

Public Document Pack

Mid Devon District Council

Scrutiny Committee

Monday, 13 September 2021 at 2.15 pm
Exe Room, Phoenix House, Tiverton

Next ordinary meeting
Monday, 11 October 2021 at 2.15 pm

PLEASE NOTE: this meeting will take place at Phoenix House, but members of the Public and Press can and should attend via Zoom only. Please do not attend Phoenix House without prior agreement. The attached Protocol for Hybrid Meetings explains how this will work.

Join Zoom Meeting

<https://zoom.us/j/95266019890?pwd=bURBRml2dithYy91TkU1Z1ByK1dJZz09>

Meeting ID: 952 6601 9890

Passcode: 157743

One tap mobile

08003582817,,95266019890#,,, *157743# The United Kingdom Toll-free

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Meeting ID: 952 6601 9890

Membership

Cllr B G J Warren

Cllr G Barnell

Cllr E J Berry

Cllr Mrs F J Colthorpe

Cllr L J Cruwys

Cllr Mrs S Griggs

Cllr P J Heal

Cllr F W Letch

Cllr S Pugh

Cllr R F Radford

Cllr Ms E J Wainwright

Cllr A Wilce

AGENDA

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

- 1 **APOLOGIES AND SUBSTITUTE MEMBERS**
To receive any apologies for absence and notices of appointment of substitute Members (if any).

- 2 **HYBRID MEETING PROTOCOL** *(Pages 5 - 12)*
Members to note the Hybrid Meeting Protocol.

- 3 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**
Councillors are reminded of the requirement to declare any interest, including the type of interest, and reason for that interest, either at this stage of the meeting or as soon as they become aware of that interest.

- 4 **PUBLIC QUESTION TIME**
To receive any questions relating to items on the Agenda from members of the public and replies thereto.

Note: A maximum of 30 minutes is allowed for this item.

- 5 **MINUTES OF THE PREVIOUS MEETING** *(Pages 13 - 16)*
Members to consider whether to approve the minutes as a correct record of the meeting held on 16th August 2021.

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

- 6 **DECISIONS OF THE CABINET**
To consider any decisions made by the Cabinet at its last meeting that have been called-in.

- 7 **CHAIRMAN'S ANNOUNCEMENTS**
To receive any announcements that the Chairman of Scrutiny Committee may wish to make.

- 8 **CABINET MEMBER FOR CONTINUOUS IMPROVEMENT**
To receive an update from the Cabinet Member for Continuous Improvement.

- 9 **INFORMATION WITH REGARD TO THE POSSIBLE CREATION OF A TECKAL COMPLIANT COMPANY** *(Pages 17 - 38)*
To consider a report containing information with regard to the possible creation of a Teckal compliant company prior to it being considered by Homes PDG on 14th September 2021.

- 10 **RECOMMENDATIONS FROM PLANNING ENFORCEMENT WORKING GROUP** *(Pages 39 - 56)*
To receive the final recommendations from the Planning Enforcement Working Group
- 11 **PERFORMANCE AND RISK** *(Pages 57 - 102)*
To provide Members with an update on performance against the corporate plan and local service targets for 2021-2022 as well as providing an update on the key business risks.
- 12 **Briefing Paper - Return of Right to Buy Receipts (RTB)** *(Pages 103 - 104)*
Scrutiny to receive a Briefing Paper – Return of Right to Buy Receipts (RTB)
- 13 **FORWARD PLAN** *(Pages 105 - 116)*
Members are asked to consider any items within the Forward Plan that they may wish to bring forward for discussion at the next meeting.
- 14 **SCRUTINY OFFICER UPDATE**
To receive an update from the Scrutiny Officer.
- 15 **WORK PLAN** *(Pages 117 - 128)*
Members are asked to note the current Work Plan for the municipal year.
- Members to note the 3 Rivers Developments Limited process map for bringing items to Scrutiny as agreed by the Chairman of Scrutiny and Audit Committee.
- Members to have the opportunity to discuss additional items to be investigated by the Scrutiny Committee and added to the Work Plan.
- 16 **ACCESS TO INFORMATION EXCLUSION OF PRESS AND PUBLIC**
During discussion of the following item it may be necessary to pass the following resolution to exclude the press and public having reflected on Article 12 12.02(d) (a presumption in favour of openness) of the Constitution. This decision may be required because consideration of this matter in public may disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The committee will need to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information.
- To consider passing the following resolution so that exempt information may be discussed.
- Recommended** that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the

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

- 17 **CONTRACT DISPUTE SETTLEMENT 2020-2021** *(Pages 129 - 150)*
To provide Scrutiny with an update on a specific payment made in the 2020/21 financial year.

Stephen Walford
Chief Executive
Friday, 3 September 2021

Covid-19 and meetings

From 7 May 2021, the law requires all councils to hold formal meetings in person. However, the Council is also required to follow government guidance about safety during the pandemic. The Council will enable all people to continue to participate in meetings via Zoom.

You are strongly encouraged to participate via Zoom to keep everyone safe - there is limited capacity in meeting rooms if safety requirements are to be met. There are restrictions and conditions which apply to those in the building and the use of the building. You must not attend a meeting at Phoenix House without complying with the requirements in the new protocol for meetings. You must follow any directions you are given.

Please read the new meeting protocol which is available here: [Hybrid Protocol - September 2021.pdf \(middevon.gov.uk\)](#)

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

E-Mail: coliphant@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

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

Tel: 01884 234209

E-Mail: coliphant@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

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Mid Devon District Council – Hybrid Meeting Protocol

1. Introduction

Remote meetings via Zoom have been used during the Covid-19 pandemic in accordance with the temporary legislation. That legislation ceases to apply from 7 May 2021. However, Covid-19 legislation and guidance continues in place and this places specific requirements for meetings in relation to health and safety, risk assessments and related matters.

The Council has therefore put in place temporary arrangements which will enable meetings to take place in compliance with legislation, whilst providing alternative participation opportunities to maintain a Covid-19 safe environment. All are asked to remember that the Council's offices at Phoenix House are not just meeting rooms – they are the place of employment for many and there are implications beyond just how the meetings are held.

The arrangements set out in this Protocol will apply to meetings from 7 May 2021 until further notice. At the date of this Protocol, it is expected that arrangements may change later this year – because the Government may change the law, the Covid-19 pandemic may have further receded and/or the Council makes alternative arrangements.

2. Hybrid arrangements – how will they work?

The primary objective is to ensure that meetings can continue as safely as possible and that the rights of Members and the Public are not diminished simply because the meeting is being held through a mix of online and face-to-face means. The Chairman will retain control and discretion over the conduct of the meeting and the Zoom host will provide administrative support to facilitate the meeting.

Please note that, exceptionally, meeting arrangements may change – in response to legislation, court decisions, or risk. This may include a meeting being postponed, or the hybrid arrangements changing or being withdrawn. We ask that you check the arrangements in advance of joining or attending the meeting.

(a) Members (councillors) entitled to vote

All Members entitled to vote in a meeting must be present in the same room – if they are to be classed as 'present' (count towards the quorum) and to cast a vote. If a Member entitled to vote is not in the room, they may still participate via Zoom (see below), but they will not be present (quorum) nor be able to vote.

(b) Other Members, Officers and the Public

The Council will use Zoom to enable all other Members, officers and the Public to attend and participate in meetings safely. Zoom will be enabled in all public meetings. Those attending the meeting physically will be able to see and hear Zoom participants via the existing large TV/monitor screens in the meeting rooms.

Those on Zoom will be able to hear Members in the room and see them – although this will be a whole room view and there will be no zooming in on individual members. It is essential therefore those Members present in the room use the microphones at all times and identify themselves before speaking.

There will be some Officers in the room – the Committee Administrator, the Zoom host and, at times, an additional support officer. There may also be a meeting room host to manage the safety of the meeting. All other Officers should use Zoom, unless they are specifically invited into the room by the Chairman of the meeting.

3. Zoom

Zoom is the system the Council will be using for those attending Hybrid meetings remotely. 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.

4. 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 meeting.

If any other Member wishes to have a paper copy, they must notify 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.

The Public should continue to access agendas via the Council's website - and are encouraged to do so even after the offices at Phoenix House are fully open again.

5. Setting up the Meeting for Zoom attendance

This will be done by Member Services. They will send a meeting request via Outlook which will appear in Members' Outlook calendar. Members and Officers will receive a URL link to click on to join the meeting. The Public will use the Zoom details on the front of the agenda. The telephone dial-in via Zoom will also be available.

6. Public Access and Participation

(a) Public Access:

Members of the Public will be able to use a web link and standard internet browser. This will be displayed on the front of the agenda. Members of the Public should attend a meeting via Zoom, unless there are circumstances justifying attendance in person.

If any member of the Public still wishes to attend in person, they must notify Member Services **at least 3 working days before the meeting**. Notifications must be sent by email to:

Committee@middevon.gov.uk

Day of meeting	Notice given by
Monday	Previous Wednesday
Tuesday	Previous Thursday
Wednesday	Previous Friday
Thursday	Monday
Friday	Tuesday

This will ensure that the meeting rooms do not become overcrowded.

(b) Public Participation (speaking):

Public questions 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 ask each registered person to speak at the appropriate time. 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 may not be called to speak, except at the discretion of the Chairman.

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.

7. Arrangements for any person attending meetings at Phoenix House

Anyone attending a meeting in person must observe the following requirements:

- (a) For non-voting members, officers and the Public – are there exceptional circumstances to justify attending? If so, please notify in advance and in paragraph 6 above. It is essential that the Council knows who is attending and how many will be in the room.

- (b) Do not attend if you: have any symptoms of Covid-19; are self-isolating (with or without a positive Covid-19 test); or are in a period of post-travel quarantine.
- (c) Use the hand sanitiser which is available in the building.
- (d) Follow the directions for entering, moving around and exiting the building. Follow the instructions of any Officer present to manage the safety of the meeting and/or the Chairman.
- (e) Sign into the meeting if requested to do so – you may be asked to leave contact details
- (f) Enter and leave the building promptly – do not gather inside after the meeting has finished, or during any break in the meeting
- (g) Bring your own water/refreshments, as these will not be available for the time being.

8. Starting the Meeting

At the start of the meeting, the Member Services Officer will check all required attendees are present 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 attending via Zoom that **all microphones must be 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.

9. Declaration of Interests

Members should declare their interests in the usual way. A Member with a disclosable pecuniary interest is required to leave the room. If they are attending via Zoom, they will be moved to the waiting room for the duration of the item.

10. The Meeting and Debate

- (a) For Members and Officers physically present

Each member should raise their hand to indicate a request to speak. When called, they must identify themselves for the recording and for the benefit of those attending via Zoom. The microphone must be used when speaking – standing will make it difficult for those on Zoom to hear and is discouraged, including at meetings of Full Council.

- (b) For any person attending via Zoom

The Council will not be using the Chat function. The Chairman will call speakers in

accordance with the usual rules i.e. either at Public Question Time, or for Members and Officers, when they raise their Zoom hand to speak.

No decision or outcome will be invalidated by a failure of the Chair to call a member to speak – remote management of meetings is intensive and the Hybrid arrangements are likely to be more so. It is reasonable to expect that some requests will be inadvertently missed from time to time.

When referring to reports or making specific comments, Members and Officers should refer to the report and page number whenever possible. This will help all present or in attendance to have a clear understanding of what is being discussed.

11. Voting

Voting for meetings in person is normally through a show of hands. The Member Services Officer will announce the numerical result of the vote for the benefit of those attending via Zoom.

12. Meeting Etiquette Reminder for Zoom attendees

- 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.

If there are members of the public and press attending the meeting, then the Member Services Officer will, at the appropriate time, remove them to a waiting 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 Chairman is required to interpret the Council's Constitution and procedural rules and how they apply to remote attendance, 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 (if attending via Zoom) 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 Chairman will warn them accordingly. If that person continues to interrupt or disrupt proceedings the Chairman may ask the Member Services Officer to remove them as a participant from the meeting.

17. Technical issues – meeting management

If the Chairman, the Hosting Officer or the Member Services Officer identifies a problem with the systems from the Council's side, the Chairman 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, the meeting will be adjourned until such time as it can be reconvened.

If the meeting was due to determine an urgent matter 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.

Where any Member, Officer or the Public experience their own technical problems during the course of a meeting e.g. through internet connectivity or otherwise, the meeting will not be automatically suspended or adjourned.

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

Many members, officers and the Public 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.

- 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.)

- Have to hand the telephone number of someone attending 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)

Phone only access to zoom meetings

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

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

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

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

- **Enter Meeting ID followed by #**

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

- **Press #**

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

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

Wait for the following two messages:

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

Wait.....

"You have now entered the meeting"

Important notes for participating in meetings

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

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

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 16 August 2021 at 2.15 pm

Present

Councillors

B G J Warren (Chairman)
G Barnell, Mrs F J Colthorpe, L J Cruwys,
P J Heal, R F Radford, R L Stanley,
Ms E J Wainwright and A Wilce

Apologies

Councillor(s)

E J Berry, Mrs S Griggs and F W Letch

Also Present

Councillor(s)

S Pugh and R Evans

Also Present

Officer(s):

Andrew Jarrett (Deputy Chief Executive (S151)), Jill May (Director of Business Improvement and Operations), Maria De Leburne (Operations Manager Legal and Monitoring), Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Matthew Page (Corporate Manager for People, Governance and Waste), Jason Ball (Climate and Sustainability Specialist), Arron Beecham (Forward Planning Officer), Claire Fry (Housing Services Operations Manager), Tanya Wenham (Lead Officer Private Sector Housing), Catherine Yandle (Operations Manager for Performance, Governance and Health & Safety), Clare Robathan (Policy and Research Officer) and Carole Oliphant (Member Services Officer)

32 APOLOGIES AND SUBSTITUTE MEMBERS (0.03.44)

Apologies were received from Cllrs Mrs S Griggs, F W Letch and Cllr E J Berry who was substituted by Cllr R L Stanley

33 HYBRID MEETINGS PROTOCOL (0.04.26)

The Committee had before it, and **NOTED**, the *Hybrid Meetings Protocol.

Note: *Protocol previously circulated and attached to the minutes

34 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.04.55)

Cllr R L Stanley declared a personal interest as a Director of 3 Rivers Developments Ltd.

Cllr Mrs F J Colthorpe declared a personal interest as she was a private landlord.

35 **PUBLIC QUESTION TIME (0.05.33)**

There were no members of the public present.

36 **MINUTES OF THE PREVIOUS MEETING (0.05.44)**

The minutes of the last meeting were approved as a correct record and **SIGNED** by the Chairman.

37 **DECISIONS OF THE CABINET (0.07.03)**

The Committee **NOTED** that none of the decisions made by the Cabinet on 3rd August 2021 had been called in.

38 **CHAIRMANS ANNOUNCEMENTS (0.07.16)**

The Chairman expressed his disappointment that only 3 Members had attended the recent Work Programming Session but he hoped that Members would continue to engage in the Work Programming process.

39 **HOUSING STRATEGY CONSULTATION DRAFT (0.09.03)**

The Committee had before it the *Housing Strategy Consultation Draft presented by Corporate Manager for Public Health, Regulation and Housing who gave an overview of the Strategy.

The Officer explained that the Consultation Draft had previously been presented to the Homes PDG where it had been well received.

He explained that homes were a basic necessity and a fundamental requirement for everybody and the Strategy would enable the facilitation of new housing within the district. The project team were taking a multi disciplinary approach to include a wide range of internal stakeholders and contributors.

The Strategy set out the 5 year vision to meet the housing needs and aspirations by offering new homes and adapting existing stock.

He explained the 4 key priorities of the Strategy which contained 40 specific objectives and specific targets and a delivery group would be formed to test progress against delivery.

Consideration was given to:

- Consultation would be tailored to the consultees but would include current tenants, DCC, CHAT and existing partners
- The views of some Members that the housing targets were not ambitious enough
- The views of some Members that there was a lack of clarity on the housing mix and sight of costed plans

- That the housing needs would be continually reassessed as more data became available such as the 2021 Census
- The Strategy was realistic on the numbers of units which could be delivered and was the baseline and not the final numbers
- The Authority was required to pay market value for properties which it previously owned and had been sold to tenants at a discounted price under the Governments Right to Buy scheme
- Members views that the strategy should make reference to the Devon Carbon Plan
- The correct term was Net Zero Carbon and the Strategy should reflect this
- The Standard for Decent Homes had not changed

It was therefore **RECOMMENDED** to the Cabinet that: the strategy be approved subject to:

- Net Zero Carbon terminology be consistent throughout the strategy
- The Project Board to only reference job titles and not named individuals

(Proposed by the Chairman)

Reason for the decision: To ensure the Council can progress to the next key consultation stage leading to the adoption of the Strategy

Note: *Housing Strategy Consultation Draft previously circulated and attached to the minutes

40 **MENOPAUSE WORKING GROUP UPDATE (0.52.48)**

The Committee had before it, and **NOTED**, a *report of the Corporate Manager for People, Governance and Waste providing an update on the recommendations of the Menopause Working Group.

He explained that a staff survey was due to be implemented in the autumn to gauge success in the education programmes which had been introduced.

The Menopause would be included within the Wellbeing and Reasonable adjustments policy.

Note: *Report previously circulated and attached to the minutes

41 **ESTABLISHMENT 6 MONTH UPDATE (0.54.38)**

The Committee had before it, and **NOTED**, a *report of the Corporate Manager for People, Governance and Waste providing an update on the Establishment.

The Officer explained that sickness absence had dropped in 2020 and that there were many factors behind this, however there was expected to be an increase in the autumn.

Turnover did reduce in 2020 but had dramatically increased in the first quarter of 2021 due to lack of specialist staff. Agency spend had increased as a result of this but there was a lack of supply of essential workers such as HGV drivers.

The Covid 19 infection rates amongst the workforce had remained low with only two outbreaks. The Authority had been more affected by the pandemic when 25% of the workforce had been required to self-isolate.

He continued by explaining that the Authority was looking at the longer term with regard to hybrid working and that would include decisions on redundant offices. He explained that there was a need to look at each service individually and ensure that public facing services were still offering a face to face service required by customers.

Note: *report previously circulated and attached to the minutes

42 **FORWARD PLAN (1.07.09)**

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

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

43 **SCRUTINY OFFICER UPDATE (1.10.00)**

The Scrutiny Officer informed Members that at the Work Programming session on 5th August Members had received an update on the items which were to be added to the work program. She informed Members that they could continue to identify items and that subjects to be added to the work program and this would be achieved via scrutiny proposal forms which she would assist Members to complete.

44 **WORK PLAN (1.13.12)**

The Committee had before it, and **NOTED**, the *Scrutiny Committee Work Plan for 2021-2022.

No additional items were brought forward for consideration for inclusion on the Work Plan.

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

(The meeting ended at 3.31 pm)

CHAIRMAN

SCRUTINY 13 SEPTEMBER 2021

Teckal Consideration

Cabinet Members: Councillor Bob Evans – Deputy Leader and Cabinet member for Housing & Property

Responsible Officers: Deputy Chief Executive (S151) – Andrew Jarrett

Reason for Report: To provide Scrutiny with a copy of the report requested by the Homes Policy Development Group (PDG) considering the need for a Teckal vehicle in order to help facilitate a step change in the delivery of social housing.

RECOMMENDATION: That Scrutiny notes the update and passes its comments on to the Homes PDG. These comments will help shape any recommendations, if made, by Cabinet and ultimately the decision that will be required at Full Council.

Relationship to Corporate Plan: The delivering of additional social housing units is a key priority in the Council's Corporate Plan.

Financial Implications: None directly arising from this report. But clearly, there would be potential short term costs of setting up such a trading vehicle and longer term financial advantages. This would be further appraised/examined in subsequent reports, if required.

Legal Implications: Legal advice will be provided during these considerations and in order to reach the current and any future decision points.

Risk Assessment: Future reports, if required, would identify and explore potential risks and would need to consider any mitigation measures if practical.

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

Impact on climate change: None.

1.0 Introduction

1.1 At the previous meeting of the Homes Policy Development Group (PDG) two reports were considered that are directly relevant to the one before this meeting. Firstly, the overarching Housing Strategy 2021-25 and secondly a brief report providing an update on Teckal considerations. The latter report sought permission from the PDG to provide an all member briefing on the need/suitability/rationale of a Teckal vehicle to help assist in delivering a step change in social housing delivery.

1.2 On the 2 September 2021 Anthony Collins Solicitors (ACS) facilitated an all Member briefing on the basics of Teckal as requested. This briefing included

examples of how other Councils are utilising this process and importantly gave all Members the opportunity to ask any questions that they had. In order to provide the wider membership and other interested parties with access to the presentation, it has been attached as an appendix to this report.

- 1.3 The introduction to the presentation highlighted that well in excess of 100 Councils have some form of Teckal vehicle being used to undertake a wide variety of Council activities, including housing delivery.

2.0 Teckal

- 2.1 Although the general concept of Teckal is explained in the attached presentation, I have attempted to summarise the key/pertinent issues below:

- 2.2 Where a Council wishes to purchase services, supplies or works then it must do so in accordance with its own standing orders and the Public Contracts Regulations 2015 (PCR 2015). As such the Council's relationship with any wholly owned or joint venture entity that it directly or indirectly has an interest in will only be caught by the rules on public procurement if the Council enters into a public contract (as that term is defined in the PCR 2015) with the entity.

- 2.3 Where a Council does wish to purchase any of the above from its own company, then it must follow a compliant procurement process unless its relationship with the entity it is purchasing from is established in accordance with Regulation 12, PCR 2015 (Teckal).

- 2.4 A Teckal relationship can exist where:

- the entity is itself a contracting authority;
- the Council exercises control over it, which is similar to that which it exercises over its own departments (e.g. the Council exercises decisive influence over the strategic objectives and significant decisions of the entity). This control can be exercised directly or through another controlled legal entity;
- more than 80% of the entity's activities are carried out in the performance of activities entrusted to it by the Council or other entities controlled by the Council; and
- there is no direct private capital participation in the entity.

- 2.5 If there is an intermediate legal entity between the Council and the Teckal compliant entity, then that intermediate entity does not have to be a contracting authority or meet the 4th bullet point criteria shown above, provided that it is "controlled". Tasks can be entrusted by other controlled entities within the "group" and those entities can themselves be contractors of the Teckal compliant entity.

- 2.6 A Teckal compliant entity, does not need to comply with the procurement rules when procuring works/services/supplies from the Council and any other controlled entity. As such it can contract directly with those entities for the delivery of services, supplies and works to it without the need to run a procurement process in accordance with the PCR 2015.

3.0 The next steps

- 3.1 As referred to in the all member briefing, on a number of occasions, setting up and then operating a Teckal vehicle will take some time, resource and hence financial commitment. Therefore, the Council needs to ask itself a few key questions in order to clarify/determine its next actions on Teckal. Here is just a flavour of some of the issues that will require consideration; what are we trying to achieve, are there other means, do we have the necessary skills, have we already identified sites/projects, what kind of governance arrangements will it need, are we clear on the terms of reference that we would want to set, how it could be used in conjunction with prevailing Housing Revenue Account legislation, is there a long term commitment and well established programme of work that could be delivered, etc.
- 3.1.1 Some of the above questions are complicated and potentially interrelated. Therefore, discussion with other Councils who already have mature Teckal vehicles would be wise/recommended.
- 3.2 At this juncture it would be very helpful to obtain a policy steer from Members that can be used to assist Cabinet/Council deliberations regarding whether we want to set up a Teckal vehicle, and if so, what the parameters, outputs, objectives would be.
- 3.3 In order to progress any future considerations, if Members were to provide a positive steer or at least an appetite to explore Teckal in more detail, further contact and then advice could be sort from ACS to help shape what kind of Teckal vehicle (including governance arrangements and an overview of desired outcomes) would be the most appropriate.

4.0 Conclusion

- 4.1 Comments from this meeting and that of the Homes Policy Development Group will be utilised in the decision making process of Cabinet and Full Council.

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Circulation of the report:

Leadership Team and Cabinet



Delivering housing through companies

Mark Cook

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The legal framework

YOUR SPEAKER TODAY



Page 24

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Today's content

- The context for Mid Devon
- Reasons why local authorities use companies to deliver housing
- Hertsmere Council – an example
- Blackpool Council – an example
- Council powers
- Procurement implications
- What exactly is a Teckal company?
- Other considerations
- Business cases and business plans
- Examples from elsewhere
- Actions



The context for Mid Devon

- Draft Housing Strategy for Mid Devon 2021-2025
- “How and where we procure and deliver new Council Housing can be done in several ways and the benefits of each will be weighed up and assessed on a business case basis for each site.”
- Options include: “Direct award to a ‘Teckal’ company”.



Reasons why local authorities use companies to deliver housing

- To intervene in the local housing market
- To build new housing for sale and also housing for rent (market or affordable)
- To generate a revenue stream
- To optimise development consistent with the Local Plan
- To establish a local responsible landlord of repute
- To enable access to Homes England grant (especially if it is a registered provider)
- To influence the development to a degree greater than possible with a sale of the site to the market
- To fulfil council priorities e.g. attract young people with skills to support the local economy
- To optimise environmental benefits around carbon neutrality
- To enable council-owned sites that are marginal in commercial viability to be developed



What happens in practice

- Council forms development company
- Council sells a site to the company
- Council lends the company the money to buy the site and to build the houses – at commercial rates
- Majority of houses are sold into the market for sale
- Some houses are sold to a parallel landlord company for renting out at market or sub-market levels
- Real social housing is acquired by the Council or sold to a registered provider (which might be a further vehicle established by the Council)
- Borrowing repaid from sale proceeds
- Profit reinvested in further developments or distributed as dividend to the Council



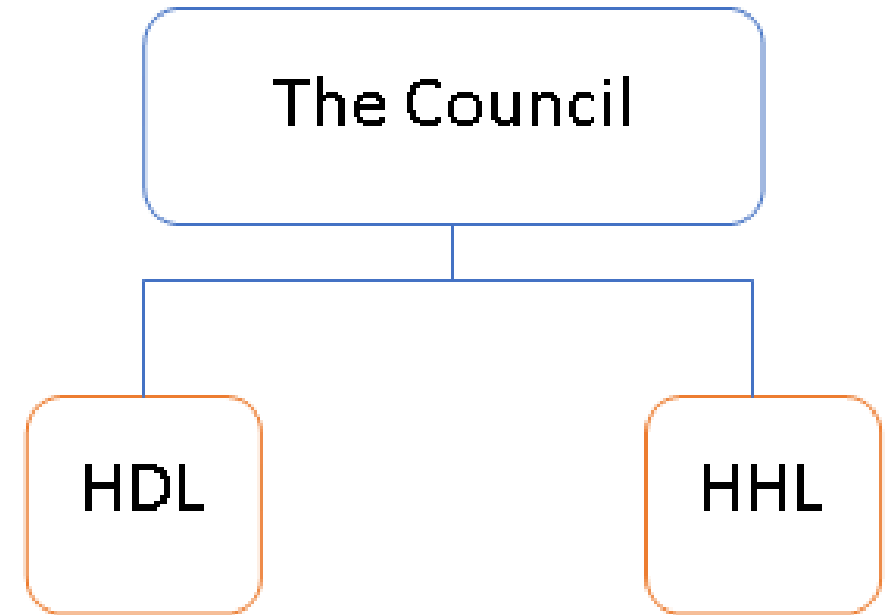
Examples from elsewhere

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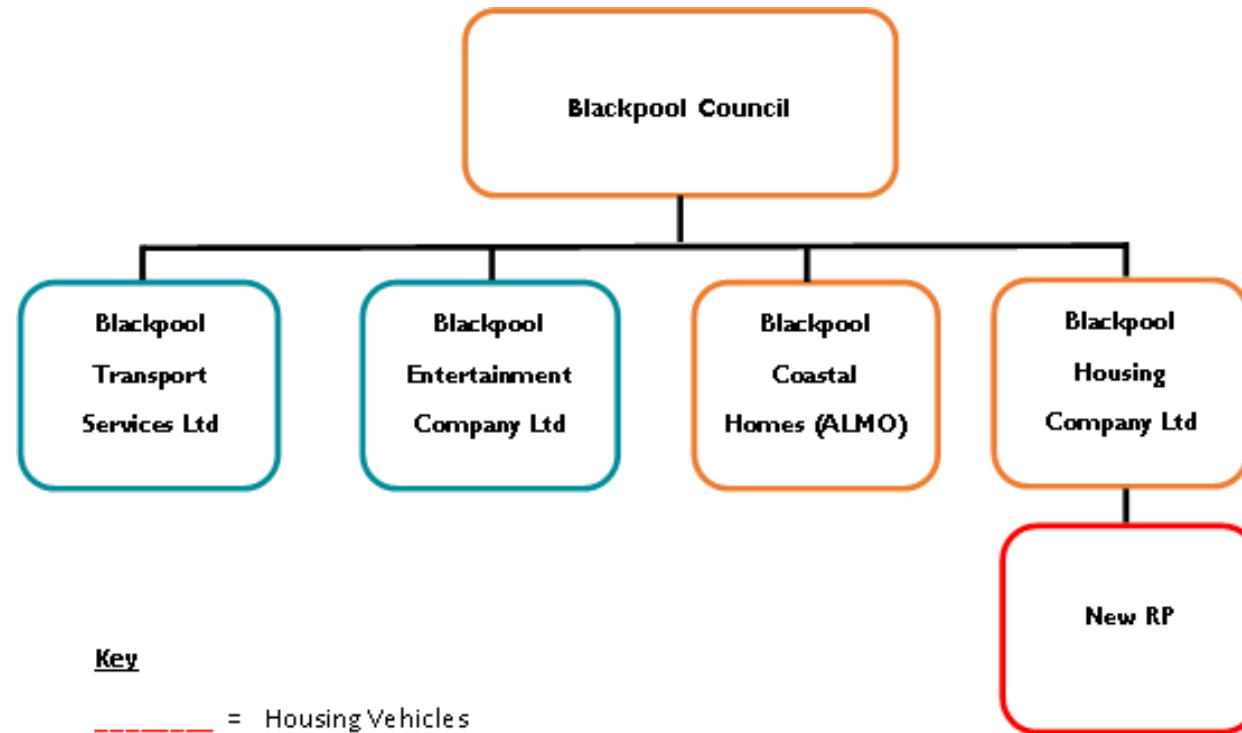


Example- Hertsmere Borough Council

- Hertsmere Developments Limited
- Hertsmere Homes Limited
- Exploring a registered provider
- Considering joint ventures



Example- Blackpool Borough Council



Council powers

- General power of competence
- Power to trade
- Power to borrow
- Power to invest
- Power to acquire land
- Power to dispose of land
- Power to provide housing accommodation
- Power to provide financial assistance for “privately let housing”



Procurement implications

- Public Contracts Regulations 2015
- Is the Council procuring works, services or goods?
- Is the Council acquiring land?
- Key definition- public works contract – especially (c) “the realisation, by whatever means, of a work corresponding to the requirements specified by the contracting authority exercising a decisive influence on the type or design of the work”
- Council standing orders



What exactly is a Teckal company?

- 3-pronged test:
 - Control similar to that over its own departments
 - More than 80% tasks entrusted by the controlling authority or “other persons controlled by that” authority
 - No “direct private capital participation”
- Control = decisive influence by the authority or an entity it controls in the same way



Flexibilities with local authority companies

- To Teckal or not to Teckal?
- The Teckal vehicle can provide works, services etc to its controlling authority without PCR 2015 tenders and any other controlled company (even non-Teckal if no private capital) - and vice versa
- Any controlled company (even non-Teckal) in the Council's group can entrust to the Teckal vehicle works and services which will therefore fall within the 80% limit



Other considerations

- Best consideration
- Subsidy controls (formerly state aid)
- Tax (esp.VAT)



Business cases and business plans

- Business cases - by the Council
- Business plans - by the Company



Actions

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QUESTIONS?

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Planning Enforcement in Mid Devon District Council

September 2021

A review by a Working Group of the Mid Devon District Council
Scrutiny Committee

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Introduction

Planning enforcement investigates possible breaches of planning control and aims to resolve these. Effective enforcement is important to maintain public confidence in the planning system. Mid Devon District Council (MDDC), as the Local Planning Authority, has responsibility for taking whatever enforcement action may be necessary, in the public interest. Formal enforcement action may take a variety of forms with a wide range of legal tools available.

Members of the Scrutiny Committee had expressed concern about the timeliness of some enforcement action, particularly in respect of breaches of planning control and failure to comply with planning conditions. This report looks at the operation and utilisation of enforcement powers and planning conditions, and aims to identify issues to inform service improvement.

Rationale

Members had concerns, and had been contacted by residents on occasions, with regards to planning enforcement issues in their Wards. Residents reported delays and concerns around progress on enforcement issues. This had led to concern that the planning enforcement service is under resourced and may be, occasionally, risk averse to taking formal enforcement action.

Unauthorised development can be detrimental to the local environment and a source of community tension. Failure to investigate and enforce planning conditions or address unauthorised development can reduce the effectiveness of a Local Planning Authority and undermine public confidence in the planning system.

This review aims to ensure:

- Improvements in planning enforcement response times and outcomes;
- Clear deadlines for compliance and enforcement action; and
- Improved public and Elected Members perceptions of the service and confidence in it.

Methodology and approach

The Chairman of the Working Group was Cllr B Warren, other Members of the group included: Cllr G Barnell; Cllr W Burke; Cllr L Cruwys; and Cllr R Stanley. The first meeting of the Working Group was held on 11 March 2021 and the group agreed to meet at least monthly. The Group held meetings with relevant Officers to understand how planning enforcement currently operates in the Council. Members spoke to a variety of Officers, including:

- The two Planning Enforcement Officers (11 March 2021);
- The Planning Department Administration Staff (15 April 2021);
- The two Area Team Leaders (17 May 2021), and a second meeting with the Area Team Leader responsible for Enforcement (25 June 2021);
- The Development Manager (17 May 2021);
- The Head of Legal and Monitoring Officer (7 June 2021); and
- The Head of Planning and Regeneration (8 July 2021).

Members also had a written submission from the Administration and Performance Manager on the level of administration resource dedicated to Planning Enforcement within the Administration team.

In order to understand how Planning Enforcement works in other Local Authorities, Members of the Group also spoke to the Development Manager at East Devon District Council.

In addition, the Group reviewed a large number of relevant documents including: the Mid Devon Local Enforcement Plan; the National Planning Policy Framework; Mid Devon Local Plan; the Planning Practice Guide; and other Local Authorities Enforcement Plans.

The Group reviewed data provided in relation to all planning enforcement cases since the start of 2019. This data review looked at the issues over that time, including: case load; resolution time; the number of open cases and numbers in each priority category.

In order to fully understand the processes and areas of delay, Members looked at 15 randomly selected Planning Enforcement cases in detail. For each case a Member talked through the file with the relevant Officer to understand why certain decisions had been taken and the timelines involved.

Members are very grateful to the Officers that took time to speak to them and for their honest and informative answers and ideas. Members would also like to thank Sally Gabriel, Member Services Manager and Clare Robathan, Scrutiny Officer for their assistance with this review.

Recommendations

1. That the Council recruit further resource for planning enforcement so the team includes either: a Principal Planning Enforcement Officer, two Planning Enforcement Officers and trained dedicated admin support; or a Principal Planning Enforcement Officer and three Planning Enforcement Officers.
2. That the Council establish a dedicated Solicitor with planning experience to act as a direct point of reference for the Planning Department, this could potentially be a shared service with another Local Authority.
3. That the Planning Department establish a process to enable proactive monitoring of planning conditions. That a proposal for how this will be achieved is brought to the Scrutiny Committee by the Chief Executive within a month of adoption of recommendation by Council.
4. That Enforcement Officers are provided with tablets with mobile telephone connection, linked to MDDC systems, to assist on site visits so that information can be retrieved on site and allow immediate contact and consultation with management if required.

5. That internal procedures be put in place so that discretionary powers be delegated down to appropriate levels to allow enforcement officers to make relevant decisions on site.
6. That a Subgroup of the Planning Committee be established to monitor issues within Planning Enforcement. This standing Enforcement Advisory or Working Group would review performance, deadlines and outstanding cases, and report back to the Planning Committee.
7. That the free planning advice line and/or the contact telephone number be reinstated with immediate effect (as outlined by the Customer Service Working Group).
8. That the Local Enforcement Plan be rewritten to consider the views and recommendations of this report and to take into account more enhanced versions from other Local Authorities, notably the East Devon model. That the new Enforcement Plan be submitted to the Scrutiny Committee for consideration prior to submission for adoption by Planning Committee.
9. That a Tree Officer is recruited as a matter of urgency, this could potentially be a shared service with another Local Authority.
10. That the Chief Executive bring forward a proposal for making information on enforcement action more publicly available.
11. That the Development Management Manager establish a process for case management to ensure cases are monitored and followed up, so that cases are not lost within or between Departments.
12. That an implementation plan is drawn up to cost the recommendations made in this report, and passed to Cabinet for consideration.

Rationale for recommendations

From this review it is clear that Planning Enforcement Officers are experienced, professional and adept at investigating and handling complex enforcement cases. Delegated decision making has enabled decisions to be made away from Committee and this has helped speed up the process. Officers work well together as a team – using each other’s knowledge to help move cases forward and also to ensure safety on site visits where necessary. The team also works well across the Council with other teams and Departments.

Despite this, delays are still occurring and the level of resourcing is a concern. Public and Member expectations are not being met and this is causing reputational damage to the Council.

Recommendation 1

That the Council recruit further resource for planning enforcement so the team includes either: a Principal Planning Enforcement Officer, two Planning Enforcement

Officers and trained dedicated admin support; or a Principal Planning Enforcement Officer and three Planning Enforcement Officers.

The current level of resourcing in the Planning Enforcement Team is not meeting the levels of public and Member expectation with regards to investigation and turn around. In terms of caseload, 66% of cases since 2019 have been resolved within the first 90 days – 90 days is the target for cases as stated in the Mid Devon Local Enforcement Plan. Members recognise that there will be times where formal enforcement action is required, such as the issue of an enforcement notice, and that the timescales involved will not always make this target possible. Members believe, however, that there is on occasion significant delay and a number of cases are taking too long to resolve.

The Enforcement team would benefit from extra resource, particularly given that the Enforcement Officers currently carry out the majority of administration work and this is adding to the delay. Members heard from Officers that in order to ensure the service functioned effectively, a Principal Planning Enforcement Officer plus three Enforcement Officers, or a Principal Planning Enforcement Officer, plus two Enforcement Officers and dedicated administration support, is required.

Recommendation 2

That the Council establish a dedicated Solicitor with planning experience to act as a direct point of reference for the Planning Department, this could potentially be a shared service with another Local Authority.

Members heard from Officers (inside and outside the Council) that Local Authorities like Mid Devon generally have a dedicated planning Solicitor. The relationship between planning and legal plays a vital part in the Council's ability to take meaningful enforcement action. A planning solicitor would provide a dedicated point of contact and enable conversations to take place before any enforcement process commenced. This could help speed up the length of time taken to give notices.

Members were cautioned by the Head of Legal with regards to how difficult it is to recruit a Solicitor with planning experience. The Head of Legal did, however, think that effort should be made to work across Districts to share legal services with other local authorities. The use of a shared service would provide access to specialist lawyers and provide greater capacity and skills, not just in planning.

Recommendation 3

That the Planning Department establish a process to enable proactive monitoring of planning conditions. That a proposal for how this will be achieved is brought to the Scrutiny Committee by the Chief Executive within a month of adoption of recommendation by Council.

Members are aware that sometimes conditions are attached to planning applications that are not subsequently complied with. Enforcement Officers currently rely on information about such conditions being passed to them by Members of the Public or Town/Parish Councils. There is currently no agreed process in the Council for the proactive monitoring of conditions. Whilst Members are mindful that it would be impossible to monitor all conditions, the Group heard from East Devon that their Enforcement Officers had the 'proactive' monitoring of conditions within their role. This

not only helps act as a deterrent, but also helps Officers understand the success of negotiation and application of conditions. Some Authorities have a dedicated Officer to monitor compliance with conditions by carrying out spot checks on sites, particularly where it is known a developer has a record of non-compliance. This is particularly relevant in Mid Devon where we have a number of Anaerobic Digester plants and associated infrastructure where monitoring compliance with conditions is time consuming.

Recommendation 4

That Enforcement Officers are provided with tablets with mobile telephone connection, linked to MDDC systems, to assist on site visits so that information can be retrieved on site and allow immediate contact and consultation with management if required.

Discussions regarding technology showed that Officers would welcome the introduction of iPads or tablets. Such technology, if linked to MDDC systems, connected to the telephone system and with access to emails, could significantly improve efficiency. Officers had used them within previous Authorities and had seen first-hand how they promote effective use of time. East Devon District Council also stressed that since Enforcement Officers had an iPad, efficiency had improved significantly. Their Officers are able to show maps/plans on site, take photos and log things on the system immediately, or call a colleague for advice (and share photos with that colleague on site) to resolve issues immediately.

Whilst Members recognise that there is a cost involved with the introduction of tablets, and that it may be complicated to link to the system, the benefits of such technology could significantly improve MDDC's enforcement service. The costs could be balanced against more productivity and improvements in time management.

When Members met the Head of Planning, Economy and Regeneration, she confirmed that Enforcement Officers are in the process of being provided with tablets and that the mobile telephone connection project was a high priority for the Communications team and was currently underway.

Recommendation 5

That internal procedures be put in place so that discretionary powers be delegated down to appropriate levels to allow enforcement officers to make relevant decisions on site.

Currently a full written report has to be prepared before legal action is taken, which goes to the Development Manager to give the go ahead for the serving of a notice. This can cause delays as in most cases there is also Legal involvement. Members heard from Enforcement Officers that, in order to save time, their professional judgement, on relatively simple cases or on issues regarding temporary stop notices, should be enough to act immediately. The Head of Legal also said that it would be possible to give Enforcement Officers the power to serve temporary stop notices – although they would still require advice from legal.

Whilst Members recognise the importance of record keeping, particularly in relation to legal action, Members believe that a review of decision making powers of Officers on the ground should take place. This could mean, that in clear cut cases, if a breach of

planning control has clearly taken place, the owner/occupier/person responsible will be informed straight away (if they are present).

Recommendation 6

That a Subgroup of the Planning Committee be established to monitor issues within Planning Enforcement. This standing Enforcement Advisory or Working Group would review performance, deadlines and outstanding cases, and report back to the Planning Committee.

In order to ensure continued monitoring of activity and performance within Planning Enforcement, a standing Subgroup of the Planning Committee should be established. This Group would: monitor case load; open and closed cases; review reasons given for closing cases and/or taking action or no further action in individual cases; types of enforcement notices issued; resolution time; trends; performance data and any outstanding cases. It would also consider ways of working in other Local Authorities, and report back to the Planning Committee.

Recommendation 7

That the free planning advice line and/or the contact telephone number be reinstated with immediate effect (as outlined by the Customer Service Working Group).

Members heard from the Planning Enforcement Officers that there had been a significant knock on effect resulting from the ending of the free planning advice, which has been replaced by a paid for advice service. Enforcement Officers spend time directing people to the right resource in the Council, which is taking time away from investigations. The reintroduction of this free service would enable Officers to focus on investigatory work.

The report by the Scrutiny Customer Experience Working Group in July 2020, recommended that the Planning Department consider re-establishing the dedicated phone answering system. That review found that the lack of a dedicated phone line was taking time away from officers who were being interrupted during other work to answer calls. The recommendation has not been actioned.

Recommendation 8

That the Local Enforcement Plan be rewritten to consider the views and recommendations of this report and to take into account more enhanced versions from other Local Authorities, notably the East Devon model. That the new Enforcement Plan be submitted to the Scrutiny Committee for consideration prior to submission for adoption by Planning Committee.

In reviewing the Mid Devon Enforcement Plan, alongside other Local Authorities enforcement plans, Members agreed that it would be useful to include further information when the review of the Enforcement Plan takes place this year. Members particularly admired the East Devon Local Enforcement Plan which includes detail into what action will be taken in different types of cases, and detail on types of enforcement powers available. It also has detail on listed buildings, advertisements and a specific section on trees. By providing this detail in the Mid Devon Local Enforcement Plan, members of the public would better understand the planning enforcement process and in turn may reduce work for the Officers. A section on trees may help members of the

public in understanding what issues require consent or what trees need to be protected.

Recommendation 9

That a Tree Officer is recruited as a matter of urgency, this could potentially be a shared service with another Local Authority.

Members heard how the lack of a Tree Officer was having a knock on effect on the Planning Enforcement Officers as it often fell to them to pick up this work. This not only added to the caseload of the Officers, but also meant that these cases were not being handled by a specialist.

Members are aware that the post of Tree Officer has been re-evaluated and is now at a higher grade and will now be advertised as Arboricultural Officer. Members hope that the regrading will attract suitable candidates allowing the role to be filled.

Recommendation 10

That the Chief Executive bring forward a proposal for making information on enforcement action more publicly available.

Members are aware of the confidentiality issues with putting enforcement information on the Planning Portal. A review of what is made available, how information could be made available and how quickly would be useful so that Members of the public are aware of action being taken. This in turn may help reduce customer enquiries.

Recommendation 11

That the Development Management Manager establish a process for case management to ensure cases are monitored and followed up, so that cases are not lost within or between Departments.

When looking at cases in detail, it became apparent that there are times when cases can sit within a Department for a long period of time or appear to get lost between teams. This appears to happen when a case has been sent by an Enforcement Officer to another team or Department for further action. The enforcement service would benefit from clear case management and a process by which to monitor and follow up cases.

Recommendation 12

That an implementation plan is drawn up to cost the recommendations made in this report, and passed to Cabinet for consideration.

In order to fully understand the financial implications, Members would like Officers to draft an implementation plan so that Cabinet can fully consider the impact of these recommendations.

Planning Enforcement in Mid Devon District Council

The Planning Enforcement Team

The current planning enforcement team at MDDC comprises two full time officers who each cover an area of the District (East and West). Administration support is provided by three planning support officers who provide administration support to the whole Planning Department and have enforcement as one part of their wider role. We heard from these officers that they currently provide about 21 hours per week (in total) for enforcement administration. The team is managed by an Area Team Leader who is also responsible for another planning team within the Department.

Previously within the Council there were two and a half (FTE) enforcement officers. This was reduced to two officers, with the part time officer moving to a different role. To assist with the subsequent backlog, an administration post was established, this role took on the majority of the enforcement administration work which freed up the Enforcement Officers to investigate issues.

This administration post lasted 12 months, but when the officer left the Council it was decided that rather than recruit a new Officer, the three planning support officers would instead support the enforcement officers alongside their other responsibilities.

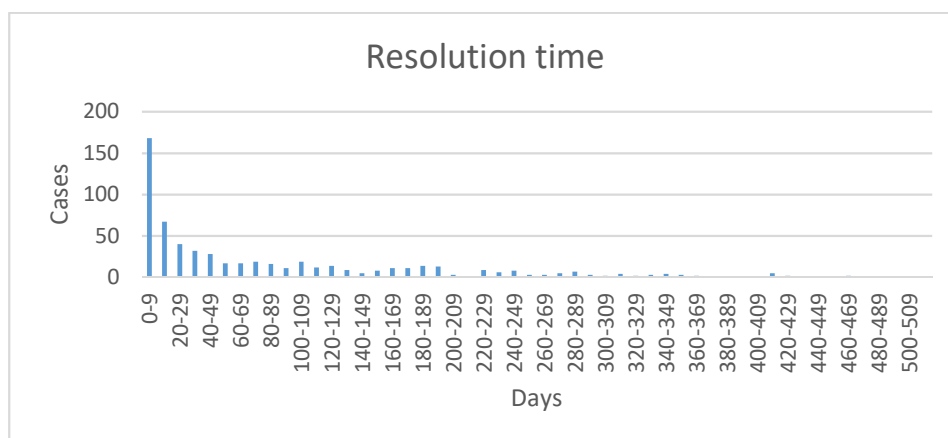
Enforcement caseload

Members reviewed data on cases since the start of 2019 to 22 March 2021, this review showed that:

- 796 cases have been received since 2019, of those:
 - 459 cases were received in 2019.
 - 278 cases were received in 2020 (during the pandemic).
 - 60 cases had been received to that date in 2021.

Of the 796 cases since 2019, 615 had been 'resolved', 181 cases were still open. Of the 615 cases resolved on the spreadsheet, resolution time ranged from 0 days to 515 days.

The chart below shows the range of resolution times per 10 days:

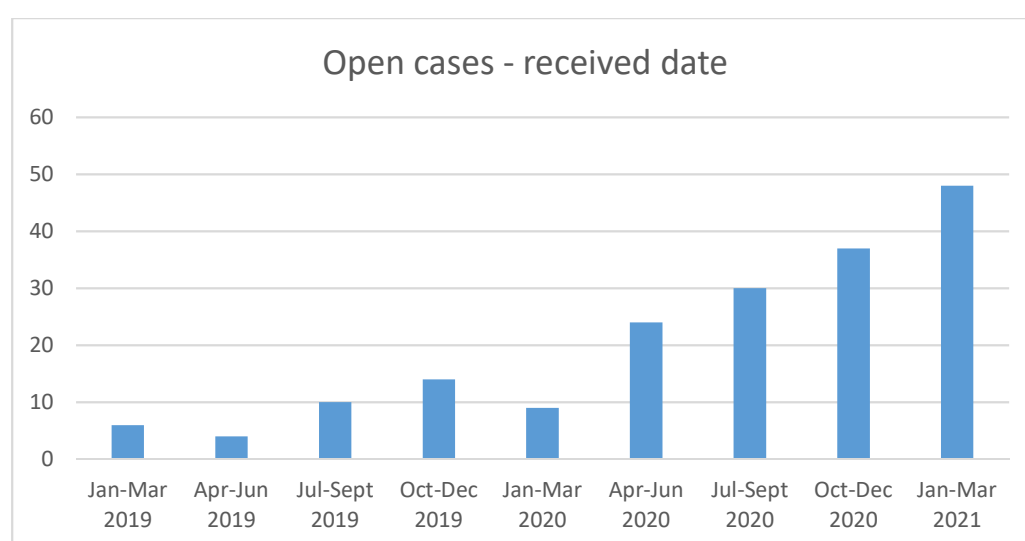


27% of cases (168) were marked resolved within the first 10 days (0-9 days). Of the 168 cases resolved within the first 10 days, 164 were marked as having taken 'no action'.

66% were marked resolved within the first 90 days (0-89 days). (The Local Enforcement Plan says that the Enforcement Service will endeavour to resolve enquiries within three months of their receipt. There will be, however, times where formal enforcement action is required, such as the issue of an enforcement notice, and the timescales involved will not make this possible).

Of the 615 cases resolved, 17 (2.7%) took longer than one year. Of the 181 open cases, 34 had been open since 2019.

They were received:



Of the open cases, 8 are classified as 'highest' or 'high' priority, with the oldest in the 'highest' category open since October 2020 and in the 'high' category open since July 2020.

Of the 795 cases received since 2019

- 13 were categorised as highest priority
- 24 were categorised as high priority
- 69 were categorised as medium priority
- 689 were categorised as low priority (87%)

Of the 795 cases received, 603 (76%) were recommended for 'no action'.

21 cases had a notice served since 2019:

- 1 Enforcement Notice
- 2 Enforcement Notices – Change of Use
- 3 Enforcement Notices – Operational Development
- 12 PCNs
- 1 Section 215
- 2 Temporary Stop Notices

Meetings

Discussion with Planning Enforcement Officers

Members met with the two (then) Planning Enforcement Officers on 11 March 2021 (one of the Officers has since moved to a different role in the Council). Officers were asked about their workload and experience, as well as the processes by which cases came into the Council and the procedure for an enforcement case getting logged onto the system.

Officers discussed the current makeup of the team (two Officers supported by an administration team), as well as the iterations that had previously existed (two and a half FTE enforcement officers, followed by a team of two Officers with a dedicated administration support officer). In the current situation, the administration team only log cases and correspondence onto the system, therefore Enforcement Officers are carrying out the majority of the administration work. Members heard how this is taking time away from investigating cases.

Officers said that the support provided by the administration team could sometimes cause issues, as by the time cases arrived on the Planning Enforcement Officers desk, they were already late as day 'one' was when the complaint arrived in the Council (see the Mid Devon Local Enforcement Plan for target timelines within the Council).

Members also heard that the removal of the free planning advice service (which has been replaced by a paid for advice service and the lack of a Tree Officer were both causing issues. Enforcement Officers were having to pick up the fallout from these issues, either spending time directing people to the right resource in the Council, or often having to pick up the 'tree' work that would otherwise be picked up by a Tree Officer. The same is true with listed buildings if a Conservation Officer was not available. Officers stressed that they are not experts in those fields and that it should be the specialists carrying out that work.

The Officers talked about the decision making process following a site visit, and how some decisions would involve discussions with a Planning Officer or the Area Team Leader. The Development Manager and Legal may also become involved if there was any formal enforcement process. Officers suggested that delays could occur with regards to serving notices, which could be with the legal team for several months after the notice had been drafted.

Members also heard how a full written report has to be prepared before legal action is taken, which went to the Development Manager to give the go ahead for the serving of a notice. This could also cause delays if the Development Manager was unavailable. Previously, this process was less burdensome as an email notification or a verbal agreement was all that was required. Officers were also asked about temporary stop notices and whether they should have authority to deal with this immediately, Officers suggested that sometimes their professional, experienced judgement should be enough.

Members asked Officers about the use of technology and whether tablets were used on site. Officers stated that they do not use technology, but that such technology would assist them do their role if they linked to the Uniform system. One Officer had used

them in a previous Local Authority, and from experience believed they would promote more effective use of time.

Members took time to understand the processes for various investigating techniques and options available like Planning Contravention Notices (PCNs) and the numbers issued by Officers, as well as the time spent on mediation.

With regards to conditions, Officers suggested that it would be better if pre decision negotiation was improved as there was a lack of resource to monitor conditions and that conditions were being relied upon too heavily. This can cause a lot of extra work for the Enforcement team.

Discussion with administration staff

Members met with the three Planning Administration Support staff on 15 April 2021. Officers were asked about their experience and training received, as well as the role they carried out with regards to enforcement.

The Officers said that the only training they had received was a few hours on how to use the UNIFORM system. The Officers were clear that they did a limited amount for enforcement, only logging cases, filing ongoing correspondence and setting up new cases. An Enforcement Officer would inform them how to deal with an issue and what priority category to put it into.

The Officers were also asked about any delay in logging cases or if there was a backlog. Officers replied that for correspondence that needed logging onto the system they were about a week behind and that for new cases there was no backlog.

Officers said that they would normally have four members in their team, but that position is currently vacant. This means that the hours provided to enforcement are currently approximately 21 hours per week. They had previously had support from a colleague in Leisure Services who had been redeployed during lockdown, but that person had gone back to their job. Members suggested that the team was doing well seeing the amount of work that was before them and that the email traffic had increased during lockdown.

Discussion with Area Team Leaders

Members met with two Area Team Leaders, one of which is responsible for enforcement, on 17 May 2021, and again with the Area Team Leader responsible for enforcement on 25 May 2021. Officers outlined their experience and roles. The Area Team Leader responsible for enforcement is also responsible for another planning team within the Department, and described each as a full time role.

The Area Team Leader responsible for enforcement said that when she took on the role five months ago and she became aware of the build-up of enforcement cases, the backlog of site visits and that only high priority cases were being progressed. The Area Team Leader suggested that without dedicated admin support, the Enforcement Officers were doing a lot of administration tasks that could then lead to delay. Other pinch points had appeared throughout the pandemic, particularly due to a period of

time when site visits could not take place due to lockdown. It was hoped that the arrival of the new Enforcement Officer and the agency worker would make a real difference to the backlog of cases.

Members asked about the scale of prioritisation for enforcement cases and how cases are categorised. The Officer stated that this is set out in the Local Enforcement Plan, and that Officers were adept at managing those. With regards to retrospective applications, the Officer said that these are considered if it was felt that it was able to rectify the situation through the planning process.

Members asked about planning conditions and Officers agreed that conditions should only be proposed that were necessary, particularly as monitoring of conditions was difficult. It was suggested that one option could be to have an Enforcement Monitoring Officer which could allow the Enforcement Officers to focus on enforcement.

When further asked about her views on the staffing structure, the Officer said that she felt that she could do the role she is doing if there was a Principal Enforcement Officer, alongside three other Enforcement Officers and possibly an Enforcement Monitoring Officer. Or alternatively, a team could comprise of: a Principal Enforcement Officer, with at least two Enforcement Officers with a Monitoring Officer and dedicated support who would deal with all the administration. The Officer also suggested a dedicated legal solicitor was needed.

With regards to technology, it was agreed that tablets that would allow Officers on site to take photographs and make notes which would feed straight into the system would be useful – as long as the systems linked up. She did raise that there may also be issues with black spots in rural areas.

Discussion with Development Manager

In discussions, the Officer stated that the relationship between planning and legal was vital and that this was the first authority that she had worked for which had no dedicated planning solicitor. Despite the current relationship between planning and legal working well, a planning solicitor would provide a dedicated point of contact that would enable conversations to take place before any enforcement process commenced. Currently, the legal department were often very busy and could not always get to the planning work requested.

Members heard that Enforcement Officers regularly used their discretion, particularly around less complex issues, or in inviting retrospective planning applications. Only a small percentage of cases are brought before the Development Manager, as many were discussed instead with the Area Team Leader.

When asked about risk, and whether the risk of appeal was a consideration when considering stop notices, the Officer stressed work would take place with legal to ensure that an enforcement notice was watertight. The report to legal would have all the necessary details and it was hoped that all the details of the breach of planning control were identified; appeals did occur but that was not a reason not to use an enforcement notice.

Asked why enforcement cases did not appear on 'Public Access', the Officer responded stating that they were confidential until an outcome had been achieved, there was a need to protect staff and some issues could be very volatile.

To conclude, the Officer stated that enforcement was always a complex area and that expectations were huge. She felt that the enforcement team worked well, but in order to meet expectation and ensure an efficient service there was a need for a Principal Enforcement Officer with at least three other officers and some dedicated administration support.

Discussion with Head of Legal (Monitoring Officer)

When asked if a planning specialist in the legal department would benefit the Council, the Officer said that there was always a need for more staff, but there was also a need to balance the resource, control workload and plan work. She stressed that the reality is that in the public sector there are very few planning solicitors and they are notoriously hard to recruit. Whilst she approved of the notion, she stressed that Members may be disappointed and that the authority may benefit more from training our own.

Asked about the possibility of sharing legal services with other local authorities, the Officer stated that there had been conversations with other authorities, with no interest. The use of a shared service, however, would provide access to specialist lawyers and she believed this should be pursued and that her replacement should take this forward. Members felt that this matter was worth exploring as this would provide greater capacity and skills.

The Officer stressed how hard it was to plan work, as issues could arise that would become a priority and the team could not control what they had to deal with – this is the case across all authorities. A focus on the quality and timing of instructions, however, from other Officers could help, along with checking that legal were available to deal with the work. She felt that knowledge management across the authority was inadequate as legal were being used as the first resort for advice, rather than learning from other Officers/previous cases. She suggested teams could have a repository of knowledge which could be referred to before referring to legal.

The subject of risk aversion was raised and whether it was perceived as easier/safer to send issues to legal rather than teams considering how to progress themselves. With regards to enforcement, the Officer responded the legal service have a good relationship. In some instances, across the Council, legal would like to see a full assessment of the case by an Officer before it came to them. Training could help with this.

Asked about Stop Notices and whether these could be issued quickly by enforcement officers, the Officer stated that there were many ways of dealing with these. Enforcement Officers could send the notices, but they would still need legal advice.

Discussion with Head of Planning, Economy and Regeneration

Members met with the Head of Planning, Economy and Regeneration to discuss the proposed recommendations of the Working Group. Discussion took place on the level of resource previously recommended by Officers, and the level seen in neighbouring Districts. With regards to the recommendation on a dedicated planning solicitor, the Officer felt that dedicated resource would be beneficial, but that a broad range of speciality was still required and a separate 'planning' solicitor may not be necessary.

In discussions, the Officer stressed the need for record keeping with what action had been taken and why, particularly if formal legal action is taken. She also informed Members that, with regards to a Tree Officer, a shared service had previously been explored in depth but that this had not panned out.

Discussion with East Devon District Council

Members met with the Development Manager at East Devon District Council (EDDC) to hear how enforcement operates. Members are particularly grateful for the Development Manager's time and helpful insights.

East Devon has a dedicated planning specialist in legal and Members heard how important that was for the enforcement team. In terms of resource, East Devon has three enforcement officers (their population in 2019 was 146,284, in Mid Devon it was 82,311). They have a planning admin team who support the Enforcement Officers by logging cases on the system. The enforcement officers will then do all other administration tasks. They receive approximately 700 cases a year, and an enforcement officer will have between 80-100 open cases each at any one time.

In terms of conditions, Enforcement Officers at East Devon will proactively monitor some conditions by choosing certain sites to monitor – this could be, for example, a site with a developer who is known to have breached conditions before or a particularly large project.

Each Enforcement Officer at East Devon has an iPad which is connected to the telephone network and has access to emails. The iPad is also connected to their systems (Uniform and IDocs). This has significantly improved efficiency - officers are able to show maps/plans on site, take photos and log things on the system immediately. They will also call a colleague for advice (and share photos with that colleague on site) to resolve issues immediately in person.

The enforcement officers have powers to make some decisions on the ground – they use their judgement and may immediately close a case on site. They may recommend that building is stopped and follow up once in the office. They cannot take any formal action on site, but may caution someone on site. They may also take a photo, call their Manager and agree course of action and relay that decision on immediately site.

Enforcement Officers at East Devon have to write a full case before going to legal. In terms of timescales, if it was a stop notice or a temporary stop notice, legal would action it that day or the next day. Any other enforcement notice would take about a week.

When asked what information East Devon put on the planning portal, Members heard that East Devon used to put basic information up on an enforcement case, but following concerns related to Data Protection, now only make publically available details where formal enforcement notices have been served. The Development Manager stressed that some Local Authorities had been in trouble for putting too much information and as a result many are now reigning back what they put in the public domain.

In terms of trees, East Devon have three tree officers that they share with the countryside team.

When asked about how important it is in terms of deterrence to issue notices, the Officer said they would not want to serve enforcement notices that get quashed. It is, however, important to be seen to be doing something even if it is just forcing retrospective planning applications.

Case Studies

The Chairman of the Working Group met Planning Enforcement Officers on 24 June to discuss Enforcement cases in detail. In total 15 cases, selected at random, were reviewed, both open and closed cases since 2018. For each case, the Chairman looked at the date the case was reported, the date of the site visit, the action taken subsequently and the length of time taken for each step of the case. Cases ranged from removal of protected trees, unauthorised developments, untidy land, buildings without approval to conditions not being complied with. The review looked at enforcement actions including: temporary stop notices; tree replacement notices; other enforcement notices; and retrospective applications.

During the case review, it appeared that there are times when cases can sit within a Department, waiting for action, for a long period of time. For example, one case was sent to the Legal Department in May 2019, and there was no further action until June 2020. Another case was raised by Enforcement Officers in October 2018 and it took until August 2019 for a retrospective application to be submitted. The file then seemed to be lost in the system until determined in November 2020. This was followed by an enforcement notice which has been appealed and the case is still not resolved. This led Members to question how cases are monitored and followed up, and whether there is a process within teams for following up, particularly if cases have been sent to another Department for action.

Additionally during the course of the review, it became apparent that on a number of occasions it had taken a long time to progress an application received (following enforcement work) to being heard at Committee or resolved by delegated authority. One case took seven months to go from a retrospective application to being determined at Committee. There are also instances of actions being decided but then not followed through by the agreed action being taken.

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SCRUTINY COMMITTEE 13 SEPTEMBER 2021:

PERFORMANCE AND RISK REPORT

Cabinet Member Cllr Bob Deed
Responsible Officer Catherine Yandle, Operations Manager for Performance, Governance and Health & Safety

Reason for Report: To provide Members with an update on performance against the corporate plan and local service targets for 2021-22 as well as providing an update on the key business risks.

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

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

Financial Implications: None identified

Budget and Policy Framework: Produced in accordance with the Risk and Opportunity Management Strategy.

Legal Implications: None

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

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

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

1.0 Introduction

- 1.1 Appendices 1-5 provide Members with details of performance against the Corporate Plan and local service targets for the 2021-22 financial year.
- 1.2 Appendix 6 shows the higher impact risks from the Corporate Risk Register. See 3.0 below.
- 1.3 Appendix 7 shows the risk matrix for the Council.
- 1.4 All appendices are produced from the Corporate Service Performance And Risk Management system (SPAR).
- 1.5 When benchmarking information is available it is included.

2.0 Performance

Please note that for all areas of the Council performance remains impacted by the effects of the Covid 19 pandemic. There are specific comments on the attached appendices reflecting this.

Environment Appendix 1A

- 2.1 Regarding the Corporate Plan Aim: Increase recycling and reduce the amount of waste; Covid 19 has had an impact on the amount of waste created by households. Both the recycling rate and residual waste rate are slightly below target. The number of missed collections for recycling is slightly below target due to staffing difficulties during July.

Climate Change Appendix 1B

- 2.2 The electric car charger usage is now well above the target now that lockdowns have been eased. The retro fitting measures are all showing favourable results for the year to date.

Homes Portfolio - Appendix 2

- 2.3 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.
- 2.4 Regarding the Corporate Plan Aim: Private Sector Housing: Bringing Empty homes into use is below target for the first time for 6 years. This reflects the diversion of resources to the Covid pandemic response.
- 2.5 Regarding the Corporate Plan Aim: Council Housing: repairs are at or above target as are complaints. In terms of gas servicing compliance we are just below target at 99%.
- 2.6 Regarding the Corporate Plan Aim: Support and grow active tenancy engagement: Work will commence on an engagement strategy soon which will be informed by the outcome of last year's tenant census.

Economy Portfolio - Appendix 3

- 2.7 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; for the retail units owned by MDDC, occupancy rates are reasonable. The Pannier market occupancy rates have improved and are now just below target.

Community Portfolio - Appendix 4

- 2.8 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.
- 2.9 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.
- 2.10 All Covid business grant schemes are now closed but support continues through Hardship funding and self isolation payments, applications for these have increased during the “Pingdemic” but it is hoped they will reduce after 16 August.

Corporate - Appendix 5

- 2.11 The Response to FOI requests have been 100% on time since April 2019.
- 2.12 The % total Council Tax collected and % total NNDR collected are both above target.

3.0 Risk

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

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

4.0 Conclusion and Recommendation

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

Contact for more Information: Catherine Yandle Operations Manager for Performance, Governance and Health & Safety cyandle@middevon.gov.uk

Circulation of the Report: Leadership Team and Cabinet Member

Corporate Plan PI Report Environment

Monthly report for 2021-2022
 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

Page 63

Corporate Plan PI Report Environment

Priorities: Environment

Aims: Increase recycling and reduce the amount of waste

Performance Indicators

Title	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>Residual household waste per household (measured in Kilograms) (figures have to be verified)</u>	379.8	362.0	33.9	62.8	94.6	128.2									Darren Beer	(April - July) A small increase of 1.4% for the year so far compared to previous year. July 2021 has seen an increase of 2.81 % compared to July 2020. Total waste arisings

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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 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>by DCC)</u>																however have decreased 0.91%. (LD)
<u>Number of Fixed Penalty Notices (FPNs) Issued (Environment)</u>	10		0	0	0	0									Darren Beer	(July) Enforcement staff have spent a proportion of thier time carrying out container delivery duties on behalf of waste and recycling;staff normally carrying out these duties have been reassinged to waste collection to ensure minimal distrupction of the front line service to customers. (LD)
<u>% of Household Waste Reused, Recycled and Composted (figures have to be verified)</u>	53.5%	54.5%	52.1%	51.4%	53.4%	53.2%									Darren Beer	(July) 1.9 % point decrease in the recycling rate, 10% decrease in glass tonnage;a small decrease in food and garden compared to July 2020. It is likely

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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 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>by DCC)</u>																that residents spending more time away from the home during July 2021 due to lockdown being eased will have impacted on the amount of recycling being produced. (LD)
<u>Number of Households on Chargeable Garden Waste</u>	11,653	11,200			11,620	11,791									Darren Beer	(July) An increase of 703 customers compared to July 2020 (LD)
<u>% of missed collections reported (refuse and organic waste)</u>	0.02%	0.03%	0.02%	0.02%	0.02%	0.02%									Darren Beer	(July) The number of missed collections in July has increased since June. This is due to the use of agency staff and the reorganising of crews in order to ensure each vehicle is manned during a period of staff shortages therefore

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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 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
																some crews may be less familiar with the round they have been assigned resulting in increased missed collections. (LD)
<u>% of Missed Collections logged (recycling)</u>	0.02%	0.03%	0.02%	0.02%	0.03%	0.03%									Darren Beer	(July) The number of missed collections in July is above target. This is due to the use of agency staff and the reorganising of crews in order to ensure each vehicle is manned during a period of staff shortages therefore some crews may be less familiar with the round they have been assigned resulting in increased missed collections. (LD)

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Corporate Plan PI Report Climate Change

Monthly report for 2021-2022

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 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 usage</u>	1,867	2,300	279	633	1,017	1,442									Jason Ball, Andrew Busby		
<u>Electric Car Charger Units</u>	0	8	n/a	n/a	0	n/a	n/a		n/a	n/a		n/a	n/a		Jason Ball, Andrew Busby	(Quarter 1) 13 Aug 2021. Partnership has been awarded OZEV funding. C&S Specialist prepared a report to Cabinet May 2021 and Cabinet decided to delegate the facilitation of additional chargepoints. C&S Specialist has coordinated consultations and decisions by officers and responsible Councillors. Decision Record now prepared for Deputy Chief Executive and responsible Councillors, with regard to 5 new	

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Corporate Plan PI Report Climate Change

Priorities: Climate Change

Aims: Green Sources of Energy

Performance Indicators

Title	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
																chargepoints via the DELETTI partnership. (JB)

Aims: Biodiversity

Performance Indicators

Title	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>	0	500	n/a	n/a	0	n/a	n/a	0	n/a	n/a		n/a	n/a		Jason Ball, Andrew Busby	(Quarter 1) Winter 2020-2021 planned planting was deferred due to pandemic restrictions. Planting planned for winter 2021-2022 and we are working to secure funding. (JB)
<u>Community climate and biodiversity grants</u>	No	Agree funding. Options paper to be considered by Env PDG.	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a		Jason Ball, Andrew Busby	

Aims: Retro-fitting measures

Performance Indicators

Title	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>	1	4	n/a	n/a	0	n/a	n/a		n/a	n/a		n/a	n/a		Jason Ball, Andrew Busby	
<u>ECO Flex</u>	1,028	300	113	171	239	269									Simon Newcombe	
<u>Housing Assistance Policy</u>	5	5	0	0	0	2									Simon Newcombe	
<u>Home</u>	10	10	n/a	n/a	2	n/a	n/a		n/a	n/a		n/a	n/a		Simon	

Corporate Plan PI Report Climate Change

Priorities: Climate Change

Aims: Retro-fitting measures

Performance Indicators

Title	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>Improvement Loans</u>															Newcombe	

Aims: Other

Performance Indicators

Title	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>	0	4	n/a	n/a	4	n/a	n/a		n/a	n/a		n/a	n/a		Jason Ball, Andrew Busby	(Quarter 1) Working with 2x local litter groups, and at least 2 sustainability groups in the district. (JB)
<u>Council Carbon Footprint</u>		18,250	n/a	n/a		n/a	n/a		n/a	n/a		n/a	n/a		Jason Ball, Andrew Busby	

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Corporate Plan PI Report Homes

Monthly report for 2021-2022
 Arranged by Aims
 Filtered by Aim: Priorities Homes
 For MDDC - Services

Key to Performance Status:

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

Corporate Plan PI Report Homes																
Priorities: Homes																
Aims: Deliver Housing																
Performance Indicators																
Title	Prev Year 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>	335	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>	1	5	n/a	n/a		n/a	n/a		n/a	n/a		n/a	n/a		Jenny Clifford	(Quarter 1) Data is not yet available. (TP)
<u>Gypsy & Traveller Pitches</u>	1	2	n/a	n/a	0	n/a	n/a		n/a	n/a		n/a	n/a		Jenny Clifford	
<u>Number of affordable homes delivered (gross)</u>	30	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>New Social Rent Council Houses</u>	0	17	n/a	n/a	0	n/a	n/a		n/a	n/a		n/a	n/a		Andrew Busby, Simon Newcombe	(Quarter 1) Planning applications submitted NB we have bought back 1 RTB (CY)
<u>Number of Homelessness Approaches</u>	587		n/a	n/a	144	n/a	n/a		n/a	n/a		n/a	n/a		Simon Newcombe	
Aims: Community Land Trusts																
Performance Indicators																
Title	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>	2	1	n/a	n/a	0	n/a	n/a		n/a	n/a		n/a	n/a		Jenny Clifford	
Aims: Private Sector Housing																
Performance Indicators																
Title	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>	101	72	0	9	16	20									Simon Newcombe	(June) There has been very little activity on Empty homes over the last 18 months due to covid

Corporate Plan PI Report Homes																	
Priorities: Homes																	
Aims: Private Sector Housing																	
Performance Indicators																	
Title	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	
																responsibilities. It can take a minimum of 12 months from first contact to seeing a result so the reduced activity is a knock on effect from last year. (TW)	
<u>Houses in Multiple Occupation (HMOs) investigations</u>	96%	100%	100%	100%	100%										Simon Newcombe		
<u>Landlord engagement and Support</u>	14	9	n/a	n/a	0	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a		Simon Newcombe		

Aims: Council Housing																	
Performance Indicators																	
Title	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>Tenant Census</u>	34%	Develop action plan	n/a	n/a		n/a	n/a		n/a	n/a		n/a	n/a		Simon Newcombe	(Quarter 1) Customer Engagement Officer and Tenant Involvement Officer recruitment in progress they will be helping with working up the new strategy which will be informed by the outcome of the tenant census. (CY)	
<u>% Emergency Repairs Completed on Time</u>	104.2%	100.0%	100.0%	100.0%	100.0%										Simon Newcombe		
<u>% Urgent Repairs Completed on Time</u>	99.9%	95.0%	99.0%	99.5%	99.7%										Simon Newcombe		
<u>% Routine Repairs Completed on Time</u>	99.6%	95.0%	97.7%	98.3%	98.7%										Simon Newcombe		
<u>% Properties With a Valid Gas</u>	99.4%	100%	100%	99%	99%										Simon Newcombe		

Corporate Plan PI Report Homes																	
Priorities: Homes																	
Aims: Council Housing																	
Performance Indicators																	
Title	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>Safety Certificate</u>																	
<u>% Complaints Responded to On Time</u>	100.0%	100.0%	100.0%	100.0%	100.0%										Simon Newcombe		

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Corporate Plan PI Report Economy

Monthly report for 2021-2022
 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

*
 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 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>Incubator and Start-up space</u>	0	2	n/a	n/a	0	n/a	n/a		n/a	n/a		n/a	n/a		Jenny Clifford	(Quarter 1) Due to staff redeployment during the pandemic and reduced capacity within the team, this project has not progressed. A scoping exercise is programmed for late 21 when ED team capacity is back to full strength. (JB)
<u>Sites for Commercial Development</u>	0	2	n/a	n/a	0	n/a	n/a		n/a	n/a		n/a	n/a		Keith Ashton, Andrew Busby	

Aims: Improve and regenerate our town centres

Performance Indicators

Title	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>Number of business rate accounts</u>	3,356		3,358	3,362	3,366	3,375									Dean Emery	
<u>Business Rates RV</u>	£45,601,082		£45,614,697	£45,572,772	£45,572,772	£46,111,792									Dean Emery	
<u>Empty Business Properties</u>	244					250	250								Dean Emery	
<u>Tiverton 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		Jenny Clifford, Adrian Welsh	
<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		Jenny Clifford, Adrian Welsh	
<u>Crediton 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	
<u>Pannier Market Regular Traders</u>	34.7%	85%	63%	82%	80%	80%									Adrian Welsh	(May) First full month after easing of restrictions (JB)
<u>West Exe North and South</u>	13		n/a	n/a	13	n/a	n/a		n/a	n/a		n/a	n/a		Keith Ashton, Andrew Busby	(Quarter 1) 92%, 1 vacant (CY)
<u>Fore St Tiverton</u>	4		n/a	n/a	5	n/a	n/a		n/a	n/a		n/a	n/a		Keith Ashton, Andrew Busby	(Quarter 1) 100% (CY)
<u>Market Walk Tiverton</u>	14		n/a	n/a	14	n/a	n/a		n/a	n/a		n/a	n/a		Keith Ashton, Jason Ball, Andrew Busby	(Quarter 1) 93%, 1 vacant interest shown (CY)

Corporate Plan PI Report Economy																
Priorities: Economy																
Aims: Community Land Trusts																
Performance Indicators																
Title	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>	2	1	n/a	n/a	0	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Jenny Clifford	

Aims: Digital Connectivity																
Performance Indicators																
Title	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>Digital connectivity</u>			n/a	n/a	0	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Adrian Welsh	(Quarter 1) Tiverton and Cullompton Town Centre Wi-fi projects are still on track to be delivered in 2021 (JB)

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Corporate Plan PI Report Community

Monthly report for 2021-2022

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 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>	12	12													Simon Newcombe	
<u>Safeguarding standards for drivers</u>	100%	100%													Simon Newcombe	
<u>Mental Health First Aiders</u>	0	5	n/a	n/a	0	n/a	n/a		n/a	n/a		n/a	n/a		Matthew Page	
<u>National and regional promotions</u>	7	9	0	0	0	0									Simon Newcombe	
Aims: Community Involvement																
Performance Indicators																
Title	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>	90%	90%	100%	99%	97%	91%									Lisa Lewis	(July) 20 completed at 1st check 2nd check end Aug (RT)
<u>Number of Complaints</u>	273		38	78	116	145									Lisa Lewis	
Aims: Leisure Centres																

Corporate Plan PI Report Community

Priorities: Community

Aims: Leisure Centres

Performance Indicators

Title	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>	0	15	3	4	10	8	14								Corinne Parnall	(June) 10 Started (K)
<u>Health Referral Initiative completers</u>	0	10	3	0	0	0									Corinne Parnall	(June) 0 (K)
<u>Health Referral Initiative conversions</u>	0	5	2	0	0	0									Corinne Parnall	(June) 0 (K)

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Corporate Plan PI Report Corporate

Monthly report for 2021-2022

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 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		Andrew Jarrett	

Aims: Commercial Opportunities

Performance Indicators

Title	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>	8		n/a	n/a	8	n/a	n/a		n/a	n/a		n/a	n/a		Keith Ashton, Andrew Busby	(Quarter 1) 100% (CY)
<u>Industrial Units Cullompton</u>	15		n/a	n/a	14	n/a	n/a		n/a	n/a		n/a	n/a		Keith Ashton, Andrew Busby	(Quarter 1) 93%, 1 vacant interest shown (CY)

Aims: Other

Performance Indicators

Title	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>	2.10%	2.78%	n/a	n/a	2.08%	n/a	n/a		n/a	n/a		n/a	n/a		Matthew Page	
<u>Appraisals completed</u>	97%	100%	n/a	n/a	n/a	n/a	n/a		n/a	n/a		n/a	n/a		Matthew Page	
<u>% total Council tax collected - monthly</u>	96.96%	96.00%	11.02%	19.86%	28.76%	37.56%									Dean Emery	
<u>% total NNDR collected - monthly</u>	96.81%	97.00%	9.29%	15.07%	31.84%	39.83%									Dean Emery	
<u>New Performance Planning Guarantee determine within 26 weeks</u>	100%	100%	n/a	n/a	100%	n/a	n/a		n/a	n/a		n/a	n/a		Jenny Clifford	
<u>Major applications overturned</u>	5%	10%	n/a	n/a	7%	n/a	n/a		n/a	n/a		n/a	n/a		Jenny Clifford	

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Corporate Plan PI Report Corporate																
Priorities: Delivering a Well-Managed Council																
Aims: Other																
Performance Indicators																
Title	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 (over last 2 years)</u>																
<u>Major applications overturned at appeal % of appeals</u>	0%		n/a	n/a	8%	n/a	n/a		n/a	n/a		n/a	n/a		Jenny Clifford	
<u>Minor applications overturned at appeal (over last 2 years)</u>	2%	10%	n/a	n/a	0%	n/a	n/a		n/a	n/a		n/a	n/a		Jenny Clifford	
<u>Minor applications overturned at appeal % of appeals</u>	1.66%		n/a	n/a	1%	n/a	n/a		n/a	n/a		n/a	n/a		Jenny Clifford	
<u>Response to FOI Requests (within 20 working days)</u>	100%	100%	100%	100%	100%										Catherine Yandle	
<u>Working Days Lost Due to Sickness Absence</u>	5.80days	7.00days	n/a	n/a	1.35days	n/a	n/a		n/a	n/a		n/a	n/a		Matthew Page	
<u>Staff Turnover</u>	15.0%	15.0%	n/a	n/a	5.8%	n/a	n/a		n/a	n/a		n/a	n/a		Matthew Page	

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Corporate Risk Management Report - Appendix 6

Report for 2021-2022

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

Filtered by Flag: Include: * Corporate Risk Register

For MDDC - Services

Filtered by Performance Status: Exclude Risk Status: Low

Not Including Risk Child Projects records, Including Mitigating Action records

Key to Performance Status:

Mitigating Action:

Milestone
Missed

Behind
schedule

In progress

Completed
and
evaluated

No Data
available

Risks: No Data (0+)

High (15+)

Medium (6+)

Low (1+)

Corporate Risk Management Report - Appendix 6

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

Service: Climate Change

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
Completed and evaluated	Climate and Sustainability Specialist	Appointment commenced in March 2021	Catherine Yandle	30/04/2021	13/08/2021	Fully effective (1)
In progress	Climate Change Strategy and Action Plan	Was approved by Cabinet on 1 October 2020. The Handbook needs completing and publishing	Catherine Yandle	09/12/2020	13/08/2021	Satisfactory (2)
Completed and evaluated	Consideration by the Environment PDG	This PDG has been tasked with considering the Council's own policy response (s) to the Climate Change Declaration made at Full Council on 26 June 2019.	Catherine Yandle	19/07/2019	13/08/2021	Fully effective (1)
In progress	Devon Climate Emergency – Tactical Group	MDDC are part of the tactical group for the climate emergency that	Catherine Yandle	18/05/2020	13/08/2021	Satisfactory (2)

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Corporate Risk Management Report - Appendix 6						
Mitigating Action records						
Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
		has strategic links to our own plans.				
In progress	Net Zero Advisory Group	This was approved by Cabinet on 23 April 2020 terms of reference to be progressed for the group, membership confirmed and first meeting held remotely.	Catherine Yandle	18/05/2020	13/08/2021	Satisfactory (2)
Current Status: High (20)		Current Risk Severity: 5 - Very High		Current Risk Likelihood: 4 - High		
Service Manager: Jason Ball, Catherine Yandle						
Review Note: The new Climate and Sustainability Specialist is now prioritising work streams for future consideration.						

Corporate Risk Management Report - Appendix 6

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

Service: Planning

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Business and landowner engagement	Continued brokering of sites and identification of creative opportunities to meet business demands can be very effective in addressing this risk	Adrian Welsh	10/06/2019	10/08/2021	Satisfactory (2)
In progress	Call for sites	Call for sites (and subsequent site assessment) in connection with the next Local Plan will assist in understanding of site availability in order to effectively plan for employment needs across the new local plan period.	Jenny Clifford	07/04/2021	10/08/2021	Satisfactory (2)
Behind schedule	Incubator/Flexible workspace project	This project should help identify opportunities to help the delivery of new flexible workspace	Adrian Welsh	10/06/2019	10/08/2021	Action required(3)
In progress	Plan for recovery	Develop a recovery plan/ strategy in conjunction with partners	Jenny Clifford	12/05/2020	10/08/2021	Satisfactory (2)
Current Status: Medium (10)		Current Risk Severity: 5 - Very High		Current Risk Likelihood: 2 - Low		

Service Manager: Jenny Clifford

Review Note: Position has not changed since last review in that Local Plan adoption provides

Corporate Risk Management Report - Appendix 6

allocated employment sites. Work has also started to plan for employment needs over the next local plan period with the recent call for sites.

Incubator/flexible workspace project requires intelligence to better understand and plan for business need. This work has been delayed due to required focus on business grants and recovery planning.

Risk: Coronavirus Pandemic The risk to MDDC's ability to conduct business as usual

Service: Governance

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
Completed and evaluated	Business Continuity Planning (BCP)	BCPs have been reviewed. Regular updates are being obtained from Public Health England and the Local Resilience Forum. Fortnightly meetings of managers and Leadership Team via Skype.	Catherine Yandle	06/03/2020	26/08/2021	Fully effective (1)
Completed and evaluated	Financial and Economic effects monitoring	To ensure that local authorities including MDDC are reimbursed in full for the Covid 19 response by Central government. Assurance has been received from Internal Audit reviews of our claims.	Catherine Yandle	13/05/2020	26/08/2021	Fully effective (1)
Current Status: High (20)		Current Risk Severity: 5 - Very High		Current Risk Likelihood: 4 - High		

Service Manager: Simon Newcombe

Review Note: Local infection rates are very high and some service areas are being affected by staff absences in combination with leave and labour shortages. BCPs have been updated to reflect higher absence levels.

Corporate Risk Management Report - Appendix 6

Risk: Culm Garden Village Possible discontinuance of Government funding support

Service: Planning

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Funding opportunities	Lobby for the creation of further funding opportunities and for further rounds of the garden communities capacity funding	Jenny Clifford	03/02/2021	10/08/2021	Satisfactory (2)
In progress	Further bids for capacity funding	To continue to secure external funding to support the project	Jenny Clifford	29/03/2019	10/08/2021	Satisfactory (2)

Current Status: Medium (12)

Current Risk Severity: 4 - High

Current Risk Likelihood: 3 - Medium

Service Manager: Jenny Clifford, Adrian Welsh

Review Note: Bid submitted for 20/21 round of capacity funding with £130,000 awarded. Further future bid opportunities unknown at this stage and will be announced by Government in due course.

Corporate Risk Management Report - Appendix 6

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

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

Service: I C T

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
Completed and evaluated	Email and Protective DNS	ICT have applied the all levels of the government secure email policy, which ensures secure email exchange with government agencies operating at OFFICIAL. PSN DNS has been configured at the Internet gateway, which ensures the validity of websites and blocks known sites.	Lisa Lewis	06/06/2019	29/06/2021	Fully effective (1)
Completed and evaluated	Information Security Policy in place, with update training	Information Security Policy on LMS (online policy system) included in induction.	Catherine Yandle	22/10/2015	29/06/2021	Fully effective (1)
In progress	Regular user awareness training	Staff and Member updates help to reduce the risk	Catherine Yandle	03/01/2019	29/06/2021	Satisfactory (2)
Completed and evaluated	Technical controls in place	Required to maintain Public Sector Network certification	Lisa Lewis	03/01/2019	29/06/2021	Fully effective (1)

Current Status: High (20)

Current Risk Severity: 5 - Very High

Current Risk Likelihood: 4 - High

Service Manager: Lisa Lewis

Review Note: External penetration testing occurred in May - mitigation plan pending. Two cyber audits in progress, one with DAP and one with localdigital.gov.uk an arm of MHCLG. Results will inform appropriately prioritised Cyber and Disaster Recovery plan to be completed by the Autumn.

Notification/emails to staff/members about phishing and other risks are circulated regularly.

Email and Protective DNS - conforming with government secure email policy.

Early mitigation plans around password management and multi-factor authentication have

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Corporate Risk Management Report - Appendix 6

commenced, but this is likely to incur training requirements for officers/members as we change business practices.

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

Service: Growth, Economy and Development

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Distribution and processing of Gov business support funding.	To assist businesses during the Covid19 pandemic and to help sustain them during this time of national restrictions.	Adrian Welsh	12/05/2020	13/08/2021	No Score(0)
In progress	Hardship funding	To support individuals/households but also crucial for self employed and furloughed staff as a result of the pandemic.	Adrian Welsh	12/05/2020	13/08/2021	No Score(0)
In progress	Recovery plans	Work underway in partnership with other Devon and regional partners to develop economic recovery plans to assist positive outcomes on local economy.	Adrian Welsh	12/05/2020	13/08/2021	No Score(0)

Current Status: High (25)

Current Risk Severity: 5 - Very High

Current Risk Likelihood: 5 - Very High

Service Manager: Adrian Welsh

Review Note: The pandemic has had a critical impact on the local, national and global economy. Whilst initial recovery work takes place in the short term with our partners, there is a need to develop longer term recovery plans. Work with regard to the development of longer term recovery plans is programmed to commence with the Economy PDG in September.

Corporate Risk Management Report - Appendix 6

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

Service: Growth, Economy and Development

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Continue to seek out existing and new funding opportunities	To assist in ensuring adequate funding for delivery of COVID19 economic recovery work.	Adrian Welsh	10/06/2019	13/08/2021	Satisfactory (2)
In progress	partnership working	Continue to work closely with delivery partners to gain advance warning of difficulties so as to seek to mitigate and also to develop joint responses to COVID economic recovery	Adrian Welsh	10/06/2019	13/08/2021	Satisfactory (2)
In progress	Project Management	Continue rigorous project management, monitoring and reporting of economic development projects	Adrian Welsh	10/06/2019	13/08/2021	Satisfactory (2)
In progress	Recovery Plans	Recovery Plans will be put in place to aid recovery.	Adrian Welsh	12/05/2020	13/08/2021	Satisfactory (2)
In progress	Review and reprioritisation	Part of review of projects for Year 2 actions and a review of the likely impacts on the economy of the pandemic. This will consider maximising investment through external funding and prioritising officer time.	Adrian Welsh	31/01/2020	13/08/2021	Satisfactory (2)
Current Status: High (20)		Current Risk Severity: 4 - High		Current Risk Likelihood: 5 - Very High		

Corporate Risk Management Report - Appendix 6

Service Manager: Adrian Welsh

Review Note: Work is underway with regard to Economic Strategy actions with a number of projects being progressed; however many other actions will be reviewed as part of the longer term recovery plan work and the need for revised prioritisation.

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

Service: Growth, Economy and Development

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Actively pursue funding opportunities through Levelling Up Agenda/Shared Prosperity Fund	Work currently being undertaken to be in a state of readiness as opportunities become available	Adrian Welsh	03/02/2021	13/08/2021	Satisfactory (2)
In progress	Lobbying	Officers will continue to review funding opportunities and seek opportunities to work closely with local partners and the HotSWLEP to seek additional funding support for key infrastructure.	Adrian Welsh	12/05/2020	13/08/2021	Satisfactory (2)
In progress	Officers have reprioritised work programmes to explore new funding opportunities	End of European funding sources	Adrian Welsh	10/06/2019	13/08/2021	Satisfactory (2)
Current Status: High (16)		Current Risk Severity: 4 - High		Current Risk Likelihood: 4 - High		

Service Manager: Adrian Welsh

Review Note: Given ongoing constraints on resource and the scale of the challenges to the GED team at this time there has been need to carefully prioritise project delivery. Funding opportunities are actively being pursued.

Corporate Risk Management Report - Appendix 6

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

Service: Governance

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Risk Assessments	Review risk assessments and procedures to ensure that we have robust arrangements in place. Risk training sessions in place.	Catherine Yandle	28/05/2013	26/08/2021	Satisfactory (2)
Completed and evaluated	Risk assessments	Group Managers receive monthly automated reminders to update any outstanding risk reviews	Catherine Yandle	20/09/2019	26/08/2021	Fully effective (1)
Current Status: Medium (10)		Current Risk Severity: 5 - Very High		Current Risk Likelihood: 2 - Low		
Service Manager: Catherine Yandle						
Review Note: Covid working arrangements unchanged. RAs continue to be kept under review.						

Corporate Risk Management Report - Appendix 6

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

Service: Public Health

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
No Data available	Multi-skilled Staff	Due to an increase in homelessness approaches more applicants with complex needs are coming through the system that require far greater staff attention than normal. In order to mitigate this, staff are expanding their training around mental health, drug and alcohol awareness, and safeguarding, in order to create a more multi-skilled and adaptable workforce. This may require a greater allocation of resources as homelessness increases.	Claire Fry	21/12/2020	16/08/2021	No Score(0)
No Data available	RSI funding	The number of homeless approaches and the number of rough sleepers in the District are both likely to increase as a result of the economic instability and the current outbreak of Covid19. Our	Claire Fry	21/12/2020	16/08/2021	No Score(0)

Corporate Risk Management Report - Appendix 6						
Mitigating Action records						
Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
		success in obtaining up to £6,400 in RSI funding to deliver services during the cold weather means that we can adapt to this increased caseload and better carry out early intervention and prevention options to aid rough sleepers and prevent returning to the streets.				
No Data available	Staff Support	Officers are trained and knowledgeable and the structure of Housing Options team reviewed to build resilience.	Claire Fry	22/06/2017	16/08/2021	No Score(0)
No Data available	Temporary Accommodation	With the rise in homelessness applicants, the overall cost of homelessness provisions will increase and therefore there is a need to make use of existing stock as temporary accommodation, as opposed to more costly alternatives such as bed and breakfast.	Claire Fry	21/12/2020	16/08/2021	No Score(0)
Current Status: High (16)		Current Risk Severity: 4 - High		Current Risk Likelihood: 4 - High		
Service Manager: Tanya Wenham						
Review Note: Changes to legislation and the pandemic are likely to result in increased approaches						
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Corporate Risk Management Report - Appendix 6

for homelessness and an increase in the number of households accepted as such. Reduced capacity in the private and public sector to house people and the limited amount of B&B accommodation means that costs are increasing and it is becoming more challenging to find suitable accommodation.

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

Service: Governance

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
Completed and evaluated	Awareness and Training	Attend team meetings and other meetings such as Tenants Together to provide training and answer questions on request. Articles in the Link on an ad hoc basis. Annual Information Security training is mandatory for all network computer users	Catherine Yandle	09/08/2019	26/08/2021	Fully effective (1)
In progress	Breach notification	Security breaches are logged via the helpdesk and monitored for developing trends. Training and advice is offered in response to items logged.	Catherine Yandle	09/08/2019	26/08/2021	Satisfactory (2)
Current Status: Medium (12)		Current Risk Severity: 4 - High		Current Risk Likelihood: 3 - Medium		
Service Manager: Catherine Yandle						
Review Note: Awareness among staff is good. Some refresher training will be organised in Q2 21/22 . New Member training took place on 1 June 21						

Corporate Risk Management Report - Appendix 6

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

Service: Growth, Economy and Development

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Close working with Devon Country Council (delivery partner) over the HIF schemes	DCC is the delivery partner for the Council's HIF highway infrastructure project. Close working is taking place in order to ensure risks of project delay or cost escalation are reduced. DCC is undertaking robust project management of the projects. These actions seek to ensure the projects remain on track and any problems are raised at an early stage allowing for corrective action.	Jenny Clifford	13/01/2021	13/08/2021	Satisfactory (2)
In progress	Close working with Homes England over the HIF schemes	Grant fund agreements over the HIF funding to deliver 2 highway infrastructure schemes. These include a range of requirements and project milestones. Close liaison with Homes England is taking place via monthly project update meetings and quarterly monitoring returns. This ensures Homes England is updated on both projects, is aware of issues as they arise and any corrective actions	Jenny Clifford	13/01/2021	13/08/2021	Satisfactory (2)

Corporate Risk Management Report - Appendix 6						
Mitigating Action records						
Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
		can be taken- for example seeking the revision of project milestones to reflect the latest project programme.				
In progress	Partnership working	Close working with delivery partners to attempt to mitigate risks.	Adrian Welsh	12/05/2020	13/08/2021	Satisfactory (2)
In progress	Partnership working with infrastructure providers and statutory bodies	Reduce risk of delays and communication.	Adrian Welsh	10/06/2019	13/08/2021	Satisfactory (2)
In progress	target funding opportunities	To seek to bring forward delivery	Adrian Welsh	10/06/2019	13/08/2021	Satisfactory (2)
Current Status: High (16)		Current Risk Severity: 4 - High		Current Risk Likelihood: 4 - High		
Service Manager: Adrian Welsh						
Review Note: We are working closely with Homes England on both HIF scheme and looking to mitigate project risks as and when they occur. The Cullompton Relief Road has now been granted planning permission. We await are currently awaiting whether the Levelling Up Fund bid to help bring forward the Cullompton Relief Road scheme has been successful. The SOBC for Cullompton Railway Station have been submitted to the DfT and has been well received. Further announcements from DfT shortly.						

Corporate Risk Management Report - Appendix 6

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

Service: Financial Services

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Engaging in commercial activities	To provide additional revenue streams	Paul Deal	28/09/2017	27/08/2021	Satisfactory (2)
In progress	Medium term planning	Latest gap approximately £3M A range of options are being considered but Covid, business rates and uncertainty over fair funding review make the situation extremely challenging	Paul Deal	28/09/2017	27/08/2021	Satisfactory (2)
In progress	We continue to work with managers to reduce costs and explore new income streams	To close the budget gap and maintain services	Paul Deal	07/02/2019	27/08/2021	Satisfactory (2)
Current Status: High (15)		Current Risk Severity: 5 - Very High		Current Risk Likelihood: 3 - Medium		

Service Manager: Paul Deal

Review Note: The overall position remains the same as we await Govt announcements on future funding in the Autumn. However, progress is being made in the identification of mitigating budget options. These will be presented to Cabinet and PDG's in the Autumn.

Corporate Risk Management Report - Appendix 6

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

Service: Financial Services

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Business Plans	Service Business Plans are reviewed each financial year with suggestions for revised performance targets based on budget to be agreed by Cabinet Member and PDG.	Andrew Jarrett	28/05/2013	27/08/2021	Satisfactory (2)
In progress	Identify Efficiencies	Taking proactive steps to increase income and reduce expenditure through efficiencies, vacancies that arise and delivering services in a different way.	Andrew Jarrett	28/05/2013	27/08/2021	Satisfactory (2)
Completed and evaluated	Reserves	Cabinet have taken the decision to recommend a minimum general reserve balance of 25% of Net annual budget.	Andrew Jarrett	28/05/2013	27/08/2021	Fully effective (1)
Completed and evaluated	Set Budget	Each year as part of the budget setting process, members are consulted via PDGs in time to evaluate savings proposals, ahead of the November draft budget.	Andrew Jarrett	28/05/2013	27/08/2021	Fully effective (1)
Current Status: Medium (12)		Current Risk Severity: 4 - High		Current Risk Likelihood: 3 - Medium		

Service Manager: Paul Deal

Review Note: Work continues to address the budget gap, specifically for 2022/2 but also for the longer term to ensure the Council's financial sustainability. Budget options will be brought to Cabinet and PDG's in the Autumn.

Corporate Risk Management Report - Appendix 6

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

Service: Communications

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Monitoring social media	Two members of the communications team monitor the main corporate social media accounts on a rota basis. Alerts are also set up so the team receives notification of comments and can respond as appropriate. This is monitored in office hours only and the team does not provide 24 hour monitoring or a call out function. The Comms Team also works with other local authorities and takes part in social media training with other local authorities as the opportunities arise budgets permitting.	Jane Lewis	05/06/2019	30/06/2021	Satisfactory (2)

Current Status: Medium (10)

Current Risk Severity: 5 - Very High

Current Risk Likelihood: 2 - Low

Service Manager: Jane Lewis

Review Note: A new SM governance group has been formed. SM will also be included in LMS and a database of those who access will be kept. IT have been contacted to put SM access on the leavers list too.

Corporate Risk Management Report - Appendix 6

Risk: Right to Buy - Re-investing Receipts in New Affordable Rented Homes : Failure to deliver an appropriate housing programme to provide new social rent Council housing may result in existing housing stock not being replaced at an adequate rate to offset RTB sales. This may also result in payment of interest to MHCLG on any unspent, ring-fenced 1-4-1 RTB receipts and have longer term impact on the overall financial health of the HRA over a 30-year plan period.

Service: Housing Services

Mitigating Action records

No Mitigating Action records found.

Current Status: Medium (12)

Current Risk Severity: 4 - High

Current Risk Likelihood: 3 - Medium

Service Manager: Simon Newcombe

Review Note: We have submitted to MHCLG a detailed programme for delivering additional social rent homes over 21/22. The final scope of this programme will depend on on-going negotiations with MHCLG on potential extension to RTB receipts due to be spent in 20/21 (due to Covid etc) as well as 21/22 receipts already assigned in the programme. Going forward, the plan will be informed by a new Housing Strategy. The desired outcome being shaped is to have in place rolling 3-year RTB receipt/housing stock programme set at a minimum 100% stock replacement rate (based on average rates of RTB sales, reviewed annually). This will allow for receipts to be allocated to an identified and approved future development/redevelopment scheme or buy-back opportunity at date of receipt for utilisation over the required 3-year utilisation period, thereby mitigating the risks.

Corporate Risk Management Report - Appendix 6

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

Service: Planning

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	S106 improvement project	A S106 improvement project is taking place to build a new system that will be able to effectively manage the process and provide better visibility over the information on S106 agreements and monies held/spent/expected.	Jenny Clifford	04/10/2019	10/08/2021	Satisfactory (2)

Current Status: High (15)

Current Risk Severity: 5 - Very High

Current Risk Likelihood: 3 - Medium

Service Manager: Jenny Clifford

Review Note: Review of processes around S106 agreements continues to advance, but slower than initially intended due to resource availability and impact of COVID-19.

Governance arrangements have been agreed.

Monies rare reconciled against the financial system and data migration has been taking place in batches. Reporting on funds by Parish and catchment for public open space and air quality is available with data supplied for a Scrutiny Committee report in July 2021. Further stages of the project will be completed through to late 2021

The Infrastructure Funding Statement published December 20 reports on S106 monies collected and spent for 19/20 and will be updated annually for the previous financial year. It also identifies and prioritises the infrastructure the Council intends to fund through S106 agreement/ Community Infrastructure Levy (report to Cabinet 3rd December 2020). A further report will be required in Autumn 21.

Corporate Risk Management Report - Appendix 6

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

For MDDC the impacts will be:

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

Not receiving the forecast additional income

Not supporting corporate objectives.

Service: Financial Services

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
Completed and evaluated	Cabinet	Monthly meetings with Cabinet ambassadors and monthly update to Cabinet on progress with the recommendations action plan and projects.	Catherine Yandle	09/11/2020	27/08/2021	Fully effective(1)
Completed and evaluated	Regular monitoring	The Board of 3 Rivers deliver a half yearly report to the Cabinet which provides an update on their delivery against their business plan. We charge interest to them at a commercial rate in order to maintain an "arms-length" relationship and the interest provides some mitigation to the outstanding principal.	Andrew Jarrett	30/05/2019	27/08/2021	Fully effective(1)

Current Status: High (15)

Current Risk Severity: 5 - Very High

Current Risk Likelihood: 3 - Medium

Service Manager: Paul Deal

Review Note: The review concluded no further impairment was required. The MDDC accounts (which includes 3R within the Group Accounts) is being audited. No issue are expected to be identified. The company continues with its planned work as outlined within the Business Plan

Corporate Risk Management Report - Appendix 6

Risk: SPV 3 Rivers Reputational Impact That 3 Rivers' reputation is damaged by the actions of the council, threatening the long-term success of the company and potentially threatening the operational activity of the company through increased costs, reduced revenues, staff retention, or future claims against the council.

Service: Governance

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Work with Members	Sustained work with elected members to ensure that the necessary balance is struck between constructive challenge and debate, without bringing the company or its activity into disrepute. Awareness raising relating to the roles of the council's scrutiny committee in assuring governance outcomes, the audit committee providing assurance on risk and mitigation, and the cabinet in its decision-making as shareholder. Use of external advice when necessary to provided added assurance.	Stephen Walford	11/11/2020	26/08/2021	Satisfactory (2)

Current Status: High (15)

Current Risk Severity: 5 - Very High

Current Risk Likelihood: 3 - Medium

Service Manager: Stephen Walford

Review Note: The most recent audit notes that members need to strike a balance between governance and oversight that assures, and continued intervention that will commercially hinder. With governance matters now addressed, this risk sits predominantly with the actions of members who must work to balance the need for process checking, challenge and assurance, with the desire to use the company as a tool for political disagreement. As much as it might be (a point of political disagreement), the audit position is clear that such interventions are not beneficial to the company in commercial terms, and therefore unlikely to be in the long-term interests of the council in seeking to achieve its strategic objectives.

With monthly updates at Cabinet continuing, alongside regular auditing, members have structurally embedded a range of mechanisms to give confidence in the governance, oversight and assurance process. The reputational risk from members bringing the company into disrepute is therefore very much in individual members' hands.

Corporate Risk Management Report - Appendix 6

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

Service: Governance

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	External Review	Several recommendations have been made. All have been approved between Cabinet, Audit and Scrutiny. Action Plan is in place and progress is steady.	Catherine Yandle	06/07/2020	28/06/2021	Satisfactory (2)
Completed and evaluated	Included on AGS	This issue has been included on the Annual Governance Statement Action Plan so we do not lose sight of the issue throughout the year.	Catherine Yandle	15/07/2019	28/06/2021	Fully effective(1)
In progress	Openness and Transparency	Regular reports to Cabinet in open session where possible. Need to balance commercial interests with Nolan principles.	Catherine Yandle	20/05/2019	28/06/2021	Satisfactory (2)
Current Status: Medium (10)		Current Risk Severity: 5 - Very High		Current Risk Likelihood: 2 - Low		

Service Manager: Catherine Yandle

Review Note: The Action Plan is complete except for the confirmatory review

Corporate Risk Management Report - Appendix 6

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

Service: Growth, Economy and Development

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Continue to retain and prioritise market budget	To ensure most efficient use of resources	Adrian Welsh	10/06/2019	13/08/2021	Satisfactory (2)
In progress	continue to work with traders on promotion	To increase footfall.	Adrian Welsh	10/06/2019	13/08/2021	Satisfactory (2)
In progress	Implement and review market strategy	Implementation of strategy will increase market's financial success and help fulfill its function as a key driver for the town.	Adrian Welsh	10/06/2019	13/08/2021	Satisfactory (2)
In progress	Masterplan Implementation	To realise benefits from the Masterplan to increase visibility of market and increase footfall.	Adrian Welsh	10/06/2019	13/08/2021	Satisfactory (2)
Current Status: Medium (12)		Current Risk Severity: 4 - High		Current Risk Likelihood: 3 - Medium		

Service Manager: Adrian Welsh

Review Note: Plans to maximise economic potential of the pannier market are being reviewed to reflect the current challenges and future opportunities arising from changing retail habits as a result of the pandemic. The newly appointed Market Manager is embarking on a number of initiatives to attract more traders and customers to the market. We currently await the results of the Community Renewal Fund bid which if successful will also have benefits to the pannier market.

Printed by: Catherine Yandle

SPAR.net

Print Date: 27 August 2021
17:25

Scrutiny 13/9/21

Briefing Paper – Return of Right to Buy Receipts (RTB)

As Members are aware on the 31/10/19 the Council repaid unutilised RTB receipts totalling £651k to the MHCLG. This money was returned to the MHCLG as part of a quarterly returns process on the basis that at the time there was no plan/intention to spend these funds generated from the previous sale of Council houses.

The rules surrounding the use of RTB receipts, at the time in question, allowed Councils to keep a specific portion of a Council House sale on the proviso that these funds were spent within a 3 year window to build new Council Houses. If monies remained unspent and weren't returned within the 3 year period they were subject to late interest payments.

In addition to the above criteria we also have/had the prevailing RTB legislation which, subject to some other more detailed further criteria, gives a Council tenant the ability to purchase their house at a very significant discount.

This criteria is as follows:

For the tenant under RTB

Tenants can receive up to a maximum of a £84.6k discount when purchasing a CH (they may have to repay some if re-sold within 5 years)

With a tenancy between 3-5 years a 35% discount is available

After 5 years it increases by 1% per annum up to a maximum of 70% or £84.6k

For the Council utilising RTB receipts

Until the 31/3/21 the Council could keep 30% of the RTB receipts (after discount) if it was used to fund new Council Housing within a 3 year window. And in March 2021 new legislation effective from the 1/4/21 was introduced to amend the amount a Council could retain to 40% and the time period was increased to 5 years.

In Oct 2019 the Council returned £651k of unspent RTB receipts to the MHCLG as it had no plan of how the money could be used as it was determined that without a plan we didn't want to hold on to the money and then be subject to the 4% above base interest rate additional charge that the Govt. would then apply when it had to be returned. So why didn't we have a delivery plan?

The decision (albeit a non-formalised one) was that the commercial risks associated with the legislation surrounding RTB were too great to enter into a large scale social housing build programme at that time - coupled with the associated long term PWLB funding that would still have to be paid back over that long term period, with a diminishing rental stream, if or more likely when, some of these the new houses got RTB'd.

You will also be aware that this decision was not unique to Mid Devon i.e. the national picture reflected that very few Councils were building Council houses at that time, predominantly down to the financial risk/exposure of RTB. i.e. why would a Council want to potentially borrow money for a fixed period of time in the knowledge that a tenant could purchase the property at a heavily discounted rate – leaving the Council with 1 or more less housing units and still having to fund the associated long term debt repayments?

This issue was further demonstrated by a significant level of national Council lobbying of Central Govt. to remove/reduce the existing RTB discounts and to adjust the rules around how much and for how long the partial receipts could be kept for. Very recently these rules have been revised slightly giving Councils a bit more money (increased from 30 to 40%) and a bit longer to spend it over (increased from 3 to 5 years).

Andrew Jarrett – Deputy Chief Executive (S151)

Sept 2021

MID DEVON DISTRICT COUNCIL – NOTIFICATION OF KEY DECISIONS

September 2021

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

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Draft MDDC Litter Strategy To receive the MDDC Litter Strategy	Environment Policy Development Group Cabinet	7 Sep 2021 28 Sep 2021	Darren Beer, Operations Manager for Street Scene	Cabinet Member for the Environment and Climate Change (Councillor Colin Slade)	Open
Devon and Torbay Waste Strategy Management Plan To receive a report which outlines the new draft Resource and Waste Management Strategy for Devon and Torbay following public consultation.	Environment Policy Development Group Cabinet	7 Sep 2021 28 Sep 2021	Darren Beer, Operations Manager for Street Scene	Cabinet Member for the Environment and Climate Change (Councillor Colin Slade)	Open
Information with regard to the possible creation of a Teckal compliant company To consider advice surrounding the possibility of creating a new Teckal-compliant company entity.	Scrutiny Committee Homes Policy Development Group Cabinet	13 Sep 2021 14 Sep 2021 28 Sep 2021	Stephen Walford, Chief Executive Tel: 01884 234201	Cabinet Member for Housing and Property Services (Councillor Bob Evans)	Open

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Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
	Council	27 Oct 2021			
Hackney Carriage Tariff To agree the Hackney Carriage Tariff	Cabinet	28 Sep 2021	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615	Councillor Dennis Knowles	Open
Playing Pitch Strategy To reconsider the strategy deferred from the Cabinet meeting of 31 August.	Cabinet	28 Sep 2021	Tristan Peat Forward Planning Team Leader	Councillor Richard Chesterton	Open
New Local Plan – Issues consultation paper To seek Cabinet approval to publish and consult on an Issues Paper for a new Local Plan for Mid Devon	Cabinet	26 Oct 2021	Tristan Peat, Forward Planning Team Leader	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Housing Strategy (final version for approval) To consider the Housing Strategy.	Cabinet	26 Oct 2021	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615	Cabinet Member for Housing and Property Services (Councillor Bob Evans)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Tiverton EUE Area B Masterplan To consider the outcome of the playing pitch and sports provision review	Cabinet	Not before 26th Oct 2021	Adrian Welsh, Strategic Manager for Growth, Economy and Delivery Tel: 01884 234398	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Cullompton Relief Road HIF Project To consider the outcome of the Levelling Up Fund bid	Cabinet	Not before 26th Oct 2021	Adrian Welsh, Strategic Manager for Growth, Economy and Delivery Tel: 01884 234398	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Part exempt
Air Quality Action Plan To receive the 4 yearly review of the Air Quality Action Plan.	Community Policy Development Group Cabinet	November 2021 December 2021	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
Public Space Protection Order - Hemyock To receive a draft variation of the PSPO to include the land identified by Hemyock for consideration for consultation	Environment Policy Development Group Cabinet	2 Nov 2021 30 Nov 2021	Matthew Page, Corporate Manager for People, Governance and Waste	Cabinet Member for the Environment and Climate Change (Councillor Colin Slade)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
3 Rivers Developments Ltd Business Plan To receive the 3 Rivers Development Ltd Business Plan.	Scrutiny Committee Audit Committee Cabinet	8 Nov 2021 16 Nov 2021 30 Nov 2021	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Part exempt
Customer Care Policy To receive the 3 yearly review of the Customer Care Policy	Community Policy Development Group Cabinet	16 Nov 2021 30 Nov 2021	Lisa Lewis, Corporate Manager for Business Transformation and Customer Engagement Tel: 01884 234981	Cabinet for the Working Environment and Support Services (Councillor Nikki Woollatt)	Open
Council Tax Reduction Scheme & Exceptional Hardship Policy To receive the Council Tax Reduction Scheme and the updated Exceptional Hardship Policy.	Community Policy Development Group Cabinet	16 Nov 2021 30 Nov 2021	Dean Emery, Corporate Manager for Revenues, Benefits and Recovery	Cabinet Member for Finance (Councillor Andrew Moore)	Open
Strategic Grants and Service Level Agreement To receive a report from Grants Working Group on the Strategic Grants and	Community Policy Development Group	16 Nov 2021	John Bodley-Scott, Economic Development Team Leader	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open

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Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Service Level Agreement Programme 2022-2023	Cabinet	30 Nov 2021			
Complaints Policy To consider a revised policy	Cabinet	30 Nov 2021	Lisa Lewis, Corporate Manager for Business Transformation and Customer Engagement Tel: 01884 234981	Cabinet for the Working Environment and Support Services (Councillor Nikki Woollatt)	Open
Infrastructure Funding Statement To agree the statement for publication.	Cabinet	Not before 30th Nov 2021	Tristan Peat, Forward Planning Team Leader	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Review of Development Management Discretionary Fees and Charges To consider and agree a revised schedule of fees and charges.	Cabinet	Not before 30th Nov 2021	Myles Joyce, Interim Development Management Manager	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Tiverton Town Centre	Cabinet	Not before	Adrian Welsh,	Cabinet Member	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Masterplan To agree the draft masterplan for public consultation.		30th Nov 2021	Strategic Manager for Growth, Economy and Delivery Tel: 01884 234398	for Planning and Economic Regeneration (Councillor Richard Chesterton)	
Cullompton Railway Station To receive a project update.	Cabinet	Not before 30th Nov 2021	Adrian Welsh, Strategic Manager for Growth, Economy and Delivery Tel: 01884 234398	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Custom and Self Build Supplementary Planning Document To consider the draft for consultation	Cabinet	Not before 30th Nov 2021	Tristan Peat, Forward Planning Team Leader	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Crediton NHS Hub Phase 2 To consider a funding request.	Cabinet	4 Jan 2022	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Part exempt
Tax Base Calculation To receive the statutory	Cabinet	6 Jan 2022	Andrew Jarrett, Deputy Chief	Cabinet Member for Finance	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
calculations necessary to determine the Tax Base for the Council Tax	Council	23 Feb 2022	Executive (S151) Tel: 01884 234242	(Councillor Andrew Moore)	
Contracted Out Enforcement Duties Group to receive a report on the options to engage an external contractor for additional littering and dog fouling enforcement duties in the district.	Environment Policy Development Group Cabinet	11 Jan 2022 1 Feb 2022	Darren Beer, Operations Manager for Street Scene	Cabinet Member for the Environment and Climate Change (Councillor Colin Slade)	Open
Meeting Housing Needs To recommend a draft for consultation to the Cabinet	Homes Policy Development Group Cabinet	18 Jan 2022 8 Mar 2022		Cabinet Member for Housing and Property Services (Councillor Bob Evans)	Open
Regulation of Investigatory Powers To receive the annual update of Regulation of Investigatory Powers	Community Policy Development Group Scrutiny Committee Cabinet	25 Jan 2022 14 Feb 2022 10 Mar 2022	Maria De Leburne, Operations Manager Legal and Monitoring	Cabinet for the Working Environment and Support Services (Councillor Nikki Woollatt)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Health and Safety Policy To receive the annual review of the Health & Safety Policy	Community Policy Development Group Cabinet	25 Jan 2022 3 Feb 2022	Catherine Yandle, Operations Manager for Performance, Governance and Health & Safety Tel: 01884 234975	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
Single Equalities Policy and Equality Objective To receive the annual review of the Single Equalities Policy and Equality Objective	Community Policy Development Group Cabinet	25 Jan 2022 3 Feb 2022	Catherine Yandle, Operations Manager for Performance, Governance and Health & Safety Tel: 01884 234975	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
The Tenant Involvement and Empowerment Standard Policy	Homes Policy Development Group Cabinet	18 Jan 2022 1 Feb 2022	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615	Cabinet Member for Housing and Property Services (Councillor Bob Evans)	Open
Shopfront Enhancement Scheme To receive and discuss information with regard to the Shopfront Enhancement Scheme.	Economy Policy Development Group Cabinet	13 Jan 2022 1 Feb 2022	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Richard	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
				Chesterton)	
The Council Tax Reduction Scheme & Exceptional Hardship Policy To receive a review of the the Council Tax Reduction Scheme & Exceptional Hardship Policy which has been out for public consultation	Community Policy Development Group Cabinet	January 2022 February 2022	Dean Emery, Corporate Manager for Revenues, Benefits and Recovery	Cabinet Member for Finance (Councillor Andrew Moore)	Open
Market Environmental Strategy To receive and discuss the draft Environmental Strategy.	Economy Policy Development Group Cabinet	13 Jan 2022 3 Feb 2022	Adrian Welsh, Strategic Manager for Growth, Economy and Delivery Tel: 01884 234398	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Bereavement Services Fees and Charges To receive the annual review of Bereavement Services Fees & Charges	Environment Policy Development Group Cabinet	11 Jan 2022 3 Feb 2022	Andrew Busby, Corporate Manager for Property, Leisure and Climate Change Tel: 01884 234948	Cabinet Member for the Environment and Climate Change (Councillor Colin Slade)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Housing Enabling SPD (S106 - Housing Need Allocation - Exception Sites) To receive a report reviewing the Housing Enabling SPD document	Homes Policy Development Group Cabinet	Not before 18th Jan 2022 Not before 3rd Feb 2022	Jill May, Director of Business Improvement and Operations Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Bob Evans)	Open
Local Economic Recovery Plan	Economy Policy Development Group Cabinet Council	 17 Mar 2022 5 Apr 2022 27 Apr 2022	Adrian Welsh, Strategic Manager for Growth, Economy and Delivery Tel: 01884 234398	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Unauthorised Encampment Policy To receive the 3 yearly review of the Unauthorised Encampment Policy	Community Policy Development Group Cabinet	 22 Mar 2022 7 Apr 2022	Andrew Busby, Corporate Manager for Property, Leisure and Climate Change Tel: 01884 234948	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
Safeguarding Childrens and Adults at Risk Policy and Procedures To receive the annual review of Safeguarding Childrens	Community Policy Development Group	22 Mar 2022	Matthew Page, Corporate Manager for People, Governance and Waste	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
and Adults at Risk Policy and Procedures	Cabinet	7 Apr 2022			
Channel Access Policy To consider a revised Policy	Cabinet	5 Apr 2022	Lisa Lewis, Corporate Manager for Business Transformation and Customer Engagement Tel: 01884 234981	Cabinet for the Working Environment and Support Services (Councillor Nikki Woollatt)	Open
Custom and Self Build Supplementary Planning Document To consider the draft SPD	Cabinet	Not before 8th Mar 2022	Tristan Peat, Forward Planning Team Leader	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Town and Parish Charter To receive the 3 yearly review of the Town and Parish Charter	Community Policy Development Group Cabinet	22 Mar 2022 5 Apr 2022	Sally Gabriel, Member Services Manager Tel: 01884 234229	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
Tiverton A361 Junction HIF Scheme To consider the outcome of the tender process.	Cabinet	Not before 5th Apr 2022	Adrian Welsh, Strategic Manager for Growth, Economy and	Cabinet Member for Planning and Economic Regeneration	Part exempt

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
			Delivery Tel: 01884 234398	(Councillor Richard Chesterton)	
Non Statutory Interim Policy Statement on Planning for Climate Change To consider the policy statement	Cabinet	Not before 7th Jun 2022	Adrian Welsh, Strategic Manager for Growth, Economy and Delivery Tel: 01884 234398	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Meeting Housing Needs Supplementary Planning Document To consider the draft SPD	Cabinet	Not before 7th Jun 2022	Tristan Peat, Forward Planning Team Leader	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open

SCRUTINY WORK PLAN 2021-2022

Meeting Date	Agenda Item	Theme	Officer Responsible	Comments
September 2021				
	Recommendations from Planning Enforcement Working Group To receive the recommendations from the Planning Enforcement Working Group		Clare Robathan	
13.09.21	Cabinet Member for Continuous Improvement To receive an update from the Cabinet Member for Continuous Improvement of area's within their portfolio			
13.09.21	Performance and Risk To provide Members with an update on performance against the corporate plan and local service targets for 2021-2022 as well as providing an update on the key business risks.		Catherine Yandle	
13.09.21 14.09.21 28.09.21	Information with regard to the possible creation of a Teckal compliant company		Andrew Jarrett	

Meeting Date	Agenda Item	Theme	Officer Responsible	Comments
13.09.21	Work Plan Members are asked to note the current Work Plan for the municipal year. Members to have the opportunity to discuss additional items to be investigated by the Scrutiny Committee and added to the Work Plan.		Clare Robathan	
October 2021				
11.10.21	Cabinet Member for Finance To receive a report from the Cabinet Member for Finance on areas within their portfolio.			
11.10.21	Annual Report of Complaints and Compliments To receive the Annual Report of Complaints and Compliments		Lisa Lewis	
11.10.21	Update on Customer Experience Working Group Recommendations To receive an update on the progress against the Customer Experience Working Group recommendations		Lisa Lewis	

Meeting Date	Agenda Item	Theme	Officer Responsible	Comments
11.10.21	Work Plan Members are asked to note the current Work Plan for the municipal year. Members to have the opportunity to discuss additional items to be investigated by the Scrutiny Committee and added to the Work Plan.		Clare Robathan	
November 2021				
8.11.21 16.11.21 30.11.21	3 Rivers Developments Ltd Business Plan To receive the 3 Rivers Development Ltd Business Plan.		Andrew Jarrett	
11.21	Police Representative To discuss Policing issues with a representative from the Police and Crime Commissioner and senior Police Officers		Clare Robathan	
8.11.21	Cabinet Member for Housing and Property Services To receive a report from the Cabinet Member for Housing and Property Services on areas within their portfolio.			

Meeting Date	Agenda Item	Theme	Officer Responsible	Comments
8.11.21	Work Plan Members are asked to note the current Work Plan for the municipal year. Members to have the opportunity to discuss additional items to be investigated by the Scrutiny Committee and added to the Work Plan.		Clare Robathan	
December 2021				
13.12.21	Cabinet Member for Community Well Being To receive a report from the Cabinet Member for Community Well Being on areas within their portfolio.			
13.12.21	Community Safety Partnership To receive an update on the Community Safety Partnership activities and new Action Plan which was agreed by the Community Policy Development Group for 2021-2022 and sign off 2020/21 achievements.		Simon Newcombe	

Meeting Date	Agenda Item	Theme	Officer Responsible	Comments
13.12.21	Work Plan Members are asked to note the current Work Plan for the municipal year. Members to have the opportunity to discuss additional items to be investigated by the Scrutiny Committee and added to the Work Plan.		Clare Robathan	
January 2022				
17.01.22	Cabinet Member for Planning and Economic Regeneration To receive a report from the Cabinet Member for Planning and Economic Regeneration on areas within their portfolio.			
17.01.22	Director of Place To receive an overview of the remit from the Director of Place		Director of Place	
17.01.22	Budget To consider the initial draft 2022/23 Budget and options available in order for the Council to set a balanced budget.		Andrew Jarrett	

Meeting Date	Agenda Item	Theme	Officer Responsible	Comments
17.01.22	Whistleblowing 6 Month Update To receive an update from the Group Manager for Performance, Governance and Data Security		Catherine Yandle	
17.01.22	Work Plan Members are asked to note the current Work Plan for the municipal year. Members to have the opportunity to discuss additional items to be investigated by the Scrutiny Committee and added to the Work Plan.		Clare Robathan	
February 2022				
14.02.22	Cabinet Member for Working Environment and Support Services To receive a report from the Cabinet Member for Working Environment and Support Services on areas within their portfolio.			
02.22	Establishment 6 Month Update To receive an update report from the Group Manager for Human Resources on the Establishment		Matthew Page	

Meeting Date	Agenda Item	Theme	Officer Responsible	Comments
25.01.22 14.02.22 10.03.22	Regulation of Investigatory Powers To receive the annual update of Regulation of Investigatory Powers		Monitoring Officer	
14.02.22	Update on Menopause Working Group Recommendations To receive an update on progress of the Menopause Working Group Recommendations		Matthew Page	
14.02.22	Work Plan Members are asked to note the current Work Plan for the municipal year. Members to have the opportunity to discuss additional items to be investigated by the Scrutiny Committee and added to the Work Plan.		Clare Robathan	
March 2022				
21.03.22	Cabinet Member for Environment & Climate Change To receive a report from the Cabinet Member for Environment on areas within their portfolio.			

Meeting Date	Agenda Item	Theme	Officer Responsible	Comments
21.03.22	Update on Recommendations from the Planning Enforcement Working Group To receive an update on progress of recommendations of the Planning Enforcement Working Group		Director of Place	
21.03.22	Work Plan Members are asked to note the current Work Plan for the municipal year. Members to have the opportunity to discuss additional items to be investigated by the Scrutiny Committee and added to the Work Plan.		Clare Robathan	
April 2022				
19.04.22	Cabinet Member for Continuous Improvement To receive a report from the Cabinet Member for Continuous Improvement on areas within their portfolio.			
19.04.22	Update on 3 Rivers Development Ltd Business Plan To receive an update on the 3 Rivers Development Ltd Business Plan		Andrew Jarrett	
19.04.22	Chairman's Annual Report To receive the Chairman's annual report		Clare Robathan	

Meeting Date	Agenda Item	Theme	Officer Responsible	Comments
19.04.22	Work Plan Members are asked to note the current Work Plan for the municipal year. Members to have the opportunity to discuss additional items to be investigated by the Scrutiny Committee and added to the Work Plan.		Clare Robathan	
Items for further Investigation These items are due to come before Scrutiny, timings to be confirmed.				
Page 127	Bio-Energy Industry To investigate concerns and issues with the Bio-Energy Industry		Clare Robathan	
	Work Programming Session An informal Work Programming Session to agree items and issues to be investigated by the Scrutiny Committee		Clare Robathan	

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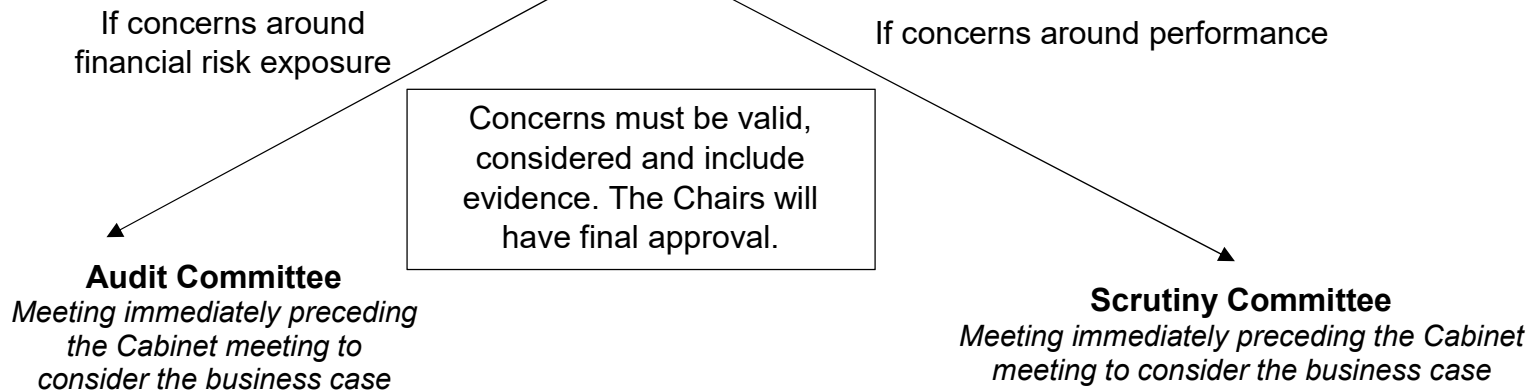
3RDL – Process for Audit and Scrutiny Committee

3RDL Business Cases: pre-scrutiny

(This will not include business cases that fall below the agreed threshold that requires Cabinet approval)

Standard questions:

- Where is the money coming from?
- What are the risks?
- Is there a reasonable level of contingency?
- Does it meet the materiality threshold?



It is assumed that most concerns will relate to financial risk exposure and the business case will therefore go to the Audit Committee. The business case is likely to be discussed in Part 2 of the relevant Committee. Questions seeking clarification or additional information will be submitted direct from the Chair of the relevant Committee by the Clerk to the shareholder for answer. Questions and answers will be copied to the Cabinet, S151 Officer, the Scrutiny Officer and the Clerk of the relevant Committee. Any further questions should be sent for consideration and answer at the Cabinet meeting. The original questions, and any subsequent questions will be considered in discussion at the Cabinet meeting, which interested Members are encouraged to attend.

Regular updates on 3RDL

- The Annual Business Plan will go to Scrutiny and Audit before going to Cabinet. Each Committee will also receive an update six months later reporting progress against the Business Plan
- Audit will continue its regular review of risk and performance regarding 3RDL

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SCRUTINY 13 SEPTEMBER 2021

Contract Dispute Settlement 2020/21

Cabinet Members: Councillor Bob Evans – Deputy Leader and Cabinet Member for Housing & Property

Responsible Officers: Deputy Chief Executive (S151) – Andrew Jarrett

Reason for Report: To provide Scrutiny with an update on a specific payment made in the 2020/21 financial year.

RECOMMENDATION: That Scrutiny notes the update.

Relationship to Corporate Plan: All payments made to support the delivery of the Council's Housing Revenue Account (HRA) must demonstrate sound governance and value for money.

Financial Implications: The Council has a duty to obtain value for money.

Legal Implications: Legal advice is provided both internally and externally whenever the HRA requires it to protect the interests of the Council.

Risk Assessment: Detailed within the report.

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

Impact on climate change: None.

1.0 Introduction

- 1.1 During the financial year 2020/21 the Council's Housing Revenue Account (HRA) made a contract dispute settlement of £600k to a 3rd party. All further information/discussion in regard to this payment is precluded from public disclosure due to both parties signing a legally binding confidential settlement agreement.
- 1.2 A recently published liquidator's report, which I have attached as a part 2 appendix 1, to this report, includes a small amount of information pertaining to this settlement payment.
- 1.3 I have also included as Appendix 2, to this report, which is again in Part 2, a very brief overview of the events that concluded in this settlement payment.

2.0 Conclusion

- 2.1 During the events that culminated in this payment legal advice was provided by both internal and external lawyers.
- 2.2 Both of these legal professionals/specialists concluded that the settlement decision arrived at was justifiable, prudent and proportionate given its potential liability and due to the likelihood of any recovery of costs.

Contact for more information: Andrew Jarrett, Deputy Chief Executive (S151)
 (ajarrett@midddevon.gov.uk)

Circulation of the report: Leadership Team and Cabinet

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