliphant (Member Services Officer)

59 APOLOGIES AND SUBSTITUTE MEMBERS (0.02.47)

Apologies were received from Cllr Mrs E M Andrews

60 REMOTE MEETINGS PROTOCOL (0.03.05)

The Group had before it, and **NOTED**, the *Remote Meetings Protocol.

Note: *Remote Meetings Protocol previously circulated and attached to the minutes

61 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.03.55)

Members were reminded of the requirement to make declarations where appropriate

62 MINUTES OF THE PREVIOUS MEETING (0.04.18)

The Minutes of the Meeting held on 8th December 2020 were approved as a correct record

63 PUBLIC QUESTION TIME (0.04.44)

Andrea Rowe from the Museum of Mid Devon Life referring to item 9 on the agenda stated:

The Board were concerned that the Council would cut the grant for 2021-2022 and that the Tourist Information Centre had just been announced as a finalist in the Visitors Centre of the year for 2020-2021.

The museum and tourist information service play a vital role in boosting the local economy by attracting visitors to the Mid Devon area, both to visit the museum and through our work on Visit Mid Devon which promotes the local area as a visitor destination. Given the challenges High Streets are currently facing, our town centre location is also a significant factor.

Using the Association of Independent Museum's Economic Impact Toolkit we have estimated that the museum's economic contribution to the local economy in 2019 was £213,744. This means that for every £1 that MDDC invested in the museum in 2018, there was a return of over £7 into the local economy.

The Museum and Information Services offer a variety of challenging volunteering opportunities which currently attract over 80 people and provide unique learning experiences on site and in schools and care homes for the young and old. They also organise low cost family activities in school holidays.

Are members fully aware of the economic, wellbeing and social impact of the museum?

The Chairman advised that the question would be addressed during the agenda item.

64 **CHAIRMAN'S ANNOUNCEMENTS (0.10.08)**

The Chairman had no announcements to make

65 **BUDGET (0.10.21)**

The Group had before it, and **NOTED**, the *Budget report for 2021/2022 from the Deputy Chief Executive (S151).

The Group Manager for Finance stated that this was the second draft of the budget and that the deficit had reduced from an excess of £3m to £490k and included the impact of the Government's funding settlement.

He explained that Government funding for the pandemic via the Income Compensation Scheme had been extended to the end of June 2021.

He further explained that it remained a very volatile period and that the unknown impact of the ongoing Covid crisis may vary the numbers further.

Some of the £490k deficit would need to be met from reserves but Members were asked to consider that the deficit for 2022-2023 was forecast as £3m.

Members were asked to highlight any savings which could be considered to reduce the deficit for 2021-2022 and beyond.

Consideration was given to:

- Business rate return implications and how these could be mitigated
- What were acceptable services levels and how these could be determined
- Members concerns with regard to using reserves to reduce the budget deficit

Note: *The budget report previously circulated and attached to the minutes

66 **FINANCIAL MONITORING (0.26.15)**

The Group received a verbal financial monitoring report from the Group Manager for Finance who explained that as of November 2020 the forecast had improved by £133k and that the Council could realise a surplus of £109K. He explained that when the report had been produced there was no knowledge of a further lockdown so the situation could deteriorate.

The officer explained that the projected surplus did not mean additional money to spend but would see the Council ending the financial year better than anticipated. If any monies were left at the end of year this would be put into an ear marked reserve to bridge any future budget gap.

He explained that £530k had been received from the Government to date, through the Income Compensation Scheme and that an additional claim for £775k had been submitted. There was a risk of misinterpretation of the rules so these figures may need to be adjusted.

67 **GRANT PAYMENTS TO EXTERNAL ORGANISATIONS (0.36.15)**

The Group had before it a *report from the Head of Planning, Economy and Regeneration presenting the Strategic Grants Programme Evaluation and Review.

The Economic Development Team Leader outlined the contents of the report and explained that the Working Group had met 3 times to discuss the budget. The pandemic had severely impacted the Council's partners who had shown great resilience and had all played an important part in assisting and supporting vulnerable residents.

The officer explained that the Working Group had recognised the important work that the partners did and the financial difficulties the Council was facing.

Consideration was given to:

- The Working Group did not wish to cut the grants to the existing partners
- The £9650 saving from the Age UK Mid Devon grant should be offered as a saving to protect the grants for the other partners
- The additional external funding that was now available to the Council's partners
- Regular meetings with the partners were held which highlighted and signposted partners to additional sources of income that they may be entitled to

It was therefore **RECOMMENDED** to the Cabinet that:

- 1) A one year grant award be made for 2021-2022, with a review in the autumn of 2021;
- 2) Grants to be made on a 1 year settlement basis, to be reviewed annually each autumn;
- 3) The £9,650 previously offered to Age UK Mid Devon be identified as a saving;
- 4) The grant payments for 2021–2022 to the Council's other strategic partners should remain at the same levels as 2020-2021.
- 5) The levels recommended were:

Organisation	2021-2022 Grant
Churches Housing Action Tam (CHAT)	£12,500
Citizens Advice	£15,500
Involve – Voluntary Action in Mid Devon	£12,000
Mid Devon Mobility	£22,000
Grand Western Canal	£45,000
Tiverton Museum of Mid Devon Life	£27,500
Tourist Information Service	£4,000
Total Grants	£138,500
Savings	£9,650

- 6) If the Cabinet were minded to reduce the grant payment awards in 2021-2022 the Community PDG recommended that the organisations which directly supported vulnerable residents should have their grant payments protected, namely:
 - Churches Housing Action Team (CHAT)
 - Citizens Advice
 - Involve – Voluntary Action in Mid Devon
 - Mid Devon Mobility

(Proposed by the Chairman)

Reason for the Decision – So that the allocation of grants could continue to support external agencies delivering services to enhance the Council's Homes, Community and Economy priorities

Notes:

- i.) Cllr D J Knowles declared a personal interest as a member of the Mid Devon Museum and Involve
- ii.) *Report previously circulated and attached to the minutes

68 **SINGLE EQUALITIES POLICY AND EQUALITY OBJECTIVES (0.56.42)**

The Group had before it a *report of the Group Manager for Performance, Governance and Data Security presenting the Single Equalities Scheme and Equality Objectives.

There was no further discussion on the report.

It was therefore **RECOMMENDED** to the Cabinet that:

- The Single Equalities Scheme and Equality Objectives be **APPROVED**

(Proposed by Cllr E J Berry and seconded by Cllr Mrs M E Squires)

Reason for the Decision – To ensure that the Council fulfils its statutory duties under the Equality Act 2020

Note: *Report previously circulated and attached to the minutes

69 **PERFORMANCE AND RISK (0.58.53)**

The Group had before it, and **NOTED**, a *report of the Group Manager for Performance, Governance and Data Security providing updated information on the performance against the Corporate Plan and local service targets for 2020-21.

The Officer outlined the contents of the report and explained that the results were to the end of November 2020. Some of the items did not currently have results against the Corporate Plan as there was a need to work with partners and establish the measures which had been difficult during the pandemic.

Note: *Report previously circulated and attached to the minutes

70 **ON LINE BOOKING SYSTEM FOR LEISURE CENTERS (1.00.00)**

The Leisure Manager explained to the Group that discussions had taken place regarding the suitability of any new CRM system to dovetail a bespoke leisure booking system onto it. The draft leisure plan for 2022-2023 already had a capital budget put aside for an off-the-shelf leisure offering so dovetailing a bespoke system into a CRM which had not yet been established would not be advantageous.

The officer explained that he had no quantitative data to suggest that there were any issues with the current offering.

The Leisure Manager explained that when the time came to establish a procurement exercise to define the new leisure booking system, a working group would be set up with Members and frequent users to help select a suitable offering.

71 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (1.09.05)**

There were no additional items identified

(The meeting ended at 3.27 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 13 January 2021 at 2.15 pm

Present

Councillors

Mrs F J Colthorpe (Chairman)
G Barnell, S J Clist, Mrs C P Daw,
J M Downes, C J Eginton, D J Knowles,
F W Letch, B A Moore, R F Radford and
B G J Warren

Apologies

Councillor(s)

E J Berry and L J Cruwys

Also Present

Councillor(s)

Mrs E M Andrews, R J Chesterton,
R J Dolley, D F Pugsley, Mrs M E Squires,
A Wilce and Mrs N Woollatt

Present

Officers:

Jenny Clifford (Head of Planning, Economy and Regeneration), Eileen Paterson (Development Management Manager), Maria De Leburne (Legal Services Team Leader), Alison Fish (Area Team Leader), Angharad Williams (Area Team Leader), John Millar (Principal Planning Officer), Sally Gabriel (Member Services Manager) and Carole Oliphant (Member Services Officer)

112 APOLOGIES AND SUBSTITUTE MEMBERS (0.03.13)

Apologies were received from Cllr E J Berry and Cllr L J Cruwys who were substituted by Cllr B A Moore and Cllr J M Downes respectively

113 REMOTE MEETINGS PROTOCOL (0.03.39)

The Committee had before it, and **NOTED**, the *Remote Meetings Protocol

Note: *Remote Meetings Protocol previously circulated and attached to the minutes

114 PUBLIC QUESTION TIME (0.04.15)

There were no questions from members of the public present

115 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (0.04.28)

Members were reminded of the need to declare any interested when appropriate

116 MINUTES OF THE PREVIOUS MEETING (0.04.45)

The minutes of the meeting held on 2nd December 2020 were agreed as a true record

117 CHAIRMAN'S ANNOUNCEMENTS (0.05.53)

The Chairman made the following announcements:

- She informed Members that Alison Fish, Area Team Leader, was leaving the Council to work for the Planning Inspectorate and wished her well in her new role
- She welcomed Angharad Williams as the new Area Team Leader for the Central Team

118 DEFERRALS FROM THE PLANS LIST (0.08.06)

The meeting was informed that Item 1 on the agenda – application 20/01537/HOUSE (19 Lower Millhayes, Hemyock, Cullompton) had been deferred to allow for further investigations to be completed due to information received from representations

119 THE PLANS LIST (0.08.27)

The Committee considered the applications in the *Plans List.

Note: *List previously circulated and attached to the minutes.

- a) **20/01452/MOUT - Hybrid application for a new cricket facility consisting of an Outline application for a pavilion of up to 2 storeys, indoor cricket centre of up to 2 storeys, scorers hut, ground equipment store, outdoor cricket nets, landscaping and parking (all matters reserved) and a Full application for layout and earthworks for 2 cricket grounds at Land at NGR 305210 108255, Horn Road, Kentisbeare.**

The Principal Planning Officer explained that the purpose of the hybrid application was to allow for an application to be divided into two parts allowing for an outline application for the cricket club pavilion and additional facilities and a full application for the creation of the two cricket pitches. He explained that the proposed Cullompton Relief Road route would go through the current Cullompton Cricket Club site and that there was a Local Plan policy requirement for the Cullompton Cricket facilities to be replaced elsewhere. The Principal Planning officer also advised that the application should be determined on its merits.

The officer then outlined the contents of the report by way of a presentation highlighting the site plan, location plan, illustrative landscape master plan, illustrative master plan, illustrative clubhouse and access point and photographs of the site.

In response to Members questions he explained that although Sport England were not overly supportive of the site they had not raised an in principle objection subject to ensuring the cricket pitches would be ready before the Cullompton Cricket Club left their current site. He further explained that Sport England would only require 1 pitch

and a standard clubhouse but that the Cricket Clubs aspirations went beyond this and that the application was for 2 pitches and a larger 2 storey club house.

With regard to Members concerns with mud on the road during the construction of the pitches the officer explained that any issues with this would be addressed in the construction management plan.

Members then discussed the possibility of alternative locations for the facility and the officer explained that the Cricket Club and the Town Council had been actively looking for a suitable site for a number of years. Issues with identified alternative sites included topography, availability and location. Members requested information as to what a Grampian condition was. In addition concern was raised about the proximity of the site to the Kentisbeare Cricket Club location.

The officer confirmed that S106 contributions were not being sought for the application and the Highways Authority had not requested any improvements to the road network in the location of the site.

In response to Members questions, the officer explained that the site was not within the Culm Garden Village exploration area and was outside of the master planning requirements for the East Cullompton allocation (Local Plan Policy CU7).

Consideration was given to:

- The views of the objectors who stated that the development would have a detrimental effect on Kentisbeare Cricket Club which was an integral part of the village and that it was not sustainable to have two clubs within such close proximity
- The views of the applicant who stated that the club had to relocate due to the relief road and that enhanced facilities were required due to the continued growth of the Cullompton Cricket Club. That they had actively been looking for a suitable site for 8 years
- The views of Cullompton Town Council who fully supported the application who stated it was the best site they had found in 8 years of looking
- The views of Kentisbeare Parish Council who stated that the Cricket Club had dismissed alternative sites for questionable reasons and that the application was being pushed through due to the relief road
- The views of the Ward Member who questioned the need for 2 pitches and that the application did nothing for Kentisbeare
- Concerns of Members that two local councils appeared to be at loggerheads with regard to the application
- Concerns with regard to the increased carbon footprint for people having to drive to the new site
- Competition between the two cricket clubs was not a material consideration
- The application would bring improved sporting facilities to Mid Devon

It was therefore **RESOLVED** that: planning permission be approved subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by Cllr B A Moore and seconded by Cllr D J Knowles)

Reason for the Decision – as set out in the report

Notes:

- i.) Cllrs Mrs F J Colthorpe, G Barnell, S J Clist, J M Downes, Mrs C P Daw, C J Eginton, D J Knowles, F W Letch, B A Moore, R F Radford and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received letters and submissions from objectors
 - ii.) Mr S Chappell (objector) spoke on behalf of Kentisbeare Cricket Club
 - iii.) Mr R Stevenson (applicant) spoke
 - iv.) Cllr G Guest spoke on behalf of Cullompton Town Council
 - v.) Cllr N Allen spoke on behalf of Kentisbeare Parish Council
 - vi.) Cllr D F Pugsley spoke as Ward Member
 - vii.) Cllrs S J Clist and Mrs C P Daw requested that their abstention on voting be recorded
 - viii.) Cllr B G J Warren requested that his vote against the decision be recorded
 - ix.) The following late information was reported:

Further correspondence was forwarded directly to Members from Kentisbeare Parish Council following publication of the Planning Committee Report, raising further concerns about the suitability of the site and compliance with Local Plan policies.
- b) **20/00876/MFUL - Construction of Cullompton Town Centre Relief Road comprising new 1350 metre road connecting Station Road to Duke Street and associated works at Land at NGR 302456 107324, Cullompton, Devon.**

The Principal Planning Officer outlined the contents of the report by way of a presentation highlighting the site location plans, proposed key junctions, environmental master plans, construction compound and haulage route, land compensation scheme and photographs of the site.

In response to questions from Members with regard to the priority of the road network at Meadow Lane and Exeter Road the officer explained that the Highways Authority saw no need to change the priority and that traffic could be redirected to the relief road via signage.

Members discussed the representations received from current landowners and the Development Management Manager explained that Members would need to decide if the representations received were related to planning issues. She advised Members that they would need to decide what weight to give them when deciding the application but that representations about land ownership were not material considerations.

The Principal Planning officer explained to Members that the Bowling Club would relocate to part of the current Cricket Club site after the Cricket Club had moved to it's new location and that land had been allocated within the development for a replacement site for the Bowling Club.

The Development Management Manager explained that any compulsory purchase orders would be dealt with by Devon County Council and that the relief road would be an asset of the County Council Highways Authority.

Consideration was given to:

- The views of the objector who stated that Tesco had wanted an adequate roundabout at the junction with the existing store but felt the junction proposed was inadequate
- The views of the agent who explained that it was a very complex scheme which had been designed with input from many stakeholders. That they would continue to consult with neighbours, including Tesco to resolve issues going forward
- The views of Cullompton Town Council who were fully in support of the scheme but had concerns with some of the junctions and felt that the CCA fields should be fenced off from the road
- The views of the Ward Member who had concerns with the Meadow Lane junction and requested a suitable surface for the footpaths within the CCA fields
- The views of the Ward Member who stated that the CCA fields were a massive asset for Cullompton and that the District Council were not providing any additional parks within Cullompton
- The views of the adjoining Ward Member who felt that the proposed junction at Meadow Lane was dangerous for children and that there would be a bad accident if this was not addressed
- Members concerns with regard to the safety and priority at the Exeter Road/Meadow Lane Junction and no provision provided for pedestrian crossings which they felt should be mitigated by a condition
- Members concerns with regard to the responsibility of the ongoing maintenance of the proposed footpaths
- Members concerns with regard to the access to and availability of compulsory open spaces and that a schedule of replacement land was required
- Members views that the applicant was willing to listen to concerns of local residents and make adjustments where required

It was therefore **RESOLVED** that: planning permission be approved subject to conditions as recommended by the Head of Planning, Economy and Regeneration and subject to:

1. Amendment to condition 1 to read:

The development hereby permitted shall be begun before the expiration of ten years from the date of this permission.

2. Amendment to condition 14 to read:

Prior to commencement of any earthworks, drainage works, carriageway construction or other road construction works, a detailed Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall be based on the recommendations detailed within the submitted Environmental Statement and include, but not be limited to:

- (a) details of measures proposed in respect to the avoidance of harm to protected species and ecological mitigation, compensation and enhancement;

- (b) details of habitat/biodiversity mitigation, compensation and enhancement, including a timetable for the implementation of the measures and details of future management, maintenance and monitoring;
- (c) details of the final landscaping scheme including the species, size and location of replacement planting, and any earth re-profiling, a timetable for the implementation of the planting, seeding, and earth work, and their future management, maintenance and monitoring. Details of earth re-profiling shall include details for the finish of the replacement land identified as Plot 104-1 in the submitted Cullompton Town Centre Relief Road Open Space Statement and the existing CCA Fields land between Plot 104-1 and the proposed informal details of the removal of non-native invasive plants.

The approved scheme shall be implemented in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

3. Amendment to condition 21 to read:

No construction activities impacting on the existing Cullompton Cricket Club site and facilities shall take place until as a minimum a single replacement cricket pitch (consisting of 9 fine turf wickets and 1 non turf artificial wicket) and associated facilities as approved under planning permission 20/01452/MOUT dated 19/01/2021, have been implemented and made available for use.

Reason: To ensure delivery of a replacement cricket pitch and facilities of an adequate standard.

4. Introduction of condition 22 to read:

Prior to the commencement of the development, a scheme for

- a) The configuration, prioritisation, signing and marking of the junction between Meadow Lane and Exeter Road
- b) pedestrian crossing arrangements on Meadow Lane shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented and maintained.

Reason: In the interests of highway safety, traffic management and pedestrian safety

It was resolved that the application to discharge this condition should be brought before the Planning Committee for determination

5. Introduction of condition 23 to read:

No construction activities impacting on existing open space, including CCA Land, sports pitches and facilities shall take place until a schedule of replacement land provision including open space provision, sports pitches and facilities, with access to that provision, phasing and a timetable for delivery, shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed schedule and timetable.

Reason: To ensure delivery of replacement open space and sports provision.

It was resolved to seek the agreement of the Chairman and the Vice Chairman of the Planning Committee as to the acceptability of this condition.

(Proposed by Cllr B A Moore and seconded by Cllr G Barnell)

Reason for the Decision – as set out in the report

Notes:

- i.) Cllrs Mrs F J Colthorpe, G Barnell, S J Clist, J Downes, Mrs C P Daw, C J Eginton, D J Knowles, F W Letch, B A Moore, R F Radford and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received letters and submissions from objectors
- ii.) Cllr Mrs F J Colthorpe declared a personal interest as she was also a Devon County Councillor
- iii.) Cllr R F Radford declared a personal as he was also a Devon County Councillor and owned industrial units adjacent to the site
- iv.) Cllrs S J Clist and J M Downes declared personal interests as they had family living in proximity of the site
- v.) Cllr Mrs N Woollatt declared a personal interest as she lived inside the relief road route
- vi.) Cllr A Wilce declared a personal interest as he used the CCA fields
- vii.) Cllr Mrs E M Andrews declared a personal interest as the Chairman of the CCA
- viii.) Mr J Berry (objector) spoke on behalf of Tesco
- ix.) Ms D Fitzsimmons (agent) spoke on behalf of the applicant
- x.) Cllr G Guest spoke on behalf of Cullompton Town Council
- xi.) Cllr Mrs N Woollatt and Cllr A Wilce spoke as Ward Members
- xii.) Cllr Mrs E M Andrews spoke as adjoining Ward Member
- xiii.) The following late information was reported:

Following review of the proposed conditions, revised wording is suggested to condition 1 and 14, should planning permission be granted. The amended conditions are as follows, with the revised wording underlined:

- a. Condition 1: The development hereby permitted shall be begun before the expiration of ten years from the date of this permission.
- b. Condition 14: Prior to commencement of any earthworks, drainage works, carriageway construction or other road construction works, a detailed Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall be based on the recommendations detailed within the submitted Environmental Statement and include, but not be limited to:
 - (a) details of measures proposed in respect to the avoidance of harm to protected species and ecological mitigation, compensation and enhancement;
 - (b) details of habitat/biodiversity mitigation, compensation and enhancement, including a timetable for the implementation of the

measures and details of future management, maintenance and monitoring;

(c) details of the final landscaping scheme including the species, size and location of replacement planting, and any earth re-profiling, a timetable for the implementation of the planting, seeding, and earth work, and their future management, maintenance and monitoring. Details of earth re-profiling shall include details for the finish of the replacement land identified as Plot 104-1 in the submitted Cullompton Town Centre Relief Road Open Space Statement and the existing CCA Fields land between Plot 104-1 and the proposed informal details of the removal of non-native invasive plants.

The approved scheme shall be implemented in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

- c. Further correspondence has also been received and forwarded to Members from an objector, Mr Veysey, who owns land that is proposed to be used as part of the CCA Fields compensation package. Mr Veysey has highlighted the impact that the loss of this land would have on his sheep rearing enterprise.

120 **PLANNING PERFORMANCE 20/21 - QUARTER 3 (3.31.30)**

The Committee had before it, and **NOTED**, a *report of the Head of Planning, Economy and Regeneration providing Planning and Building Control performance for quarter 3.

The Development Management Manager outlined the contents of the report and explained that the Government monitored planning performance in terms of speed and quality of decision making.

She explained that the first speed measure was the percentage of major applications determined within 13 weeks as measured over a 2 year period and the second was the percentage of non-major applications determined within 8 weeks as measured over a 2 year period.

The quality measures were the percentage of all major applications and non-major applications determined over a 2 year period that had been overturned at appeal.

The officer explained that the service had met its performance targets and exceeded the targets but the performance was not as high as the performance of other Councils. The new procedures had been introduced to resolve Extension of Time issues.

The officer explained that new planning applications had dropped off at the beginning of 2020 due to the pandemic but this was improving. She also explained that enforcement action had reduced during the pandemic and that there were currently 212 outstanding cases. The new Area Planning Team Leader was tasked with revisiting old cases and getting these resolved so that they could be closed.

The officer informed Members that Building Control had met all its targets.

In response to a question asked she confirmed the Area Team Leaders as:

- Angharad Williams (Central)
- Alison Fish (Eastern)
- Adrian Deveraux (Western)

Note: *Report previously circulated and attached to the minutes

121 **APPEAL DECISIONS (3.45.44)**

The Committee had before it and **NOTED** a list of appeal decisions * providing information on the outcome of recent planning appeals.

Note: *List previously circulated; copy attached to minutes.

(The meeting ended at 6.15 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 10 February 2021 at 2.15 pm

Present

Councillors

Mrs F J Colthorpe (Chairman)
G Barnell, E J Berry, Mrs C P Daw,
L J Cruwys, C J Eginton, S J Clist,
F W Letch, D J Knowles, R F Radford and
B G J Warren

Also Present

Councillor(s)

J Cairney and J M Downes

Present

Officers:

Eileen Paterson (Development Management Manager), Maria De Leburne (Legal Services Team Leader), Adrian Devereaux (Area Team Leader), Helen Govier (Principal Planning Officer), Alex Marsh (Conservation Officer), Sally Gabriel (Member Services Manager) and Carole Oliphant (Member Services Officer)

122 APOLOGIES AND SUBSTITUTE MEMBERS (0.03.59)

There were no apologies or substitute Members.

123 REMOTE MEETINGS PROTOCOL (0.04.09)

The Committee had before it, and **NOTED**, the *Remote Meetings Protocol.

Note: *The remote meeting protocol previously circulated and attached to the minutes

124 PUBLIC QUESTION TIME (0.04.18)

There were no questions from members of the public present

125 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (0.04.42)

Members were reminded of the need to declare any interested when appropriate

126 MINUTES OF THE PREVIOUS MEETING (0.04.59)

The minutes of the meeting held on 13th January 2021 were agreed as a true record

127 **CHAIRMAN'S ANNOUNCEMENTS (0.05.59)**

The Chairman had no announcements to make

128 **DEFERRALS FROM THE PLANS LIST (0.06.07)**

There were no deferrals from the Plans list

129 **THE PLANS LIST (0.06.13)**

The Committee considered the applications in the *Plans List.

Note: *List previously circulated and attached to the minutes.

Applications dealt with without debate.

In accordance with its agreed procedure the Committee identified those applications contained in the Plans List which could be dealt with without debate.

RESOLVED that the following application be determined or otherwise dealt with in accordance with the various recommendations contained in the list namely:

- a) **Application 20/01985/HOUSE - Erection of porch at Wilcombe House, Lewis Avenue, Tiverton** be approved subject to conditions as recommended by the Head of Planning, Economy and Regeneration

(Proposed by the Chairman)

Reason for the Decision: As set out in the report

- b) **Application 20/00146/FULL - Erection of 9 dwellings with associated vehicular and pedestrian access at Land at NGR 295241 122012, South of Elizabeth Penton Way, Bampton.**

The Development Management Manager outlined the contents of the report by way of a presentation which highlighted the proposed site layout, elevations and floor plans, proposed sections, proposed highway layout and landscaping and photographs of the site.

The officer explained that the site had been subject to a number of previous planning applications and had gained outline planning permission for up to 26 units in 2010.

In response to Members questions about the proposed materials for the roof tiles the officer confirmed that a change to condition 8 could be made to ensure that samples of materials were submitted for prior approval.

Detailing the S106 contributions the officer confirmed that there was provision for education by way of contributions towards school transport and that the open space contribution for improvements to public open space at Bampton Motte and Bailey.

With regard to the S106 requirement for affordable housing, the officer explained that Policy S3 advised that for sites between 6-10 units outside of Tiverton, Cridton and Cullompton a financial contribution could be made. The applicant's viability study had concluded that the site was not viable and therefore no S106 contribution for the provision of affordable housing had been included. The officer confirmed that the S106 agreement would be drafted with an affordable housing review mechanism following the sale of the 9 units so that if appropriate a clawback could be included.

In response to Members questions, the Development Management Manager confirmed that the applicant's viability report had been independently verified at a cost to the Authority.

Consideration was given to:

- Members views that the description of the units as traditional Devon barns was not accurate
- Green open spaces on the site would be run by a management company
- The applicants identity was not relevant and that the application had to be determined on its merits
- The views of the objector that the application was fundamentally flawed and not a viable development
- The views of the agent who explained the rationale for the reduction in units from the original permissions and that an environmental plan would be agreed
- The views of Members that felt that no construction traffic should be allowed on site during school run times
- The views of Members that bin storage with recycling should be provided for each proposed house

It was therefore **RESOLVED** that: planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration and subject to:

Amendment to condition 7 to read:

Construction and delivery traffic vehicular movements to and from the site will be restricted to the following hours:

- Between 7.00am to 8.00am Monday to Friday;
- Between 9.00am to 3.00pm Monday to Friday;
- Between 4.00pm to 6.00pm Monday to Friday;
- Between 9.00am to 1.00pm Saturday; and
- At no time on Sundays and Bank/Public holidays

Amendment to condition 8 to read:

Notwithstanding the submitted plans the following shall take place:-

- (a) samples of the construction materials as shown on approved plan L0203 Rev B will be submitted and approved in writing by the Local Planning Authority prior to commencement of construction.

- (b) details including elevations and materials of all boundary treatments as shown on approved plan L0203 Rev B will be submitted and approved in writing by the Local Planning Authority prior to their implementation.

No dwelling will be occupied until such details have been approved and implemented.

Amendment to condition 13 to read:

Each dwelling hereby permitted shall be fitted with a built in bat or bird box prior to occupation of the dwellings hereby approved. The developer / owner will notify the Local Planning Authority in writing once installation of the bat or bird boxes has been completed.

Amendment to condition 19 to read:

Prior to the dwellings hereby approved being occupied, a plan illustrating the provision for cycle and bin storage (including recycling) for each dwelling shall first be submitted to and approved in writing by the Local Planning Authority. The approved details will thereafter be implemented on site before the dwellings are occupied

(Proposed by Cllr R F Radford and seconded by Cllr E J Berry)

Reason for the Decision: As set out in the report

Notes:

- i) Cllr Mrs F J Colthorpe made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as she used to be Ward member and knew the landowner;
- ii) Cllrs S J Clist and G Barnell made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had visited the site with the applicant and had received letters of objection;
- iii) Cllrs D J Knowles made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as he had received information regarding the application;
- iv) Cllr B G J Warren made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as he had been approached by the applicants Director;
- v) Mrs K Stephenson (objector) spoke;
- vi) M Timms (agent) spoke;
- vii) The Ward Members were unable to speak to the application as they were directly involved with the applicant;

- viii) A proposal to defer the application for a further independent viability study was not supported;
- ix) Cllrs G Barnell, S J Clist and L J Cruwys requested that their vote against the decision be recorded;
- x) The following late information was reported:

The open space contribution will be £11,442 and will go to **improvements to public open space at Bampton Motte and Bailey.**

Condition 15 refers to Condition 13 above – this should be Condition 14 above

c) Application 20/01584/MOUT - Outline for the erection of a 50 bedroom nursing home at Langford Park Nursing Home, Langford Road, Langford, Newton St Cyres

The Area Team leader outlined the contents of the report by way of a presentation which highlighted the current site layout, indicative site plan, 3D indicative views, cutaway floor plan and photographs of the site.

The officer explained that no objections had been received from the Highways Authority who had stated that the development was appropriate and would not have a severe effect on the highway.

Environmental Health had raised no issues with regard to drainage of the site and South West Water had raised no objection to the capacity of the mains sewer.

The officer explained that the application sought outline permission with all matters reserved so consideration of the development related to the overall principle of development.

In response to Members questions the Area Team Leader confirmed that the final design and number of car parking spaces could be determined as reserved matters and would not be tied to the indicative plans.

The officer explained that the S106 request from the Royal, Devon & Exeter NHS Foundation Trust was flawed as it had calculated the contribution on the basis of development for 50 residential dwellings on a domestic housing estate. Officers did not feel that the 3 tests had been proved and that the request was not compliant to CIL Regulation 122.

Consideration was given to:

- The application was for a nursing home unit not a care home unit and would cater for the most vulnerable residents
- The views of the objector who did not object to the expansion of the nursing home but felt consideration should be given to the height of the building, sewage provision, highways safety and light pollution from security lighting
- The views of the agent who stated that the development was in a good location with good transport links and that there was a need for the provision

of these services within Mid Devon. The developer would be willing to work with local residents to ease any concerns with the development

- The views of the Ward Member who had concerns with the potential height of the building, drainage and transport issues and requested a travel plan with practical steps to protect staff

It was therefore **RESOLVED** that: planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration and subject to:

An additional condition (11) to read:

Prior to occupation of the development hereby approved, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with the approved Travel Plan. For the avoidance of doubt the Travel Plan should outline safety measures for staff who are encouraged to use travel modes other than the car given the lack of footpath and highway lighting from the nearest public transport stop.

Reason: In the interests of highway safety and sustainability.

(Proposed by Cllr F W Letch and seconded by Cllr B G J Warren)

Reason for the Decision: As set out in the report

Notes:

- i) Cllr G Barnell made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as he was Ward Member and was known to the objectors;
- ii) Mrs S Daldorph (objector) spoke;
- iii) Mr D Taylor (agent) spoke;
- iv) Cllr G Barnell spoke as Ward Member;
- v) The following late information was reported:

Response received from Newton St Cyres Parish Council - 5th February 2021:
'Following our Parish Council meeting last night, we have no comment on this application.'

An additional condition is recommended to require the submission of a Travel Plan. The condition would therefore be number 11 and would be worded as follows:

11. Prior to occupation of the development hereby approved, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with the approved Travel Plan. For the avoidance of doubt the Travel Plan should outline safety measures for staff who are encouraged to use travel modes other than the car given the lack of footpath and highway lighting from the nearest public transport stop.

Reason: In the interests of highway safety and sustainability.

d) Application 20/00059/HOUSE - Retention of retaining walls, widening of access and formation of hardstanding for the parking of vehicles at 27 Downeshead Lane, Crediton, Devon.

The Principal Planning Officer outlined the contents of the report by way of a presentation which highlighted the site plan, car parking area (as constructed), proposed layout, elevations (as proposed), indicative plans of alterations to driveway and photographs of the site.

The officer explained that the application was retrospective and that the development had already been constructed and that it was a condition of (19/02118/FULL) that car parking provision be completed before occupation of the new dwelling.

In response to Members questions regarding cladding the built structure in natural stone to blend in with the surrounding landscape, the officer reported that the applicant had not been willing to engage with suggested changes to the built structure. Members were required to consider not only the appearance of the built structure but the harm caused to a listed asset.

The Conservation Officer confirmed that although natural stone covering would soften the look of the car port, he still felt that the development was out of character for the conservation area.

Members requested further details on actions that could be taken if the application was refused and the Principal Planning Officer confirmed:

- Enforcement action could be taken for the car port to be removed and reverted to the initial design
- Members could condition a timeframe for the structure to be clad in stone but the applicant could lodge an appeal against any condition imposed

Consideration was given to:

- The views of the applicant who stated they had not refused to install stone cladding and that the removal of the original driveway was a benefit to the property.
- The views of the Ward Member who stated that Crediton had a certain nature and that the application was in a conservation area
- The damage caused to a listed structure
- That the applicant had not engaged with Enforcement Officers to try and rectify the issue
- Members views that the structure as built was not appropriate in a conservation area

It was therefore:

RESOLVED that: planning permission be refused as recommended by the Head of Planning, Economy and Regeneration

(Proposed by the Chairman)

Reason for the Decision: As set out in the report

Notes:

- i) Cllr F W Letch made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as he was Crediton Town Mayor and he had sat on the Town Council Strategy Committee which had discussed the application, but had not voted;
- ii) Cllr J Cairney made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as he had sat on the Town Council Strategy Committee which had discussed the application, but had not voted;
- iii) Cllrs Mrs F J Colthorpe, G Barnell, E J Berry, Mrs C P Daw, L J Cruwys, C J Eginton, S J Clist, F W Letch, D J Knowles, R F Radford and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence from the applicant;
- iv) The following late information was reported:

Since the officer report was drafted two letters of support have been received, the main points are summarised below;

- The car parking area makes virtually no impact on the general aspects of the area
- There is hardly any passing traffic and a low volume of pedestrian traffic
- To make any unnecessary major structural changes at this time will only prolong any positive benefits already achieved to the environment

Members will be aware of the correspondence from the applicant which has recently been circulated, document titled 20/00059/HOUSE 27 Downeshead Lane – additional photographic evidence. This correspondence was received on 24th January and was taken into account during the assessment of the application and drafting of the officer report to committee. Therefore it is not considered that it raises any additional matters that members need to be updated on at this time.

e) Application 20/00061/LBC - Listed Building Consent for removal of boundary wall at 27 Downeshead Lane, Crediton, Devon.

The Principal Planning Officer outlined the contents of the report by way of a presentation which highlighted the site plan, car parking area (as constructed), proposed layout, elevations (as proposed), indicative plans of alterations to driveway and photographs of the site.

The officer explained that the application was retrospective and that the development had already been constructed and that it was a condition of (19/02118/FULL) that car parking provision be completed before occupation of the new dwelling.

In response to Members questions regarding cladding the built structure in natural stone to blend in with the surrounding landscape, the officer reported that the applicant had not been willing to engage with suggested changes to the built structure. Members were required to consider not only the appearance of the built structure but the harm caused to a listed asset.

The Conservation Officer confirmed that although natural stone covering would soften the look of the car port, he still felt that the development was out of character for the conservation area.

Members requested further details on actions that could be taken if the application was refused and the Principal Planning Officer confirmed:

- Enforcement action could be taken for the car port to be removed and reverted to the initial design
- Members could condition a timeframe for the structure to be clad in stone but the applicant could lodge an appeal against any condition imposed

Consideration was given to:

- The views of the applicant who stated they had not refused to install stone cladding and that the removal of the original driveway was a benefit to the property.
- The views of the Ward Member who stated that Crediton had a certain nature and that the application was in a conservation area
- The damage caused to a listed structure
- That the applicant had not engaged with Enforcement Officers to try and rectify the issue
- Members views that the structure as built was not appropriate in a conservation area

It was therefore:

RESOLVED that: listed building consent be refused as recommended by the Head of Planning, Economy and Regeneration

(Proposed by the Chairman)

Reason for the Decision: As set out in the report

Notes:

- i) Cllr F W Letch made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as he was Crediton Town Mayor and he had sat on the Town Council Strategy Committee which had discussed the application, but had not voted;
- ii) Cllr J Cairney made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as he had sat on the Town Council Strategy Committee which had discussed the application, but had not voted;

- iii) Cllrs Mrs F J Colthorpe, G Barnell, E J Berry, Mrs C P Daw, L J Cruwys, C J Eginton, S J Clist, F W Letch, D J Knowles, R F Radford and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence from the applicant;
- iv) The following late information was reported:

Since the officer report was drafted two letters of support have been received, the main points are summarised below;

- The car parking area makes virtually no impact on the general aspects of the area
- There is hardly any passing traffic and a low volume of pedestrian traffic
- To make any unnecessary major structural changes at this time will only prolong any positive benefits already achieved to the environment

Members will be aware of the correspondence from the applicant which has recently been circulated, document titled 20/00059/HOUSE 27 Downeshead Lane – additional photographic evidence. This correspondence was received on 24th January and was taken into account during the assessment of the application and drafting of the officer report to committee. Therefore it is not considered that it raises any additional matters that members need to be updated on at this time.

130 **APPEAL DECISIONS (2.52.18)**

The Committee had before it and **NOTED** a list of appeal decisions * providing information on the outcome of recent planning appeals.

Note: *List previously circulated; copy attached to minutes.

(The meeting ended at 5.19 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **STANDARDS COMMITTEE** held on 3 February 2021 at 6.00 pm

Present

Councillors

C J Eginton (Chairman)
C R Slade, Mrs M E Squires, L D Taylor,
Mrs F J Colthorpe, A White, Mrs N Woollatt,
R M Deed and G Barnell

Apologies

Councillor(s)

A Wyer

Also Present

Councillor(s)

Ms E J Wainwright, B G J Warren, N V Davey, A Wilce and
Miss J Norton

Also Present

Officer(s):

Stephen Walford (Chief Executive), Kathryn Tebbey (Head
of Legal (Monitoring Officer)), Maria De Leburne (Legal
Services Team Leader), Catherine Yandle (Group
Manager for Performance, Governance and Data Security)
and Sally Gabriel (Member Services Manager)

Also

In attendance

Mr R Jeanes (Independent Person)

13 PUBLIC QUESTION TIME (00-02-55)

There were no questions from members of the public present.

14 PROTOCOL FOR REMOTE MEETINGS (00-03-03)

The protocol for remote meetings was noted.

15 APOLOGIES AND SUBSTITUTE MEMBERS (00-03-19)

Apologies were received from Cllr A Wyer who was substituted by Cllr G Barnell.

16 ELECTION OF VICE CHAIRMAN (00-03-32)

As Cllr A Wilce was no longer a member of the committee, the Chairman indicated that was a need to elect a Vice Chairman for the Committee until the end of the current municipal year.

RESOLVED that Cllr R M Deed become Vice Chairman of the Committee for the rest of the municipal year.

(Proposed by Cllr Mrs N Woollatt and seconded by Cllr C R Slade)

The Chairman thanked Cllr Wilce (who was present) for his time on the committee.

17 MINUTES (00-05-42)

The minutes of the previous meeting were approved as a true and accurate record.

18 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-06-12)

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

19 CHAIRMAN'S ANNOUNCEMENTS (00-06-35)

The Chairman had no announcements to make.

20 MOTION 564 (COUNCILLORS: MISS E WAINWRIGHT AND MISS J NORTON - 15 OCTOBER 2020) (00-06-46)

The following motion (minus Item 4 which was referred to the Scrutiny Committee) had been passed to the Standards Committee from Council for consideration and report.

Council resolves to:

1. Practice equality, fairness and inclusion, and to play its part in creating an equal society for all. There is no place for sexism, racism, bigotry, discrimination or intolerance of any form in our society.
2. Acknowledge that language is a powerful tool for change and inspiration, as well as ignorance, oppression and damaged relationships, and should be used thoughtfully and respectfully. Many people who do not have a voice in the public domain have to suffer the consequences of inaccurate or insulting language.
3. Review and, if needed, update member training, to equip all members with the language and tools needed to actively promote diversity and inclusivity.
5. Ask that the Chairs of the Equality Forum and Community PDG identify and discuss approaches to reaching hard-to-reach communities in Mid Devon.
6. Show leadership by creating a diversity and inclusion strategy, and seek input from residents and local organisations that have expertise, to ensure the council is inclusive towards diverse and hard-to-reach communities in its recruitment, member representation and service provision. As part of this, review and update the MDDC equalities policy.
7. Explore further opportunities to increase inclusivity, diversity and representation in Mid Devon District Council, including but not limited to amongst women, minority ethnic communities, young people, and carers.

(1) *The Fawcett Society and Local Government Information Unit report, 'Does Local Government Work for Women?' found that structural and cultural barriers hold back women's participation in local government. The practices and protocols of local government create unnecessary barriers to participation particularly for women with caring responsibilities.* <https://www.fawcettsociety.org.uk/does-local-government-work-for-women-final-report-of-the-local-government-commission>

Cllr Miss E Wainwright was invited to address the committee. She outlined the reasons for bringing the motion to Council and following discussions with the Equality Forum and other members, she wanted to explore how Mid Devon could be more open, accountable and inclusive and had suggested ways to progress this within the motion.

Cllr Miss J Norton was also invited to address the committee; she stated that there was a need to listen to each other and create a culture and that the main goal was to work together as a Council and that no accusations were being made.

Consideration was given to:

- What was meant by hard to reach communities and whether the Council was going everything it could to reach those people
- Whether the motion had been inspired by a national campaign or a local experience and if this was a local experience whether some of the issues raised had been reported
- How the Council could not influence who stood for election but that local residents could be encouraged to attend through conversation groups and asset based community development
- How behaviours could be outlined within the Code of Conduct
- Under (3) staff should be included in diversity training
- A request to include all of the Equality Forum and Community Policy Development Group and not just the chairmen.
- The fact that the Equalities Policy was reviewed annually
- How the Council addressed female members and whether that was seen as equal
- How the motion could be implemented
- Whether the motion was necessary as it was felt by some that although well intentioned most of this was taking place
- The need for a re-run of the equality training to be arranged

RECOMMENDED to Council that:

- a) Motion 564 (1-3 and 5-7) be supported; and
- b) In addition, that point (3) of the motion should include members and officers and the review should include all Council conventions and that in relation to point (5) the Equality Forum and the Community Policy Development Group should be consulted as a whole and not just the Chairs.

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

Note: Tables of policies previously circulated, copy attached to minutes.

21 **MODEL CODE OF CONDUCT (00-56-47)**

The Committee had before it the * Model Councillor Code of Conduct 2020 which had recently been developed by the Local Government Association.

The Monitoring Officer informed the meeting that following the publication of a report from the Committee for Standards in Public Life in which thoughts for best practice and recommendations had been included, part of that report had included an invitation for the Local Government Association to revise/rethink the Model Code of Conduct. The model was not statutory and local authorities could take what they wanted from the document. She added that detailed guidance would be forthcoming and that it may be best to wait for that guidance before the committee considered the model code. At the same time a working group of the committee may wish to consider the contents of Appendix K (complaints and investigations into members conduct – protocols and procedures) of the Constitution.

It was **AGREED** that a working group be formed consisting of Cllrs Mrs F J Colthorpe, C J Eginton and L D Taylor (the Independent Members also be requested to attend) to consider the model code once the detailed guidance had been received along with Appendix K of the Constitution.

Note: Model Code previously circulated, copy attached to minutes.

22 **GOVERNANCE REVIEW (1-03-11)**

The Monitoring Officer informed the meeting that Council had resolved to set up a Governance Working Group in January 2020 and that any specific changes to the Constitution recommended from the review be passed to the Standards Committee for consideration. At the present time the Governance Working Group were looking at issues with regard to scrutiny and various options around this. It was suggested that once Council had considered the recommendations from the Governance Working Group then that was the time for the committee to be involved in the review of parts of the Constitution as necessary.

The Committee **AGREED** that this was appropriate.

23 **COMPLAINTS AND TRAINING UPDATE (1-07-59)**

The Monitoring Officer informed the meeting that there were currently no complaints in the system. She would provide a detailed account within her annual report to the committee in June, however in the past few months she had dealt with 2 complaints at parish level and 2 complaints at district level. Following review of those and after consultation with the Independent Persons, the decisions had been that there was no requirement for further action or no breach or that it was a minor matter.

With regard to training, due to the current climate there had been very few requests for training, although she had been invited to provide training to Cullompton Town Council which had been well attended and well received.

She reported that following the elections in 2019, the correlation of the Register of Interest Forms had been time consuming and it had been reported at a previous meeting that 2 Register of Interest Forms had not been returned and that the

committee had agreed to refer this to the Police; she could now report that those 2 registers had now been provided.

24 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (1-12-43)

The following items were identified for the next meeting of the Committee:

- The Monitoring Officer's annual report
- Feedback for the working group on the Model Code of Conduct.

Members were requested to contact either the Monitoring Officer or the Chairman with any additional items.

(The meeting ended at 7.15 pm)

CHAIRMAN

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**FULL COUNCIL
24 FEBRUARY 2021:**

**9 MONTH PROGRESS REVIEW AGAINST THE CORPORATE PLAN FOR
2020/21**

Cabinet Member Cllr Bob Deed
Responsible Officer Catherine Yandle Operations Manager for Performance, Governance and Data Security

Reason for Report: To provide Members with an update on performance against the corporate plan and local service targets for 2020/21.

RECOMMENDATION: That the Council reviews the progress set out in the report and provides feedback on any areas of concern.

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

Financial Implications: None identified

Legal Implications: None

Risk Assessment: If performance is not monitored the Council may fail to meet our corporate and local service plan targets or to take appropriate corrective action where necessary.

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

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

1.0 Introduction

- 1.1 The Corporate Plan approved by Cabinet on 16 January 2020 runs from April 2020 until March 2024.
- 1.2 Progress is monitored throughout the year by reporting against the declared Aims for each Priority identified. The reporting framework was approved by Cabinet on 2 December 2020.
- 1.3 Please note that for all areas of the Council the results have been understandably impacted by the effects of the Covid 19 pandemic during which a large part of the workforce has been engaged in support measures. There are specific comments on the attached appendices reflecting this.

2.0 Environment PDG

Increase Recycling and Reduce the Amount of Waste - Appendix 1A

- 2.1 Covid 19 had an impact on the amount of waste created by households particularly for Q1. The recycling rate is very slightly below the target of 54%. The number of garden waste customers has conversely benefited from the “Stay at Home” guidance so the target for the year was increased which has also been exceeded.
- 2.2 Kerbside Waste Electrical and Electronic Equipment (WEEE) recycling commenced in September.
- 2.3 A campaign was undertaken before Christmas to promote recycling called “Make Your Metal Matter” the Council teamed up with Devon County Council and AluPro (an industry funded, not-for-profit organisation) to launch this campaign.
- 2.4 Mid Devon District Council's fleet of recycling vehicles, which were scheduled to be replaced in 2020, started to be delivered from the manufacturers in September. The new vehicles have been designed to accommodate a greater range and weight in the materials put out by residents.
- 2.5 On 3 December Cabinet voted to approve a new waste collection trial. The trial is part of a process to improve recycling rates as well as reduce emissions from collection vehicles. It will also help the Council to meet with Government guidelines to recycle 65% of household waste by 2035 and Devon's proposed 60% target rate by 2025. The trial, which will include both rural and urban areas, should begin in early summer and will last for a minimum of three months.

Climate Change - Appendix 1B

- 2.6 Progress is being made on the Climate Change agenda; a set of proposed measures is included as appendix 1B to this report. These are all new measures reflecting the new corporate plan aims so there are no comparatives with last year.
- 2.7 The Council are part of the tactical group for the Devon-wide carbon plan; Devon Climate Emergency (DCE). DCE put out a call for evidence to contribute to the Devon Carbon Plan - the group received almost 900 submissions, mostly from individuals. Some of the suggestions have been reviewed and incorporated into our own emerging plan and others will need to be discussed as part of our Net Zero Advisory Group (NZAG) and our “Mid Devon Climate Conversations”.
- 2.8 MDDC's push towards its own carbon reduction target received a boost with the installation of solar panels at its Carlu Close depot. The depot now has panels covering 250m² of its roof space, meaning the 147 panels can produce almost 50kwp (Kilowatt Peak) of energy per hour (enough to supply

approximately 14 houses). The initial investment should be paid back in less than six years due to the electricity generated to power the site, meaning less reliance on the National Grid as an energy source, and the ability for the Council to sell back some of the unused power.

- 2.9 In October 2020 the Department for Business, Energy and Industrial Strategy (BEIS) launched the Public Sector Decarbonisation Scheme (referred to as the Grant Scheme) which will be delivered by Salix Finance (a non-departmental public body).
- 2.10 The Property Services team have been successful in securing £310,821 towards reducing our carbon emissions across our three leisure sites that includes an air source heat pump for reducing gas consumption and both external and internal LED lighting that over the life of the assets will reduce CO2 emissions by 520t with annual reduction of over £60k in electricity charges as well as reduced maintenance costs.
- 2.11 The new Climate and Sustainability Specialist has been appointed and starts with us on 1 March.

3.0 Homes PDG – Appendix 2

- 3.1 Regarding the Corporate Plan Aim: Deliver Housing: The targets for annual housing completions of most types have been updated to reflect the Local Plan targets. The Council has been successful in meeting the requirements of the Government's Housing Delivery Test 2020 and in the last monitoring year 19/20, 31% of the 425 homes completed were affordable.
- 3.2 Regarding the Corporate Plan Aim: Private Sector Housing: Bringing Empty homes into use is well above target.
- 3.3 Drivehall Ltd, the owner of 1B Brook House, in Cullompton has been fined £18,000 plus costs for breaches in regulations pertaining to the Housing Act 2004, following a hearing on 7 August 2020. The case was put forward for prosecution by the Council's Legal and Public Health teams following an inspection of the flat in January 2020. Private Sector Housing Officers found that the four-bedroomed flat was occupied by up to 16 migrant workers.
- 3.4 Regarding the Corporate Plan Aim: Council Housing: all measures are either at or just below target. In terms of gas servicing compliance this has been affected by Covid 29 and we currently have 12 properties with expired Landlords Gas Safety Records. First time access continues to be difficult.
- 3.5 Regarding the Corporate Plan Aim: Support and grow active tenancy engagement: The tenant census had a good response. Work has commenced on analysing the results, this will be completed by the end of February.

4.0 Economy PDG - Appendix 3

- 4.1 During the Covid 19 pandemic the Growth and Economic Development service have been heavily involved with processing the business support

grants (with the Revenues service) and co-ordinating community voluntary groups, they have also taken the lead in the Council's shielding response.

- 4.2 Regarding the Corporate Plan Aim: Identify strategic and tactical interventions to create economic and community confidence and pride in the places we live. This includes a continued focus on Town Centre Regeneration: Empty shops; we are now giving data on retail units owned by MDDC, occupancy rates are reasonable.
- 4.3 There has been positive movement on the number of Business rate accounts and empty NNDR properties despite the Covid pandemic.
- 4.4 Regarding the Corporate Plan Aim: Work with local stakeholders to initiate delivery of the new garden village at Culm: Engagement with the various stakeholder groups has re-started with two Stakeholder Forum events on the subjects of Building with Nature, held on 11 August and Connecting the Culm project on 9 September. The project team will be focusing on preparing a draft masterplan over the next 6-12 months, and considering the planning policy context.
- 4.5 Regarding the Corporate Plan Aim: Work with developers and DCC to deliver strategic cycle routes between settlements and key destinations: Walking and cycling provision needs to be prioritised as set out in the Culm garden village vision and objectives.

5.0 **Community PDG – Appendix 4**

- 5.1 The KPIs identified are mostly new PIs and performance on most has been affected by Covid 19. It is unlikely that much progress will be seen over the next few months. Several of the corporate plan aims will require partnership working with Devon County Council, the NHS and Town and Parish Councils and lobbying activity. Targets for these remain to be developed.
- 5.2 However the play area at West Exe Recreation Ground had a make-over in September. Mid Devon District Council invested around £75,000 to fund the exciting improvements.
- 5.3 Regarding support through the Covid pandemic the Council paid grants totalling over £30M for the first lockdown with further payments of £10M expected in total for the January lockdown. The vast majority of this was to retail, hospitality and small businesses but we have £534,410 funding specifically to help adversely affected individuals through Hardship Funding and the Self Isolation payments. For the latter we have had 234 applications so far; 94 have been paid, 125 rejected and 15 are awaiting assessment.
- 5.4 Member Services continue to send a monthly newsletter to parish and town council clerks. The Monitoring Officer is regularly called on to provide advice to clerks and their councils with regard to governance and standards matters.

6.0 Corporate - Appendix 5

- 6.1 The Council received a report from the Planning Inspectorate confirming that the Mid Devon Local Plan Review 2013 – 2033 provides an appropriate base for the planning of the District and, with a number of main modifications, was sound and capable of adoption. The Council formally adopted the Mid Devon Local Plan Review 2013 – 2033 on 29 July 2020. Work is now commencing on the next Local Plan. Work is also being programmed to produce an East Devon, Exeter, Mid Devon and Teignbridge joint strategy on a non-statutory basis following work ceasing on the Greater Exeter Strategic Plan.
- 6.2 Working days lost due to sickness is better than expected for the first 2 quarters of 2020 despite the Covid 19 pandemic, it has been suggested that this is due in part to the number of members of staff working from home.
- 6.3 The Response to FOI requests have been 100% on time since April 2019.
- 6.4 The % total Council Tax collected and % total NNDR collected are both slightly below target. This has deteriorated due to the pandemic. Staff concentrated on processing small business grants and the council tax relief hardship fund for the first 6 months of the year and again since Christmas.

Contact for more Information: Catherine Yandle Operations Manager for Performance, Governance and Health & Safety ext 4975

Circulation of the Report: Leadership Team and Leader

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Corporate Plan PI Report Environment

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

Key to Performance Status:

Performance Indicators:

No Data

Well below
target

Below target

On target

Above target

Well above
target

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

Corporate Plan PI Report Environment

Priorities: Environment

Aims: Increase recycling and reduce the amount of waste

Performance Indicators

Title	Prev Year (Period)	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>Residual household waste per household (measured in Kilograms) (figures have to be verified by DCC)</u>	268.55 (9/12)	362	34	63	94	126	155	184	217	248	276				Darren Beer	(April - December) A 2.77% increase year to date compared to previous year; The lockdown period has contributed to this rise due to residents creating more residual waste to be disposed of from home. This increase is likely to be a trend continuing for the remainder of the year. (LD)
<u>Number of Fixed Penalty Notices (FPNs) Issued (Environment)</u>	10 (9/12)	No Target	0	0	4	4	4	5	10	10	10				Darren Beer	(December) Restrictions during December reduced the occurrence of offences (LD)
<u>% of Household Waste Reused, Recycled and Composted (figures have to be verified by DCC)</u>	54.12% (9/12)	54.5%	52.6%	53.7%	54.3%	54.3%	54.3%	55.4%	54.8%	54.6%	54.0%				Darren Beer	(December) The recycling rate for the year to date remains constant with last year. The rate for December compared to last year has dropped. This is due to fewer loads of plastic in particular leaving the depot due to hold ups at the reprocessing plants. These tonnages will be included in January 2020. Although the

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Corporate Plan PI Report Environment																	
Priorities: Environment																	
Aims: Increase recycling and reduce the amount of waste																	
Performance Indicators																	
Title	Prev Year (Period)	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes	
																rate is similar to last year more recycling material has been collected. (LD)	
<u>Number of Households on Chargeable Garden Waste</u>	10,188 (9/12)	11,100	10,007	10,837	10,928	11,088	11,154	11,245	11,251	11,176	11,232				Darren Beer	(December) An increase of 1,044 customers compared to December 2019. (LD)	
<u>% of missed collections reported (refuse and organic waste)</u>	0.01% (9/12)	0.03%	0.01%	0.02%	0.02%	0.01%	0.01%	0.02%	0.02%	0.02%	0.02%				Darren Beer	(December) Remaining on target for the year (LD)	
<u>% of Missed Collections logged (recycling)</u>	0.02% (9/12)	0.03%	0.03%	0.03%	0.03%	0.03%	0.03%	0.03%	0.03%	0.03%	0.03%				Darren Beer	(December) Remaining on target for the year (LD)	

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Corporate Plan PI Report Climate Change

Monthly report for 2020-2021

Arranged by Aims

Filtered by Aim: Priorities Climate Change

For MDDC - Services

Key to Performance Status:

Performance Indicators:

No Data

Well below target

Below target

On target

Above target

Well above target

*

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

Corporate Plan PI Report Climate Change

Priorities: Climate Change

Aims: Green Sources of Energy

Performance Indicators																	
Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>Electric Car Charger Units</u>	n/a	n/a	8	n/a	n/a	0	n/a	n/a	0	n/a	n/a	0	n/a	n/a		None	(Quarter 3) Five sites shortlisted for electric car charging points in our pay and display car parks that will be subject to the outcome of the tender exercise that MDDC are part of with other neighbouring Councils, including analysis on the financial return. (CY)
<u>New Solar Initiatives</u>	n/a	n/a	250	n/a	n/a		n/a	n/a	211	n/a	n/a	250	n/a	n/a		Andrew Busby	(Quarter 3) 37 customers have now been accepted for solar panel installations and 8 for retrofit batteries (CY)
<u>Electric Car Charger usage</u>	n/a	n/a	2,000	11	58	139	399	762	994	1,248	1,342	1,513				Andrew Busby	(June) Usage seriously affected by Covid in first 3 months of the year (CY)

Aims: Biodiversity

Performance Indicators																	
Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes

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Corporate Plan PI Report Climate Change																			
Priorities: Climate Change																			
Aims: Biodiversity																			
Performance Indicators																			
Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes		
<u>Corporate Tree Planting Scheme</u>	n/a	n/a	Develop corporate tree planting scheme by end 20/21	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Andrew Busby	(2020 - 2021) Post the national restrictions volunteers have now met again on the allocated area of land adjacent to Morrison's in Tiverton with a date on planting expected to be early in the New Year and Property Services also met Sustainable Crediton who are looking to plant trees at the end of January 2021 Cllr Slade has allocated Tiverton Tree Team £500 from his Mayor's Community Fund (CY)		
<u>Community climate and biodiversity grants</u>	n/a	n/a	Funding agreed is first stage	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Andrew Busby	(2020 - 2021) Following a meeting with Mid Devon District Council, members of the St Lawrence Community Group and Sustainable Crediton have joined forces to take over planting up the flower beds on St Lawrence Green with pollinator friendly varieties. (CY)		

Aims: Retro-fitting measures																			
Performance Indicators																			
Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes		
<u>Corporate Renewable Energy Projects</u>	n/a	n/a	1	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	1	Andrew Busby	(2020 - 2021) Carlu Close solar PV project has been completed and the hydro project is a live planning application at		

Corporate Plan PI Report Climate Change																	
Priorities: Climate Change																	
Aims: Retro-fitting measures																	
Performance Indicators																	
Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
																	present with a report going to committee early in the new year. (CY)
<u>ECO Flex</u>	n/a	n/a	600						424	550	637	744	818			Simon Newcombe	
<u>Housing Assistance Policy</u>	n/a	n/a	5	1	1	1	1	1	1	2	2	4	5			Simon Newcombe	
<u>Home Improvement Loans</u>	n/a	n/a	5	n/a	n/a	1	n/a	n/a	2	n/a	n/a	2	n/a	n/a		Simon Newcombe	(Quarter 3) Figures supplied by Lendology quarterly (CY)

Aims: Other																	
Performance Indicators																	
Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>Community Schemes</u>	n/a	n/a		n/a	n/a		n/a	n/a		n/a	n/a		n/a	n/a		Andrew Busby	
<u>Council Carbon Footprint</u>	n/a	n/a	19,000	n/a	n/a		n/a	n/a		n/a	n/a		n/a	n/a		Andrew Busby	(Quarter 3) Progress will be reported in Q4 (CY)

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Corporate Plan PI Report Homes

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

Key to Performance Status:

Performance Indicators:

No Data

Well below
target

Below target

On target

Above target

Well above
target

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

Corporate Plan PI Report Homes

Priorities: Homes

Aims: Deliver Housing

Performance Indicators

Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>Net additional homes provided</u>	n/a	n/a	393	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a		Jenny Clifford, Simon Newcombe	
<u>Self Build Plots</u>	n/a	n/a	5	n/a	n/a	1	n/a	n/a	1	n/a	n/a	2	n/a	n/a		Jenny Clifford	
<u>Gypsy & Traveller Pitches</u>	n/a	n/a	2	n/a	n/a	0	n/a	n/a	0	n/a	n/a	0	n/a	n/a		Jenny Clifford	
<u>Number of affordable homes delivered (gross)</u>		133	94	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a		Jenny Clifford	
<u>Build Council Houses</u>	26 (9/12)	26		n/a	n/a	0	n/a	n/a	0	n/a	n/a	0	n/a	n/a		Andrew Busby,	(Quarter 4) We have bought back 1 RTB property (CY)

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Corporate Plan PI Report Homes

Priorities: Homes

Aims: Deliver Housing

Performance Indicators

Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
																Simon Newcombe	
<u>Number of Homelessness Approaches</u>	n/a	n/a	721 for 2019/20	n/a	n/a	125	n/a	n/a	289	n/a	n/a	433	n/a	n/a		Simon Newcombe	

Aims: Community Land Trusts

Performance Indicators

Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>Community Land Trusts Assisted</u>	n/a	n/a	2	n/a	n/a		n/a	n/a	1	n/a	n/a	2	n/a	n/a		Jenny Clifford	(Quarter 3) Initial advice provided to Wessex Group for the Sampford Peverell Community Land Trust (TP)

Aims: Private Sector Housing

Performance Indicators

Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>Deliver homes by bringing Empty Houses into use</u>	106 (9/12)	138	72	1	9	26	31	34	44	59	60	71				Simon Newcombe	
<u>Houses in Multiple Occupation (HMOs)</u>	n/a	n/a	100%						100%	100%	100%	100%	98%			Simon Newcombe	(September) Covid meant inspections did not recommence until July. Therefore no data for

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Corporate Plan PI Report Homes

Priorities: Homes

Aims: Private Sector Housing

Performance Indicators

Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>investigations</u>																	April - June. However have caught back with backlog by end of September so currently 100% for year to date (SN)
<u>Landlord engagement and Support</u>	n/a	n/a	9	n/a	n/a	4	n/a	n/a	8	n/a	n/a	12	n/a	n/a		Simon Newcombe	(Quarter 3) x3 pin point x1 webinar (TW)

Aims: Council Housing

Performance Indicators

Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>% Complaints Responded to On Time</u>	100.0% (9/12)	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%				Simon Newcombe	
<u>Tenant Census</u>	n/a	n/a	34%	n/a	n/a	34%	n/a	n/a	34%	n/a	n/a	34%	n/a	n/a		Simon Newcombe	
<u>% Emergency Repairs Completed on Time</u>	100.0% (9/12)	100.0%	95.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%				Simon Newcombe	
<u>% Urgent Repairs Completed on Time</u>	100.0% (9/12)	100.0%	95.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%				Simon Newcombe	

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Corporate Plan PI Report Homes

Priorities: Homes

Aims: Council Housing

Performance Indicators

Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>% Routine Repairs Completed on Time</u>	100.0% (9/12)	99.3%	95.0%	100.0%	100.0%	100.0%	100.0%	98.4%	99.8%	100.0%	100.0%	99.5%				Simon Newcombe	
<u>% Repair Jobs Where an Appointment Was Kept</u>	99.8% (9/12)	98.9%	95.0%	100.0%	100.0%	99.8%	100.0%	99.0%	99.7%	100.0%	100.0%	99.3%				Simon Newcombe	
<u>% Properties With a Valid Gas Safety Certificate</u>	99.78% (9/12)	99.82%	100.0%	99.6%	99.4%	98.9%	98.9%	99.2%	99.4%	99.5%	99.5%	99.5%				Simon Newcombe	

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Corporate Plan PI Report Economy

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

Key to Performance Status:

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

Corporate Plan PI Report Economy

Priorities: Economy

Aims: Incubator and start-up space

Performance Indicators

Title	Prev Year (Period)	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>Incubator and Start-up space</u>	n/a	Target not yet set as initial work required													Jenny Clifford	(February) Scoping exercise to understand requirements has been affected by staff redeployment into COVID-19 response work and will not now take place until later in 2021. (JC)
<u>Sites for Commercial Development</u>	n/a	2							0	0	0				Andrew Busby	(October) New target no movement to report yet (CY)

Aims: Improve and regenerate our town centres

Corporate Plan PI Report Economy

Priorities: Economy

Aims: Improve and regenerate our town centres

Performance Indicators

Title	Prev Year (Period)	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
Number of business rate accounts	3,205 (9/12)	3,250						3,339	3,340	3,349	3,347				Dean Emery	
Business Rates RV	n/a							£45,519,079	£45,519,379	£45,564,477	£45,584,367				Dean Emery	
Empty Business Properties	n/a							267	258	304					Dean Emery	
Tiverton Town Centre Masterplan	n/a		n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a		Jenny Clifford, Adrian Welsh	(2020 - 2021) Engagement meetings over draft masterplan are currently being held. Draft masterplan likely to be considered at April 21 Cabinet to allow for these meetings to take place and subsequent feedback. Further phase of public consultation to follow shortly thereafter. (JC)

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Corporate Plan PI Report Economy

Priorities: Economy

Aims: Improve and regenerate our town centres

Performance Indicators

Title	Prev Year (Period)	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>Cullompton Town Centre Masterplan</u>	n/a		n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a		Jenny Clifford, Adrian Welsh	(2020 - 2021) February Cabinet date to consider the draft of the masterplan is now scheduled for April 2021 in order to allow the meeting to also consider the Cullompton Conservation Area Management Plan on a comprehensive basis (JC)
<u>Pannier Market Regular Traders</u>	n/a	Varies from 75 to 80% depending on the day							77.7%		77.0%				Adrian Welsh	(December) Social distancing limitations and pandemic had an impact on the number of traders over this period. (AW)
<u>West Exe North and</u>	n/a		n/a	n/a	13	n/a	n/a	13	n/a	n/a	13	n/a	n/a		Andrew Busby	(Quarter 3) 92% 1 vacant

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Corporate Plan PI Report Economy

Priorities: Economy

Aims: Improve and regenerate our town centres

Performance Indicators

Title	Prev Year (Period)	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>South</u>																unit (CY)
<u>Fore St Tiverton</u>	n/a		n/a	n/a	4	n/a	n/a	4	n/a	n/a	4	n/a	n/a		Andrew Busby	(Quarter 3) 80% 1 vacant unit, some interest (CY)
<u>Market Walk Tiverton</u>	n/a		n/a	n/a	13	n/a	n/a	13	n/a	n/a	14	n/a	n/a		Andrew Busby	(Quarter 3) 93% 1 vacant unit, Sustainable Tiverton may occupy this S-T (CY)

Aims: Community Land Trusts

Performance Indicators

Title	Prev Year (Period)	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>Community Land Trusts Assisted</u>	n/a	2	n/a	n/a		n/a	n/a	1	n/a	n/a	2	n/a	n/a		Jenny Clifford	(Quarter 3) Initial advice provided to Wessex Group for the Sampford Peverell Community Land Trust (TP)

Aims: Digital Connectivity

Performance Indicators

Title	Prev Year (Period)	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes

Corporate Plan PI Report Economy

Priorities: Economy

Aims: Digital Connectivity

Performance Indicators

Title	Prev Year (Period)	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>Digital connectivity</u>	n/a	>24 Mbps	n/a	n/a		n/a	n/a		n/a	n/a		n/a	n/a		Adrian Welsh	(Quarter 2) Town centre wifi projects are proposed to be delivered in 2021. (CY)

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Corporate Plan PI Report Community

Monthly report for 2020-2021

Arranged by Aims

Filtered by Aim: Priorities Community

Filtered by Flag: Exclude: Corporate Plan Aims 2016 to 2020

For MDDC - Services

Key to Performance Status:

Performance Indicators:

No Data

Well below
target

Below target

On target

Above target

Well above
target*
indicates that an entity is linked to the Aim by its parent Service

Corporate Plan PI Report Community																		
Priorities: Community																		
Aims: Health and Wellbeing																		
Performance Indicators																		
Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes	
<u>Annual Community Safety Partnership (CSP) Action Plan</u>	n/a	n/a	Actions identified in plan delivery affected by Covid.Update February on draft out-turn for 20/21.													Simon Newcombe	(February) Out-turn for 20/21 Action Plan currently being reviewed and just one project outstanding. This is Junior Life Skills which was due to have been delivered in schools but has not been possible due to the pandemic and school closures. The final financial and Action Plan out-turn will be agreed at 11 Feb CSP Board Meeting together with Action Plan update for 21/22 (subject to funding confirmation) (SN)	
<u>Safeguarding standards for drivers</u>	n/a	n/a	100%						100%					100%		Simon Newcombe	(February) Training has been delivered remotely/online during pandemic. All scheduled training completions due to end of Feb 2021 have been completed for those drivers retaining a licence (SN)	
<u>Mental Health First Aiders</u>	n/a	n/a	5	n/a	n/a	0	n/a	n/a	0	n/a	n/a	0	n/a	n/a		Matthew Page	(Quarter 3) We have 10 trained mental health first aiders in place. No further training has	

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Corporate Plan PI Report Community**Priorities: Community****Aims: Health and Wellbeing****Performance Indicators**

Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>National and regional promotions</u>	n/a	n/a	5	0	1	1	1	2	3	4	5	5	5			Simon Newcombe	taken place this year (CY) (November) Fuel Poverty Awareness Day (TW)

Aims: Community Involvement**Performance Indicators**

Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>% of complaints resolved w/in timescales (10 days - 12 weeks)</u>	95% (10/12)	94%	90%	100%	100%	96%	91%	94%	93%	90%	90%	89%	86%			Lisa Lewis	(January) 16 completed at 1st check (RT)
<u>Number of Complaints</u>	279 (10/12)	313		5	21	45	64	97	122	145	163	184	211			Lisa Lewis	(July) figure amended from 23 to 19 as 4 are either SRs or not MDDC (RT)

Aims: Leisure Centres**Performance Indicators**

Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>Health Referral Initiative starters</u>	n/a	n/a	15	0	0	0	0	0	0	4	2	0				Corinne Parnall	(December) COVID (K)
<u>Health Referral Initiative completers</u>	n/a	n/a	15	0	0	0	0	0	0	0	0	0				Corinne Parnall	(December) Schemes were suspended due to Covid (K)
<u>Health Referral Initiative conversions</u>	n/a	n/a	5	0	0	0	0	0	0	0	0	0				Corinne Parnall	(December) Schemes were suspended due to Covid (K)

Corporate Plan PI Report Corporate

Monthly report for 2020-2021

Arranged by Aims

Filtered by Aim: Priorities Delivering a Well-Managed Council

For MDDC - Services

Key to Performance Status:

Performance Indicators:

No Data

Well below
target

Below target

On target

Above target

Well above
target

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

Corporate Plan PI Report Corporate

Priorities: Delivering a Well-Managed Council

Aims: South West Mutual Bank

Performance Indicators

Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>South West Mutual Bank</u>	n/a	n/a		n/a	n/a	n/a	n/a	n/a		n/a	n/a	n/a	n/a	n/a		Andrew Jarrett	(October - March) A meeting was held in December 2020 by the Dep CE and the Cabinet Member for Finance with SW Mutual Bank's Director to receive an update on progress. Clearly, the prevailing Covid19 challenges have slowed down previously identified actions and delayed key milestones, however, at the conclusion of the meeting it was agreed that a quarterly progress update report would be provided in the future. (CY)

Aims: Commercial Opportunities

Performance Indicators

Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>Tiverton Other</u>	n/a	n/a		n/a	n/a	8	n/a	n/a	8	n/a	n/a	8	n/a	n/a		Andrew Busby	(Quarter 3) 100% (CY)

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Corporate Plan PI Report Corporate

Priorities: Delivering a Well-Managed Council

Aims: Commercial Opportunities

Performance Indicators

Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>Industrial Units Cullompton</u>	n/a	n/a		n/a	n/a	15	n/a	n/a	14	n/a	n/a	14	n/a	n/a		Andrew Busby	(Quarter 3) 93% 1 vacant unit (CY)

Aims: Other

Performance Indicators

Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>Sickness absence %</u>	3.04% (9/12)	3.27%	2.78%	n/a	n/a	2.17%	n/a	n/a	1.99%	n/a	n/a	1.89%	n/a	n/a		Matthew Page	(Quarter 2) Short term sickness has considerably reduced due to a combination of the new sickness policy but also the impact of COVID-19 and WFH (as well as the need for staff to self isolate) (CY)
<u>Appraisals completed</u>	0% (1/2)	75%	100%	n/a	n/a	n/a	n/a	n/a	0%	n/a	n/a	n/a	n/a	n/a		Matthew Page	(October - March) Deadline has been moved to the 31 March 2021 due to the new online Appraisal/PDR system coming in and

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Corporate Plan PI Report Corporate

Priorities: Delivering a Well-Managed Council

Aims: Other

Performance Indicators

Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
																	the need to train/upskill line managers and employees on how to use the system. (CY)
New Performance Planning Guarantee determine within 26 weeks	99% (3/4)	100%	100%	n/a	n/a	100%	n/a	n/a	100%	n/a	n/a	100%	n/a	n/a		Jenny Clifford, Eileen Paterson	(Quarter 1) COVID-19 (RP)
Major applications overturned at appeal (over last 2 years)	2% (3/4)	2%	10%	n/a	n/a	4%	n/a	n/a	5%	n/a	n/a	4%	n/a	n/a		Jenny Clifford, Eileen Paterson	
Major applications overturned at appeal % of appeals	13.33% (3/4)	10.00%		n/a	n/a	0%	n/a	n/a	0%	n/a	n/a	0%	n/a	n/a		Jenny Clifford, Eileen Paterson	
Minor applications overturned at appeal (over last 2 years)	0% (3/4)	0%	10%	n/a	n/a	0%	n/a	n/a	0%	n/a	n/a	2%	n/a	n/a		Jenny Clifford, Eileen Paterson	
Minor applications overturned	17% (3/4)	13%		n/a	n/a	0.25%	n/a	n/a	0.25%	n/a	n/a	1.73%	n/a	n/a		Jenny Clifford, Eileen	

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Corporate Plan PI Report Corporate

Priorities: Delivering a Well-Managed Council

Aims: Other

Performance Indicators

Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>at appeal % of appeals</u>																Paterson	
<u>Response to FOI Requests (within 20 working days)</u>	100% (9/12)	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%				Catherine Yandle	
<u>Working Days Lost Due to Sickness Absence</u>	5.59days (9/12)	8.12days	7.00days	n/a	n/a	1.41days	n/a	n/a	2.61days	n/a	n/a	4.18days	n/a	n/a		Matthew Page	
<u>Staff Turnover</u>	n/a	n/a	10.0%	n/a	n/a		n/a	n/a		n/a	n/a	12.7%	n/a	n/a		Matthew Page	(Quarter 3) Turnover in the first six months of this financial year was unusually high, 66 employees left the Council. (CY)
<u>% total Council tax collected - monthly</u>	92.93% (10/12)	98.50%	98.50%	10.72%	19.37%	28.02%	36.82%	45.54%	54.55%	64.10%	73.26%	80.75%	91.27%			Dean Emery	
<u>% total NNDR collected - monthly</u>	89.39% (10/12)	99.20%	99.20%	10.09%	16.52%	31.01%	38.88%	47.90%	55.45%	62.86%	70.21%	77.03%	84.56%			Dean Emery	(August) COVID effect and no formal recovery. Better to compare actuals in prev

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Corporate Plan PI Report Corporate																	
Priorities: Delivering a Well-Managed Council																	
Aims: Other																	
Performance Indicators																	
Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
																	yr and work out the value down c £104,190 (DE)

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FULL COUNCIL

24 FEBRUARY 2021

GOVERNANCE WORKING GROUP – PROGRESS UPDATE

Reason for the report: To update Council on Governance Working Group progress.

The Full Council meeting on 6 January 2021 ratified the Governance Working Group's way forward based on 7 key conclusions from Group's activities to that date, notably including the outcome of internal and external consultation events. This report provides an update on work since that date.

A further meeting was held by the Working Group on 28 January 2021 at which the Monitoring Officer presented a paper providing options for discussion based on the agreed way forward. These were:

1. To continue with the current arrangements but enhance the scrutiny process; or,
2. To replace the 4 Policy Development Groups plus a Scrutiny Committee with one or more Overview & Scrutiny Committees.

After discussion it was agreed that a more detailed proposal be provided by Officers in consultation with the LGA for the second option. This was to look at 2 Overview & Scrutiny Committees addressing Corporate and Community topics respectively. The inclusion of a Programming Board to manage the work between the 2 Committees plus a Joint Overview & Scrutiny meeting to consider items of joint interest would also be developed. Working Groups could continue in the guise of Task & Finish Groups to support the work of the Committees.

This approach was considered to be worth exploring in more detail, as it appeared to offer the opportunity to improve Member involvement, improve cross-discipline working without unnecessary overlap, and enhance decision making through early engagement in the process. It was also thought that routine policy updates might become Cabinet Member responsibilities to allow the Committees to focus on matters of more criticality.

Member support for a new approach was recognised as crucial. Subsequent to the meeting the Monitoring Officer has started work and will contact the Chairs of Scrutiny Committee, Audit Committee and the 4 Policy Development Groups for input in due course.

As planned, the Working Group is scheduled to meet again on 2 March 2021 where more detailed proposals will be discussed. All Members are welcome to contribute to that meeting. The aim remains to bring a recommendation to an Extraordinary Full Council meeting on 17 March 2021.

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